

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 20, No. 1 January 4, 2001 Pages 1-24

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State of Kansas  
**Criminal Justice Coordinating Council**

**Notice of Meeting**

The Kansas Criminal Justice Coordinating Council will meet from 9 to 11 a.m. Tuesday, January 9, at the Kansas Bureau of Investigation, 1620 S.W. Tyler, Topeka. A demonstration of the Criminal Justice Information System (CJIS) will be given. For more information, call (785) 296-0923.

Barbara Tombs  
 Executive Director

Doc. No. 026043

State of Kansas  
**Commission on Veterans' Affairs**

**Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, January 19, in the conference room of the State Bank Commissioner, third floor, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For further information, call (785) 296-3976.

Stoney Wages  
 Executive Director

Doc. No. 026046

State of Kansas  
**Workers Compensation Advisory Council**

**Notice of Meeting**

The Workers Compensation Advisory Council will meet at 9 a.m. Friday, January 12, at the Kansas Medical Society, 623 S.W. 10th Ave., Topeka. For more information, contact Linda Eckhart, Division of Workers Compensation, 800 S.W. Jackson, Suite 600, Topeka, 66612-1277, (785) 296-4000 or fax (785) 296-0025.

Phil Harness, Director  
 Division of Workers Compensation

Doc. No. 026038

State of Kansas  
**State Records Board**

**Notice of Meeting**

The Kansas State Records Board will meet at 10 a.m. Thursday, January 11, at the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis  
 State Archivist

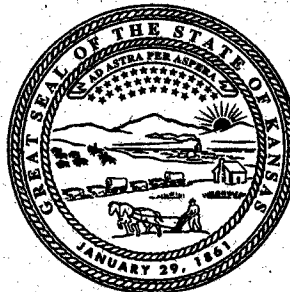
Doc. No. 026022

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State of Kansas

**Kansas Sentencing Commission****Notice of Meeting**

The Kansas Sentencing Commission will meet from 1:30 to 3:30 p.m. Wednesday, January 17, in the Senate Room of Jayhawk Tower, 700 S.W. Jackson, Topeka. For more information, call (785) 296-0923.

Barbara Tombs  
Executive Director

Doc. No. 026044

State of Kansas

**Attorney General****2000 Update to Guidelines for Takings of Private Property**

The following cases contain analysis of issues tangential to that of private property takings. Pursuant to K.S.A. 77-704 of the Private Property Protection Act, this summary of decisions constitutes the 2000 update to the Attorney General's guidelines. The original guidelines may be found in Volume 14, Number 51 of the Kansas Register, published on December 15, 1995. The 1996 Update may be found in Volume 16, Number 1 of the Kansas Register, published January 2, 1997. The 1997 Update may be found in Volume 16, Number 52 of the Kansas Register, published December 25, 1997. The 1998 Update is located in Volume 17, Number 53 of the Kansas Register, published December 31, 1998, and the 1999 Update is in Volume 18, Number 52 of the Kansas Register, published December 30, 1999.

On October 10, 2000, the United States Supreme Court granted certiorari in the case of *Palazzolo v. State of Rhode Island*, No. 98-333 [on appeal from 746 A.2d 707 (R.I. 2000)]. The issue in this case is whether a landowner's claim is ripe if he has not exhausted his state remedies. The plaintiff landowner sought permission from the state's Coastal Resources Management Council to utilize his land along the Atlantic seaboard in Westerly, Rhode Island. Upon denial of his request, he sued for compensation in a takings action. The Rhode Island Supreme Court affirmed the trial court's decision that compensation was not due because plaintiff's property was not taken for a public use. The court also determined that plaintiff's claim was not ripe, in part because he had not applied for approval of less intrusive development plans.

*In re Condemnation of Land for State Highway Purposes* [*Carlson v. Westoff*], 269 Kan. 128, 3 P.3d 1268 (2000).

The Kansas Supreme Court held that neither additur nor remittitur are appropriate in a partial takings condemnation case when the jury's verdict is outside the range of the evidence.

For general discussions of Constitutional takings in the context of land use and zoning, see *Sowell v. City of Coppell*, 2000 WL 968782 (N.D. Tex. July 12, 2000) and 83 Am. Jur. 2d *Zoning and Planning* § 43 (2000).

Carla J. Stovall  
Attorney General

Doc. No. 026003

State of Kansas

**Board of Education****Notice of Hearing on Proposed Administrative Regulations**

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, March 13, in the board room of the State Education Building, 120 S.E. 10th Ave., Topeka, to consider proposed mentor teacher regulations numbered K.A.R. 91-41-1, 91-41-2, 91-41-3 and 91-41-4. These proposed regulations are required by the new state law creating the mentor teacher program.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted to the secretary of the State Board of Education at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the State Board of Education.

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 Lanny Gaston at (785) 296-3906 or TDD (785) 296-8172.

A copy of each of the proposed regulations and complete economic impact statements may be obtained by contacting the secretary of the State Board of Education at the address above prior to the date of the hearing. The following is a summary of the substance of each regulation and its anticipated economic impact:

**K.A.R. 91-41-1.** This regulation provides definitions of terms used throughout the remaining substantive regulations. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, private businesses or individuals.

**K.A.R. 91-41-2.** This regulation concerns the approval of applications for grants and obtaining reports concerning such programs. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. School districts choosing to participate in this voluntary program will incur expenses in preparing an application and making a report on the effectiveness of the program. The expense is estimated at \$1,000 for staff time.

**K.A.R. 91-41-3.** This regulation establishes the criteria for evaluating applications and approving mentor teacher programs. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, private businesses or individuals.

**K.A.R. 91-41-4.** This regulation specifies the criteria for determining exemplary teaching ability for qualification as a mentor teacher. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, private businesses or individuals.

Andy Tompkins  
Commissioner of Education

Doc. No. 026031

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 01-03 by adding the following project:

**Project K-8278-01** — Preliminary engineering, US-59 over Stranger Creek Br#2, 3.57 km northeast of the Jct. K-116 in Atchison County

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

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude February 5.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 026051

## State of Kansas

## Kansas Water Authority

## Notice of Meetings

The Kansas Water Authority will conduct its quarterly meeting January 17-18 in Topeka. The Planning Committee and Public Water Supply Committee will meet January 17 at 9:30 a.m., followed by meetings of the Conservation and Evaluation Committee and Education and Interagency Coordination Committee at 1:30 p.m. The Conservation and Evaluation Committee and Public Water Supply Committee meetings will be held in the conference room of the Kansas Water Office, 901 S. Kansas Ave. The Education and Interagency Coordination Committee and Planning Committee will meet in the training room of the Kansas Department of Agriculture, 109 S.W. 9th, Suite 400. The full Authority will convene at 9:30 a.m. January 18 in Room 106 of the Landon State Office Building, 900 S.W. Jackson, to receive the Kansas Water Office Director's Report and conduct its regular business session, including reports from the four committees.

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

Kent Lamb  
Chairman

Doc. No. 026041

## State of Kansas

## Behavioral Sciences Regulatory Board

Notice of Hearing on Proposed  
Administrative Regulations

The Behavioral Sciences Regulatory Board will conduct a public hearing from 9 to 11 a.m. Wednesday, March 14, in the board conference room, 712 S. Kansas Ave., Topeka, to consider adopting proposed amendments to permanent rules and regulations for licensed psychologists, social workers, professional counselors, masters level psychologists, marriage and family therapists, and registered alcohol and other drug counselors.

This 60-day notice of the public hearing constitutes a public comment period for purposes of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, 712 S. Kansas Ave., Topeka, 66603-3817. All interested parties will be given a reasonable opportunity to present their views orally during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to 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 Phyllis Gilmore at (785) 296-3240 or the Kansas Relay Center at 1-800-766-3777. There is designated accessible parking on Kansas Avenue, and the front entrance of the board office also is accessible.

A copy of the full text of each regulation and the economic impact statement may be reviewed or obtained at the board office, and they also are available on the board's Web site at [www.ink.org/public/bsrb](http://www.ink.org/public/bsrb). The board does not have a less costly or less intrusive method for achieving the stated purpose of each regulation, and the fiscal impact to the agency or general public is unknown. The following is a summary of the proposed amendments:

**K.A.R. 102-1-19, 102-2-15, 102-3-16, 102-4-16 and 102-5-15** state that anyone who engages in the practice of psychology, social work, professional counseling, masters level psychology, and marriage and family therapy, or represents oneself to be one of the aforementioned professionals in the state of Kansas, shall be required to have a Kansas license regardless of the person's location.

**Economic Impact:** It is currently unknown how many people may be practicing over the Internet or by other electronic means, and it also is unknown how many members of the public may be using such practitioners. Therefore, it is not possible to know the fiscal impact this may have on the public or the Behavioral Sciences Regulatory Board.

Phyllis Gilmore  
Executive Director

Doc. No. 026049

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 1-1-01 through 1-7-01**

Term	Rate
1-89 days	6.52%
3 months	5.80%
6 months	5.69%
1 year	5.45%
18 months	5.28%
2 years	5.13%

Derl S. Treff  
Director of Investments

Doc. No. 026030

State of Kansas

**Department of Transportation**

**Notice to Contractors**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. January 17 and then publicly opened:

**District One—Northeast**

**Atchison—73-3 K-5761-01** - U.S. 73 from the Leavenworth-Atchison county line north 4.1 miles (6.7 kilometers), grading and surfacing. (Federal Funds)

**Brown—7 C-3580-01** - County road 2.7 miles (4.3 kilometers) north and 0.3 mile (0.5 kilometer) west of Hiawatha, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

**Johnson—46 C-3464-01** - 179th Street from Switzer Road to U.S. 69, 1.5 miles (2.4 kilometers), grading, bridge and surfacing. (Federal Funds)

**Johnson—10-46 K-7939-01** - K-10 bridges over Cedar Creek, Camp Creek Frontage Road and local road, bridge overlay. (State Funds)

**Leavenworth—73-52 K-5762-01** - U.S. 73, 1.4 miles (2.3 kilometers) northwest of the junction of K-192 northwest to the Leavenworth-Atchison county line, 2.4 miles (3.9 kilometers), grading and surfacing. (Federal Funds)

**Marshall—58 C-3536-01** - County road 1 mile (1.6 kilometers) north and 1 mile (1.6 kilometers) east of Herkimer, 0.24 mile (0.4 kilometer), bridge repair. (Federal Funds)

**Osage—31-70 K-6694-01** - K-31 (7th Street) east, north and east 0.5 mile (0.8 kilometer), grading and surfacing. (State Funds)

**Osage—75-70 K-7947-01** - U.S. 75 bridges 49 and 51 over local road, bridge overlay. (State Funds)

**District Two—Northcentral**

**Clay—15-14 K-6695-01** - K-15 from the junction of U.S. 24 north to Liberty Street in Clay Center, 0.8 mile (1.3 kilometers), grading and surfacing. (State Funds)

**Mitchell—62 C-3485-01** - County road 1 mile (1.6 kilometers) south and 0.7 mile (1.1 kilometers) east of Tipton, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

**District Four—Southeast**

**Bourbon-Linn—69-106 K-8282-01** - U.S. 69, 0.3 mile (0.5 kilometer) south of the north junction of U.S. 54 north to the Bourbon-Linn county line; U.S. 69 from the Bourbon-Linn county line north to the end of the concrete pavement, 15.8 miles (25.4 kilometers), overlay. (State Funds)

**Butler—54-8 K-7859-01** - U.S. 54 from the east city limits of Augusta east to the junction of U.S. 77, 7.4 miles (12 kilometers), joint repair. (State Funds)

**Crawford—3-19 K-7168-01** - K-3 bridge 53, Big Walnut Creek, 6.9 miles (11.1 kilometers) north of the junction of K-57, bridge repair. (State Funds)

**District Four—400-106 K-8283-01** - U.S. 400 from the Butler-Greenwood county line southeast through Greenwood, Wilson, Montgomery and Labette counties to west of Parsons, 78.4 miles (126.2 kilometers), pavement marking. (State Funds)

**District Five - Southcentral**

**District Five—106 K-5928-01** - Various locations in District 5, 356 miles (573 kilometers), signing. (State Funds)

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

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

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 026013

State of Kansas

**Office of Judicial Administration  
Supreme Court Docket**

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

**Monday, January 22, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
83,084	State of Kansas, Appellee, v. Marlon Jackson, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Rick Kittel, Assistant Appellate Defender	Sedgwick
83,208	State of Kansas, Appellee, v. Arthur J. Caenen, Jr., Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Janine Cox, Assistant Appellate Defender	Sedgwick
82,679	State of Kansas, Appellee, v. Sakone Mel Donesay, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Steven R. Zinn, Deputy Appellate Defender	Sedgwick
82,920	State of Kansas, Appellee, v. Malcolm T. Pink, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Rick Kittel, Assistant Appellate Defender	Sedgwick

**1:30 p.m.**

83,793 83,794 83,795	In the Matter of L.A.	Janet S. Helsel Debra S. Peterson	Sedgwick
83,168	Biggs, et al., Appellees, v. City of Wichita, Appellant.	David R. McClure Sharon L. Dickgrafe	Sedgwick

**Tuesday, January 23, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
83,554	Doris Zimmerman, Appellee, v. Mahaska Bottling Co., et al., Appellants.	James M. Crowl Kelly Ricke	Wabaunsee
83,947	Albert and Forestean Adams, Appellants, v. Via Christi Regional Medical Center, et al, Appellees.	Randall E. Fisher William Tinker, Jr.	Sedgwick
84,645	Jeffrey Parsons, Appellee, v. Louis A. Bruce, Appellant.	Sam S. Kepfield Jon A. Graves	Reno Petition for Review
83,574	State of Kansas, Appellee, v. Robert Lee Crum, Appellant.	Carla J. Stovall, Attorney General William R. Mott, County Attorney Alice A. Craig	Sumner

		1:30 p.m.	
85,021	Kermit E. Krantz, M.D., Appellee, Cross-Appellant, v. University of Kansas, et al., Appellants, Cross-Appellees.	James J. O'Connell John C. McFadden	Johnson
84,681	Donald F. Fischer, Appellant, v. State Dept. of Social and Rehabilitation Services, Appellee.	Michael W. Ryan Matthew W. Boddington	Washington

## Wednesday, January 24, 2001

		9:00 a.m.	
Case No.	Case Name	Attorneys	Jurisdiction
85,352	Vanita Ruth Ward, Appellant, v. Stanley T. Ward, Appellee.	Brenda J. Bell Daniel C. Walter	Norton
82,447	State of Kansas, Appellee, v. Fayvun Manning, Appellant.	Carla J. Stovall, Attorney General Nick A. Tomasic, District Attorney Craig H. Durham, Assistant Appellate Defender	Wyandotte
84,213	Paul C. Miller, Appellant, v. Perry, Hamill and Fillmore, L.C., Appellee.	Phillip C. Rouse Ernest C. Ballweg	Johnson
84,665	Melissa R. Petty, Appellee, v. City of El Dorado, et al., Appellants.	Darren K. Patterson Michael G. Coash	Butler
		1:30 p.m.	
86,040	In the Matter of J. Kevin Lund, Respondent.	Alexander M. Walczak, Deputy Disciplinary Administrator J. Kevin Lund, Pro Se	Original
85,487	In the Matter of W. Fredrick Zimmerman, Respondent.	Stanton A. Hazlett, Disciplinary Administrator W. Fredrick Zimmerman, Pro Se	Original

## Friday, January 26, 2001

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

84,369 State v. Melissa Dawn Rivera	85,089 State v. Connie White
84,515 State v. Jason Vetter	85,149 State v. Julio C. Garcia
84,612 Lonney R. Teichman v. State	85,158 State v. Kenneth Leveringston
84,780 State v. Kelly L. Dickinson	85,175 State v. James I. Wedlow
84,834 State v. Gloria A. Roberts-Dupree	85,183 State v. Mike E. Kelly
84,991 State v. Natasha N. Crosby	85,192 State v. Patricia Bannister
85,042 State v. Brian K. Callaway	85,246 State v. William G. Letourneau
85,064 State v. Doran G. Allen	

Carol G. Green  
Clerk of the Appellate Courts

## State of Kansas

## Secretary of State

## Code Mortgage Rate for January

Pursuant to the provisions of K.S.A. 1999 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of January 1, 2001 through January 31, 2001, is 12.28 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 026033

## State of Kansas

## Secretary of State

## Usury Rate for January

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of January 1, 2001 through January 31, 2001, is 8.78 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 026032

(Published in the Kansas Register January 4, 2001.)

**Summary Notice of Bond Sale  
City of Valley Center, Kansas  
\$910,000**

**General Obligation Bonds, Series 2001-1  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated January 2, 2001, written bids will be received by the clerk of the City of Valley Center, Kansas (the issuer), on behalf of the governing body at City Hall, 116 S. Park, Valley Center, KS 67147, until 4 p.m. January 16, 2001, for the purchase of \$910,000 principal amount of General Obligation Bonds, Series 2001-1. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated February 1, 2001, and will become due on December 1 in the years as follows:

Year	Principal Amount
2003	\$40,000
2004	50,000
2005	50,000
2006	55,000
2007	55,000
2008	60,000

2009	60,000
2010	65,000
2011	70,000
2012	75,000
2013	75,000
2014	80,000
2015	85,000
2016	90,000

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 June 1 and December 1 in each year, beginning June 1, 2002.

**Optional Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$18,200 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about February 1, 2001, 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 2000 is \$24,626,956. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$5,698,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, Lynn E. Ireland, at (316) 755-7310, fax (316) 755-7319; or e-mail lireland@aol.com.

Dated January 2, 2001.

City of Valley Center, Kansas

Doc. No. 026045



(Published in the Kansas Register January 4, 2001.)

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

Heartland Works, Inc. is accepting bids for the lease of office space in Topeka. To receive a request for proposal containing specifications, contact the Heartland Works office at 1035 S.W. Topeka Blvd., Topeka, 66612, (785) 234-0500. All bids must be received by 3 p.m. March 1. All companies and property owners are encouraged to bid.

Kris Kitchen  
Executive Director

Doc. No. 026036

(Published in the Kansas Register January 4, 2001.)

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

**\$1,525,000**

**Sales Tax General Obligation Bonds  
Series 2001A (Library)**

**(General obligation bonds payable from  
city's .5% retailers' sales tax or  
unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the official notice of bond sale and preliminary official statement dated January 2, 2001, sealed bids will be received by the city clerk of the City of Girard, Kansas (the issuer), on behalf of the governing body of the city at City Hall, 100 S. Ozark, Girard, KS 66743-1590, until 10 a.m. Tuesday, January 16, 2001, for the purchase of \$1,525,000 principal amount of Sales Tax General Obligation Bonds, Series 2001A (Library). No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cade & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated January 15, 2001, and will become due on December 1 in the years as follows:

Year	Principal Amount
2001	\$ 40,000
2002	50,000
2003	50,000
2004	50,000
2005	55,000
2006	60,000
2007	60,000
2008	65,000
2009	65,000
2010	70,000

2011	75,000
2012	80,000
2013	85,000
2014	85,000
2015	90,000
2016	95,000
2017	105,000
2018	110,000
2019	115,000
2020	120,000

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

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

**Paying Agent and Bond Registrar**

The paying agent and bond registrar will be the Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$30,500 (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 to the facilities of the Depository Trust Company, New York, New York, without cost to the successful bidder within 45 days after the date of sale.

**Assessed Valuation and Indebtedness**

The total assessed valuation of taxable tangible property in the city for the year 2000 is \$13,849,560. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$4,175,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (316) 724-8918, or from the financial advisor, Kirkpatrick Pettis, 4435 Main St., Suite 950, Kansas City, MO 64111-1858, (816) 360-2270.

Dated January 2, 2001.

City of Girard, Kansas  
Coralie J. Bennett, City Clerk  
City Hall  
100 S. Ozark  
Girard, KS 66743

Doc. No. 026039

(Published in the Kansas Register January 4, 2001.)

## State of Kansas

## Department of Agriculture

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, March 15, in Room 401 of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed new and amended rules and regulations of the Pesticide and Fertilizer Program.

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 the Secretary of Agriculture, Attention Derenda J. Mitchell, 109 S.W. 9th, 4th Floor, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption 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 Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Jackson, and the north entrance to the building is accessible to individuals with disabilities.

The regulations are proposed for adoption on a permanent basis. Basically, the proposal allows for the transfer of anhydrous to implements of husbandry in the field. Current law requires implements of husbandry to be loaded with anhydrous only at approved permanent locations, for example, at the coop.

Copies of the proposed regulations and the economic impact and environmental impact statements may be obtained from the Department of Agriculture. A summary of the proposed regulations and the economic impact follows.

The proposed amendments to K.A.R. 4-10-2j generally provide for an exception to the requirements that anhydrous be unloaded at a permanently installed loading point.

The proposed amendments to K.A.R. 4-10-5 generally provide for an exception to the requirement that mobile containers unload anhydrous at approved permanent locations.

New regulation K.A.R. 4-10-5a proposes to allow the unloading of anhydrous at other than approved permanent sites if certain size and safety conditions are met.

There is no anticipated economic impact upon the Kansas Department of Agriculture. The anticipated financial impact upon the industry is the cost of water tanks of approximately \$500 - \$750.

Jamie Clover Adams  
Secretary of Agriculture

Summary Notice of Bond Sale  
City of Wichita, Kansas  
\$7,765,000  
Aggregate Principal Amount  
General Obligation Bonds  
Series 764

Subject to the terms and conditions of the complete official notice of sale dated December 19, 2000, of the City of Wichita, Kansas, in connection with the city's herein-after described General Obligation Bonds, Series 764, and certain general obligation temporary notes of the city, sealed, facsimile and electronic bids for the purchase of the bonds shall be received at the office of the Department of Finance, 12th Floor, City Hall, 455 N. Main, Wichita, Kansas, until 10:30 a.m. Tuesday, January 23, 2001. All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and the bonds will be awarded by the city council in the city council chambers, City Hall, at 11:30 a.m. January 23, 2001.

No oral or auction bid for the bonds shall be considered, and no bid for less than the entire principal amount of the bonds shall be considered. Sealed and facsimile bids will be accepted only on the official bid forms that have been prepared for the bonds, which may be obtained from the city's Department of Finance. Bids may be submitted by mail or delivered in person to the address stated above, may be submitted by telefacsimile at (800) 795-4304, or may be electronically bid through Thomson Financial Municipals Group BiDCOMP/PARITY Electronic Bid Submission System. To the extent any instruction or directions set forth in PARITY conflict with the official notice of sale, the terms of the official notice of sale shall control. The city shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. For further information about the electronic bidding services of PARITY, potential bidders may contact Dalcomp at 395 Hudson St., New York, NY 10014, (212) 806-8304. All bids must be received at the place and not later than the date and time herein specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

## Description of the Bonds

The bonds will be issued in the aggregate principal amount of \$7,765,000; shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year; shall bear a dated date of February 1, 2001; and shall mature serially on September 1 in each of the years and principal amounts as follows:

**Maturity Schedule - Series 764 Bonds**

Principal Amount	Maturity Date
\$355,000	09/01/02
375,000	09/01/03
390,000	09/01/04
415,000	09/01/05
435,000	09/01/06
455,000	09/01/07
480,000	09/01/08
505,000	09/01/09
530,000	09/01/10
560,000	09/01/11
590,000	09/01/12
620,000	09/01/13
650,000	09/01/14
685,000	09/01/15
720,000	09/01/16

The bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semi-annually on March 1 and September 1 of each year, commencing March 1, 2002.

**Form of Bonds**

The bonds will be issued in book-entry-only form.

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

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

**Redemption**

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

**Delivery**

The bonds shall be delivered at the expense of the city on or about February 22, 2001. As a condition to delivery, the successful bidders shall be required to deposit the bonds with DTC. Reference is made to the official notice of sale for additional information regarding delivery.

**Legal Opinion**

Hinkle Elkouri Law Firm L.L.C., Wichita, Kansas. All fees and expenses of bond counsel shall be paid by the city. Reference is made to the official notice of sale and the city's preliminary official statement for additional information regarding legal matters.

**Security**

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof.

Reference is made to the official notice of sale and the city's preliminary official statement for a further discussion of the security for the bonds.

**Ratings**

The city's outstanding general obligation bonds issued since 1975 have been rated by Moody's Investors Service, Inc. and by Standard & Poor's, a division of the McGraw-Hill Companies. The most recent ratings given to the city's general obligation bonds (dated August 1, 2000) by such rating agencies were "Aa 2" and "AA," respectively. The city has applied to both of said rating services for ratings on the bonds described herein.

**Financial Matters**

The city's equalized assessed tangible valuation for computation of bonded debt limitations is \$ 2,392,965,984. The total outstanding general obligation bonded indebtedness of the city, at February 1, 2001, will be \$358,170,357. This amount includes the within described bonds and the following described pending indebtedness.

**Pending Indebtedness**

Concurrently with the public sale of the bonds described herein, the city will offer at public sale \$34,090,000 principal amount of General Obligation Renewal and Improvement Temporary Notes, Series 202.

**Official Statement**

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

**Continuing Disclosure**

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

**Additional Information**

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

City of Wichita, Kansas  
by Pat Burnett, City Clerk

Doc. No. 026020

State of Kansas

Department of Administration  
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Tuesday, January 16, 2001

02709

Department of Wildlife and Parks—Native Grass Seeds, Forbs and Mixes, Various Locations

Wednesday, January 17, 2001

02692

Kansas State University—Sand and Ready Mix Concrete

02710

Pittsburg State University—Computer Laboratory Furniture

Thursday, January 18, 2001

02673

Statewide—Automotive Filters (Oil, Fuel and Air)

02697

Adjutant General's Department—Crane and Hoist Inspection

Monday, January 22, 2001

02597

Statewide—Office Furniture

Thursday, February 1, 2001

A-9144

University of Kansas—Kansas Law Enforcement Training Center, Parking Lot Improvements

Monday, February 5, 2001

02706

Department of Wildlife and Parks—Lease of Pratt Sandhills Land for Livestock Grazing

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Request for Proposals

Wednesday, January 17, 2001

02694

Zero Turning Radius Riding Mowers for Statewide

Thursday, January 18, 2001

02679

Chainsaws and String Trimmers for Statewide

Tuesday, January 30, 2001

02630

Laboratory Supplies, Equipment, Chemical and Diagnostics for Statewide

Wednesday, January 31, 2001

02570

Collection Services for the Department of Revenue

Friday, February 9, 2001

02713

Student Information System for Fort Hays State University

John T. Houlihan  
Director of Purchases

Doc. No. 026050

State of Kansas

Department of Health  
and Environment

Request for Comments

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas Department of Air Quality (DAQ) are soliciting comments regarding a proposed modification to an air quality operating permit. Rich-Mix Products, Inc. has applied for a Class II operating permit modification in accordance with the provisions of K.A.R. 28-19-544. Emissions of particulate matter with a diameter equal to or less than 10 micrometers in diameter (PM<sub>10</sub>) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Rich-Mix Products, Inc., Wichita, owns and operates the facility located at 2424 S. 88th St., Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the DAQ, 619 Ann Ave., Kansas City, Kansas. To obtain or review the proposed permit and supporting documentation, contact Connie Carreno, (785) 296-6422, at the KDHE central office, or Jon W. Schuckman, (913) 673-6700, at the DAQ. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Jon W. Schuckman, Wyandotte County/Kansas City, Kansas Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit decision, written comments must be received by the close of business February 5.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business February 5 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026048

## State of Kansas

## Continuing Legal Education Commission

## Notice of Meeting

The Kansas Continuing Legal Education Commission will meet at noon Friday, January 12, in Suite 202, 400 S. Kansas Ave., Topeka. For additional information, call (785) 357-6510.

Shelley Sutton  
Executive Director

Doc. No. 026026

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. ONEOK Field Services has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to permit a compressor engine and add a TEG dehydration unit. Emissions of oxides of nitrogen (NOx), carbon monoxide (CO) and volatile organic compounds (VOCs) were evaluated during the permit review process.

ONEOK Field Services, Tulsa, Oklahoma, owns and operates the stationary source located at S20-T30S-R15W, Barber County, Kansas, at which the compressor engine and the TEG dehydration unit are to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, Wichita. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (785) 296-6427, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business February 5.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business February 5 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026040

## State of Kansas

Department of Health  
and Environment

## Request for Comments

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

Grief Brothers Corporation, Delaware, Ohio, owns and operates a facility located at 7604 Winter Road, Winfield, Cowley County, Kansas, which manufactures steel drums for use as industrial shipping containers, primarily for food, chemical and petroleum industries

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, Wichita. To obtain or review the proposed permit and supporting documentation, contact Amer Safadi, (785) 296-1993, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Amer Safadi, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business February 5.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business February 5 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

(continued)

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

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026042

State of Kansas

**Department of Health  
and Environment**

**Notice of Hearing on Proposed  
Administrative Regulations**

The Kansas Department of Health and Environment, Division of Health and Environmental Laboratories, Laboratory Improvement Program Office, will conduct a public hearing at 10 a.m. Wednesday, March 14, in Conference Room A, Building 740, Forbes Field, Topeka, to consider proposed amendments to the following Kansas administrative regulations: K.A.R. 28-15-35, 28-15-36, 28-15-36a and 28-15-37.

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 Stanley Sutton, Kansas Department of Health and Environment, Division of Health and Environmental Laboratories, Laboratory Improvement Program Office, Forbes Field, Building 740, Topeka, 66620-0001. 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.

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 statement in an accessible format. Request for accommodation should be made at least five working days in advance of the hearing by contacting Stanley Sutton at (785) 296-1640.

Copies of the proposed amendments and the economic impact statement may be obtained by contacting Stanley Sutton. The draft regulations are available on the KDHE's Internet home page at <http://www.kdhe.state.ks.us/lipo/>. The draft regulations also are available via e-mail in a Corel WordPerfect format. E-mail request should be sent to Stanley Sutton at [ssutton@kdhe.state.ks.us](mailto:ssutton@kdhe.state.ks.us). A sum-

mary of the proposed regulations and the economic impact statement follows.

**K.A.R. 28-15-35.** This regulation outlines the conditions for an environmental laboratory accreditation. The amendments to this regulation are designed to comply with the following:

- (1) Federal regulations for laboratories conducting environmental testing;
- (2) The National Environmental Laboratory Accreditation Conference (NELAC); and
- (3) State requirements for laboratory certification when monitoring under the state's drinking water program, the wastewater program, and the Resource Conservation and Recovery Act (RCRA) programs.

**K.A.R. 28-15-36.** This regulation outlines the minimum requirements for approval of environmental laboratories. These requirements are listed in a manual, "Standards for Accreditation of Environmental Laboratories," November 2000, published by the department. The amendment to this regulation is designed to help assure the quality of analytical data submitted to the Kansas Department of Health and Environment, and data submitted by Kansas accredited laboratories to other state agencies/departments and federal agencies/departments (EPA/DOD).

**K.A.R. 28-15-36a.** This regulation outlines the minimum requirements for approval of field laboratories. The amendment to this regulation is designed to help assure the quality of analytical data submitted to the Kansas Department of Health and Environment and to municipal wastewater pretreatment programs.

**K.A.R. 28-15-37.** This regulation outlines the fee structure for laboratory accreditation. No changes were made to the fee structure for laboratories located within the state of Kansas. The amendments will only change the fee structure to a flat fee for laboratories located outside of the state that are requesting accreditation by reciprocity. The flat fee structure is designed to neither increase nor decrease fees but to reduce the number of invoices sent to out-of-state laboratories by the KDHE, ELIPO, and therefore expedite the turnaround time for accreditation by reciprocity.

The economic impact to the regulated community and the state is expected to be minimal. The laboratories will bear the cost of accreditation through payment of fees. No changes have been made to the fee structure for laboratories located within the state of Kansas. This fee structure has been in place since 1994. The fee structure is being amended to a flat fee for laboratories located outside of the state which are requesting accreditation by reciprocity. The amendments will not increase or decrease fees for out-of-state laboratories.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026037

State of Kansas

**Department of Health  
and Environment**

**Notice Concerning Kansas  
Water Pollution Control Permits**

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

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

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

**Public Notice No. KS-AG-01-001/010  
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Greg Mader 32505 N.W. Kentucky Road Richmond, KS 66080	SE/4 of Section 32, T19S, R19E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCAN-M007

This is a permit renewal for an existing facility for a maximum of 75 head (105 animal units) of mature dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that is less than the KDHE minimum requirements, however, it has been demonstrated that over the past years that through good management, the pit can be maintained in a nonoverflowing status and avoid water pollution problems.

Compliance Schedule: A manure/waste management plan for the facility shall be developed.

Name and Address of Applicant	Legal Description	Receiving Water
J & D Dairy HC 1, Box 61 Syracuse, KS 67878	NW/4 of Section 31 & SE/4 of Section 36, T26S, R40W, Hamilton County	Cimarron River Basin

Kansas Permit No. A-CIHM-D005 Federal Permit No. KS-0096130

This is a new permit for a new facility for a maximum of 5,900 head (8,260 animal units) of mature dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that 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. Permeability tests shall be conducted on the earthen wastewater retention structure(s). Dewatering equipment shall be obtained within six months after the issuance of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ranger Feeders II Inc. P.O. Box 880 Dighton, KS 67839	E/2 of Section 22 & W/2 of Section 23, T18S, R28W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-C002 Federal Permit No. KS-0115096

This is a permit renewal for an existing facility for a maximum of 12,000 head (12,000 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 that meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meets KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Brain Brooks 234 N. Lane Scott Road Healy, KS 67850	SW/4 of Section 6, T17S, R30W, Lane County	Smokey Hill River Basin

Kansas Permit No. A-SHLE-B002

This is a permit renewal for an existing facility for a maximum of 900 head (450 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 that meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Gigstand Farms Inc. Craig Gigstad 15272 Hwy. 59 Valley Falls, KS 66088	NW/4 of Section 33 & SW/4 of Section 28, T8S, R19E, Jefferson County	Kansas River Basin

Kansas Permit No. A-KSJF-S019

This is a permit renewal of a current permit for an existing facility for a maximum of 506 head (202.4 animal units) of swine greater than 55 pounds and 320 head (32 animal units) of swine 55 pounds or less.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that 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.

Name and Address of Applicant	Legal Description	Receiving Water
Keating Feedlot Inc. Gerald Keating Route 2 Frankfort, KS 66427	NE/4 of Section 26, T3S, R8E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-C001 Federal Permit No. KS-0080365

This is a permit renewal of a current permit for an existing facility for a maximum of 2,900 head (2,900 animal units) of cattle greater than 700 pounds.

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

Compliance Schedule: A manure/waste management plan for the facility shall be developed.

Name and Address of Applicant	Legal Description	Receiving Water
Metsker Farms Phillip Metsker 623 E. 800 Road Lawrence, KS 66047	SE/4 of Section 13, T14S, R18E, Douglas County	Kansas River Basin

Kansas Permit No. A-KSDG-S006

This is a permit renewal of a current permit for an existing facility for a maximum of 304 head (121.6 animal units) of swine greater than

(continued)

55 pounds and 840 head (84 animal units) of swine 55 pounds or less.

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

**Compliance Schedule:** A manure/waste management plan for the facility shall be developed.

Name and Address of Applicant	Legal Description	Receiving Water
Dennis Teske 22900 Independence Road Onaga, KS 66521-9724	SE/4 of Section 28, T7S, R11E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S026

This is a permit renewal of a current permit for an existing facility for a maximum of 550 head (220 animal units) of swine greater than 55 pounds.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that 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.

Name and Address of Applicant	Legal Description	Receiving Water
Randy Shadle 2145 Hackberry Road Morganville, KS 67468	SE/4 of Section 19, T7S, R2E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-S041

This is a permit renewal for an existing facility for a maximum of 914 head (173.6 animal units) of swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that 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.

Name and Address of Applicant	Legal Description	Receiving Water
Eggerman & Nelson J. Windall Eggerman 17833 Lasita Road Green, KS 67447	SE/4 of Section 25, T6S, R4E, Riley County	Big Blue River Basin

Kansas Permit No. A-BBRL-S012

This is a permit renewal for expanding and existing facility from 950 head to 2,500 head (700 animal units) of swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that 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.

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.

All comments regarding the draft permit or application notice postmarked or received on or before February 3 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-001/010) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

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

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

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

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

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

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

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

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

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

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

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026047



## State of Kansas

## Governmental Ethics Commission

## Opinion No. 2000-54

Written December 21, 2000, to Joan S. Lewerenz, Topeka.

This opinion is in response to your letter of December 14, 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 a former employee of the Kansas Department of Social and Rehabilitation Services (SRS). You have explained that in January of 1999, Maximus was awarded a sole source, contingency fee contract with SRS. You have explained that you did not participate in the making of this contract or its renewal. In December of 1999, however, you became responsible for the day to day oversight of the implementation of this contract. Pursuant to the terms of this contract, Maximus attempted to locate additional Federal funds for the State of Kansas by implementing certain programs. Because Maximus generated its fees on a contingency basis, by implementing these programs, it also generated larger fees for itself. Maximus required approval from you and/or your team to activate such programs. You have informed a member of our staff that the approval or disapproval of these programs did not require any type of amendments to the contract.

**Question**

May this state employee accept employment with Maximus?

**Opinion**

K.S.A. 1999 Supp. 46-233 is applicable to this scenario. It states in pertinent part:

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

You have stated that you were not involved in the making of the original contract or its renewal. In addition, your supervision and oversight of the implementation of this contract does not rise to the level of participation in the making of a contract. See Commission Opinion 2000-50. Because you were not involved in the making of this contract, the restrictions listed in K.S.A. 1999 Supp. 46-233(a)(2), above, do not apply. Under the facts you have provided, you may accept employment with Maximus without violating the state level conflict of interest laws.

## Opinion No. 2000-55

Written December 21, 2000, to Karl V. Milhon, Kansas Department of Health and Environment, Division of Health, Bureau of Epidemiology and Disease Prevention, Topeka.

This opinion is in response to your letter of December 8, 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**

You have explained that you are employed by the Kansas Department of Health and Environment (KDHE) as the director of HIV/STD section of the Bureau of Epidemiology and Disease Prevention. You have explained that you have been offered a part-time consulting position with Ortho-Biotech, a pharmaceutical corporation. Your program does not contract with Ortho-Biotech and you have not been involved in any contracts with this company. In addition, you have informed us that you will not be performing the same type of work that you currently perform for the state and you will not be performing any work for this company within the state of Kansas.

**Question**

Is it a conflict of interest for you to act as a part-time consultant for Ortho-Biotech in other states?

**Opinion**

Two statutes may apply to the question you have raised: K.S.A. 1999 Supp. 46-233(a), which involves participation in the making of contracts, and K.S.A. 1999 Supp. 46-235, which governs restrictions on compensation of state employees. Each of these sections will be addressed in turn.

K.S.A. 1999 Supp. 46-233(a) states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed. . . .

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

Because you have not participated in the making of any contract with Ortho-Biotech, subsection (a)(2) would not prohibit you from accepting employment with that company. Additionally, in the future under subsection (a)(1) of this provision, you will be prohibited in your official capacity as a state employee, from being substantially involved in the preparation of or from participating in the making of a contract with Ortho-Biotech.

(continued)

K.S.A. 46-235 states in pertinent part:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. No person shall pay or offer to pay any state officer or employee any compensation for performance of official duties, except a state officer or employee performing official duties in making payments to state officers and employees . . . The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

Because neither you nor your agency provide this type of service to other states, K.S.A. 46-235 would not prohibit

you from accepting compensation for this work. See also Commission Opinion 1999-01.

In conclusion, so long as you, in your official position as a state employee, do not participate in the making of a contract with Ortho-Biotech, and so long as it is not a part of your official state duties to provide this type of services to other states, you may act as a consultant for Ortho-Biotech in other states.

Daniel Sevart  
Chairman

Doc. No. 026034

INDEX TO ADMINISTRATIVE REGULATIONS

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

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Table with columns: Reg. No., Action, Register. Lists regulations from 1-1-5 to 1-49-1.

AGENCY 3: KANSAS STATE TREASURER

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

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with columns: Reg. No., Action, Register. Lists regulations from 4-7-213 to 4-7-215.

Table with columns: Reg. No., Action, Register. Lists regulations from 4-7-216 to 4-21-6.

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with columns: Reg. No., Action, Register. Lists regulations from 5-1-1 to 5-21-4.

Table with columns: Reg. No., Action, Register. Lists regulations from 5-21-5 to 5-46-4.

AGENCY 7: SECRETARY OF STATE

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

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with columns: Reg. No., Action, Register. Lists regulations from 9-10-33 to 9-29-6.

AGENCY 11: STATE CONSERVATION COMMISSION

Table with columns: Reg. No., Action, Register. Lists regulations from 11-7-1 through 11-7-15.

11-9-1 through 11-9-10 New V. 18, p. 79, 80

**AGENCY 16: ATTORNEY GENERAL**

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16-6-1 Amended V. 19, p. 399

**AGENCY 17: STATE BANK COMMISSIONER**

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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

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22-19-1 Amended V. 18, p. 1170  
22-19-2 Amended V. 18, p. 1170  
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22-19-4a New V. 18, p. 1171

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26-2-4 Amended V. 18, p. 1880  
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26-2-9 Amended V. 18, p. 1880  
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28-1-6 Amended V. 18, p. 953  
28-1-18 Amended V. 19, p. 141  
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28-1-26 New V. 19, p. 142  
28-4-330 through 28-4-343 New (T) V. 18, p. 1058-1070  
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28-4-503 Amended V. 19, p. 423  
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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  
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28-17-15 Amended (T) V. 19, p. 688  
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28-19-50 Revoked V. 18, p. 50  
28-19-52 Revoked V. 18, p. 50  
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28-19-650 New V. 18, p. 50  
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28-19-752 Revoked V. 18, p. 1099

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28-72-1 New (T) V. 18, p. 1459  
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 30-6-103 Amended V. 18, p. 896  
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 36-2-8  
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 36-2-13 Revoked V. 19, p. 1449  
 36-15-23 Revoked V. 19, p. 1622  
 36-34-1 Revoked V. 19, p. 1622

(By Department of Education)

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 36-13-35 Revoked V. 18, p. 1823  
 36-13-37 Revoked V. 18, p. 1823  
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 40-3-26 Amended V. 19, p. 303  
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 40-3-49 Amended V. 19, p. 303  
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 40-4-35 Amended (T) V. 18, p. 358  
 40-4-35 Amended V. 19, p. 1853  
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 40-4-42f New V. 18, p. 1887  
 40-4-42g New V. 18, p. 1887

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 44-1-103 Amended V. 18, p. 390

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 45-9-4 New (T) V. 18, p. 1034  
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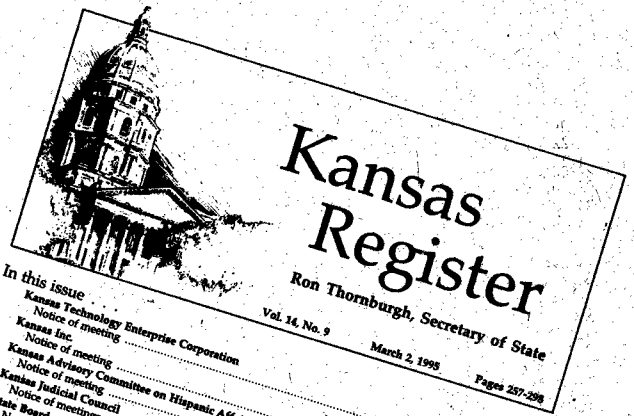
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