

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Historic Sites Board of Review

Notice of Hearing

The grants review committee of the Kansas Historic Sites Board of Review will conduct a hearing at 9 a.m. Thursday, February 8, on the third floor of the Koch Educational Center of the Kansas History Center, 6425 S.W. 6th Ave., Topeka, to receive public comments on the applications filed with the Historic Preservation Office for federal fiscal year 2001 survey and planning grants. Comments may be addressed to the committee orally or in writing.

The following organizations, entities, institutions, etc., have submitted applications:

- City of Abilene, (CLG) Kansas State Preservation Conference 2002
- City of Dodge City, Dodge City Reconnaissance Survey
- City of Lawrence, (CLG) Comprehensive Historic Preservation Plan
- City of Leavenworth, (CLG) Residential Historic Districts Plan
- City of Topeka, North-East Kansas Regional Workshop
- City of Topeka, North Topeka Reconnaissance Survey #1
- City of Wichita, (CLG) Delano Neighborhood Reconnaissance Survey III

- Doniphan County (CLG) Troy Historic District
- Glasco Community Foundation, Request for Consultant for Historic Designation Assistance
- Historic Mount Oread Fund, National Register Historic District Application at the University of Kansas
- Original Town of Liberal Revitalization, Inc., Liberal Survey
- Thomas County Historical Society, Developing Our Community Character

The committee also will receive general comments about the types of survey and planning projects that should be funded in Kansas. Funding for the grants is provided by the National Park Service, a division of the United States Department of the Interior, and is administered by the Kansas State Historical Society.

The Kansas State Historical Society welcomes individuals with disabilities to participate in its activities. Contact Sandra McDaniel at the Cultural Resources Division, Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext. 240, by February 7 to discuss the nature of the disability and what the Kansas State Historical Society may do to ensure participation in the activity.

Ramon Powers
Executive Director

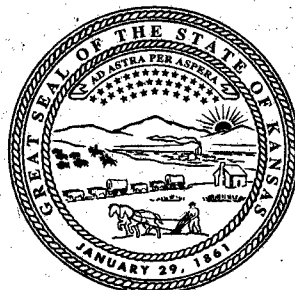
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USDA-Natural Resources Conservation Service

Notice of Kansas Technical Committee Meeting

The Kansas Technical Committee will meet from 9:30 a.m. to 3 p.m. Tuesday, February 13, at the NRCS Conference Center, 747 Duvall, Salina, to recommend distribution of fiscal year 2001 Environmental Quality Incentives Program (EQIP) allocation, to review general information on the recently announced Farmland Protection Program, and to hear a briefing of the EPA's proposed revisions to the Concentrated Animal Feeding Operations regulations.

For additional information, contact Steve Parkin, USDA-Natural Resources Conservation Service, 760 S. Broadway, Salina, 67401-4642, (785) 823-4568, fax (785) 823-4540.

Mary D. Shaffer
Public Affairs Specialist

Doc. No. 026123

State of Kansas

Racing and Gaming Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, April 6, in the Kansas Racing and Gaming Commission's conference room, 3400 S.W. Van Buren, Topeka, to consider the adoption of a proposed permanent regulation of the Kansas Racing and Gaming Commission. This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Racing and Gaming Commission, 3400 S.W. Van Buren, Topeka, 66611-2228, (785) 296-5800.

A copy of the full text of the regulation and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed regulation:

K.A.R. 112-7-19. Jockey mount fees. This regulation amendment sets forth jockey mount fees to be paid from the horse owner's purse account at each race meet in the absence of a written contract or agreement between a jockey and a horse owner. These fees serve as a protection for the jockeys to guarantee payment for their services.

Economic Impact: There are no costs anticipated to the agency or to other governmental agencies or units.

Tracy T. Diel
Acting Executive Director

Doc. No. 026136

State of Kansas

Kansas Dental Board

Notice of Review of Administrative Regulations

The Kansas Dental Board is involved in a review of its regulations pursuant to Executive Order 00-3. The board will be reviewing the regulations using the following criteria: need, clarity, cost, fairness and effectiveness.

The board is currently reviewing K.A.R. 71-1-1, 71-1-2, 71-1-3, 71-1-4, 71-1-9, 71-1-10, 71-1-11 and 71-1-15. A subcommittee of the board has prepared a preliminary report regarding these regulations. Copies of that report are available at the board office, 3610 S.W. 29th, Suite 134, Topeka, 66614, (785) 273-0780.

The board is requesting all interested parties to comment on the regulations currently being reviewed. The board will consider these regulations again at its meeting March 9. Interested parties are requested to submit written comments to the board office prior to that meeting or to attend the meeting and comment at that time.

Jerri A. Freed
Administrative Director

Doc. No. 026114

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 projects:

Project K-8291-01 - KDOT 2001 Work Zone Safety Public Awareness Campaign for Work Zone Enforcement.

Project U-1854-01 - Preliminary engineering, Railroad Street/2nd Street from Park Street east to US-83 in Liberal, Seward County.

Project U-1856-01 - Preliminary engineering, 16th Street from Edgewood to Crestview in Wellington, Sumner 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 March 1.

E. Dean Carlson
Secretary of Transportation

Doc. No. 026116

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. 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. February 14 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select 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 to be interviewed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the interviews with the selected firms. The committee will select the firm most qualified to perform the professional services required for completing the advertised project. All firms will be notified of the outcome of the interviews by letter.

69-11 K-8319-01, Cherokee County

69-19 K-8320-01, Crawford County

The scope of services is to provide the design for a 4-lane freeway on US-69 from K-103 in Cherokee County, north 29.3 km to approximately 1.4 km north of the north city limit of Arma. The plans will be developed only to the right of way stage to facilitate in corridor management. No right of way will be purchased. The project is scheduled for completion of the right of way plans in fiscal year 2004, and the estimated preliminary engineering cost is \$4,800,000.

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

1. Size and professional qualifications;
2. Experience of staff;
3. Location of firm with respect to proposed project;
4. Work load of firm; and
5. Firm's performance record.

E. Dean Carlson,
Secretary of Transportation

Doc. No. 026096

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. February 21, and then publicly opened:

District One - Northeast

Douglas—59-23 K-7940-01 - U.S. 59, south and north of the Wakarusa River overflow bridges, bridge overlay. (State Funds)

Johnson—7-46 K-7323-01 - K-7 from the junction of Harrison Street west to Lone Elm Road in Olathe, 1 mile (1.6 kilometers), grading, bridge and surfacing. (Federal Funds)

Johnson—69-46 K-7943-01 - Bridge 135, 87th Street over U.S. 69, bridge overlay. (State Funds)

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

Leavenworth—52 U-1690-01 - Gillman Road from U.S. 73/K-7 east 0.5 mile (0.8 kilometer), grading, bridge and surfacing. (Federal Funds)

Lyon—99-56 K-6420-01 - K-99, 142 Mile Creek, 0.1 mile (0.2 kilometer) north of U.S. 56, bridge replacement. Federal Funds)

Marshall—77-58 K-6385-01 - U.S. 77, Horseshoe Creek, 3.8 miles (6.1 kilometers) north of the west junction of U.S. 36, bridge replacement. (Federal Funds)

Osage-Shawnee—75-106 K-8171-01 - U.S. 75 from the north junction of K-31/K-268 north to the two-lane/four-lane; U.S. 75 from the two-lane/four-lane north to the Osage-Shawnee county line; U.S. 75 from the Osage-Shawnee county line north 2.5 miles (4 kilometers), 18.5 miles (29.8 kilometers), overlay. (State Funds)

Shawnee—89 U-1457-01 - Burlingame Road at Shunga Creek, 0.09 mile (0.16 kilometer), grading, bridge and surfacing. (Federal Funds)

Wabaunsee—70-99 K-8227-01 - Safety rest area on I-70, approximately 3.9 miles (6.3 kilometers) east of K-138, safety rest area improvement. (State Funds)

Wyandotte—70-105 K-8287-01 - I-70 from 78th Street east to west of I-635; I-70 from west of 18th Street east to east of Central Avenue, 7.2 miles (11.6 kilometers), joint repair. (State Funds)

District Two-Northcentral

Chase—177-9 K-6761-01 - K-177 in Strong City from the south city limits north 0.7 mile (1.1 kilometers), grading and surfacing. (State Funds)

Clay—24-14 K-7955-01 - U.S. 24 bridge over the North Branch Five Creek, bridge repair. (State Funds)

Dickinson—56B-21 K-6383-01 - U.S. 56B Lime Creek bridge 34, 0.9 mile (1.4 kilometers) north of the south junction of U.S. 56, bridge replacement. (Federal Funds)

Lincoln—14-53 K-7954-01 - K-14 bridges over Bullfoot Creek and the Union Pacific Railroad, bridge overlay. (State Funds)

McPherson—56-59 K-7175-01 - Empire Street, east 0.3 mile (0.5 kilometer) on U.S. 50 in Galva, 0.3 mile (0.5 kilometer), grading and surfacing. (State Funds)

Mitchell—24-62 K-7176-01 - U.S. 24 from Oak Street east to Locust Street in Cawker City, 0.2 mile (0.4 kilometer), curb and gutter replacement. (State Funds)

Republic—148-79 K-6422-01 - K-148 East Creek bridge, 7.9 miles (12.7 kilometers) east and north of U.S. 81, bridge replacement. (Federal Funds)

Republic—148-79 K-7662-01 - K-148 culvert 5.9 miles (9.5 kilometers) west of the Republic-Washington county line, culvert replacement. (State Funds)

Washington—148-101 K-6368-01 - K-148, Cottonwood Creek bridge 21, 3.1 miles (5 kilometers) north of U.S. 36, bridge replacement. (Federal Funds)

District Three - Northwest

Phillips—383-74 K-6369-01 - K-383 bridges over Elk Creek, Prairie Dog Creek, Jack Creek and Dry Creek, bridge replacements. (Federal Funds)

Sherman—27-91 K-5738-01 - K-27 from the north city limits of Goodland north to 1.8 miles (2.9 kilometers) north of county route 625, 6.3 miles (10.1 kilometers), grading, bridge and surfacing. (Federal Funds)

Sherman—27-91 K-5740-01 - K-27 (2.9 kilometers) north of county route 625 north to the Sherman-Cheyenne county line, 10.2 miles (16.4 kilometers), grading, bridge and surfacing. (Federal Funds)

Trego—147-98 K-6367-01 - K-147 Big Creek bridge 46, 5 miles (7.9 kilometers) south of I-70, bridge replacement. (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, overlay, 15.8 miles (25.4 kilometers), overlay. (State Funds)

Cherokee—11 U-1702-01 - West Country Road in Columbus, 0.06 mile (0.1 kilometer), bridge repair. (Federal Funds)

Crawford—69-19 K-5746-01 - U.S. 69, 0.1 mile (0.2 kilometer) south of McKay Street in Frontenac north to the north junction of U.S. 69B in Arma, 7.2 miles (11.6 kilometers), surfacing and bridge. (State Funds)

District Four—160-106 K-6254-01 - Various locations in District 4 on U.S. 160, 131.6 miles (211.7 kilometers), signing. (State Funds)

Labette—160-50 K-7705-01 - U.S. 160 culverts 1.8 miles (2.9 kilometers) and 1.9 miles (3 kilometers) east of the Montgomery-Labette county line, culvert replacement. (State Funds)

Labette—400-50 K-8231-01 - U.S. 400, 3.5 miles (5.6 kilometers) west of the west city limit to 2.5 miles (4 kilometers) east of the east city limits of Parsons, 10.9 miles (17.6 kilometers), grading and bridge. (State Funds)

Labette—400-50 K-8231-03 - Old U.S. 400, K-222 and K-134, 0.16 mile (0.27 kilometer), surfacing. (State Funds)

District Five - Southcentral

Barber—4 C-3360-01 - County road 2.8 miles (4.5 kilometers) west and 2.5 miles (4 miles) north to Sun City, 0.2 mile (0.4 kilometer), grading and bridge. (Federal Funds)

Harvey—196-40 K-5661-01 - K-196 Whitewater River bridge 69 at the Harvey-Butler county line, bridge replacement. (Federal Funds)

Harvey—196-40 K-6786-01 - K-196, Wildcat Creek and Gypsum Creek, bridge replacements. (Federal Funds)

Harvey—50-40 K-8218-01 - U.S. 50 from Walton east to the Harvey-Marion county line, 7 miles (11.3 kilometers), crack repair. (State Funds)

Rice—56-80 K-6361-01 - U.S. 56 Little Cow Creek bridge 8, 13 miles (21 kilometers) east of the Barton-Rice county line, bridge replacement. (Federal Funds)

District Six - Southwest

Clark—160-13 K-2452-01 - U.S. 160 Little Sandy Creek bridge 7, 5.2 miles (8.4 kilometers) east of U.S. 283, bridge replacement. (Federal Funds)

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

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 026101

State of Kansas

Statewide Independent Living Council

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, February 9, in the meeting room of Kansas Rehabilitation Services, 3640 S.W. Topeka, Blvd., Topeka. For further information, contact Mary Lou Dunn or Shannon Jones at (785) 234-6990 or 1-800-217-4525.

Shannon Jones
Executive Director

Doc. No. 026120

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, commissions, and 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 were recently filed with the Secretary of State:

Kansas Court of Appeals, Position 2

Lee A. Johnson, 1770 S. Chicaskia Road, Caldwell, 67022. Succeeds J. Patrick Brazil.

Decatur County Commissioner

Patricia A. Glenn, Decatur County Courthouse, 120 E. Hall, Oberlin, 67749. Term expires when a successor is elected and qualifies according to law. Succeeds Robert C. Glenn, deceased.

Coordinating Council on Early Childhood Developmental Services

Karla Kenton, 3706 JP Drive, Hays, 67601. Term expires July 31, 2001. Succeeds Nicki Twiss.

Susan Mahoney, 213 S.W. Woodlawn Ave., Topeka, 66606. Serves at the pleasure of the Governor. Succeeds Bill Howgill (Governor's Representative).

Information Network of Kansas

Stephen S. Richards, Secretary of Revenue, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Karla Pierce.

Information Technology Executive Council

Stephen S. Richards, Secretary of Revenue, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Term expires March 4, 2002. Succeeds Karla Pierce.

Workforce Investment Partnership Council

Karin Brownlee, 1232 S. Lindenwood Drive, Olathe, 66062. Serves at the pleasure of the Governor. Succeeds Alicia Salisbury.

Rhonda Williams, 6480 Road 16, Goodland, 67735. Serves at the pleasure of the Governor. Succeeds James Day, resigned.

Ron Thornburgh
Secretary of State

Doc. No. 026119

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, 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. February 14 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select 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 to be interviewed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the interviews with the selected firms. The committee will select the firm most qualified to perform the professional services required for completing the advertised project. All firms will be notified of the outcome of the interviews by letter.

435-46 K-7451-02
Johnson County

The scope of services is to complete and/or assist with the noise investigation and evaluate potential mitigation options on I-435 from US-169-west 3.9km to west of US-69 and on US-69 from 119th Street north to 75th Street. The estimated preliminary engineering cost is \$100,000.

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

1. Size and professional qualifications;
2. Experience of staff;
3. Location of firm with respect to proposed project;
4. Work load of firm; and
5. Firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 026121

State of Kansas

Commission on Disability Concerns**Notice of Meeting**

The Kansas Commission on Disability Concerns will conduct its winter board meeting from 9:30 a.m. to 4 p.m. Friday, February 16, in the Kansas Rehabilitation Services conference room, Suite 150, 3640 S.W. Topeka Blvd., Topeka. Anyone requiring special accommodations is asked to call the KCDC in Topeka at 296-1722 or toll free at (800) 295-5232 or TTY (877) 340-5874.

Richard E. Beyer
Secretary of Human Resources

Doc. No. 026129

State of Kansas

Attorney General**Opinion 2000-59**

Crimes and Punishments; Kansas Criminal Code; Classification of Crimes and Sentencing—Sentencing—Period of Suspension of Sentence, Probation or Assignment to Community Corrections; Extension of Probation for Failure to Pay Restitution, Fines or Costs. Senator Lana Oleen, 22nd District, Manhattan, and Representative Shari Weber, 68th District, Herington, November 20, 2000.

A district court can extend a term of probation in a felony case if a defendant has failed to pay restitution. If a defendant has failed to pay fines and costs in a felony case, a district court can extend probation upon a finding of necessity pursuant to subsection (c)(8) of K.S.A. 1999 Supp. 21-4611, as amended by L. 2000, Ch. 182, § 6. Regarding certain felony cases, a district court can impose a longer period of probation for failure to pay fines and costs upon a finding that the "welfare of the inmate will not be served by the length of the probation term." Cited herein: K.S.A. 1999 Supp. 21-4611, as amended by L. 2000, Ch. 182, § 6. MF

Opinion 2000-60

Schools—Special Education—Compulsory Attendance of Exceptional Children at School for Receipt of Services; Truancy; Withdrawal from School. Gregory P. Goheen, Counsel, Unified School District No. 202, Kansas City, December 7, 2000.

The obligation placed upon school personnel to file a child in need of care (CINC) report under the Kansas Code for Care of Children (code) is triggered when there is a suspicion of injury to a child due to physical, mental or emotional abuse or neglect or sexual abuse. Failure of a 16- or 17-year-old child to attend school pursuant to K.S.A. 1999 Supp. 72-977 does not necessarily obligate school personnel to file a CINC report regarding the child. A person who is not attending school as required by state law, but who is between the ages of 18 and 21 years, is not a "child in need of care" under the code and is not subject to the code's provisions. Therefore, there is no obligation under the code to report as a "child in need of care" a child who is between the ages of 18 and 21

years and who is not attending school as required under the child's individualized education plan (IEP).

School attendance of a child with exceptionalities who is 16 or 17 years of age is subject to the terms of the child's IEP. If an exceptional child who is 16 or 17 years of age is not attending school or receiving the special education and related services indicated on the child's IEP, the child is considered as not attending school as required by law and a report thereof is to be made in accordance with the provisions of subsection (a) of K.S.A. 1999 Supp. 72-1113, as amended by L. 2000, Ch. 150, § 32, by a designated employee of the board of education of the school district in which the child resides. There is no obligation under the compulsory education statutes to report as truant a child with exceptionalities who is between the ages of 18 and 21 years and who is not attending school as required under K.S.A. 1999 Supp. 72-977.

Once a child has been determined to possess an exceptionality and has received special education or related services, a school district is required to conduct a reevaluation prior to terminating any special education or related services provided to the child, unless termination of services is based on the child's graduation from school or reaching the age of 21 years. Thus, a school district is obligated to make available those special education and related services designated in a child's IEP until such a reevaluation is conducted, the child graduates from high school, or the child reaches the age of 21 years. Cited herein: K.S.A. 38-101; 38-1501; K.S.A. 1999 Supp. 38-1502, as amended by L. 2000, Ch. 150, § 3; K.S.A. 38-1521; K.S.A. 1999 Supp. 38-1522; K.S.A. 38-1593; K.S.A. 1999 Supp. 72-961; 72-962; 72-963; 72-977; 72-987; 72-1111; 72-1113, as amended by L. 2000, Ch. 150, § 32; K.A.R. 91-40-1; 91-40-2; 91-40-7; 91-40-10; 91-40-19; 91-40-44; 91-12-22 (revoked); L. 1982, Ch. 357, § 21; 20 U.S.C.A. § 1400; 20 U.S.C.A. § 1412; 34 C.F.R. § 300.300. RDS

Opinion 2000-61

Roads and Bridges—County and Township Roads—Culverts Over Ditches in Front of Private Property; Costs by County or City; Additional Culverts or New Entrances; Costs to Owner; Procedures; Penalty. Craig D. Cox, Harvey County Counselor, Newton, December 7, 2000.

A county is required to maintain indefinitely any culverts constructed pursuant to K.S.A. 68-543 along county roads. Whether a culvert was or should have been installed by a county due to the county making a ditch that obstructed an existing entrance onto a county road is a factual question that must be resolved in order to determine whether the county has an obligation to maintain or replace the culvert. Cited herein: K.S.A. 1999 Supp. 68-115; K.S.A. 68-543; L. 1917, Ch. 264, § 50. DMV

Opinion 2000-62

Waters and Watercourses—Weather Modification—Licenses for Weather Modification Activities; Issuances and Limitations; Permit for Weather Modification Projects; Studies, Hearings and Investigations; Research and Development Programs; Expenditure of Funds;

(continued)

Representation of State in Weather Modification Matters.

Counties and County Officers—General Provisions—Home Rule Powers; Limitations, Restrictions and Prohibitions; Procedure; Resolution for Weather Modification. Jeffrey A. Mason, Counsel, Northwest Kansas Groundwater Management, Goodland, December 14, 2000.

A county resolution prohibiting weather modification in the form of cloud seeding conflicts with the Kansas Weather Modification Act and is thus not a valid exercise of county home rule power. Cited herein: K.S.A. 12-187; 12-194; 12-4101; K.S.A. Supp. 19-101a, as amended by L. 2000, Ch. 159, § 2; K.S.A. 19-212f; 73-407; 82a-1401; 82a-1402; 82a-1405; 82a-1406; 82a-1407; 82a-1411; 82a-1415; 82a-1425; Kan. Const., Art. 12, § 5; L. 1974, Ch. 321. GE

Opinion 2000-63

State Departments; Public Officers and Employees; Open Public Meetings—Authorized Subjects for Discussion in Executive Session; Personnel Matters. Leonard Dix, Rooks County Attorney, Stockton, December 15, 2000.

Extension councils created pursuant to K.S.A. 2-611 are subject to the Kansas Open Meetings Act. No body subject to the KOMA may go into executive session to discuss "elected personnel." Cited herein: K.S.A. 2-608; K.S.A. 1999 Supp. 2-610; K.S.A. 2-611, K.S.A. 75-4318; K.S.A. 1999 Supp. 75-4319. SP

Opinion 2000-64

State Departments; Public Officers and Employees—Open Public Meetings—Meeting Defined. Charles E. Wetzler, Prairie Village City Attorney, Overland Park, December 15, 2000.

Under the facts presented, it is not a violation of the Kansas Open Meetings Act (KOMA) for a majority of a quorum of members of a public body or agency, without giving KOMA notice, to independently attend a meeting concerning city business so long as the members do not engage in the discussion. The members do not violate the KOMA under these facts if no notice is given to those requesting it and the members engage in the discussion of city business. Cited herein: K.S.A. 75-4317; K.S.A. 1999 Supp. 75-4317a; K.S.A. 75-4320. SP

Opinion 2000-65

Cities and Municipalities—Miscellaneous Provisions—Railways, Crossings; Regulation of Speed; Local Regulation of Trains.

Counties and County Officers—General Provisions—Home Rule Powers; Limitations, Restrictions and Prohibitions; Procedure; Local Regulation of Trains.

Public Utilities—Duties and Liabilities of Railroad Companies; Obstruction of Public Highways and Streets—Permitting Trains to Stand on Public Highways; Local Regulation of Trains that Block Grade Crossings. Senator Edward W. Pugh, 1st District, Wamego, December 15, 2000.

Local legislation that imposes speed restrictions on trains is preempted by the Federal Railway Safety Authorization Act of 1994. Depending on its terms, local legislation that imposes restrictions on the amount of time that trains can obstruct traffic may offend the Commerce Clause to the United States Constitution and may be preempted by the Federal Railway Safety Authorization Act of 1994. Cited herein: K.S.A. 1999 Supp. 12-1633; 14-434; 15-438; K.S.A. 1999 Supp. 19-101a, as amended by L. 2000, Ch. 159, § 2; K.S.A. 66-273; 66-274; 45 U.S.C.A. § 421; 49 U.S.C.A. § 20101; § 20106. MF

Opinion 2001-1

Cities and Municipalities—Public Recreation and Playgrounds—Recreation Commission; Powers of Recreation Commission; Annual Budget; General Fund Budget; Capital Improvement Fund; Acquisition of Real Property. John L. Vratil, Legal Counsel, Unified School District No. 229, Overland Park, January 11, 2001.

Levying a tax to make provision for a capital improvement fund established pursuant to K.S.A. 1999 Supp. 12-1935 requires voter approval. There is no other requirement in K.S.A. 1999 Supp. 12-1935 that voter approval be obtained prior to the Blue Valley Recreation Commission (Blue Valley) expending monies in its capital improvement fund to purchase real property or make other capital improvements designated in the statute. While Blue Valley is not required to obtain voter approval prior to allocating the monies in its capital improvement fund when the monies are spent for those purposes authorized in K.S.A. 1999 Supp. 12-1935, Blue Valley is required to obtain the approval of the Board of Education for Unified School District No. 229 prior to purchasing any real property. Blue Valley may not establish or use a fund other than its capital improvement fund for the purchase of real property or payment for capital improvement projects listed in K.S.A. 1999 Supp. 12-1935. Cited herein: K.S.A. 1999 Supp. 10-1101; K.S.A. 12-1922; K.S.A. 1999 Supp. 12-1927; 12-1928; 12-1935; K.S.A. 79-2925; 79-2927; 79-2934; 79-2937; Kan. Const., Art. 11, § 5; L. 1994, Ch. 150, §§ 3, 4. RDS

Opinion 2001-2

State Departments; Public Officers and Employees; Open Public Meetings—Meetings of State and Subdivisions Open to Public. Representative Carl C. Krehbiel, 74th District, Moundridge, January 11, 2001.

Based on the information provided, the Hesston Area Senior Center is not subject to the Kansas Open Meetings Act because it is an independent nonprofit corporation. Mere receipt of public funds is insufficient to bring an otherwise private nonprofit corporation within the KOMA. Cited herein: K.S.A. 75-4318. SP

Carla J. Stovall
Attorney General

Doc. No. 026117

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, February 12, in the commission's conference room, 109 S.W. 9th, Suite 500, Topeka. A copy of the agenda may be obtained by contacting Cathy Thompson at (785) 296-3600. If special accommodations are needed, please contact the agency three days in advance of meeting date.

Tracy Streeter
Executive Director

Doc. No. 026113

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, February 15, in the offices of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000472, Maximum Principal Amount: \$41,250. Owner/Operator: Matt L. Theurer. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Section 35, Jackson Township, Sumner County, 5 miles north of South Haven on Highway 81.

The bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

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

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if

requested, would be conducted in the county where the project in question is located.

Jack H. Brier
President

Doc. No. 026109

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, February 15, in the offices of Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000472, Maximum Principal Amount: \$71,000. Owner/Operator: Kyle Funk. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, Township 20S, Range 1E, 3 miles north and $\frac{1}{4}$ mile east of Goessel on State Highway 15 in Marion County.

The bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

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

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Jack H. Brier
President

Doc. No. 26124

State of Kansas

Kansas Arts Commission

Notice of Fiscal Year 2002 Grant Programs and Deadlines

Kansas organizations may apply to the Kansas Arts Commission for grants to support arts programming, projects, activities and events during fiscal year 2002 (July 1, 2001 through June 30, 2002). The grant programs and application deadlines are as follows:

- Arts In Education (AIE) Projects; March 13, 2001. Categories are for Community AIE Programs and AIE Programs for At-Risk Youth.
- Arts Project Support; March 13, 2001. Open to non-arts organizations, such as local governmental entities, libraries, recreation commissions, community colleges, historical societies or museums, and chambers of commerce. Not open to elementary and secondary schools, educational centers, and arts and cultural organizations.

Advisory panels for these two programs will meet respectively in April and May, and the recommendations for funding will be considered by the commission during its quarterly business meeting in June.

The following programs are not evaluated by panels:

- Operational Support for Arts and Cultural Organizations; March 27, 2001. Not open to schools or non-arts organizations.
- Technical Assistance and Grassroots. Applications should be submitted at least six weeks prior to the beginning of the project and will be considered for grants until reserved funds have been exhausted. Non-arts organizations, schools and social service agencies must qualify as rural, emerging, multicultural or culturally specific.
- The Kansas Touring Program. Presenters may apply for a percentage of the artists' fees.

Applications should be submitted at least six weeks prior to the event and will be considered for grants until reserved funds have been exhausted. (Presenters seeking support for a season of performances apply for Operational Support grants.)

A booklet of guidelines and application forms is now available and includes the roster of more than 65 performing artists, ensembles and companies offered through the Kansas Touring Program. Categories are dance and movement theatre, storytellers and theatre, solo and ensemble classical music, jazz, traditional acoustic music, music and technology, and vocal performance by singers and songwriters.

The nomination instructions and form for the 2001 Kansas Governor's Arts Awards are included in the booklet or may be requested separately from the commission office. The deadline is May 1, 2001.

Copies of the FY 2002 Grant Programs for Organizations and Communities booklet of guidelines and application forms may be obtained by contacting the Kansas Arts Commission, Suite 1004, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3761, (785) 296-3335, fax (785) 296-4989, e-mail KAC@arts.state.ks.us. The materials also

may be accessed and downloaded from the commission's Web site at <http://arts.state.ks.us>. Persons with special communication needs may utilize the Kansas Relay Center, 1-800-766-3777.

David Wilson
Executive Director

Doc. No. 026126

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, February 15, in the offices of Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000474, Maximum Principal Amount: \$137,500. Owner/Operator: William and Laura Biermann. Description: Acquisition of 240 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the W/2 SE/4 and SW/4 of Section 20, Township 20 South, Range 37 West of the 6th P.M. in Wichita County, from the intersection of Hwy. 96 and Hwy. 25 in Leoti 13 miles south on Highway 25 and 4.5 miles west on county road to the southeast corner of said property.

The bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

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

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Jack H. Brier
President

Doc. No. 26125

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

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

Monday, February 12, 2001

02813

Statewide—Refrigerant

02823

University of Kansas Medical Center—Bio-Organic Synthesizer

Tuesday, February 13, 2001

02782

Kansas Bureau of Investigation—Emergency Vehicle Equipment

Wednesday, February 14, 2001

02798

Department of Social and Rehabilitation Services—Vending Machine Services

02828

Wichita State University—Compact Pickup Trucks

Thursday, February 15, 2001

A-9061

University of Kansas—CFC Improvements, Anschutz Science Library

Thursday, February 22, 2001

A-8703

University of Kansas—Wesley Building Reroof

A-9057

Kansas Neurological Institute—Equipment Replacement, Flint Hills Lodge and Dietary Building

A-9178

University of Kansas—Masonry Repair and Tuckpoint, Murphy Hall

Tuesday, February 27, 2001

02808

Department of Transportation—Traffic Control and Management Services at Kansas Speedway Events

Monday, March 5, 2001

02816

Department of Wildlife and Parks—Agricultural Activities (Perry Wildlife Area), Valley Falls

02817

Department of Wildlife and Parks—Agricultural Activities (Haying at Bryon Walker Wildlife Area), Cunningham

Request for Proposals

Thursday, February 15, 2001

02759

Paymaster Services for the Department of Human Resources

Monday, February 26, 2001

02779

Needs Assessment of the Kansas Financial Management System for the Department of Administration, Division of Accounts and Reports

Thursday, March 1, 2001

02795

Student Loan Billing Services for the University of Kansas

John T. Houlihan
Director of Purchases

Doc. No. 026135

(Published in the Kansas Register February 1, 2001.)

City of Overland Park, Kansas

Notice to Bidders

Sealed bids for **Metcalf and I-435 Intersection Improvements** will be received by the City of Overland Park, Kansas, at the office of the City Clerk, City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until 2 p.m. Tuesday, March 6, 2001. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the City Clerk of Overland Park, Kansas, and marked "Bid for: Metcalf and I-435 Intersection Improvements." Copies of plans, specifications, bid documents and other contract documents are on file at the office of Bartlett & West Engineers, Inc., 14833 W. 95th, Lenexa, KS 66215-5220. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from Bartlett & West Engineers, Inc., (913) 438-8646, upon payment of \$100, which amount is not refundable.

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

Should a bidder find "defects" as defined in paragraph GC-2 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

(continued)

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

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

The following items must be included in the sealed envelope with the bid:

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

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

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

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

A pre-bid conference will not be held for this project.

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

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 18-24 by the 2001 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at ink.org/public/legislative.

House Bills

HB 2056, An act making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the legislative coordinating council; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2057, An act concerning medical scholarships and loans; concerning medically underserved areas; amending K.S.A. 74-3247, 74-3269, 76-376, 76-379, 76-383 and 76-384 and K.S.A. 2000 Supp. 74-3266 and 76-375 and repealing the existing sections; also repealing K.S.A. 76-373, 76-374, 76-377 and 76-377a, by Health Care Reform Legislative Oversight Committee.

HB 2058, An act concerning the health care reform legislative oversight committee; amending K.S.A. 46-2507 and repealing the existing section, by Health Care Reform Legislative Oversight Committee.

HB 2059, An act relating to health care; establishing a state renal disease fund, by Health Care Reform Legislative Oversight Committee.

HB 2060, An act concerning the determination of qualifications for certain individuals for licensure; factors in determining whether certain individuals have been sufficiently rehabilitated to warrant the public trust; amending K.S.A. 65-2912, 65-3508, 65-5410, 65-6604 and 74-5324 and K.S.A. 2000 Supp. 65-1120, 65-1436, 65-1517, 65-1627, 65-1751, 65-1908, 65-1947, 65-2006, 65-2836, 65-4209, 65-5510, 65-5809, 65-6129b, 65-6129c, 65-6133, 65-6311, 65-6408, 65-6508, 65-6911 and 74-5369 and repealing the existing sections, by Health Care Reform Legislative Oversight Committee.

HB 2061, An act relating to income taxation; concerning the taxation of certain investment funds service companies; amending K.S.A. 79-3271 and 79-3279 and repealing the existing sections, by Committee on Taxation.

HB 2062, An act relating to sales taxation; exempting sales of certain oil and gas equipment and services therefrom; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2063, An act relating to property taxation; exempting certain school dormitory personal property; amending K.S.A. 2000 Supp. 79-201a and repealing the existing section, by Committee on Taxation.

HB 2064, An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section, by Committee on Taxation.

HB 2065, An act relating to sales taxation; exempting grain storage facility construction materials and services; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2066, An act relating to severance taxation; exempting coal and oil production therefrom; amending K.S.A. 2000 Supp. 79-4217 and repealing the existing section, by Committee on Taxation.

HB 2067, An act concerning certain animals; penalties for inflicting harm or death; amending K.S.A. 2000 Supp. 21-4318 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2068, An act concerning townships; relating to the acquisition of property; amending K.S.A. 80-104 and repealing the existing section, by Representative Sloan.

HB 2069, An act concerning state officers and employees; relating to compensation and related personnel policies, by Representative Sloan.

HB 2070, An act establishing the Kansas school board development program, by Committee on Education.

HB 2071, An act authorizing boards of education of school districts to establish and maintain charter schools; also repealing K.S.A. 2000 Supp. 72-1903, 72-1904, 72-1905, 72-1906, 72-1907, 72-1908, 72-1909 and 72-1910, by Committee on Education.

HB 2072, An act concerning school districts; conferring the power of local control on boards of education; amending K.S.A. 72-8205 and repealing the existing section, by Committee on Education.

HB 2073, An act repealing K.S.A. 2000 Supp. 72-89c01 and 72-89c02, relating to suspension of driving privileges for school safety violations, by Committee on Education.

HB 2074, An act concerning the Kansas bureau of investigation; relating to employees thereof; amending K.S.A. 75-711 and repealing the existing section, by Committee on Judiciary.

HB 2075, An act concerning juveniles; relating to fingerprinting of alleged juvenile offenders; amending K.S.A. 38-1611 and repealing the existing section, by Committee on Judiciary.

HB 2076, An act concerning criminal procedure, relating to a search without a warrant; amending K.S.A. 22-2501 and repealing the existing section, by Committee on Judiciary.

HB 2077, An act concerning protection from abuse orders; amending K.S.A. 60-3108 and K.S.A. 2000 Supp. 60-3102 and 60-3104 and repealing the existing sections, by Committee on Judiciary.

HB 2078, An act concerning civil actions; relating to shoplifting; parents or guardians of minors; amending K.S.A. 60-3331 and repealing the existing section, by Committee on Judiciary.

HB 2079, An act concerning crimes and punishment; relating to theft; amending K.S.A. 21-3701 and repealing the existing section, by Committee on Judiciary.

HB 2080, An act concerning crimes and punishment; relating to unlawful use or possession of a sale receipt or universal product code label, by Committee on Judiciary.

HB 2081, An act concerning criminal procedure; relating to preliminary examinations; evidence; child witnesses and victims; amending K.S.A. 2000 Supp. 22-2902 and 22-2902a and repealing the existing sections; also repealing K.S.A. 22-3433, by Committee on Judiciary.

HB 2082, An act concerning nonprobate transfer on death; relating to nontestamentary nature, by Committee on Judiciary.

HB 2083, An act concerning criminal procedure; relating to arrest; release on appearance bond; amending K.S.A. 22-2809 and repealing the existing section, by Committee on Judiciary.

HB 2084, An act concerning criminal procedure; relating to competency to stand trial; amending K.S.A. 22-3303 and repealing the existing section, by Committee on Judiciary.

HB 2085, An act concerning jurors; relating to the compensation thereof; amending K.S.A. 43-171 and repealing the existing section, by Committee on Judiciary.

HB 2086, An act concerning municipalities; relating to depositories for public funds; amending K.S.A. 2000 Supp. 9-1401, 9-1408, 12-1675 and 12-1675a and repealing the existing sections, by Committee on Local Government.

HB 2087, An act concerning the workers compensation act; relating to the release of medical records thereunder, by Committee on Business, Commerce and Labor.

HB 2088, An act concerning agriculture; relating to receipt holder's liens; amending section 2 of Chapter 142 of the 2000 Session Laws of Kansas and section 11 of Chapter 142 of the 2000 Session Laws of Kansas and repealing the existing sections, by Special Committee on Agriculture.

HB 2089, An act relating to sales taxation; concerning treatment of automobile manufacturer cash rebates; amending K.S.A. 2000 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2090, An act relating to motor vehicles; concerning the cancellation of tax imposed upon certain donated vehicles, by Committee on Taxation.

HB 2091, An act relating to property taxation; concerning the exemption for machinery, equipment, materials and supplies; amending K.S.A. 2000 Supp. 79-201w and repealing the existing section, by Committee on Taxation.

HB 2092, An act relating to cities and counties; enacting the city and county development activity excise tax act, by Committee on Taxation.

HB 2093, An act concerning teachers; relating to hearings provided upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 72-5438, 72-5439, 72-5440, 72-5441, 72-5442, 72-5443 and 72-5446 and repealing the existing sections, by Committee on Education.

HB 2094, An act concerning school districts; revising the definition of juvenile detention facility for the provision of educational services and grants of state moneys; amending K.S.A. 2000 Supp. 72-6407, 72-6430

and 72-8187 and repealing the existing sections, by Committee on Education.

HB 2095, An act concerning judges; creating an additional district judge position in the seventh judicial district, by Representatives Tanner and Findley, Ballard, Sloan and Tapanelli.

HB 2096, An act concerning school districts; rescinding the term of years limitation on lease and lease-purchase agreements entered into by boards of education; amending K.S.A. 2000 Supp. 72-8225 and repealing the existing section, by Committee on Education.

HB 2097, An act concerning school districts; relating to teachers; establishing a grant program for development of peer assistance and peer assistance and review programs, by Committee on Education.

HB 2098, An act concerning wildlife and parks; relating to commercial guide services; concerning reports of disposition of certain prosecutions; amending K.S.A. 32-964 and 32-1054 and K.S.A. 2000 Supp. 21-4619 and repealing the existing sections, by Committee on Environment.

HB 2099, An act concerning telecommunications; amending K.S.A. 2000 Supp. 50-6,103 and repealing the existing section, by Committee on Utilities.

HB 2100, An act concerning certain unsolicited telephone calls; prohibiting certain acts and providing remedies for violations; amending K.S.A. 2000 Supp. 50-670 and repealing the existing section, by Committee on Utilities.

HB 2101, An act concerning agriculture; relating to plant pests; creating the plant pest emergency response fund; amending K.S.A. 2-2126 and repealing the existing section, by Committee on Agriculture.

HB 2102, An act concerning weights and measures; relating to unlawful acts; annual testing requirements; amending K.S.A. 83-145, 83-219 and 83-404 and K.S.A. 2000 Supp. 83-304 and repealing the existing sections, by Committee on Agriculture.

HB 2103, An act concerning the Kansas agricultural production loan deposit program; amending K.S.A. 2000 Supp. 75-4209 and 75-4271 and repealing the existing sections, by Committee on Agriculture.

HB 2104, An act concerning the retirement system for judges; relating to computation of retirement annuity; amending K.S.A. 2000 Supp. 20-2610 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2105, An act concerning the flag of the United States of America; relating to the use and display thereof, by Committee on Federal and State Affairs.

HB 2106, An act concerning the Kansas national guard; relating to pay and allowances; amending K.S.A. 48-225 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2107, An act concerning the retirement system for judges; relating to computation of retirement annuity; amending K.S.A. 2000 Supp. 20-2610 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2108, An act concerning crime and punishment; relating to obscene materials; amending K.S.A. 21-4301a and 21-4301c and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2109, An act concerning lotteries and lottery machines; amending K.S.A. 74-8702 and 74-8722 and K.S.A. 2000 Supp. 74-8710, 74-8718, 74-9802 and 79-4701 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2110, An act concerning elections; prohibiting the disclosure of certain information during hours of voting, by Committee on Ethics and Elections.

HB 2111, An act concerning certain law enforcement officers of the state and certain political subdivisions thereof; concerning Native American Indian tribal law enforcement officers, by Joint Committee on State-Tribal Relations.

HB 2112, An act concerning the joint committee on state-tribal relations; amending K.S.A. 46-2303 and repealing the existing section, by Joint Committee on State-Tribal Relations.

HB 2113, An act concerning state and tribal relations; relating to agreements between the state and native American Indian tribes; amending K.S.A. 46-2302 and 46-2303 and repealing the existing sections, by Joint Committee on State-Tribal Relations.

HB 2114, An act concerning the vehicle dealers and manufacturers licensing act; relating to vehicle bonds; amending K.S.A. 2000 Supp. 8-2401 and 8-2404 and repealing the existing sections, by Committee on Insurance.

HB 2115, An act concerning the Kansas life and health insurance guaranty association; relating to claim reimbursement; amending K.S.A. 40-

(continued)

3005 and 40-3008 and repealing the existing sections, by Committee on Insurance.

HB 2116, An act relating to contract for deeds; concerning interest rates; amending K.S.A. 2000 Supp. 16-207 and repealing the existing section, by Representative Flaharty.

HB 2117, An act concerning the dietitians licensing act; relating to certain dietetic services supervisors and certified dietary managers; amending K.S.A. 2000 Supp. 65-5912 and repealing the existing section, by Representative Dreher.

HB 2118, An act concerning fire districts; relating to the annexation of territory thereof by cities; amending K.S.A. 19-3623f and repealing the existing section, by Committee on Local Government.

HB 2119, An act concerning certain park and recreation districts; relating to improvements; amending K.S.A. 19-2881 and repealing the existing section, by Committee on Local Government.

HB 2120, An act concerning amusement rides; relating to inspection and regulation thereof; prohibiting certain acts and providing penalties and remedies for violations, by Committee on Local Government.

HB 2121, An act concerning the state board of healing arts; relating to compensation of review committee members; amending K.S.A. 65-2016 and K.S.A. 2000 Supp. 65-2840c and repealing the existing sections, by Committee on Appropriations.

HB 2122, An act relating to income taxation; providing a credit therefrom for investments in certain agricultural cooperatives, by Committee on Agriculture.

HB 2123, An act concerning agriculture; relating to disposition of moneys; fee funds; amending K.S.A. 47-504 and K.S.A. 2000 Supp. 2-1012, 2-2464a, 2-3315, 65-708a and 74-554 and repealing the existing sections, by Committee on Agriculture.

HB 2124, An act concerning improvement districts; relating to the powers and duties thereof; amending K.S.A. 19-2765 and repealing the existing section, by Representative Osborne.

HB 2125, An act concerning insurance; relating to reciprocal insurance companies; amending K.S.A. 40-1623 and repealing the existing section, by Representative Grant.

HB 2126, An act concerning crimes and punishment; establishing the crime of battery against a sports official, by Representatives Boston, Aday, Ballou, Bethell, Dahl, Freeborn, Hayzlett, Henry, Humerickhouse, Hutchins, Krehbiel, Landwehr, Mason, Jim Morrison, Novascone, Osborne, Ostmeyer, Palmer, J. Peterson, Pottorff, T. Powell, Powers, Rear-don, Sharp, Showalter, Stone, Tanner, Tomlinson and Weber.

HB 2127, An act concerning public health, relating to testing for infectious diseases; information available to corrections employees; amending K.S.A. 2000 Supp. 65-6015, 65-6016 and 65-6017 and repealing the existing sections, by Committee on Health and Human Services.

HB 2128, An act relating to income taxation; allowing credits for certain historic preservation project expenditures, by Committee on Taxation.

HB 2129, An act concerning mileage and other allowances for official travel of certain advisory committees, by Representative Huff.

HB 2130, An act concerning the state minimum wage; amending K.S.A. 44-1203 and repealing the existing section, by Committee on Business, Commerce and Labor.

HB 2131, An act concerning waste tires; amending K.S.A. 2000 Supp. 65-3424, 65-3424a, 65-3424d, 65-3424f, 65-3424g, 65-3424k and 65-3426 and repealing the existing sections, by Committee on Environment.

HB 2132, An act concerning mausoleums or burial vaults or structures; amending K.S.A. 17-1324 and repealing the existing section, by Committee on Environment.

HB 2133, An act amending the multipurpose small lakes program act; amending K.S.A. 82a-1602, 82a-1603, 82a-1604, 82a-1605 and 82a-1606 and repealing the existing sections, by Committee on Environment.

HB 2134, An act concerning solid waste; amending K.S.A. 2000 Supp. 65-3402, 65-3407, 65-3407c, 65-3409 and 65-3415 and repealing the existing sections, by Committee on Environment.

HB 2135, An act concerning alcohol and drug safety action programs; relating to the assessment fee; amending K.S.A. 2000 Supp. 8-1008 and repealing the existing section, by Committee on Judiciary.

HB 2136, An act concerning crimes, punishment and criminal procedure; relating to criminal history classification; amending K.S.A. 2000 Supp. 21-4711 and repealing the existing section, by Committee on Judiciary.

HB 2137, An act concerning traffic; relating to citations; amending K.S.A. 2000 Supp. 8-2106 and repealing the existing section, by Committee on Judiciary.

HB 2138, An act concerning civil procedure; relating to habeas corpus; amending K.S.A. 60-1507 and repealing the existing section, by Committee on Judiciary.

HB 2139, An act abolishing the tax upon gross earnings derived from money, notes and other evidence of debt; amending K.S.A. 12-140 and repealing the existing section; also repealing K.S.A. 12-1,101 through 12-1,108 and 12-1,110 and K.S.A. 2000 Supp. 12-1,109, by Representative Faber (By request).

HB 2140, An act relating to income taxation; concerning the credit therefrom for property tax paid upon certain machinery and equipment; amending K.S.A. 2000 Supp. 79-32,206 and repealing the existing section, by Committee on Taxation.

HB 2141, An act concerning the healing arts; relating to pain management, by Committee on Health and Human Services.

HB 2142, An act relating to motor fuels; providing for payments for selling blended motor fuels; amending K.S.A. 79-3461 and 79-3462 and K.S.A. 2000 Supp. 79-3425 and repealing the existing sections, by Committee on Transportation.

HB 2143, An act regulating traffic; concerning auxiliary driving lamps and fog lamps; amending K.S.A. 2000 Supp. 8-1725 and repealing the existing section, by Committee on Transportation.

HB 2144, An act relating to vehicle registration; exempting truck mounted concrete pump with boom; amending K.S.A. 2000 Supp. 8-128 and repealing the existing section, by Committee on Transportation.

HB 2145, An act relating to motor vehicles; concerning safety belts; amending K.S.A. 8-2507 and repealing the existing section, by Committee on Transportation.

HB 2146, An act relating to banks and banking; concerning general powers thereof; amending K.S.A. 2000 Supp. 9-1101 and repealing the existing section, by Committee on Financial Institutions.

HB 2147, An act relating to banks and banking; concerning unlawful transactions; amending K.S.A. 2000 Supp. 9-1112 and repealing the existing section, by Committee on Financial Institutions.

HB 2148, An act relating to trusts; providing for certification of trusts, by Committee on Financial Institutions.

HB 2149, An act relating to the state bank commissioner; providing for the sharing of certain information with agencies; amending K.S.A. 2000 Supp. 9-1303 and repealing the existing section, by Committee on Financial Institutions.

HB 2150, An act concerning worthless checks; amending K.S.A. 2000 Supp. 60-2610 and repealing the existing section; also repealing K.S.A. 2000 Supp. 60-2611, by Committee on Business, Commerce and Labor.

HB 2151, An act concerning certain providers of care services; employment of persons by such providers; amending K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 and repealing the existing sections, by Committee on Appropriations.

HB 2152, An act concerning retirement; relating to certain postretirement benefit increases, by Committee on Appropriations.

HB 2153, An act relating to credit card solicitation; prohibiting certain practices regarding solicitation thereof at institutions of higher learning, by Committee on Appropriations.

HB 2154, An act concerning providers of care services; employment of persons by such providers; amending K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 and repealing the existing sections, by Committee on Appropriations.

HB 2155, An act concerning school safety; revising the definition of weapon; amending K.S.A. 2000 Supp. 72-89a01 and 72-89c01 and repealing the existing sections, by Committee on Education.

HB 2156, An act concerning criminal procedure; relating to reportable events under the criminal history record information; amending K.S.A. 22-4705 and repealing the existing section, by Committee on Local Government.

HB 2157, An act concerning counties; relating to computer software; amending K.S.A. 2000 Supp. 75-6104 and repealing the existing section, by Committee on Local Government.

HB 2158, An act concerning solid waste; relating to fees and charges for the collection and disposal thereof; amending K.S.A. 65-3410 and repealing the existing section, by Committee on Local Government.

HB 2159, An act concerning a child in need of care; relating to home studies and assessments, by Representative Lightner.

HB 2160, An act concerning proceedings for the tax foreclosure sale on certain property; amending K.S.A. 79-2801 and repealing the existing section, by Committee on Local Government.

HB 2161, An act concerning counties; concerning the awarding of certain contracts; amending K.S.A. 19-214 and repealing the existing section, by Committee on Local Government.

HB 2162, An act relating to accident and health insurance; providing coverage for durable medical equipment; amending K.S.A. 40-2,103 and 40-19c09 and repealing the existing sections, by Representative J. Peterson.

House Concurrent Resolutions

HCR 5007, A concurrent resolution endorsing National Heart Failure Awareness week.

Senate Bills

SB 51, An act relating to severance taxation; concerning incremental severance and production of oil and gas, exemption; amending K.S.A. 2000 Supp. 79-4217 and repealing the existing section, by Committee on Utilities.

SB 52, An act making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the legislative coordinating council; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 53, An act repealing K.S.A. 2000 Supp. 8-1,112; concerning apportioned fleet registration; relating to interstate reciprocity permits, by Committee on Transportation.

SB 54, An act relating to liquid-fuel carriers; concerning bonding requirements; amending K.S.A. 2000 Supp. 55-508 and repealing the existing section; also repealing K.S.A. 2000 Supp. 55-509, by Committee on Transportation.

SB 55, An act relating to drivers' licenses; concerning medical and vision requirements; amending K.S.A. 8-255b and K.S.A. 2000 Supp. 8-247 and 8-295 and repealing the existing sections, by Committee on Transportation.

SB 56, An act relating to driving; concerning the suspension or revocation of drivers' licenses; amending K.S.A. 8-258 and 8-285 and K.S.A. 2000 Supp. 8-262 and repealing the existing sections, by Committee on Transportation.

SB 57, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Joint Committee on Special Claims Against the State.

SB 58, An act relating to consumer protection; prohibiting certain acts, by Committee on Financial Institutions and Insurance.

SB 59, An act concerning milk, cream and dairy products; amending K.S.A. 50-502 and 65-679 and repealing the existing sections; also repealing K.S.A. 65-701, 65-702, 65-703, 65-704, 65-705, 65-706, 65-707, 65-715, 65-716, 65-718, 65-719, 65-720, 65-720a, 65-720b, 65-720c, 65-720d, 65-720h, 65-720i, 65-720j, 65-720k, 65-720l, 65-720m, 65-720n, 65-720o, 65-720p, 65-720q, 65-720r, 65-737, 65-737a, 65-738, 65-738a, 65-741, 65-742, 65-744, 65-746, 65-747, 65-748, 65-749, 65-751, 65-752, 65-753, 65-770 and 75-1401 and K.S.A. 2000 Supp. 65-708, 65-708a, 65-745 and 65-750, by Committee on Agriculture.

SB 60, An act concerning agricultural data; repealing K.S.A. 74-504d, by Committee on Agriculture.

SB 61, An act concerning meat and poultry; relating to the definitions of wholesaler, distributor and public warehouseman; amending K.S.A. 65-6a34 and K.S.A. 2000 Supp. 65-6a18 and repealing the existing sections, by Committee on Agriculture.

SB 62, An act relating to public officers; enacting the constitutional awareness act; concerning the oath taken by certain officers elected or appointed under the laws of the state of Kansas; requiring the taking of examinations regarding such oath and providing for the administration of the provisions of the act; amending K.S.A. 54-106 and repealing the existing section, by Committee on Elections and Local Government.

SB 63, An act concerning elections; relating to the registration of voters; amending K.S.A. 25-2309 and repealing the existing section, by Committee on Elections and Local Government.

SB 64, An act relating to public health; concerning the reporting of AIDS and HIV; amending K.S.A. 2000 Supp. 65-6002 and 65-6011 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 65, An act establishing the dental service loan program; authorizing loans for certain undergraduate students enrolled in or admitted to accredited schools of dentistry in a course of instruction leading to the degree of doctor of dental surgery or doctor of dental medicine;

providing for loan repayment and forgiveness; providing for administration of the program, by Committee on Public Health and Welfare.

SB 66, An act concerning children in need of care; technical amendment; amending K.S.A. 38-1507 and repealing the existing section, by Committee on Public Health and Welfare.

SB 67, An act relating to driving under the influence of alcohol or drugs; concerning penalties; amending K.S.A. 2000 Supp. 8-1001 and 8-1014 and repealing the existing sections, by Committee on Judiciary.

SB 68, An act relating to property taxation; concerning the exemption of residential property from school levies; amending K.S.A. 2000 Supp. 79-201x and repealing the existing section, by Committee on Assessment and Taxation.

SB 69, An act reauthorizing the school district property tax levy; amending K.S.A. 2000 Supp. 72-6431 and repealing the existing section, by Committee on Assessment and Taxation.

SB 70, An act concerning mortgages on real property; relating to the entry of satisfaction thereof; amending K.S.A. 2000 Supp. 58-2309a and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 71, An act concerning the state capitol area; relating to memorials; prescribing certain powers, duties, functions, guidelines and procedures; memorial for Kansas firefighters and advisory committee, by Senator Adkins.

SB 72, An act relating to motor vehicles; concerning farm trucks or truck tractors; defining farm custom operations; amending K.S.A. 2000 Supp. 8-126, 8-142 and 8-143 and repealing the existing sections, by Committee on Transportation.

SB 73, An act relating to vehicle registration; concerning certain farm trailers; amending K.S.A. 2000 Supp. 8-128 and 8-143 and repealing the existing sections, by Committee on Transportation.

SB 74, An act concerning certain law enforcement officers of the state and certain political subdivisions thereof; concerning Native American Indian tribal law enforcement officers, by Joint Committee on State-Tribal Relations.

SB 75, An act concerning the joint committee on state-tribal relations; amending K.S.A. 46-2303 and repealing the existing section, by Joint Committee on State-Tribal Relations.

SB 76, An act concerning state and tribal relations; relating to agreements between the state and native American Indian tribes; amending K.S.A. 46-2302 and 46-2303 and repealing the existing sections, by Joint Committee on State-Tribal Relations.

SB 77, An act concerning school district finance; revising and effecting definitions; affecting determination of program weighting; amending K.S.A. 72-6413 and K.S.A. 2000 Supp. 72-6407 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 72-978, 72-979 and 72-983, by Committee on Education.

SB 78, An act concerning school district finance; relating to the contingency reserve fund; amending K.S.A. 2000 Supp. 72-6426 and repealing the existing section, by Committee on Education.

SB 79, An act concerning school district finance; revising the definition of at-risk pupils; amending K.S.A. 2000 Supp. 72-6407 and repealing the existing section, by Committee on Education.

SB 80, An act concerning school district finance; increasing base state aid per pupil; amending K.S.A. 2000 Supp. 72-6410 and repealing the existing section, by Committee on Education.

SB 81, An act concerning school districts; providing for capital outlay state aid, by Committee on Education.

SB 82, An act concerning school district finance; increasing at-risk pupil weighting; amending K.S.A. 2000 Supp. 72-6414 and repealing the existing section, by Committee on Education.

SB 83, An act relating to motor vehicles; concerning the registration thereof; amending K.S.A. 8-129 and K.S.A. 2000 Supp. 8-173 and repealing the existing sections, by Committee on Transportation.

SB 84, An act relating to income taxation; providing a credit therefrom for investments in certain agricultural cooperatives, by Committee on Assessment and Taxation.

SB 85, An act concerning docket fees; relating to compensation for certain nonjudicial employees in the judicial branch; amending K.S.A. 21-4610a, 28-170 and 60-2419 and K.S.A. 2000 Supp. 21-4619, 22-2410, 59-104, 60-1621 and 61-3504 and repealing the existing sections, by Committee on Ways and Means.

SB 86, An act concerning wildlife and parks; relating to certain late payment fees; amending K.S.A. 32-1001 and repealing the existing section, by Committee on Natural Resources.

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SB 87, An act concerning furharvesting; amending K.S.A. 32-912 and repealing the existing section, by Committee on Natural Resources.

SB 88, An act concerning access to health care records and health care billing records by patients and others, by Committee on Judiciary.

SB 89, An act concerning local units of government; relating to rent control, by Committee on Elections and Local Government.

SB 90, An act concerning governmental ethics; relating to violations of the state governmental ethics law; amending K.S.A. 46-277 and repealing the existing section, by Committee on Elections and Local Government.

SB 91, An act relating to cities and counties; enacting the city and county development activity excise tax act, by Committee on Assessment and Taxation.

SB 92, An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section, by Committee on Assessment and Taxation.

SB 93, An act relating to sales taxation; exempting grain storage facility construction materials and services; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 94, An act concerning governmental ethics; relating to gifts to legislators; amending K.S.A. 46-237 and 46-237a and repealing the existing sections, by Senator Adkins.

SB 95, An act enacting the interstate compact for adult offenders supervision; repealing K.S.A. 22-4101, 22-4102 and 22-4103, by Senators Adkins and Goodwin.

SB 96, An act concerning the department of corrections; relating to unclassified employees; amending K.S.A. 75-5205 and repealing the existing section, by Committee on Ways and Means.

SB 97, An act concerning the signing of certain documents issued or made by the governor; amending K.S.A. 75-106 and repealing the existing section, by Committee on Judiciary.

SB 98, An act concerning publication of proclamations issued by the governor; amending K.S.A. 64-103 and repealing the existing section, by Committee on Judiciary.

SB 99, An act concerning crimes, criminal procedure and punishment; relating to the offender registration act; amending K.S.A. 2000 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907, 22-4908 and 22-4909 and repealing the existing sections, by Committee on Judiciary.

SB 100, An act relating to food service establishments; concerning renewal fees for licenses; amending K.S.A. 36-503 and repealing the existing section, by Committee on Public Health and Welfare.

SB 101, An act concerning health insurance; relating to extension of payment of benefits; amending K.S.A. 40-2254 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 102, An act concerning elections; relating to election crimes; relating to the intimidation of voters; amending K.S.A. 25-2415 and repealing the existing section, by Senators Praeger, Jenkins and Allen.

SB 103, An act relating to home health agencies; concerning employment of persons by such providers; amending K.S.A. 2000 Supp. 65-5117 and repealing the existing section, by Committee on Public Health and Welfare.

SB 104, An act relating to adult care homes; concerning employment of persons by such providers; amending K.S.A. 39-970 and repealing the existing section, by Committee on Public Health and Welfare.

SB 105, An act relating to sales taxation; exempting sales of precision farming equipment; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 106, An act relating to sales taxation; exempting certain sales of clothing and computers; amending K.S.A. 12-189a and K.S.A. 2000 Supp. 79-3606 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 107, An act concerning elections; relating to petitions; amending K.S.A. 25-3601 and 25-3602 and repealing the existing sections, by Committee on Elections and Local Government.

SB 108, An act concerning campaign finance; establishing requirements for electronic filing of reporting of campaign contributions, by Committee on Elections and Local Government.

SB 109, An act concerning surveyors; authorizing creation of surveyor districts, by Committee on Elections and Local Government.

SB 110, An act concerning certified public accountants; licensure; fees; amending K.S.A. 2000 Supp. 1-301 and repealing the existing section, by Committee on Ways and Means.

SB 111, An act concerning the state corporation commission; relating to investigations; amending K.S.A. 2000 Supp. 66-101d, 66-101e, 66-

1,191, 66-1,192, 66-1,204, 66-1,205, 66-1,219, 66-1,220, 66-1,234 and 66-1,235 and repealing the existing sections, by Committee on Utilities.

SB 112, An act concerning the state corporation commission; relating to energy cost adjustment clauses, by Committee on Utilities.

SB 113, An act establishing the Kansas utility energy assistance program; providing for the funding thereof; amending K.S.A. 79-4227 and repealing the existing section, by Senator Adkins.

SB 114, An act concerning use of campaign contributions; relating to the reimbursement of the governor's spouse for certain expenses; amending K.S.A. 25-4157a and repealing the existing section, by Committee on Elections and Local Government.

SB 115, An act relating to school buses; modification of used school buses; amending K.S.A. 72-8313 and repealing the existing section, by Committee on Transportation.

SB 116, An act concerning firearms, ammunition and firearms dealers; relating to the limitation on certain civil actions relating thereto, by Committee on Federal and State Affairs.

SB 117, An act concerning the regulation and application of state and local laws, rules, regulations and ordinances to sport shooting ranges; providing civil immunity to persons who operate or use such ranges, by Committee on Federal and State Affairs.

SB 118, An act relating to fetal alcohol syndrome; establishing a diagnostic and prevention network pilot program, by Senators Barnett, Adkins, Allen, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil and Wagle.

SB 119, An act concerning mental health; relating to screenings and placements; amending K.S.A. 22-3302, 22-3303, 22-3429, 22-3430, 38-1513, 38-1514, 38-1614, 38-1637, 38-1638, 38-1639 and 38-1662 and K.S.A. 2000 Supp. 22-3305 and 22-3431 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 120, An act concerning the mentally ill; relating to admittance to adult care homes; amending K.S.A. 39-968 and repealing the existing section, by Committee on Public Health and Welfare.

SB 121, An act relating to professional employer organizations; establishing certain minimum standards applicable to all professional employer organizations operating in the state, by Committee on Commerce.

SB 122, An act relating to health care; providing for regulation of alternative and complementary health care providers; and repealing K.S.A. 65-2872a, by Health Care Reform Legislative Oversight Committee.

SB 123, An act concerning insurance; relating to the licensure of insurance producers; amending K.S.A. 40-3702 and repealing the existing section; also repealing K.S.A. 40-239, 40-240, 40-240f, 40-241a, 40-241b, 40-241c, 40-241d, 40-241e, 40-241f, 40-241g, 40-241i, 40-242, 40-245, 40-246, 40-3701, 40-3703, 40-3704, 40-3705, 40-3706, 40-3707, 40-3708, 40-3709, 40-3710, 40-3711, 40-3712, 40-3713 and 40-3714, by Committee on Financial Institutions and Insurance.

SB 124, An act establishing the Kansas council on school district finance and quality performance; imposing duties on the council, by Committee on Education.

Senate Concurrent Resolutions

SCR 1604, A proposition to amend sections 6 and 7 of article 3 of the constitution of the state of Kansas, relating to nonpartisan selection of district judges and the creation of commission for evaluating judicial performance.

SCR 1605, A concurrent resolution urging the Bush administration to withdraw certain environmental protection agency regulations.

Senate Resolutions

SR 1805, A resolution congratulating and commending Chaplain Singer.

Doc. No. 026112

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. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 1-29-01 through 2-4-01	
Term	Rate
1-89 days	6.00%
3 months	5.08%
6 months	5.00%
1 year	4.89%
18 months	4.86%
2 years	4.80%

Derl S. Treff
Director of Investments

Doc. No. 026111

(Published in the Kansas Register February 1, 2001.)

**Summary Notice of Bond Sale
City of Park City, Kansas
\$1,145,000**

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

Bids

Subject to the notice of bond sale dated January 23, 2001, sealed, facsimile and electronic bids will be received by the clerk of the City of Park City, Kansas (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at City Hall, 6110 N. Hydraulic, Park City, KS 67219, and in the case of electronic bids, through Thomson Financial Municipals Group BiDCOMP/PARTY electronic bid submission system, until 11 a.m. February 13, 2001, for the purchase of \$1,145,000 principal amount of General Obligation Bonds, Series 2001-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

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

Year	Principal Amount
2002	\$15,000
2003	55,000
2004	60,000
2005	65,000
2006	65,000
2007	70,000
2008	75,000
2009	75,000
2010	80,000
2011	85,000

2012	90,000
2013	95,000
2014	100,000
2015	105,000
2016	110,000

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 \$22,900 (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 March 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 \$27,569,273. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold and temporary notes in the approximate amount of \$2,200,000 being sold simultaneously with the issuance of the bonds, but excluding temporary notes to be retired in conjunction therewith, is \$9,207,000.

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) 744-2026, fax (316) 744-3865; or from the financial advisor, Froggatte & Company, 320 N. Main, Wichita, KS 67202, Attention: Theron L. Froggatte, (316) 264-6300, fax (316) 264-7999.

Dated January 23, 2001.

City of Park City, Kansas

Doc. No. 026134

State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet at 11 a.m. Thursday, February 8, in the meeting room of the Administration Building at the fairgrounds in Hutchinson. For further information, contact Deana Novak at (316) 669-3612.

Bob Barker
President

Doc. No. 026133

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. Bazin Excavating has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to add rock crushing equipment. Emissions of sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), total particulate matter (PM) and particulate matter equal to or less than 10 microns in diameter (PM₁₀) were evaluated during the permit review process.

Bazin Excavating, Overland Park, owns and operates the portable rock crushing equipment.

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 Johnson County Environmental Department, 1118 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Herbert Buckland, (785) 296-6438, at the KDHE central office, or Mike Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Herbert Buckland, 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 March 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 March 5 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026131

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. Atchison Steel Casting and Machining 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.

Atchison Steel Casting and Machining, Atchison, owns and operates a steel foundry located at 400 S. Fourth St., Atchison.

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 Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Alan Brooks, (785) 296-6281, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

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

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 im-

practicable 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. 026122

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-01-028/036

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
J-Six Farms Inc. (80 Farm) c/o John Kramer P.O. Box 170 Seneca, KS 66538	SW 1/4 of Section 28, T4S, R13E, Nemaha County	Kansas

Kansas Permit No.: A-KSNM-S015

This is a permit renewal and expansion of a current permit for an existing facility for 1,260 head (504 animal units) of swine greater than 55 pounds.

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 shall be adhered to as a condition of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
J-Six Farms Inc. (Oneida Farm) c/o John Kramer P.O. Box 170 Seneca, KS 66538	NW 1/4 of Section 26, T2S, R13E, Nemaha County	Missouri

Kansas Permit No.: A-MONM-S039

This is a permit renewal and expansion of a current permit for an existing facility for 2,000 head (200 animal units) of swine 55 pounds or less.

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 shall be adhered to as a condition of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
J-Six Farms Inc. (North Farm) c/o John Kramer P.O. Box 170 Seneca, KS 66538	SE 1/4 of Section 3, T3S, R13E, Nemaha County	Missouri

Kansas Permit No.: A-MONM-S048

This is a permit renewal and expansion of a current permit for an existing facility for 1,420 head (568 animal units) of swine greater than 55 pounds and for 2,500 head (250 animal units) of swine 55 pounds or less for a total of 818 animal units.

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 shall be adhered to as a condition of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
J-Six Farms Inc. (East Farm) c/o John Kramer P.O. Box 170 Seneca, KS 66538	SE 1/4 of Section 30, T2S, R16E, Brown County	Missouri

Kansas Permit No.: A-MOBR-S040

This is a permit renewal of a current permit for an existing facility for 3,710 head (371 animal units) of swine 55 pounds or less.

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 shall be adhered to as a condition of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Goertzen Farms 1040 Falcon Road Newton, KS 67114	SW 1/4 of Section 18, T21S, R2E, Marion County	Nemaha

Kansas Permit No.: A-NEMN-S021

This is a new permit for an existing facility for a maximum of 350 head (290 animal units) of cattle and of 1,218 head (343.2 animal units) of swine for a total of 1,568 head (633.2 animal units) of cattle and swine.

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 shall be adhered to as a condition of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Art Regehr & Sons 518 Cheyenne Road Inman, KS 67546	SW 1/4 of Section 1, T21S, R5W, McPherson County	Little Arkansas River

Kansas Permit No.: A-LAMP-S024

This is a renewal permit for an existing facility for 1414 head (742.6 animal units) of cattle and swine.

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 shall be adhered to as a condition of this permit.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Gary Chaffee 2008 11th Road Clay Center, KS 67432	NE 1/4 of Section 18 & NW 1/4 of Section 17, T9S, R4E, Clay County	Republican River

Kansas Permit No.: A-LRCY-S022

This is a modification permit for an existing facility. The new permit increases the permitted capacity from 1,800 head of swine weighing more than 55 pounds (720 animal units) and 1,000 head of swine weighing less than 55 pounds (100 animal units), for a total of 2,800 head (820 animal units) of swine, to 2,100 head of swine weighing more than 55 pounds (840 animal units) and 1,000 head of swine weighing less than 55 pounds (100 animal units), for a total of 3,100 head (940 animal units) of swine, to reflect the actual existing capacity of the facility.

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
Rose Pork Inc. Route 1, P.O. Box 43A Cawker City, KS 67430	NE 1/4 of Section 6 & NW 1/4 of Section 8, T5S, R9W, Jewell County	Solomon River

Kansas Permit No.: A-SOJW-H001

Federal Permit No.: KS-0116360

This is a renewal and modification permit for an existing facility. The new permit increases the permitted capacity from 5,950 head of swine weighing more than 55 pounds (2,380 animal units) to 7,240 head of swine weighing more than 55 pounds (2,896 animal units) and 6,230 head of swine weighing less than 55 pounds (623 animal units), for a total of 13,470 head (3,519 animal units) of swine, to reflect the actual existing capacity of the facility. The existing evaporative lagoon system is being relocated outside of the Limestone Creek flood plain.

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
York Brothers Feedlot P.O. Box 218 Healy, KS 67850	NW 1/4 of Section 9, T17S, R30W, Lane County	Upper Arkansas River Basin

Kansas Permit No.: A-UALE-B004

This is a renewal permit for a existing facility for 850 head (850 animal units) of beef cattle.

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.

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 March 3 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-028/036) 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. 026133

State of Kansas

Department of Education

Temporary Administrative
Regulations

Article 41.—MENTOR TEACHER PROGRAMS

91-41-1. Definitions. (a) "Board" means any local board of education.

(b) "Certificated" or "licensed" means holding a valid certificate or license issued by the state board.

(c) "Continuous assistance" means ongoing, structured, and unstructured contact throughout the school year.

(d) "Kansas exemplary educators network" means the Kansas teacher of the year program, Milken family foundation national educator awards program, presidential award for excellence in math and science teaching, and the Christa McAuliffe fellowship program.

(e) "Mentor teacher" means a certificated or licensed teacher who meets the following criteria:

(1) Has completed at least three consecutive school years of employment in the same school district;

(2) has been selected by the board on the basis of having demonstrated exemplary teaching ability as indicated by criteria established by the state board in these regulations; and

(3) has participated in, and successfully completed, a training program for mentor teachers provided for by the board in accordance with guidelines prescribed by the state board.

(f) "Mentor teacher program" means a program established and maintained by a board for the purpose of providing probationary teachers with the professional support and continuous assistance of an on-site mentor teacher.

(g) "On-site" means at the location where a probationary teacher is assigned.

(h) "Probationary teacher" means a certificated or licensed teacher to whom the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply.

(i) "School year" means July 1 through June 30.

(j) "State board" means the state board of education.

(k) "Training" means professional development provided to mentor teachers to enable them to support and assist probationary teachers. (Authorized by and implementing L. 2000, ch. 138, § 5; effective, T-91-1-18-01, Jan. 18, 2001.)

91-41-2. General requirements. (a) Each board making application for a grant of state moneys for a mentor teacher program shall submit a completed application to the state board on or before August 1 of the school year.

(b) Each board receiving state funds for a mentor teacher program shall submit an annual evaluation report to the state board. The report shall be submitted on or before June 30. (Authorized by and implementing L. 2000, ch. 138, § 5; effective, T-91-1-18-01, Jan. 18, 2001.)

91-41-3. Criteria for evaluating applications and approving mentor teacher programs. Each board applying for approval of a mentor teacher program shall sub-

mit an application containing the following statements and descriptions: (a) A statement of the district's purpose or purposes for establishment of the mentor teacher program;

(b) a description of the year-long continuous assistance activities to be provided under the program, including a description of the structured contact time between the mentor teacher and the probationary teacher and the unstructured opportunities to be provided under the program;

(c) a description of the expectations for district administrators in supporting the program;

(d) a description of how the mentor teacher program aligns with other professional development initiatives in the district;

(e) a description of the method to be used to assign a mentor teacher to a probationary teacher giving consideration to endorsement areas, grade levels, and building assignment;

(f) a description of the process to be used for reassignment of a successor mentor if the original mentor is unable to fulfill responsibilities; and

(g) a description of how the program will establish ongoing professional development and support for each mentor teacher under the program. (Authorized by and implementing L. 2000, ch. 138, § 5; effective, T-91-1-18-01, Jan. 18, 2001.)

91-41-4. Criteria for determining exemplary teaching ability for qualification as a mentor teacher. In determining whether a teacher has demonstrated exemplary teaching ability for qualification as a mentor teacher, each board shall consider the following criteria: (a) Professional competency as indicated by the board's most recent evaluation of the teacher under K.S.A. 72-9001 through K.S.A. 72-9006, and amendments thereto, including competency in the teacher's area of certification or licensure, effective communication skills, and efficacy of instruction; and

(b) recognition under national or state programs, including the national board teaching certification program and the Kansas exemplary educators network. (Authorized by and implementing L. 2000, ch. 138, § 5; effective, T-91-1-18-01, Jan. 18, 2001.)

Andy Tompkins
Commissioner of Education

Doc. No. 026127

State of Kansas

Department of Human Resources
Division of EmploymentPermanent Administrative
Regulations

Article 1.—MEANING OF TERMS

50-1-2. Meaning of terms relating to both unemployment compensation contributions and benefits. (a) Division. "Division" means the division of employment security, department of human resources, state of Kansas.

(continued)

(b) State. "State," for purposes of the interstate reciprocal coverage arrangement, the interstate benefit payment agreement, and the interstate plans for wage combining, means the states of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and Canada, if the state has subscribed to the agreement or arrangement and has not terminated its adherence thereto. (Authorized by and implementing K.S.A. 1999 Supp. 44-714(a), (k); effective Jan. 1, 1966; amended May 1, 1980; amended Feb. 16, 2001.)

50-1-3. Definitions relating primarily to unemployment compensation contributions. (a) "Market" means the place or point where the producer or grower of the commodity customarily parts with economic interest in its future form or destiny.

(b) "Wages paid" shall include both wages actually received by the worker and wages constructively paid. Wages are constructively paid when they meet the following criteria:

(1) Are credited to the account of or set apart for a worker without any substantial restriction as to the time or manner of payment or condition upon which payment is to be made;

(2) are made available so that they may be drawn upon by the worker at any time; or

(3) are brought within the worker's own control and disposition, although not then actually reduced to possession. (Authorized by and implementing K.S.A. 1999 Supp. 44-703 and 44-714(a); effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1980; amended May 1, 1983; amended May 1, 1987; amended Feb. 16, 2001.)

50-1-4. Definitions; unemployment compensation claims and benefit payments. (a) "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or other special factors under provisions of any other state law. An "exhaustee" is an individual who has been paid all available unemployment insurance benefits.

(b) "Agent state" means any state in which an individual files a claim for benefits against another state.

(c) "Continued claim" means a request, filed as prescribed, for waiting period credit or benefits for a week of unemployment.

(d) "Covered wages" means wages paid for employment that is subject to the provisions of the Kansas employment security law.

(e) "Initial application or claim" means a new application or an additional application.

(1) "New application or claim" means a notice by a worker, filed as prescribed, that the worker intends to claim unemployment compensation benefits and desires a determination as to the worker's rights to benefits, the validity of the claim, and, if valid, the inclusive dates of the worker's benefit year and the amount of benefits for which the worker is qualified on the basis of base period wage credits.

(2) "Additional application or claim" means a notice by any worker with a benefit year currently in effect, filed as prescribed, that the worker intends to resume the worker's claim in the previously established benefit year.

(f) "Interstate benefit payment plan" means the plan approved by the interstate conference of employment security agencies under which benefits are payable to unemployed individuals absent from the state or states in which benefit credits have been accumulated.

(g) "Interstate claimant" means an individual who claims benefits under the unemployment compensation law of a liable state from another state, through the facilities of an agent state or directly with the liable state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in another state to work in a liable state unless the liable state finds that this exclusion would create undue hardship on claimants in specified areas.

(h) "Liable state" means any state against which an individual files a claim for benefits.

(i) A "mass layoff" means a layoff of 25 or more workers because of lack of work, by an employer, at or about the same time.

(j) "Student," as used in K.S.A. 44-703(i)(4)(N) and amendments thereto, is an individual who performs services in the employ of a school, college, or university and who is enrolled and regularly attending classes at the school, college, or university. If the individual is pursuing a regular course of study in accordance with the requirements of the school the individual attends, the individual shall meet the requirements of "regularly attending classes."

Any individual who performs services in the employ of a school, college, or university that are incidental to and for the purposes of pursuing a course or courses of study at the school shall be considered to have the status of a student in the performance of that service. An individual who performs services in the employ of a school, college, or university primarily as a means of earning a livelihood may be considered an employee even though the individual takes a course or courses of study at the school. This individual shall not be classified as a "student" in the performance of these services.

(k) Types of unemployed workers.

(1) "Full-time employment" means that, with respect to any one week, an individual works 40 or more hours or any other number of hours that is the recognized custom in the industry, irrespective of the individual's earnings for the week.

(2) "Partial unemployment" means that, with respect to any one week, an individual works less than full time because of lack of work and earns less than the individual's weekly benefit amount. Work and earnings from all employment shall be considered together in determining whether the individual worked less than full time and earned less than the individual's weekly benefit amount during the week.

(3) "Temporary unemployment" means that the individual has been laid off due to lack of work by an employing unit for which the individual has worked full time and for which the individual expects to again work full time, and that the individual's employment with the employing unit, although temporarily suspended, has not been terminated. Temporary unemployment shall not exceed four consecutive weeks.

(4) "Total unemployment" means that, with respect to any one week, the individual performs no services and earns no remuneration for services.

(l) "Week" means the calendar week of seven consecutive days beginning 12:01 a.m. Sunday and ending 12:00 midnight the following Saturday.

(m) "Week of unemployment" shall include any week of unemployment, as defined in the law of the liable state, from which benefits with respect to that week are claimed. (Authorized by K.S.A. 1999 Supp. 44-714; implementing K.S.A. 1999 Supp. 44-703, 44-704, 44-705, 44-709, and 44-714; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1984; amended Feb. 16, 2001.)

Article 2.—UNEMPLOYMENT INSURANCE; CONTRIBUTING, REIMBURSING AND RATED GOVERNMENTAL EMPLOYMENT

50-2-1. Rules pertaining to the cash value of remuneration in kind. (a) Board, lodging, and any other forms of payment in kind to a worker that represent remuneration for services in addition to or in lieu of cash payments shall constitute wages, unless K.S.A. 44-703 (o) (11), and amendments thereto, applies. When payment for services is made partially in kind and deducted from the cash wages otherwise due a worker, the original cash wages due shall constitute the worker's wages.

(b) The value of payments in kind determined by the secretary shall be used to compute contributions due and benefit payments.

(c) A cash value of payments in kind furnished to a worker agreed upon by the worker and the worker's employing unit shall be deemed the value of this payment in kind unless it is less than the value of the payment in kind as specially determined by the secretary or, in the case of board and lodging, less than the value prescribed in subsection (d) of this regulation.

(d) Unless a different rate for board or lodging is determined by the secretary for a particular case, board or lodging furnished in addition to or in lieu of cash wages shall be deemed to have the following values:

(1) Lodging: Two-thirds of the market rental value of comparable lodging; and

(2) meals: 120% of the cost of all meal ingredients. (Authorized by and implementing K.S.A. 1999 Supp. 44-703(o); effective Jan. 1, 1966; amended May 1, 1980; amended May 1, 1987; amended Feb. 16, 2001.)

50-2-3. Payment of contributions and benefit cost payments. (a) Contributions and benefit cost payments with respect to wage payments. Contributions and benefit cost payments shall be payable for each calendar quarter with respect to wages paid during that calendar quarter.

(b) First contribution and benefit cost payment. The first contribution and benefit cost payment of any employing unit that becomes an employer at any time during the calendar year shall, except as otherwise provided in this regulation, become due on, and shall be paid on or before, the 25th day following the close of the quarter in which the employing unit becomes an employer and

shall include contributions and benefit cost payments with respect to all wages paid during that calendar year, through the last day of that calendar quarter.

(c) Contributions and benefit cost payments: payment on notice of liability. Whenever the secretary or designee has, in writing, advised an employing unit that it has been determined not to be an employer or that services performed for it do not constitute employment, and when a legal obligation on the part of that unit to pay contributions and benefit cost payments is subsequently established, accrued contributions and benefit cost payments shall become due and interest shall accrue thereon 10 days after the employing unit is informed of its liability.

(d) Assessment of penalty and interest on newly subject employers. New employers subject to this act who fail to file wage reports and pay contributions and benefit cost payments due within the 10-day period authorized by K.S.A. 44-717(a), and amendments thereto, shall be assessed penalty and interest from the first contribution and benefit cost payment due date shown on the form "notice of establishment or change" mailed to the employer.

(e) First contribution and benefit cost payment: payment; elective coverage. The first contribution and benefit cost payment of any employing unit that elects to become an employer or to have nonsubject services performed for it deemed employment shall, upon notice of approval of that election by the secretary, become due on and shall be paid, except as otherwise provided by this regulation, on or before the last day of the month following the close of the calendar quarter that includes either of the following, whichever is later:

(1) The effective date of the election; or

(2) the date of approval.

The first payment shall include contributions and benefit cost payments with respect to all wages for services covered by the election paid on and after the effective date and through the last day of the calendar quarter.

(f) Saturdays, Sundays, and holidays. When the regular payment day for any employer falls on Saturday, Sunday or a legal holiday, the payment shall be due and payable on the first regular business day following the payment day.

(g) Mail payments and wage reports. Payments and wage reports received through the mail shall be deemed to have been made or filed on the date they are placed in the United States mail. For the purpose of this regulation, the date placed in the United States mail shall mean the postmark date.

(h) Payment by check. When payment is made by check, the checks shall be payable to the Kansas employment security fund.

(i) Past due payments. Any employer who fails to pay any applicable contributions, payment in lieu of contributions, or benefit cost payment when due shall be subject to the interest, penalty, and actions provisions of K.S.A. 44-717, and amendments thereto. (Authorized by and implementing K.S.A. 1999 Supp. 44-710(a) and K.S.A. 1999 Supp. 44-717; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1980; amended May 1, 1983; amended Feb. 16, 2001.)

(continued)

50-2-9. (Authorized by K.S.A. 1980 Supp. 44-703(x), 44-710(e)(1) and (3), 44-711(e); effective Jan. 1, 1972; amended May 1, 1980; revoked Feb. 16, 2001.)

50-2-12. Reports by reimbursing employers. Each reimbursing employer shall file, with the division, a report on forms furnished or authorized by the division. The report shall indicate for each covered worker the following information:

- (a) Social security number;
- (b) first and middle initial, and last name; and
- (c) total amount of wages, before deductions, paid during the quarter.

Each employer shall be subject to the provisions of K.S.A. 44-717, and amendments thereto. (Authorized by K.S.A. 1999 Supp. 44-714; implementing K.S.A. 1999 Supp. 44-710(e)(2), 44-717; effective Jan. 1, 1972; amended May 1, 1980; amended May 1, 1984; amended Feb. 16, 2001.)

50-2-17. Classification of employers by industrial activity. All employers subject to the Kansas employment security law shall be classified by industrial activity in accordance with the following, both of which are hereby adopted by reference:

(a) The "standard industrial classification manual," 1987 edition, published by the office of management and budget; and

(b) the "North American industry classification system," 1997 edition, published by the office of management and budget. (Authorized by and implementing K.S.A. 1999 Supp. 44-710a; effective May 1, 1983; amended Feb. 16, 2001.)

50-2-18. Surety bond or surety deposit requirements for reimbursing employers. (a) Each employer who elects to become liable for payments in lieu of contributions in accordance with K.S.A. 44-710(e)(1), and amendments thereto, shall be required to file with the secretary a surety bond or surety deposit as set forth in K.S.A. 44-710(e)(2)(F), and amendments thereto.

(b) Minimum time period. The bond or deposit shall be required for a minimum period of four complete calendar years. If, at the close of that time period, the employer has a history of timely reporting and prompt payment of reimbursing the employer's quarterly benefit charges, the surety bond or deposit shall no longer be required by the secretary.

(c) Termination or inactivity. Any reimbursing employer who ceases to be an employer under the Kansas employment security law while a surety bond or deposit is in effect shall be required to maintain that bond or deposit for a minimum period of three years after required reporting of wages ends.

(d) Surety amount when wages not paid during four calendar quarters immediately preceding effective date of election. The surety amount shall not exceed 5.4% of an estimate of the organization's taxable wages for a four-calendar-quarter period. If an organization has an increase in employment during the time a surety bond or deposit is required, the organization may be required by the secretary or designee to increase the amount of the bond or deposit. The employer shall be notified of the

increase within 60 days after the beginning of the calendar year in which the change is to be effective, and the employer shall have 30 days from the date of mailing of the notice to file the increased surety bond or deposit. (Authorized by and implementing K.S.A. 1999 Supp. 44-710(e); effective May 1, 1983; amended Feb. 16, 2001.)

50-2-19. Contribution appeal process for employers. To resolve any protest to any determination made pursuant to K.S.A. 44-703, 44-710, 44-710a, 44-710b, 44-710d, 44-717(j), and 44-719(e), and amendments thereto, the following procedures shall be followed:

(a) Request for administrative review. The administrative review shall be made by the chief of contributions or the chief of contributions' authorized representative based upon facts presented or upon additional facts furnished by the employer or secured by the agency. An appeal to the chief of contributions or the chief's authorized representative's determination shall not stay the enforcement of the order made unless the chief of contributions or the authorized representative orders a suspension of enforcement.

(1) Notice of liability determinations. Each employer shall be notified by the secretary or designee of any determination made pursuant to K.S.A. 44-703 and amendments thereto. That determination shall become conclusive and binding upon the employer, unless within 20 days after the mailing of notice of the determination to the employer's last known address, or within 15 days after the hand delivery of that notice, the employer requests, in writing, an administrative review. The request shall set forth the reasons an administrative review is desired.

(2) Notice of contribution rate or benefit cost rate. Each contributing employer shall be notified by the secretary or designee of the employer's rate of contributions and each rated governmental employer of its benefit cost rate for any calendar year pursuant to K.S.A. 44-710, 44-710a, and 44-710d, and amendments thereto. Those determinations shall become conclusive and binding upon the employer, unless within 15 days after the mailing of notice to the employer's last known address, or within 15 days after the hand delivery of that notice, the employer requests, in writing, an administrative review. The request shall set forth the reasons a review is requested.

(3) Notice of benefit payments. Notice shall be given annually to each contributing employer and each rated governmental employer of the benefits paid and charged to its account during the 12-month period immediately preceding the computation date. Notice shall be given quarterly to each reimbursing employer of the reimbursable benefits paid during the previous calendar quarter. Each employer shall have 20 days from the mailing of the notice to the employer's last known address, or within 15 days after hand delivery of the notice to the employer, to request in writing an administrative review to protest the correctness of the pro rata charges of benefit payments to the employer's account. Nothing in this regulation shall be construed to permit the protest of the eligibility of a claimant to receive benefits under K.S.A. 44-705, and amendments thereto, or to protest a prior determination of chargeability at the time a valid new claim is presented

under K.S.A. 44-710(c), and amendments thereto. In the absence of the request in writing for an administrative review, the benefits paid and charged to the employer's account shall become conclusive and binding upon the employer for all purposes.

(4) Notice of transfer of experience rating factors. Notice shall be given to the predecessor and successor employers of the transfer of experience rating factors of a predecessor employer whose business has been acquired by a successor employer as defined in K.S.A. 44-710a(b), and amendments thereto. That determination shall become conclusive and binding upon the predecessor and the successor, unless within 20 days after the mailing of notice thereof to the predecessor's and successor's last known addresses, or within 15 days after the hand delivery of the notice, the predecessor employer, the successor employer, or both, request in writing an administrative review.

(5) Notice of willful failure to pay determinations. Any officer, major stockholder, or other person who has charge of the affairs of an employer shall be notified by the secretary of human resources or designee of any determination made pursuant to K.S.A. 44-717(j) and 44-719(e), and amendments thereto. Those determinations shall become conclusive and binding upon the employer, unless within 20 days after the mailing of the notice to the individual's last known address, or within 15 days after hand delivery of the notice, the individual requests, in writing, an administrative review. The request shall set forth the reasons a review is requested.

(b) Request for administrative hearing.

(1) The employer shall be notified within 60 days of the results of the administrative review, in writing, by the chief of contributions or an authorized representative. The results of the administrative review shall become conclusive and binding upon the employer unless, within 20 days after the mailing of notice thereof to the employer's last known address, or within 15 days after the hand delivery of that notice, the employer requests, in writing, an administrative hearing. The request shall include the reasons a hearing is desired.

(2) If the secretary or designee grants an administrative hearing, the employer shall be notified of that determination within 10 days and shall be granted an opportunity for a fair hearing before the secretary or designee.

(3) Upon receipt of a determination granting an administrative hearing as specified in this subsection and upon agreement of all parties in interest, the parties may notify the secretary or designee, in writing, within 10 days from the receipt of the determination, of the parties' desire for mediation. This notice shall include the names and addresses of all parties in interest and a statement that all parties in interest are agreeing to mediation.

(A) Within 10 days from the receipt of a request for mediation, the parties shall be notified by the secretary or designee of the determination. If the request for mediation is denied, the matter shall proceed to administrative hearing. If the request is granted, the administrative hearing may be held in abeyance pending completion of the mediation process. The determination granting or denying a request for mediation shall not be subject to review or appeal.

(B) If the parties are unable to reach agreement through mediation, the matter shall be set for administrative hearing.

(4) At the administrative hearing, the employer shall be entitled to the following:

(A) To be present;

(B) to be represented by counsel or by a designated representative of the employer's choice, at the employer's own expense;

(C) to present oral testimony or written evidence, or both;

(D) to examine witnesses and documents;

(E) to cross-examine witnesses; and

(F) to offer rebuttal testimony or evidence.

(5) Witnesses may be subpoenaed to present materials including books, papers, and records, or to give oral testimony as provided in K.S.A. 44-714(h), (i), and (j), and amendments thereto.

(c) Judicial review. The hearing officer shall render a decision concerning all matters at issue in the hearing within 90 days. The employer shall be notified within 30 days of the secretary's findings as a result of the administrative hearing. An appeal may be taken from the order of the secretary or designee pursuant to K.S.A. 44-710b(b) or K.S.A. 60-2101(d), and amendments thereto, whichever is applicable. (Authorized by K.S.A. 1999 Supp. 44-714; implementing K.S.A. 1999 Supp. 44-703, 44-710, 44-710a, 44-710b, and K.S.A. 44-710d; effective May 1, 1983; amended Feb. 16, 2001.)

50-2-21. Computation of employer contribution rates. (a) The terms "total wages" and "taxable wages," as used in this regulation, shall refer to all payrolls for contributing employers, reported and received by September 1 following the computation date of June 30, for all employment during the fiscal year ending on the computation date. The certified payroll information on September 30 that is required for the computation delineated in this regulation shall be provided by the director of data processing.

(b) Planned yield. The approximate amount of the planned yield for the ensuing calendar year shall be computed as follows:

(1) The planned yield on total wages in column B of Schedule III A, of K.S.A. 44-710a(a)(3), and amendments thereto, shall be determined by the reserve fund ratio in column A of the same schedule. The reserve fund ratio shall be computed by dividing the total assets of the employment security fund, on July 31, following the computation date and as certified by the chief of management, by the total payrolls for the preceding fiscal year ended June 30, as certified by the director of data processing.

(2) The average rate of contributions shall be determined by multiplying the ratio of total to taxable payrolls for the preceding fiscal year ended June 30 by the planned yield computed in paragraph (b)(1) of this regulation. In any calendar year in which the taxable wage base changes, the calculation for that calendar year and the following calendar year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during the preceding fiscal year ending June 30.

(continued)

(3) The approximate amount of the planned yield for the ensuing calendar year shall be the taxable wages for the previous fiscal year ended June 30, multiplied by the average rate of contributions computed in paragraph (b)(2) of this regulation, rounded to the nearest \$100,000.00.

(c) Estimated yield from ineligible employer accounts.

(1) Estimated contributions for industry-rated employers.

(A) The computation shall be made using a certified tabulation provided by the director of data processing entitled "all accounts except reimbursing—cross-classification by rate and industry." The procedure for computing the average contribution rate for all industries and for each industry division shall be identical. The rate of the preceding calendar year for each rate group in the industry division shall be cumulatively multiplied times the taxable wages in each corresponding rate group for the industry division. The cumulative total shall be divided by the total taxable wages in the industry to determine the industry rate. The assigned rate for each industry shall be the sum of 1.0 percent plus the computed rate or the sum of 1.0 percent plus the average rate of all employers, whichever is higher. The assigned rate shall not be less than 2.0 percent.

(B) The average rate for all industries shall be computed by cumulatively multiplying the calculated rate of each industry division times the total taxable wages for that industry division and dividing the cumulative total by the total taxable wages for the industry divisions.

(C) The estimated contributions for each specially rated industry division and all other divisions shall be computed by multiplying the taxable wages for the corresponding industry divisions or all other industry divisions by the appropriate assigned rate.

(2) The total estimated yield for active ineligible employer accounts shall be the sum of the estimated contributions for industry-rated employers.

(3) Negative account balance employers, as defined in K.S.A. 44-710a(d), and amendments thereto, shall pay at the statutory rate of 5.4 percent. In addition, negative balance employers shall be assessed a surcharge based on the size of the employer's negative reserve ratio. The director of data processing shall provide a certified listing of all negative account balance employers. The listing shall contain the negative reserve ratio, number of employers, and taxable wages for the fiscal year ended June 30. Each negative account balance employer shall be identified as shown in schedule II of K.S.A. 44-710a, and amendments thereto. The assigned rate shall be the sum of the statutory rate of 5.4 percent plus the applicable surcharge identified in schedule II of K.S.A. 44-710a, and amendments thereto. The estimated contributions of negative account balance employers shall be computed by multiplying the taxable wages of all negative account balance employers by only the statutory rate. The resultant product shall reflect the estimated yield from negative account balance employers.

(d) The required yield for eligible employer accounts shall be the approximate amount of the planned yield, computed in paragraph (b)(3) of this regulation, less the total estimated yield for active ineligible employer ac-

counts computed in paragraph (c)(2) of this regulation and less the total estimated yield from negative account balance employers computed in paragraph (c)(3) of this regulation.

(e) Rate adjustment for active eligible employer accounts.

(1) A certified array of each active eligible employer account shall be provided by the director of data processing in accordance with schedule I, K.S.A. 44-710a, and amendments thereto. The tabulation shall include the following:

(A) The lowest reserve ratio in each rate group;

(B) the number of employers in each rate group;

(C) the amount of taxable wages in each rate group;

(D) the cumulative amount of taxable wages for all accounts from the first through each succeeding rate group; and

(E) the final, total taxable payrolls for the fiscal year ended June 30, for all active eligible employer accounts. In any calendar year in which the taxable wage base changes, the taxable wages used in the calculation for that calendar year and the following calendar year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during all of the preceding fiscal year ending June 30.

(2) The average rate required shall be the required yield for eligible employer accounts, determined in subsection (d) of this regulation, divided by the total taxable payrolls listed in paragraph (e)(1)(E) of this regulation.

(3) The average rate required shall be divided by the average estimated yield of the array to develop an adjustment factor. The average estimated yield of the array shall be computed by cumulatively multiplying the taxable payrolls in each rate group by the experience factor denoted for each rate group in schedule I, K.S.A. 44-710a(a)(2), and amendments thereto, and dividing by the total taxable payrolls for active accounts. The experience factor for each rate group in schedule I shall be multiplied by the adjustment factor to determine the adjusted tax rate for each rate group, with the statutory maximum as an upper limit.

(4) The taxable payrolls for each rate group shall be multiplied by the adjusted tax rate computed for each rate group to determine the estimated contributions for each rate group.

(A) If the adjusted tax rate reaches the statutory maximum at a rate group numerically lower than the highest numbered rate group, or if the computed rate for any group is higher than the statutory maximum, the adjusted tax rates shall be adjusted further. The estimated additional contribution incurred because of the statutory maximum limit of the unadjustable groups shall be prorated over rate groups other than those that are unadjustable. The taxable payrolls and estimated contributions of the unadjustable groups shall be subtracted, respectively, from the totals of all groups and the balances used in the readjustment.

(B) The readjustment shall be accomplished by dividing the total estimated contributions of the adjustable groups by the total taxable payrolls of the adjustable rate groups to determine the required rate of yield for the groups. The estimated rate of yield for the rate groups

shall be computed by cumulatively multiplying the experience factor by the corresponding taxable payroll in each rate group and dividing the cumulative total by the total taxable wages of the rate groups. The required rate of yield shall be divided by the estimated rate of yield for the adjustable groups to determine the final adjustment factor.

(C) The experience factors of all rate groups in schedule I shall be multiplied by the final adjustment factor to determine the final effective contribution rates for the eligible contributing employers, with no effective contribution rate to exceed 5.4 percent.

(f) A computation and listing of the effective employer contribution rates shall be prepared by the chief of labor market information services. If, in rounding to the terminal digit, it is determined that the position following the terminal digit is five and all succeeding digits are zero, the terminal digit shall be rounded to the nearest even digit. All such calculations shall be rounded to the nearest $\frac{1}{1000}$ except as mandated by K.S.A. 44-710a(a)(3), and amendments thereto, requiring all rounding be to the nearest $\frac{1}{100}$. (Authorized by K.S.A. 1999 Supp. 44-714; implementing K.S.A. 1999 Supp. 44-710a; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended June 25, 1990; amended Nov. 22, 1996; amended Feb. 16, 2001.)

50-2-26. Interest on overpayments. (a) Interest shall be allowed and paid upon any overpayment of contributions or benefit cost payments that the secretary has determined was erroneously collected at the rate established under K.S.A. 79-2968, and amendments thereto.

(b) This interest shall be allowed and paid as follows:

(1) In the case of a credit, no interest shall be paid if the employer chooses to use the credit against future taxes.

(2) In the case of a refund, interest shall be allowed from the last day prescribed for filing the overpaid return to the date of the refund check to the employer.

(3) Notwithstanding paragraph (b)(1) or (2) in the case of a return or an adjustment of tax that is filed after the last date prescribed for filing the return, no interest shall be allowed or paid for any day before the date on which the return or adjustment is filed.

(4) No interest shall be paid until the return is in a processible form. A return shall be deemed to be in a processible form if both of the following conditions are met:

(A) The return is filed on a permitted form.

(B) The return contains the following information:

(i) The employer's name, address, account number, and reporting period; and

(ii) sufficient required information, whether on the return or on required attachments, to permit the mathematical verification of tax liability and the required wage credits shown on the return as set forth in the form instructions. (Authorized by K.S.A. 1999 Supp. 44-714; implementing K.S.A. 1999 Supp. 44-717(h); effective Feb. 16, 2001.)

Article 3.—UNEMPLOYMENT INSURANCE BENEFITS

50-3-1. Employing unit requirements. (a) Benefit posters. Each employer shall post and maintain an un-

employment insurance benefit poster and the certificate of registration as an employer in a conspicuous place in each plant, branch, or establishment maintained by that employer. Each employer shall be furnished by the secretary with sufficient copies of the poster and certificate to enable compliance with this regulation.

(b) List of workers affected by labor dispute. Upon request by the secretary, an employing unit shall furnish the secretary with a list showing the names and social security numbers of all workers ordinarily performing services in the department or establishment where unemployment is or was caused by a strike, lockout, or other labor dispute.

(c) Information pertaining to workers scheduled for mass layoff. Upon receiving a request from the secretary, an employer shall furnish the secretary with a list of employees scheduled to be involved in a mass layoff, showing the name, social security number, and scheduled date of layoff for each employee.

(d) Response to employer notice. Any base period employer who desires to request reconsideration of a charge to the employer's experience rating account, under K.S.A. 44-710(c) and amendments thereto, shall, within 10 days from the date the notice was sent to the employer, complete all requested information according to the instructions contained on the employer notice and return the form by mail, telefacsimile machine, electronic mail, or any other telephonic or electronic communications.

The employer shall provide the following information:

(1) A complete explanation of the circumstances;

(2) the date of separation, if any;

(3) the signature and title of the person completing the form for the employer;

(4) the employer's firm name and address;

(5) the date the form is completed; and

(6) any other information required by the form.

(e) Request for separation information, job refusal information, and verification of earnings. The secretary shall be authorized to require special reports from any employing unit to verify earnings, separation information, and job refusal information for individuals who have performed services or refused work for that employing unit when that information is needed for any purpose connected with the orderly administration of the benefit provisions of the unemployment insurance law of any state or of the federal government. In response to a request to verify earnings, separation information, or job refusal information, each employing unit shall, within 10 days from the date the request is sent to the employing unit, furnish all of the information requested, in the form stipulated. (Authorized by and implementing K.S.A. 1999 Supp. 44-705(a) and (b), 44-709(a), 44-710(c), and 44-714(a) and (f); effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1980; amended May 1, 1983; amended May 1, 1988; amended Feb. 16, 2001.)

50-3-2. Initial claims for benefits; intrastate workers. (a) Filing an initial claim. Each unemployed worker shall file a claim by telephone, mail, electronic mail, any other telephonic or electronic communications, or any manner prescribed by the secretary.

(continued)

(b) Effective date of initial claim. The effective date of an initial claim shall be the first day of the calendar week in which the filing date, as defined in subsection (c) of this regulation, occurs, unless otherwise provided. When filing occurs with respect to a week that overlaps a preceding benefit year, the effective date shall be the first day immediately following the expiration date of the preceding benefit year.

(c) Filing date of initial claims.

(1) Claim filed by telephone or other form of telephonic communication. The filing date of initial claims filed by telephone or any other form of telephonic communication shall be the actual date the worker contacts the division's call center to file the initial claim. If the worker fails to provide all required information during the original call or within seven days of the original filing date, the filing date shall become the date the information is provided in its entirety.

(2) Claim filed by mail.

(A) The filing date of initial claims filed by mail shall be the date the worker mailed a written request to the division for claim forms or otherwise attempted to file a claim. If the worker fails to return the completed forms to the claims office by the end of the calendar week following the week in which the forms were mailed to the worker, the filing date of the initial claim shall be the date on which the completed forms are mailed to the claims office.

(B) When a worker is given claim forms for completion and directed by a division representative to complete and return the forms to the claims office, the filing date of the initial claim shall be the actual date the forms were given to the worker. However, if the completed claim forms are not mailed to the claims office before the end of the calendar week following the actual date the forms were provided to the worker, the filing date of the initial claim shall be the actual date the completed forms were mailed to the claims office.

(3) Claim filed by electronic mail or any other means of electronic communication. The filing date of initial claims filed by electronic mail or any other means of electronic communication shall be the actual date the claim is transmitted by electronic mail or other means of electronic communication to the division.

(d) Late filed initial claim by totally or partially unemployed workers. If the effective date of an initial claim, established in accordance with subsection (b) of this regulation, is later than the first day of the calendar week in which the worker became unemployed because of a late filing date, and if the worker establishes good cause for the late reporting in accordance with K.A.R. 50-3-4(a) and files the initial claim during the second consecutive week in which the individual is unemployed, the effective date of the claim shall be the first day of the week in which the worker became unemployed.

(e) New claims. A new claim for benefits shall be filed in a manner prescribed by the secretary, which shall set forth the dates and reasons for separation from recent employment, and any other information required by the division. A new claim for benefits filed by a partially unemployed or temporarily unemployed worker shall constitute that employee's registration for work. Claims by

workers living outside the United States and its territories shall be filed in the same manner as that for intrastate claims. Claims personnel shall give each claimant necessary and appropriate assistance as they reasonably can, including referral to the public employment office most accessible to the employee.

Those employees temporarily unemployed, partially unemployed, or affiliated with a union that customarily places its members in employment may be excused from registration for work.

(f) Additional claims. A worker having previously established a benefit year that has not ended shall reinstate the claim by filing an additional claim if either of the following conditions is met:

(1) The employee has earned wages equal to or in excess of the employee's weekly benefit amount.

(2) The employee has failed to continue the claim for one or more consecutive weeks and has had intervening employment.

The additional claim shall be filed in a manner prescribed by the secretary, which shall set forth the date and reasons for separation from recent employment, and any other information that the division may prescribe in the forms. Claims by workers living outside the United States and its territories shall be filed in the same manner as those for intrastate claims. An additional claim for benefits filed by a partially unemployed or temporarily unemployed worker shall constitute that employee's registration for work. (Authorized by and implementing K.S.A. 1999 Supp. 44-709(a); effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1980; amended May 1, 1983; amended Feb. 16, 2001.)

50-3-3. Continued claims for benefits; intrastate workers. (a) Continued claim for benefits. Continued claims for benefits shall be filed as prescribed by the division setting forth the following:

(1) That the worker is unemployed;

(2) that the worker has performed no services and earned no wages except as reported; and

(3) any other information required.

(A) Change in status. A worker who initiated a claim as partially unemployed and who becomes temporarily unemployed and remains so through four consecutive weeks shall be formally registered for work in accordance with practices of the job service and thereafter continue the claims as a totally unemployed worker until the worker again becomes partially unemployed.

(b) Manner of reporting. The worker shall file continued claims by mail, telephone, or as otherwise directed by the division.

(c) Frequency of reporting.

(1) Workers filing claims for total, partial, or temporary unemployment shall file their continued claims for benefits on a weekly basis by telephone or as otherwise instructed.

(2) Claims for partial or temporary unemployment. A worker filing continued claims for benefits for partial or temporary unemployment shall file these claims by telephone, or as otherwise instructed any time within seven days from the close of the week of partial or temporary unemployment being claimed.

(d) Failure to contact a representative of the division or late filing; totally or partially unemployed workers. If a worker fails to file a continued claim for benefits as directed, as provided in subsection (c) of this regulation, but does so during the subsequent week, establishes good cause in accordance with K.A.R. 50-3-4(a) for the late filing, and is otherwise eligible, the claim shall be accepted by the division. If a worker fails to contact the division when directed to do so in accordance with subsection (c) of this regulation, then subsequent continued claims filed by the worker shall be denied until the worker contacts a representative of the division. These denied claims shall be reinstated and allowed if the worker is otherwise eligible, and if the individual contacts a representative of the division within 14 days from the date the worker should have contacted a representative and at that time establishes good cause as provided in K.A.R. 50-3-4(a) for the failure to contact a representative of the division as directed.

(e) Failure to report to participate in the worker profiling and reemployment service program. A worker selected to participate in reemployment services shall have good cause for failure to do so if the worker was prevented from participation due to any of the following reasons:

- (1) Employment;
 - (2) illness or disability;
 - (3) current participation in or previous completion of similar services;
 - (4) relocation from the area or residing beyond a reasonable commuting distance from the services;
 - (5) compelling personal reasons; or
 - (6) unreasonableness or impracticality of participation.
- (Authorized by and implementing K.S.A. 1999 Supp. 44-705(a) and (b), 44-709(a), and 44-714(a); effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1980; amended Feb. 16, 2001.)

50-3-4. Good cause for late filing; claims for total or partial unemployment. (a) If any of the conditions listed below in subsection (b) is met, at the time that the action listed below in paragraph (a)(1), (2), or (3) occurred, a worker shall be deemed to have good cause for any of the following:

- (1) Late filing of an initial claim, at the time the worker intended to file and during the balance of the calendar week;
 - (2) failure to file continued claims; or
 - (3) failure to contact a representative of the division as otherwise directed.
- (b)(1) The office to which the worker reports was unable to provide service as scheduled.
- (2) The worker was employed for wages.
 - (c) The worker was ill or disabled.
 - (d) The worker was influenced by coercion or intimidation exercised by an employer to prevent the worker from filing.
 - (e) The worker made reasonable efforts to file claim but was prevented by circumstances beyond the worker's control from actually doing so.
 - (f) There was good cause shown that prevented the worker from filing a claim.

(g) The worker's failure to file a claim resulted from erroneous information or instructions given the worker by a representative of the division. (Authorized by and implementing K.S.A. 1999 Supp. 44-705(a) and (b), 44-709(a), and 44-714(a); effective Jan. 1, 1966; amended May 1, 1980; amended Feb. 16, 2001.)

50-3-5. Benefit payments; interstate workers. (a) Interstate cooperation. The following regulation shall govern administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

(b) Definitions. As used in this regulation, unless the context clearly requires otherwise, the following terms shall have the meanings specified below:

(1) "Agent state" means any state from or through which an individual files a claim for benefits from another state.

(2) "Benefits" means the compensation payable to an individual, with respect to unemployment, under the unemployment insurance law of any state.

(3) "Interstate benefit payment plan" means the plan approved by the interstate conference of employment security agencies under which benefits are payable to unemployed individuals absent from the state or states in which benefit credits have been accumulated.

(4) "Interstate claimant" means an individual who files claim for benefits under the unemployment insurance law of a liable state from another state, through the facilities of an agent state, or directly with the liable state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in another state to work in a liable state, unless the Kansas department of human resources, division of employment security finds that this exclusion would create undue hardship on these claimants in specified areas.

(5) "Liable state" means any state against which an individual files, from or through another state, a claim for benefits.

(6) "State" shall include the District of Columbia, Puerto Rico, and the Virgin Islands.

(7) "Week of unemployment" shall include any week of unemployment as defined in the law of the liable state from which benefits with respect to that week are claimed.

(c) Notification of interstate claim. The liable state shall notify the agent state of each initial claim and each week claimed filed from the agent state, using the uniform procedures and record format pursuant to the interstate benefit payment plan.

(d) Registration for work.

(1) The agent state shall register for work each interstate claimant who files through the agent state or upon notification of direct filing with the liable state as required by the laws, regulations, and procedures of the agent state. This registration shall be accepted as meeting the registration requirements of the liable state.

(2) Each agent state shall duly report, to the liable state in question, each interstate claimant who fails to meet registration or reemployment assistance reporting requirements of the agent state.

(continued)

(e) Benefit rights of interstate claimants. If a claimant files a claim against any state and it is determined by the state that the claimant has available benefit credits in the state, the claims shall be filed against the state only as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits. For the purposes of this regulation, benefit credits shall be deemed to be unavailable under either of the following conditions:

(1) Whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable; or

(2) whenever benefits are affected by the application of a seasonal restriction.

(f) Claims for benefits.

(1) Claims for benefits or for a waiting period filed through the facilities of an agent state shall be filed by interstate claimants using approved methods and procedures developed pursuant to the interstate benefit payment plan. Claims shall be filed by calendar week. Any adjustments required to fit the type of week used by the liable state shall be made by the liable state.

(2) Claims for benefits or for a waiting period filed by an interstate claimant directly with the liable state shall be filed in accordance with the liable state's procedures.

(3) With respect to weeks of unemployment during which an individual is attached to the individual's regular employer, the liable state shall accept as timely any claim, including an initial claim or weeks claimed filed through the agent state within the time limit applicable to these claims under the laws of the agent state.

(g) Providing assistance to interstate claimants.

(1) Each agent state, upon request by an interstate claimant, shall assist the individual with the understanding and filing of necessary notices and documents.

(2) The liable state shall provide interstate claimants with access to information concerning the status of their claims throughout the normal business day.

(h) Eligibility review program. The liable state shall schedule and conduct eligibility review interviews for interstate claimants.

(i) Determination of claims.

(1) The agent state shall, in connection with each claim filed by an interstate claimant, identify to the liable state in question any potential issue relating to the claimant's availability for work and eligibility for benefits as determined by the agent state.

(2) The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to the identification of potential issues identified in connection with the initial claim or weeks claimed filed through the agent state and the reporting of relevant facts pertaining to each claimant's failure to register for work or report for reemployment assistance as required by the agent state.

(j) Appellate procedure.

(1) The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims when so requested by a liable state.

(2) With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

(3) The liable state shall conduct hearings in connection with appealed interstate benefit claims. The liable state may contact the agent state for assistance in special circumstances.

(k) Extension of interstate benefit payment plan to include claims taken in and for Canada. This regulation shall apply in all its provisions to claims taken in and for Canada. (Authorized by and implementing K.S.A. 1999 Supp. 44-714(k); effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1980; modified, L. 1981, ch. 421, May 1, 1981; amended May 1, 1983; amended Feb. 16, 2001.)

Article 4.—DISCLOSURE OF INFORMATION

50-4-2. Limitations and procedures concerning disclosure. (a) Information obtained from any worker, employing unit, or other persons or groups pursuant to the administration of employment security law shall not be disclosed, directly or indirectly, in any manner revealing the individual's or employing unit's identity, except in the following circumstances:

(1) Information shall be disclosed by telephone, in person, or in writing to the individual or employing unit that furnished the requested information or to the lawful representative, if the individual, employing unit, or representative is properly identified in a manner that insures the identity of the individual, employing unit, or representative.

(2) Information shall be disclosed to any claimant, employing unit, or designated representatives at a hearing before the secretary or a hearing pursuant to K.S.A. 44-709, and amendments thereto, concerning the payment or denial of benefits if all of the following conditions are met:

(A) The requested information relates to the payment or denial of benefits.

(B) The information is to be used by the claimant or employing unit to aid in the preparation of evidence to be presented at a hearing before the secretary or a hearing pursuant to K.S.A. 44-709, and amendments thereto, concerning the payment or denial of benefits.

(C) The request is on a form provided by the secretary.

(D) If the information is to be disclosed to a representative of the claimant or employing unit, the claimant or employing unit designates the representative in writing on the form furnished by the secretary.

(3) Information shall be disclosed to officers or employees of an agency of the federal government or a state, territorial, or local government in the performance of their public duties, upon written request and on a form provided by the secretary, if the following conditions are met:

(A) The written request specifies the information desired.

(B) The written request states that the requested information will not be released or published in any manner.

The introduction of any information disclosed as evidence at a public hearing or as part of a record available to the public shall constitute publication.

(4) Information shall be disclosed upon written request of either of the parties or their representatives for the purpose of administering or adjudicating a claim for benefits under the provisions of any other state benefit program if both of the following conditions are met:

(A) The written request is accompanied by a subpoena or order for records production from an administrative law judge or other official.

(B) The written request states that the requested information will not be released or published in any manner. The introduction of any information disclosed as evidence at a public hearing or as part of a record available to the public shall constitute publication.

(5) Information shall be disclosed as required by any other statute of the federal government or the state of Kansas if the request for information is in writing and the statutory authorization for the release of the requested information is cited in the written request.

(b) Information disclosing the identity of a claimant or employing unit may be used in criminal or civil court proceedings brought by the state of Kansas or secretary of human resources pursuant to the enforcement of the employment security act.

(c) General information concerning employment opportunities, employment levels and trends, and labor supply and demand may be released if no information

disclosing the claimant's or employing unit's identity is included.

(d) In all cases in which an application for information is granted, the information shall be furnished in written form.

(e) Requests for information shall be made to the unemployment insurance claims office where the claim was filed or the administrative office in Topeka, Kansas. Forms for requests for information, which by this regulation shall be supplied by the secretary, shall be made available through the unemployment insurance claims office or the administrative office in Topeka, Kansas.

(f) The secretary may require reimbursement of reasonable expenses incurred in furnishing the requested information, unless the following conditions are met:

(1) The information is furnished to a claimant or employing unit pursuant to an unemployment insurance claim.

(2) Federal or state law specifically requires the information to be furnished without cost to the individual or agency requesting the information.

(g) An individual may request individual wages to be reported by completing an "application for individual wages" and presenting that individual's social security card and one picture identification card: (Authorized by K.S.A. 1999 Supp. 44-714(a); implementing K.S.A. 1999 Supp 44-714(f); effective May 1, 1980; amended May 1, 1988; amended Feb. 16, 2001.)

Richard E. Beyer
Secretary of Human Resources

Doc. No. 026118

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
1-5-24	Amended	V. 19, p. 1337
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 (T)	V. 19, p. 1157
1-18-1a	Amended	V. 19, p. 1719
1-49-1	Amended	V. 19, p. 724

AGENCY 3: KANSAS STATE TREASURER

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3-2-1	New	V. 19, p. 1016
3-2-2	New	V. 19, p. 1016
3-2-3	New	V. 19, p. 1016
3-3-1	New (T)	V. 19, p. 1157
3-3-1	New	V. 19, p. 1678

AGENCY 4: DEPARTMENT OF AGRICULTURE

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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
4-8-14a	Amended	V. 19, p. 1679
4-8-27	Amended	V. 19, p. 1679
4-8-28	Amended	V. 19, p. 1680
4-8-29	Amended	V. 19, p. 1680
4-8-32	Amended	V. 19, p. 1680
4-8-34	Amended	V. 19, p. 1680
4-8-41	Amended	V. 19, p. 1680
4-8-42	New	V. 19, p. 1680
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 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 19, p. 1476
5-1-3		
through		
5-1-12	New	V. 19, p. 1480-1483

5-2-3	New	V. 19, p. 1484
5-3-1a	New	V. 19, p. 1484
5-3-4b	Amended	V. 19, p. 1484
5-3-4c	New	V. 19, p. 1484
5-3-4d	New	V. 19, p. 1485
5-3-4e	New	V. 19, p. 1485
5-3-5d	Amended	V. 19, p. 1485
5-3-5e	Amended	V. 19, p. 1485
5-3-5g		
through		
5-3-5n	New	V. 19, p. 1485, 1486
5-3-11	Amended	V. 19, p. 1486
5-3-16	Amended	V. 19, p. 1490
5-3-19		
through		
5-3-28	New	V. 19, p. 1490-1493
5-4-5	New	V. 19, p. 1494
5-4-8	New	V. 19, p. 1494
5-5-1	Amended	V. 19, p. 1495
5-5-6	Amended	V. 19, p. 1495
5-5-13	New	V. 19, p. 1496
5-5-14	New	V. 19, p. 1496
5-5-16	New	V. 19, p. 1496
5-6-3		
through		
5-6-15	New	V. 19, p. 1497-1499
5-7-4	Amended	V. 19, p. 1499
5-7-4a	New	V. 19, p. 1500
5-7-5	New	V. 19, p. 1500
5-8-3	New	V. 19, p. 1500
5-8-4	New	V. 19, p. 1501
5-8-6	New	V. 19, p. 1501
5-8-7	New	V. 19, p. 1502
5-8-8	New	V. 19, p. 1502
5-9-11	New	V. 19, p. 1503
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5-14-1 through 5-14-7	New	V. 19, p. 1507-1509
5-21-4	Amended	V. 19, p. 1509
5-21-5	New	V. 19, p. 1510
5-21-8	New	V. 19, p. 1510
5-21-9	New	V. 19, p. 1510
5-23-1	Amended	V. 19, p. 1510
5-23-3	Amended	V. 19, p. 1511
5-23-3a	New	V. 19, p. 1511
5-23-4	Amended	V. 19, p. 1512
5-23-4a	Amended	V. 19, p. 1513
5-23-4b	New	V. 19, p. 1513
5-23-14	New	V. 19, p. 1514
5-23-15	New	V. 19, p. 1514
5-40-1	Amended	V. 19, p. 1514
5-40-4	Amended	V. 19, p. 1515
5-40-11	New	V. 19, p. 1515
5-40-14	New	V. 19, p. 1515
5-40-15	New	V. 19, p. 1515
5-40-16	New	V. 19, p. 1515
5-41-1	Amended	V. 19, p. 1516
5-41-6	Amended	V. 19, p. 1516
5-42-3	Revoked	V. 19, p. 1516
5-42-4	New	V. 19, p. 1517
5-45-1	Amended	V. 19, p. 1517
5-45-4	Amended	V. 19, p. 1518
5-45-13	Amended	V. 19, p. 1518
5-45-14	Amended	V. 19, p. 1518
5-45-18	New	V. 19, p. 1518
5-46-1	New	V. 19, p. 1519
5-46-3	New	V. 19, p. 1519
5-46-4	New	V. 19, p. 1520

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-31-1 through 7-31-4	Revoked	V. 18, p. 672
7-32-1	Amended	V. 19, p. 1269
7-32-2	Amended	V. 19, p. 1269
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

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9-10-33	New (T)	V. 19, p. 1469
9-10-33	New	V. 19, p. 1948
9-14-2	Amended (T)	V. 19, p. 1338
9-14-2	Amended	V. 19, p. 1748
9-15-4	Amended (T)	V. 19, p. 1338
9-15-4	Amended	V. 19, p. 1748
9-15-5	New (T)	V. 19, p. 1469
9-15-5	New	V. 19, p. 1948
9-20-4	New	V. 18, p. 161
9-29-6	Amended	V. 18, p. 895

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-7-1 through 11-7-8	Amended	V. 18, p. 1808-1810
11-7-10	Amended	V. 18, p. 1811
11-7-11 through 11-7-15	New	V. 18, p. 1811, 1812
11-9-1 through 11-9-10	New	V. 18, p. 79, 80

AGENCY 16: ATTORNEY GENERAL

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

AGENCY 17: STATE BANK COMMISSIONER

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

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-19-1	Amended	V. 18, p. 1170
22-19-2	Amended	V. 18, p. 1170

22-19-3	Amended	V. 18, p. 1171
22-19-4a	New	V. 18, p. 1171

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

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

AGENCY 26: DEPARTMENT ON AGING

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

AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

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

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 19, p. 141
28-1-6	Amended	V. 18, p. 953
28-1-18	Amended	V. 19, p. 141
28-1-25	Revoked	V. 18, p. 105
28-1-26	New	V. 19, p. 142
28-4-330 through 28-4-343	New (T)	V. 18, p. 1058-1070
28-4-330 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
28-16-28b through 28-16-28f	Amended	V. 18, p. 1021-1033
28-16-28b	Amended	V. 19, p. 1720
28-16-28e	Amended	V. 19, p. 1723
28-17-15	Amended (T)	V. 19, p. 680
28-17-15	Amended	V. 19, p. 1190
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
28-19-717	New	V. 19, p. 1932
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
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28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
28-34-32b	Amended	V. 20, p. 107
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	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
28-38-18 through 28-38-23	Amended	V. 19, p. 1078-1080
28-38-26	Amended	V. 19, p. 1081
28-38-28	Amended	V. 19, p. 1081
28-38-29	Amended	V. 19, p. 1081
28-38-30	New	V. 19, p. 1082
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
28-68-1	Amended	V. 19, p. 1934

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Table with 3 columns: Reg. No., Action, Register. Rows include 65-5-6 through 65-11-3.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with 3 columns: Reg. No., Action, Register. Rows include 66-6-4 through 66-10-12.

(continued)

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. 19, p. 1753
109-12-1	Revoked	V. 18, p. 1665
109-12-2	Revoked	V. 18, p. 1665
109-13-1	Amended	V. 19, p. 1754
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 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-3-12	Amended	V. 20, p. 40
111-4-1795		
through		
111-4-1813	New	V. 20, p. 40-47

111-7-123	Amended	V. 20, p. 48
111-7-152	Amended	V. 20, p. 49

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

Reg. No.	Action	Register
112-4-1	Amended	V. 19, p. 1307
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
112-18-21	Amended	V. 19, p. 1308
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
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-4-1	Amended	V. 19, p. 1137
115-4-3	Amended	V. 19, p. 1138
115-4-5	Amended	V. 19, p. 1139
115-4-6	Amended	V. 19, p. 1140
115-4-7	Amended	V. 19, p. 1142
115-4-13	Amended	V. 18, p. 1020
115-5-2	Amended	V. 18, p. 1723
115-7-1	Amended	V. 19, p. 1876
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
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-14	Amended	V. 18, p. 1336
115-18-16	New (T)	V. 19, p. 242
115-18-16	New	V. 19, p. 1475
115-30-10	Amended	V. 18, p. 781

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

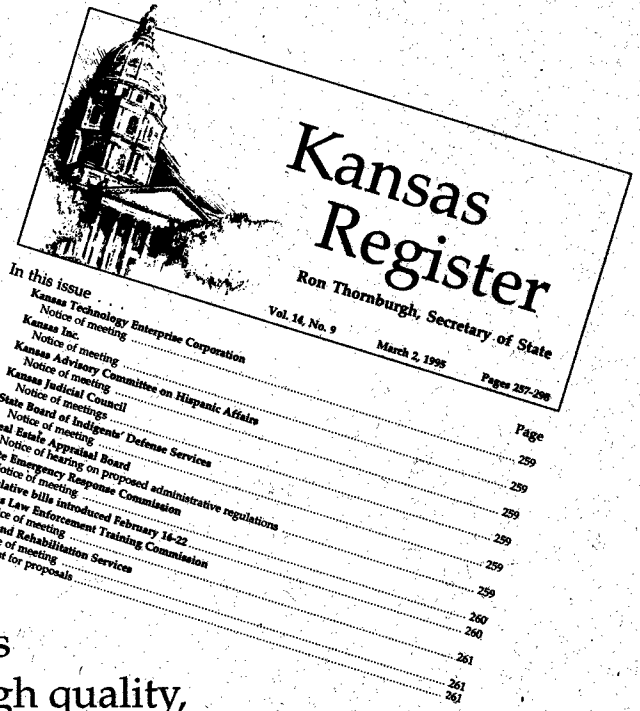
Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-6-1	Amended	V. 18, p. 955
117-6-3	Amended	V. 19, p. 472
117-7-1	Amended	V. 19, p. 41
117-8-1	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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