



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 20, No. 10 March 8, 2001 Pages 311-334

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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:

**District Judge, 18th Judicial District,
Division 18**

Bryce A. Abbott, 500 N. Market, Wichita, 67214. Succeeds James G. Beasley.

**Kansas Planning Council on Developmental
Disabilities Services**

Dale Barnum, 3640 S.W. Topeka Blvd., Suite 150, Topeka, 66611. Serves at the pleasure of the Governor. Succeeds Dennis Rogers.

**Commission on Emergency Planning
and Response**

Dick Heitschmidt, 609 Adair Circle, Hutchinson, 67502. Term expires June 30, 2002. Succeeds Dean Forster.

Jack Taylor, P.O. Box 928, Emporia, 66801. Term expires June 30, 2001. Succeeds Tim Norton.

**Kansas Commission on National and
Community Service**

Susan Mahoney, 213 S.W. Woodlawn Ave., Topeka, 66606. Term expires March 24, 2002. Succeeds Danielle Noe.

**State Examining Committee for
Physical Therapy**

Daryl L. Menke, 2836 S.W. Bingham Road, Topeka, 66614. Term expires June 30, 2004. Succeeds Michael Chapman.

Patsy L. Whitney, 2615000 W. 98th, Leawood, 66206. Term expires June 30, 2002. Succeeds Candy Bahner.

State Fair Board

Mary Alice Lair, 1349 Xylan Road, Piqua, 66761. Term expires March 14, 2004. Reappointed.

Robba Moran, 2758 Thunderbird Drive, Hays, 67601. Term expires March 14, 2004. Succeeds Glenna Rindt.

Brad Rayl, 4912 N. Kent Road, Hutchinson, 67502. Term expires March 14, 2004. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 026284

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State of Kansas

Secretary of State

Usury Rate for March

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of March 1, 2001 through March 31, 2001, is 8.48 percent.

Ron Thornburgh
Secretary of State

Doc. No. 026268

State of Kansas

Secretary of State

Code Mortgage Rate for March

Pursuant to the provisions of K.S.A. 2000 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of March 1, 2001 through March 31, 2001, is 12.00 percent.

Ron Thornburgh
Secretary of State

Doc. No. 026269

State of Kansas

Secretary of State

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, May 9, in the conference room of the Secretary of State's Office, Room 120-W, Memorial Hall, 120 S.W. 10th Ave., Topeka, to consider proposed new Kansas Administrative Regulations 7-41-1 through 7-41-13, which pertain to the regulation of registered certification authorities—generally, those who provide certification of a digital signature, among other duties. These regulations are proposed for adoption on a permanent basis.

K.A.R. 7-41-1 through 7-41-13 set the standards for registration of certification authorities by the Secretary of State. These regulations will have an economic impact on those certification authorities who choose to register with the Secretary of State. By law, registration is voluntary. Each yearly registration fee is \$1,000. Each registration also must be accompanied by a \$100,000 bond or other evidence of financial security; however, these amounts are set by statute, not by regulation.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to Bryce Spano, Office of the Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612.

All interested parties will be given a reasonable opportunity at the hearing to present their views. It may be necessary to request each participant to limit any oral presentation to five minutes. Any person requiring visual or communication aid or assistance, building access assistance or other similar assistance should contact the Secretary of State's Office so appropriate arrangements can be made.

Copies of the regulations and the economic impact statement may be obtained at the address above or by calling (785) 296-2114.

Ron Thornburgh
Secretary of State

Doc. No. 026273

State of Kansas

Office of the Governor

Executive Order No. 2001-02

Establishing the Kansas Donor Leave Program

WHEREAS, Article 1, § 3 of the Constitution of the State of Kansas vests the supreme executive power of the state in the Governor; and

WHEREAS, There is a recognized shortage of organ, tissue and blood donation in the United States; and

WHEREAS, Organ, tissue and blood donation are instrumental in saving lives; and

WHEREAS, The medical community recognizes the benefits of programs encouraging individuals to donate organs, tissue and blood; and

WHEREAS, Providing employees with adequate recovery time away from work following organ, tissue and blood donation is an important aspect of encouraging donation.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, there is hereby established for state employees within the executive branch the Kansas Donor Leave Program.

(1) Under the Kansas State Donor Program, all classified and unclassified benefits eligible employees may receive paid leave in accordance with the following criteria:

- (a) Employees may receive up to 30 working days of paid leave for recovery from an organ or tissue donation procedure.
- (b) Employees may receive up to 7 working days of paid leave following the donation of bone marrow.
- (c) Employees may receive 1.5 hours of paid leave every 4 months for the donation of blood.
- (d) Employees may receive 3 hours of paid leave every 4 months for the donation of blood platelets or other approved blood products.

(2) The Secretary of Administration shall implement guidelines for the Kansas Donor Leave Program.

This document shall be filed with the Secretary of State as Executive Order No. 01-02 and shall be effective immediately.

Dated March 1, 2001.

Bill Graves
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 026282

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, March 16, at the Kansas City KARNG Armory, 18th and Ridge, Kansas City, Kansas. The public is invited to attend. For further information, call (785) 296-3976.

Stoney Wages
Executive Director

Doc. No. 026274

State of Kansas

Workers Compensation Advisory Council

Notice of Meeting

The Kansas Workers Compensation Advisory Council will meet at 9 a.m. Wednesday, March 28, at the Kansas Medical Society, 623 S.W. 10th Ave., lower level, Topeka. For more information, contact Philip S. Harness, Director of Workers Compensation, 800 S.W. Jackson, Suite 600, Topeka, 66612-1227, (785) 296-4000.

Richard E. Beyer
Secretary of Human Resources

Doc. No. 026285

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced February 22-28 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 2542, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; benefits; lump sum payments; disability benefits; payments to beneficiaries; executive director; amending K.S.A. 74-4934, 74-4978h and 74-49,102 and K.S.A. 2000 Supp. 13-14a07, 14-10a07, 20-2603, 20-2610a, 74-4902, 74-4904, 74-4908, 74-4911e, 74-4914, 74-4914e, 74-4915b, 74-4915c, 74-4916, 74-4918, 74-4918a, 74-4919, 74-4919b, 74-4920, 74-4921, 74-4922, 74-4927h, 74-4932, 74-4940, 74-4957, 74-4957a, 74-4958, 74-4958a, 74-4959, 74-4960, 74-4960a, 74-4964, 74-4964a, 74-4965, 74-4967, 74-4989, 74-4998c and 74-49,128 and repealing the existing sections, by Committee on Appropriations.

HB 2543, An act relating to purchasing procedures for certain municipalities; amending K.S.A. 19-260b and 19-2881 and K.S.A. 2000 Supp. 72-6760 and repealing the existing sections, by Committee on Appropriations.

HB 2544, An act concerning the department of health and environment; relating to vital statistics; establishing the vital statistics maintenance fee fund; amending K.S.A. 2000 Supp. 65-2418 and repealing the existing section, by Committee on Appropriations.

HB 2545, An act making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the state bank commissioner, board of nursing, state board of pharmacy, real estate appraisal board, governor's department, lieutenant governor, state treasurer, insurance department, state board of indigents' defense services, department of administration, department of revenue, Kansas racing and gaming commission, Kansas technology enterprise corporation, de-

partment of revenue—homestead property tax refunds, department of human resources, Kansas commission on veterans affairs, department of health and environment, department on aging, department of social and rehabilitation services, department of education, state library, Kansas arts commission, Fort Hays state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, state board of regents, department of corrections, juvenile justice authority, state fire marshal, Kansas sentencing commission, Kansas department of agriculture, state conservation commission, Kansas water office and department of wildlife and parks; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Committee on Appropriations.

House Concurrent Resolutions

HCR 5024, A proposition to amend article 2 of the constitution of the state of Kansas by adding a new section thereto, authorizing initiation and enactment of laws by the registered voters of the state.

HCR 5025, A proposition to amend article 14 of the constitution of the state of Kansas by adding a new section thereto, relating to amendment of the constitution by propositions initiated by registered voters of the state.

House Resolutions

HR 6010, A resolution supporting and encouraging Governor Joan Finney.

Senate Bills

SB 342, An act making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the state bank commissioner, board of nursing, state board of pharmacy, real estate appraisal board, governor's department, lieutenant governor, state treasurer, insurance department, state board of indigents' defense services, department of administration, department of revenue, Kansas racing and gaming commission, Kansas technology enterprise corporation, department of revenue—homestead property tax refunds, department of human resources, Kansas commission on veterans affairs, department of health and environment, department on aging, department of social and rehabilitation services, department of education, state library, Kansas arts commission, Fort Hays state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, state board of regents, department of corrections, juvenile justice authority, state fire marshal, Kansas sentencing commission, Kansas department of agriculture, state conservation commission, Kansas water office and department of wildlife and parks; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

Senate Concurrent Resolutions

SCR 1609, A concurrent resolution memorializing the Congress of the United States regarding the high cost of prescription drugs.

Senate Resolutions

SR 1822, A resolution in memory of Hazel Gomez.

SR 1823, A resolution supporting and encouraging Governor Joan Finney.

SR 1824, A resolution memorializing the President of the United States and the United States Congress to provide ongoing assistance to Gulf War veterans and their families who suffer persistent systems of various kinds described now as Gulf War illness.

Doc. No. 026267

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 2000 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$4,635,285.19 in the underground petroleum storage tank release trust fund and \$1,014,757.77 in the aboveground petroleum storage tank release trust fund at February 28, 2001.

Dan Stanley
Secretary of Administration

Doc. No. 026281

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, March 22, 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. 000477—Maximum Principal Amount: \$57,600. Owner/Operator: Chandler and Meredith Cupp. Description: Acquisition of 160 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 Northeast of Section 13, Township 20, Range 31, 11 miles south and 12 miles east of Scott City.

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. 26275

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, March 22, 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. 000480—Maximum Principal Amount: \$36,000. Owner/Operator: Darin and Jennifer Brehm. 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 West ½ of the Northwest ¼ of Section 30, Township 8, Range 2 East in Clay County, located 1.5 miles south of Idana on Granite Road.

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. 026280

State of Kansas
Department of Administration
Division of Purchases

Notice to Bidders

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

Tuesday, March 20, 2001

02959

Department of Transportation—Bituminous Plant Mixture (District 1)

02981

University of Kansas Medical Center—Electrical Construction Labor

Wednesday, March 21, 2001

02984

Department of Administration, Division of Architectural Services—Horizontal Louver Blinds

02983

Department of Wildlife and Parks—Boat Ramp Upgrade, Miami State Fishing Lake, Paola

Thursday, March 22, 2001

A-9021

Department of Transportation—Equipment Wash Building, Great Bend

A-9168

Department of Transportation—Equipment Wash Building, Hutchinson

A-9018

Department of Transportation—Equipment Wash Building, Anthony

A-9019

Department of Transportation—Equipment Wash Building, Sedan

Friday, March 23, 2001

02992

Department of Transportation—Chain Hoists, Various Locations

Thursday, March 29, 2001

A-9185

University of Kansas—Fire Suppression System, Battenfeld Hall

A-9200

Osawatomie State Hospital—Chiller Replacement, Biddle East Building

Thursday, April 26, 2001

02968

Department of Social and Rehabilitation Services—Space Lease, Pittsburg

Request for Proposals
Wednesday, April 4, 2001

02974

National Guard Armory Nominations for the Kansas State Historical Society

John T. Houlihan
Director of Purchases

Doc. No. 026283

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, 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. March 22 for the consulting engineering firm to be considered.

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

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

10-23 K-8392-01, Douglas County

The scope of services is to prepare a location and design concepts study with environmental documentation for the South Lawrence Traffic Way (SLT) from US 59 east to K-10. The project is programmed for fiscal year 2002 and the estimated study cost is \$200,000.

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 026271

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 3-5-01 through 3-11-01

Term	Rate
1-89 days	5.54%
3 months	4.77%
6 months	4.67%
1 year	4.57%
18 months	4.54%
2 years	4.54%

Derl S. Treff
Director of Investments

Doc. No. 026266

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding two proposed air quality permits. Koss Construction Company has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300 and a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter (PM) and particulate matter equal to or less than 10 microns in diameter (PM₁₀) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Koss Construction Company, Topeka, owns and operates a portable concrete batch plant that is to be installed in June 2001.

A copy of the proposed permits, permit applications, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permits and supporting documentation, contact Herbert Buckland, (785) 296-6438, 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 permits 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 April 9.

A person may request a public hearing be held on the proposed permits. 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 April 9 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health and Environment

Doc. No. 026276

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. Bayer Corporation/Bayer Research Park has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen (NO_x) and oxides of sulfur (SO_x) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Bayer Corporation/Bayer Research Park, Kansas City, Missouri, owns and operates an agricultural research facility located at 17745 S. Metcalf, Stilwell, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Johnson County Environmental Department, 11180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Ann Spitz, (785) 291-3271, 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 Ann Spitz, 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 April 9.

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 April 9 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health and Environment

Doc. No. 026277

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-01-059
Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
James C. Hicks and Gregory W. Roberts H & R Farms, LLC - Site #1 P. O. Box 718 Leoti, KS 67861	James C. Hicks and Gregory W. Roberts H & R Farms, LLC - Site #1 P. O. Box 718 Leoti, KS 67861	Upper Arkansas River Basin
Northwest Quarter of Section 31, Township 19 South, Range 37 West, Wichita County		
Kansas Permit No. A-UAWH-H005 Federal Permit No. KS-0095800		
This is an application for a permit for the construction of a new 10,800 head (4,320 animal units) swine facility. A new or modified permit will not be issued without additional public notice.		

Public Notice No. KS-AG-01-060/069
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Decker Brothers Livestock 10331 W. Road 215 Scott City, KS 67871	S1/2 of Section 17, T17S, R34W, Scott County	Smokey Hill River Basin
Kansas Permit No. A-SHSC-C007 Federal Permit No. KS-0086401		
This is a renewal permit for an existing facility for 4,500 head (4,500 animal units) of beef cattle.		
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity 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
Rick Krause Prairie Pork Center Route 1, Box 42 Marienthal, KS 67863	NE/4 of Section 21, T18S, of 34W, Scott County	Upper Arkansas River

Kansas Permit No. A-UASC-S007

This is a renewal permit for an existing facility for 600 head (240 animal units) of swine.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Farms, Inc. #202,203,205,207 P.O. Box 1207 Guymon, OK 73942	SW/4 of Section 23, NE/4 of Section 26, NW/4 of Section 26, NE/4 of Section 26, all of T34S, R41W, Morton County	Cimarron River Basin

Kansas Permit No. A-CIMT-H003 Federal Permit No. KS-0091936

This is a renewal permit for an existing facility for 43,200 head (17,280 animal units) of swine.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
John Crumpacker 2434 24th Ave. Gypsum, KS 67448	SW/4 of Section 31, T17S, R1W, McPherson County	Smokey Hill River

Kansas Permit No. A-SHMP-M005

This is a new permit for an existing facility for 70 head (98 animal units) of mature dairy cattle.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should the structure not meet the permeability requirements, additional sealing will be required. 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
Raymond and Marlene Aurand Aurand's K'L LLC 13 N. 170th Salina, KS 67401	SE/4 of Section 35, T12S, R03W, Ottawa County	Saline River

Kansas Permit No. A-SAOT-K001

This is a new permit for an existing livestock confinement facility for a maximum of 100 head (0 animal units) of canines.

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

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

Name and Address of Applicant	Legal Description	Receiving Water
Marvin and Armin Scripser 3421 Mink Road Abilene, KS 67410	SE/4 of Section 17, T11S, R3E, Dickinson County	Smoky Hill River

Kansas Permit No. A-SHDK-S016

This is a permit renewal for an existing facility for 644 head (250.8 animal units) of cattle and swine.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Karl Buttron 12461 294th St. Lancaster, KS 66041	SW/4 of Section 27, T5S, R19E, Atchison County	Missouri River

Kansas Permit No. A-MOAT-S003

This is an expansion of an existing facility for a total of 500 head (200 animal units) of swine greater than 55 pounds.

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

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

Name and Address of Applicant	Legal Description	Receiving Water
Rodney Grimm Summit Farms, Inc. 570 280th St. Morrill, KS 66515	SE/4 of Section 35, T1S, R15E, Brown County	Missouri River

Kansas Permit No. A-MOBR-M003

This is a permit renewal of a current permit for an existing facility for 125 head (175 animal units) of dairy cows, 65 head (65 animal units) of cattle greater than 700 pounds, and 60 head (30 animal units) of cattle less than 700 pounds, for a total 270 animal units.

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

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

Name and Address of Applicant	Legal Description	Receiving Water
James J. Meyer Route 1, Box 108 Bern, KS 66408	SW/4 of Section 28, T1S, R13E, Nemaha County	Missouri River

Kansas Permit No. A-MONM-S043

This is a permit renewal of a current permit for an existing facility for 300 head (120 animal units) of swine greater than 5 pounds and for 100 head (50 animal units) of cattle less than 700 pounds, for a total of 170 animal units.

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

Compliance Schedule: A manure waste management plan shall be developed. A plan shall be submitted to the department within six months following permit issuance. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Gassmann 3051 County Road 42 Grainfield, KS 67737	NE/4 of Section 3, T11S, R29W, Gove County	Saline River

Kansas Permit No. A-SAGO-B002

This is a new permit for an expanding facility for 999 head (999 animal units) of beef cattle weighing greater than 700 pounds.

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

Compliance Schedule: Permeability test shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. The approved manure waste management plan shall be adhered to as a condition of this permit.

Public Notice No. KS-01-008/012

Name and Address of Applicant	Waterway	Type of Discharge
Hays, City of P.O. Box 490 Hays, KS 67601	Chetolah Creek	Treated Domestic Wastewater

Facility Location: 1498 E. Highway 40 Bypass, Hays, KS 67601
Kansas Permit No. M-SH16-0002 Federal Permit No. KS0036684
Legal: SW¼, S3, T14S, R18W, Ellis County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine, dissolved oxygen and pH. Monitoring for total kjeldahl nitrogen, total phosphorus, nitrate, nitrite and effluent flow also will be required. The chronic whole effluent toxicity and heavy metals testing will be required annually. A priority pollutant scan will be required to be performed at least once during the life of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Moline, City of P.O. Box 253 Moline, KS 67353	Elk River via Wildcat Creek	Treated Domestic Wastewater

Kansas Permit No. M-VE27-0001 Federal Permit No. KS0027162
Legal: NE¼, S10, T31S, R10E, Elk County

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

Name and Address of Applicant	Waterway	Type of Discharge
Parsons, City of P.O. Box 1037 Parsons, KS 67357	Neosho River via Labette Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE55-0001 Federal Permit No. KS0036722
Legal: SW¼, S29, T31S, R20E, Labette County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine, dissolved oxygen and pH. Monitoring for effluent flow also will be required. The chronic whole effluent toxicity and heavy metals testing will be required annually. A priority pollutant scan will be required to be performed at least once during the life of the permit. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

(continued)

Name and Address of Applicant	Waterway	Type of Discharge
Jim D. Gardner P.O. Box 1133 Castroville, CA 95012	Spring River via Cow Creek via Second Cow Creek	Treated Domestic Wastewater

Facility Name: Westwood Estates Wastewater Treatment Plant

Facility Location: 106 Glennway, Pittsburg, KS 66762

Kansas Permit No. C-NE57-TO01 Federal Permit No. KS0118354

Legal: SW¼, S25, T30S, R24E, Crawford County

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

Name and Address of Applicant	Waterway	Type of Discharge
Strother Field Commission P.O. Box 747 Winfield, KS 67156	Walnut River via Posey Creek	Process Wastewater

Facility Name: Strother Field Airport / Industrial Park

Kansas Permit No. I-WA17-PO01 Federal Permit No. KS0118427

Legal: SW¼, S20, T33S, R4E, Cowley County

Facility Description: The proposed action is to reissue an existing permit for the discharge of process wastewater. This facility treats domestic and industrial wastewater from the industrial park and airport. Wastewater treatment consists of a primary clarifier, a primary aeration basin, a secondary clarifier, a secondary aeration basin and a final clarifier. Sludge can be directed to three sludge drying beds. The average wastewater flow is 0.17 MGD. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine and pH. Monitoring for effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

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 April 7 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-059, KS-AG-01-060/069, KS-01-008/012) 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. McArthur 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. 026278

State of Kansas

Governmental Ethics Commission

Opinion No. 2001-03

Written February 15, 2001, to Charles W. Smiley, Roeland Park.

This opinion is in response to your letter of January 15, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest law (K.S.A. 75-4301 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 75-4301 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you are requesting this opinion in your capacity as a candidate for the office of Municipal Judge of the City of Roeland Park (the City). You have explained that you are a shareholder, director, and employee of the law firm of McDowell, Rice, Smith & Gaar (law firm). You have explained that your law firm has a

department that advises the City on municipal finance matters. You do not practice in that department, and you have stated that the office of Municipal Judge has no responsibility of any kind dealing with finance matters of the City.

Question

May a municipal judge retain his position as a shareholder, director and employee of a law firm which performs work for a City, without violating the local level conflict of interest laws?

Opinion

In your capacity as a municipal judge, you will be governed by the local level conflict of interest laws found in K.S.A. 75-4301 *et seq.* K.S.A. 75-4304 prohibits a local official from participating in his capacity as a local official in the making of contracts in which that official has a substantial interest. It states in pertinent part:

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

(c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.

The absolute abstention requirement of K.S.A. 75-4304 is triggered only in situations where the local governmental officer, in the capacity as a governmental officer, makes or participates in the making of a *contract* with a person or business by which the officer is employed or in whose business the officer has a substantial interest. Pursuant to K.S.A. 75-4301a, you clearly have a substantial interest in this firm. Therefore, in your capacity as a municipal judge, you would be prohibited from being substantially involved in the making of a *contract* with your law firm.

Next we turn to K.S.A. 75-4305, which requires disclosure for actions, other than contracts, which affect a local government official's private business interests. It states:

(a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer's or employee's governmental subdivision.

(b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter.

Pursuant to this statute, before acting in your capacity as a municipal judge on any matter which would affect your law firm, you must file, if you have not already done so, a statement of substantial interests which notes your interest in the law firm.

In conclusion, we have reviewed the local level conflict of interest laws and nothing in those laws would prohibit you from holding the position of municipal judge and

continuing your employment with the law firm. While acting in your official capacity as a municipal judge, however, you would be prohibited from participating in the making of a contract with your law firm, and you would be required to file a statement of substantial interests which notes your interest in the law firm before acting upon on any matter which would affect your law firm.

Opinion No. 2001-04

Written February 15, 2001, to all interested persons:

Pursuant to K.S.A. 46-254, the Kansas Governmental Ethics Commission takes the opportunity to issue its opinion on the interpretation of K.S.A. 46-237a(c)(4) and its application to the term "reception."

Opinion

K.S.A. 46-237a states in pertinent part:

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

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

The question has arisen whether food served at a "reception" is considered a "meal," or whether it is considered snack foods not offered as part of a meal and, therefore, may be accepted by state employees. The Merriam-Webster Collegiate Dictionary cites the definition of "reception" as: "a social gathering often for the purpose of extending a formal welcome." On the other hand, it cites the definition of a "meal" as "an act . . . of eating a portion of food to satisfy appetite."

While a reception may contain some of the same types of foods that are typically served at a traditional "meal," the food at a reception is generally provided for guests to snack on as they mingle. Under the common understanding of the word, a reception is not usually considered to be a meal nor is it intended to be provided as a meal or as a substitute for a meal. A true reception may be distinguished from a buffet, however. The Merriam-Webster Collegiate Dictionary cites the definition of "buffet" as "a meal set out on a buffet or table for ready access and informal service." Unlike a reception, at a buffet, individuals serve themselves and then sit at tables with place settings to consume the meal. At a reception, however, individuals serve themselves and then move about the room conversing and mingling while consuming their snack.

With these thoughts in mind, the Commission now determines that only snack foods and beverages not offered as part of a meal, may be served at a permissible reception.

For guidance, the Commission notes that in order to distinguish a permissible reception from an impermissible buffet or meal pursuant to K.S.A. 46-237a(c)(4), the following factors, among others, should be considered:

- The good faith intention of the hosting entity;
- The nature and timing of the event and the surrounding events;
- Whether there is a place setting at which to consume the food;
- Whether utensils are required for consumption of the food.

Daniel Sevart
Chairman

Doc. No. 026272

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
RegulationsArticle 10.—SANITARY CONDITIONS
AROUND RESERVOIRS

28-10-15 through 28-10-33. (Authorized by K.S.A. 1969 Supp. 65-187; effective, E-68-23, Aug. 9, 1968; effective Jan. 1, 1969; amended Jan. 1, 1970; revoked March 23, 2001.)

28-10-34 through 28-10-35. (Authorized by K.S.A. 1969 Supp. 65-187; effective Jan. 1, 1969; amended Jan. 1, 1970; revoked March 23, 2001.)

28-10-37. (Authorized by K.S.A. 1969 Supp. 65-187; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-38. (Authorized by and implementing K.S.A. 65-187; effective Jan. 1, 1973; amended, T-84-40, Dec. 21, 1983; amended May 1, 1984; revoked March 23, 2001.)

28-10-39. (Authorized by K.S.A. 1972 Supp. 65-187; effective Jan. 1, 1973; revoked March 23, 2001.)

28-10-75. (Authorized by K.S.A. 1969 Supp. 65-187; effective, E-68-23, Aug. 9, 1968; effective, E-69-6, Jan. 8, 1969; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-76. (Authorized by K.S.A. 1969 Supp. 65-185, 65-187, 65-189e; effective, E-68-23, Aug. 9, 1968; effective, E-69-6, Jan. 8, 1969; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-77. (Authorized by K.S.A. 1969 Supp. 65-187, 65-189f; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-78. (Authorized by K.S.A. 1969 Supp. 65-187; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-79. (Authorized by K.S.A. 1969 Supp. 65-187, 65-189c; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-80. (Authorized by K.S.A. 1969 Supp. 65-187, 65-189c, 65-189d; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-81 through 28-10-83. (Authorized by K.S.A. 1969 Supp. 65-187, 65-189c; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-84. (Authorized by K.S.A. 1969 Supp. 65-187; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-85. (Authorized by K.S.A. 1969 Supp. 65-187, 65-189c; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-86 through 28-10-88. (Authorized by K.S.A. 1969 Supp. 65-187; effective Jan. 1, 1970; revoked March 23, 2001.)

28-10-100 through 28-10-103. (Authorized by K.S.A. 1969 Supp. 65-187; effective, E-68-23, Aug. 9, 1968; effective, E-69-6, Jan. 8, 1969; effective Jan. 1, 1970; revoked March 23, 2001.)

Article 16.—WATER POLLUTION CONTROL
STATE GRANTS TO MUNICIPALITIES
FOR THE CONSTRUCTION OF WATER
POLLUTION CONTROL PROJECTS
BENEFITTING FROM FEDERAL GRANTS

28-16-57. (Authorized by K.S.A. 65-171d, as amended by L. 1986, Ch. 204, Sec. 3, Sec. 6 and L. 1986, Ch. 201, Sec. 22; implementing K.S.A. 65-165, 65-166; effective, E-74-32, June 14, 1974; effective May 1, 1975; amended May 1, 1987; revoked March 23, 2001.)

28-16-76. (Authorized by K.S.A. 65-3301, K.S.A. 1979 Supp. 65-3303, 65-3305, 65-3308; effective May 1, 1980; revoked March 23, 2001.)

28-16-77. (Authorized by K.S.A. 65-3301, K.S.A. 1979 Supp. 65-3308, 65-3309; effective May 1, 1980; revoked March 23, 2001.)

28-16-78. (Authorized by K.S.A. 65-3301, K.S.A. 1979 Supp. 65-3308, 65-3309, 65-3310; effective May 1, 1980; revoked March 23, 2001.)

28-16-79. (Authorized by K.S.A. 65-3301, K.S.A. 1979 Supp. 65-3308, 65-3309, 65-3310; effective May 1, 1980; revoked March 23, 2001.)

28-16-82. (Authorized by K.S.A. 65-3301, K.S.A. 1979 Supp. 65-3303, 65-3304, 65-3308, 65-3310, 65-3313; effective May 1, 1980; revoked March 23, 2001.)

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

28-19-202. Annual emissions fee. (a) The owner or operator of each stationary source of air emissions that has actual emissions of the type and quantity specified in subsection (b) of this regulation shall pay an annual emissions fee to the department. Actual emissions shall be calculated for a calendar year according to K.A.R. 28-19-210.

(b) The types of air emissions and the quantity of actual emissions for which annual emissions fees shall be assessed are as follows:

(1) Air emissions of 100 tons per year or more of any of the following:

(A) Sulfur oxides measured as sulfur dioxide;

(B) particulate matter calculated as PM₁₀, except if no emission factor or approvable method for calculating PM₁₀ is available, annual emissions fees shall be assessed for total particulate emissions;

(C) nitrogen oxides expressed as nitrogen dioxide; and

(D) total volatile organic compounds;

(2) air emissions of hazardous air pollutants, from source categories other than source categories specifically excluded from the USEPA notice entitled "initial list of categories of sources under section 112(e)(1) of the clean air act amendments of 1990," 57 FR 31576, July 16, 1992, in either of the following quantities, whichever is greater:

(A) 10 tons per year or more of any single hazardous air pollutant; or

(B) 25 tons per year or more of any combination of hazardous air pollutants.

For purposes of this subsection, actual emissions shall include fugitive emissions from federally designated fu-

gitive emission sources and fugitive hazardous air pollutant emissions.

(c) The annual emissions fee shall equal the sum of the actual emissions of the pollutant or pollutants specified in subsection (b) of this regulation, rounded to the nearest ton, multiplied by \$20.00 per ton of emissions, subject to the following:

(1) The owner or operator shall not be required to include any pollutant emitted from the stationary source more than one time in the fee calculation;

(2) the owner or operator shall not be required to include the following in the emission fee calculation:

(A) Emissions of any pollutant of 500 pounds per year or less from any emissions source, unless the total emissions from similar sources at the stationary source equal or exceed 2,000 pounds per year;

(B) emissions in excess of 4,000 tons per year of any single pollutant from any stationary source;

(C) for a portable emissions unit or stationary source that operates both in Kansas and out-of-state, emissions from the unit or source while operating out-of-state; and

(D) emissions during the years 1995 through 1999, inclusive, from any unit that, on or before January 1, 1996, is designated as an affected unit under section 404, phase I sulfur dioxide requirements, of the federal clean air act;

(3) for emissions occurring during the years 1997 through 2000, inclusive, the annual emission fee shall be calculated by multiplying the actual emissions of the pollutant or pollutants specified in subsection (b) of this regulation, rounded to the nearest ton, times \$13.00 per ton of emissions.

(d) The owner or operator shall complete the calculations of actual emissions and calculation of the annual emissions fee on forms provided by, or approved by the department.

(1) A responsible official or the person most directly responsible for the compilation of the submitted information shall sign the completed forms.

(2) The owner or operator shall submit the annual emissions fee payment to the department by June 1 of the year following the calendar year for which the actual emissions were determined. Timeliness of submissions shall be determined by the postmark if submitted by mail.

(3) The owner or operator shall make annual emissions fee payments by check, draft, or money order payable to the Kansas department of health and environment.

(4) Payment of emission fees to the department shall be the responsibility of the person or persons who are the owners or operators of the emissions unit or stationary source on the date the emissions fee is due. For purposes of calculating actual emissions for a period in which someone other than the current owner or operator was the owner or operator of the stationary source, the owner or operator responsible for paying the fee may assume that operations of the facility were identical to the operation of the facility by the current owner or operator if the current owner or operator has been unable, after reasonable and diligent inquiry, to obtain the actual operating information from the previous owner or operator.

(e) Any owner or operator who fails to timely pay the annual emissions fee shall comply with the following requirements:

(1) Pay an additional fee of \$100.00 or 1% of the annual emissions fee, whichever is greater; and

(2) beginning seven days after the department notifies the permittee in writing that the department has not received the annual emissions fee, pay an additional \$10 per day or .05% of the annual emissions fee per day, whichever is greater.

(f) The amount of any overpayment, as determined by the department, made by the owner or operator of a stationary source shall be credited to the annual emissions fee for subsequent years for that stationary source. (Authorized by K.S.A. 1999 Supp. 65-3005; implementing K.S.A. 1999 Supp. 65-3024; effective Nov. 22, 1993; amended Jan. 23, 1995; amended March 15, 1996; amended Feb. 21, 1997; amended Feb. 13, 1998; amended March 23, 2001.)

Article 34.—HOSPITALS

28-34-21. (Authorized by K.S.A. 65-431; effective Jan. 1, 1969; revoked March 23, 2001.)

28-34-26 through 28-34-28. (Authorized by K.S.A. 1973 Supp. 65-431; effective Jan. 1, 1974; revoked March 23, 2001.)

28-34-30. (Authorized by K.S.A. 1973 Supp. 65-431; effective Jan. 1, 1974; revoked March 23, 2001.)

28-34-75. (Authorized by K.S.A. 1973 Supp. 65-431; effective Jan. 1, 1974; revoked March 23, 2001.)

28-34-76. (Authorized by K.S.A. 1979 Supp. 65-428, 65-429, 65-431; effective Jan. 1, 1974; amended May 1, 1980; revoked March 23, 2001.)

28-34-77 through 28-34-93. (Authorized by K.S.A. 1973 Supp. 65-431; effective Jan. 1, 1974; revoked March 23, 2001.)

28-34-94a. (Authorized by and implementing K.S.A. 65-431; effective, T-87-51, Dec. 19, 1986; effective May 1, 1987; revoked March 23, 2001.)

Article 39.—LICENSURE OF ADULT CARE HOMES

28-39-410. (Authorized by and implementing K.S.A. 39-932; effective, T-88-57, Dec. 16, 1987; amended May 1, 1988; revoked March 23, 2001.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026248

State of Kansas

Secretary of State

Permanent Administrative
Regulations

Article 24.—SUPPLIES FOR VOTING PLACES

7-24-2. Receipts and records. Receipts and records for election supplies, including ballots and poll books, shall be made and given in the following manner: (a) All

(continued)

receipts for election supplies, including ballots and poll books, shall be on forms provided by the county election officer so that photocopies are clearly legible. The county election officer shall make provisions for each of the kinds and types of election supplies received by the supervising judge. The forms shall clearly state the township, precinct, and ward on them. Forms used in nonpartisan elections shall clearly state the voting place.

(b) At the time the supervising judge receives election supplies, including ballots and poll books, a receipt shall

be made and signed by the supervising judge.

(c) Upon the return of the election supplies required by law to be returned to the county election officer, a receipt shall be made and signed by the county election officer, or the duly authorized deputy, for the supplies returned.

(d) Voting machine keys shall be accounted for as provided in K.S.A. 25-1326 and amendments thereto.

(e) Receipts for election supplies submitted substantially in the following form shall be considered sufficient:

RECEIPT FOR ELECTION SUPPLIES SENT OUT

County _____ Voting Place _____ Date of Election _____

All of the ballots and other election supplies required by law for the above described voting place were received by the supervising judge on the date indicated.

Ballots			Other supplies	
No. pkgs.	Kind	Total	No.	Kind
	National and state			Poll books
	County—township			Registration books
	State question			Party affiliation lists
	Judicial			Abstracts of votes
	Question submitted			Oaths for challenges
	City			Miscellaneous supplies
	School			
	Voting machine(s)			Keys for voting machines

Received _____ (Date) By _____ Signature of supervising judge

RECEIPT FOR ELECTION SUPPLIES RETURNED

County _____ Voting Place _____ Date of Election _____

All of the ballots and other election supplies furnished for the above described voting place were received by the county election officer on the date indicated.

Ballots returned				Total	Total sent out	Difference
	Voted	Unvoted	Void, objected to, challenged			
National and state						
County—township						
State question						
Judicial						
Question submitted						
City						
School						
Other supplies returned						
Poll books						
Registration books						
Party affiliation lists						
Abstracts of votes						
Oaths for challenges						
Miscellaneous supplies						
Keys for voting machines						

Received _____ (Date) By _____ County Election Officer

(Authorized by and implementing K.S.A. 25-2707; effective Jan. 1, 1972; amended March 23, 2001.)

Article 25.—ABSTRACTS OF VOTES CAST

7-25-1. Certification. A certificate of validity shall be made for each copy of the three abstracts of votes cast at each voting place for every election. This certificate shall be printed upon or permanently appended to each abstract. The certificate shall be as follows:

CERTIFICATE FOR ABSTRACT OF VOTES CAST

We, the undersigned, who are all the judges and clerks of the election board of _____ on the _____ (Voting Place)

day of _____, 20____, do hereby certify that the candidates whose names appear in the appended abstracts received the number of votes cast as written opposite their names, and that the votes cast on questions submitted are as therein indicated.

Judges

Clerks

NOTE: Provide as many signature lines as there are judges and clerks. Voting place must be shown by township or precinct and ward for partisan elections.

(Authorized by and implementing K.S.A. 25-3006; effective Jan. 1, 1972; amended March 23, 2001.)

Article 26.—CERTIFICATES OF NOMINATION AND ELECTION

7-26-1. Certificate of nomination. Every certificate of nomination issued by a county election officer shall be in the following form:

CERTIFICATE OF NOMINATION

I, _____, County Election Officer of _____ County, Kansas, do hereby certify that at the Primary Election in said county on the _____ day of _____, A.D. 20____, _____ received the highest number of votes cast by the _____ party for the office of _____ as appears from the official canvass made by the County Board of Canvassers, at its meeting held on the _____ day of _____, 20____, and is therefore entitled to a place on the official ballot as such candidate of said party at the General Election to be held on _____, 20____.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed my official seal, this _____ day of _____, A.D. 20____.

SEAL

County Election Officer

The above certificate may be adapted for city and school elections by omitting any reference to party nomination. (Authorized by and implementing K.S.A. 25-3110; effective Jan. 1, 1972; amended March 23, 2001.)

7-26-2. Certificate of election. Every certificate of election issued by a county election officer shall be in the following form:

CERTIFICATE OF ELECTION

State of Kansas
County of _____

I, _____, County Election Officer of _____ County, Kansas, do hereby certify that at the General Election held on the _____ day of _____, 20____, _____ was duly elected to the office of _____ as appears from the official canvass by the County Board of Canvassers made on the _____ day of _____, 20____.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed my official seal, this _____ day of _____, A.D. 20____
SEAL

County Election Officer

(Authorized by and implementing K.S.A. 25-3110; effective Jan. 1, 1972; amended March 23, 2001.)

Article 28.—SUFFICIENCY OF PETITIONS

7-28-1. Determination. In determining the sufficiency of signatures or names on a petition if the specific statute governing the petition does not provide guidance in determining the validity of signatures, the following requirements shall apply:

(a) If the last name in the signature on the petition is not spelled identically to the last name in the registration books, the signature shall be considered improper and insufficient.

(b) If a signature contains initials that are consistent with the names or initials as they appear in the registration books and if the last name in the signature on the petition is identical to the last name in the registration books and the address is identical, the signature shall be considered proper and sufficient.

(c) If a signature contains a nickname or abbreviation that is commonly accepted for a given name as it appears in the registration books, including "Wm." or "Bill" for William, and if the last name is identical and the address is identical, the signature shall be considered proper and sufficient.

(d) Prefixes to names including "Mr.," "Mrs.," "Miss," and "Dr.," shall be disregarded.

(e) Notwithstanding any of the requirements in subsections (a) through (d) of this regulation, if there is evidence leading the election officer to believe that any signature is not genuine, the signature shall be considered improper and insufficient.

(f) In all cases not provided for by these requirements, a signature shall be considered proper and sufficient if it bears such a similarity that it reasonably appears to be the same signature as that contained in the registration books. (Authorized by and implementing K.S.A. 25-3604; effective Jan. 1, 1972; amended May 1, 1978; amended March 23, 2001.)

Article 29.—BALLOTS

7-29-2. Official ballot colors. (a) All official ballots shall be printed in black ink on paper through which the printing or writing cannot be read.

(b) If only one ballot is required for an election, the ballot shall be white.

(c) Whenever a colored ballot is used, the same color shall be used for that ballot throughout the county.

(d) The following designated colors shall be the exclusive colors used on the official ballots in the general election.

- | | |
|---|----------------------|
| (1) National and state ballots | white only |
| (2) Kansas supreme court ballots | white or buff |
| (3) Kansas court of appeals ballots | white or buff |
| (4) County and township ballots | white or light blue |
| (5) City ballots | white or light green |

(continued)

- | | |
|--|----------------------|
| (6) School district ballots | white or canary |
| (7) Other districts | light green |
| (8) Constitutional amendment ballots | white or canary |
| (9) Question-submitted ballots | white or light green |
| (10) Inspection ballots | pink only |

(e) Colored ballots may be used to distinguish between political party ballots in the primary election. These colors shall be limited to white, buff, light blue, light green, canary, and pink. (Authorized by K.S.A. 25-601; implementing K.S.A. 25-210, K.S.A. 25-601; effective May 1, 1982; amended Oct. 18, 1993; amended March 23, 2001.)

Article 36.—ABSENTEE AND ADVANCE VOTING

7-36-4. Advance voting voter lists. Advance voting voter lists shall be subject to the provisions of K.S.A. 21-3914 and K.S.A. 25-2320a and amendments thereto. (Authorized by K.S.A. 25-1131; implementing K.S.A. 21-3914 and 25-2320a; effective Feb. 21, 1994; amended, T-7-7-3-95, July 3, 1995; amended Aug. 25, 1995; amended March 23, 2001.)

Article 38.—NATIONAL VOTER REGISTRATION ACT

7-38-1. National voter registration act; systematic list maintenance; national change of address files. (a) In April of each year, the chief state election official shall complete a check of the United States postal service national change of address files using the list of registered voters maintained in the state's central voter registration voter database.

(b) If the county election officer chooses to participate in the national change of address program instead of conducting mass or targeted mailings, the chief state election official shall send the name of each registered voter for whom records from the national change of address files indicate a change of address to the county election officer of the county where the voter is registered, as indicated on the central voter registration database.

(c) A county election officer shall send a confirmation mailing as prescribed by K.S.A. 25-2316c and amendments thereto to any registered voter for whom records from the national change of address files indicate a change of address. The confirmation mailing shall be sent when the county election officer receives the information described in subsection (b). If the records indicate a change of address within the county where the voter is registered, the county election officer shall change the voter's address to the new address before sending the confirmation mailing. (Authorized by and implementing K.S.A. 25-2354; effective Jan. 3, 1997; amended March 23, 2001.)

Ron Thornburgh
Secretary of State

Doc. No. 026260

State of Kansas

Social and Rehabilitation Services Department on Aging

Notice of Proposed Nursing Facility Medicaid Rates

Under the Medicaid program, 42 U.S.C. 1396 et seq., the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital-based long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the Medicaid nursing facility services payment program on behalf of the Secretary of Social and Rehabilitation Services. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of Social and Rehabilitation Services (SRS) and the Secretary of Aging (KDOA) are publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2001, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates for ventilator-dependent residents. SRS and KDOA also are providing notice of the state's intent to submit the proposed amendment to the Medicaid State Plan to the U.S. Department of Health and Human Services' Health Care Financing Administration (HCFA) on or before June 30, 2001.

I. Methodology Used to Calculate Medicaid Per Diem Rates for Ventilator-Dependent Residents.

The following are the policies and procedures for determining a rate for a ventilator-dependent resident in a nursing facility.

- (1) The request for additional reimbursement for a ventilator-dependent resident shall be submitted to the Kansas Department of Social and Rehabilitation Services (SRS) or the Kansas Department on Aging (KDOA) in writing for prior approval. Each request must include a current care plan for the resident, the most current Minimum Data Set (MDS) resident assessment and an itemized budget for implementing the care plan. The itemized expenses shall not include the cost of durable medical equipment (DME) reimbursed in accordance with the DME program in the Kansas Medical Assistance Programs Manual.
- (2) All of the following criteria shall be present in order for a resident to be considered ventilator dependent:
 - (A) The resident shall not be able to breathe without a volume ventilator with a backup.
 - (B) The resident shall use the ventilator 24 hours a day, seven days a week.
 - (C) The resident shall have a tracheostomy or endotracheal tube.
- (3) The provider shall be reimbursed the Kansas Medical Assistance Program daily rate determined for the nursing facility plus an additional per diem amount approved by SRS and KDOA for the ventilator-dependent resident. The additional reimbursement shall be prior authorized by SRS and KDOA. The provider shall submit a budget with the detail of the

expenditures requested to care for the ventilator-dependent resident. The reimbursement shall be negotiated based on the prevailing cost of the individualized care plan and subject to an upper payment limit.

The upper payment limit shall be the rate from the Medicare Prospective Payment System (PPS) for skilled nursing facilities as based on the MDS assessment and using the Resource Utilization Groups Version III (RUGs III) classification system. All 44 classifications in the RUGs III system will be used to determine the corresponding Medicare PPS per diem rate.

- (4) No additional amount above the current daily rate shall be allowed until the service is prior authorized by SRS and KDOA.
- (5) The criteria shall be reviewed quarterly to determine if the resident continues to be ventilator-dependent. If a resident is no longer ventilator-dependent, the provider shall not receive additional reimbursement beyond the Kansas Medical Assistance Program per diem rate determined for the facility.
- (6) The additional reimbursement for the ventilator-dependent resident shall be offset to the cost center of benefit on the nursing facility financial and statistical report.

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

The overall per diem rate for a ventilator-dependent resident shall not exceed the lower of the prevailing cost for the individualized care plan or the Medicare PPS rate. The per diem rate increase for the ventilator-dependent resident will be added to the computed Medicaid rate in effect for the nursing facility.

III. Justifications for the Proposed Rates.

1. The higher rates will assist in finding placements in nursing facilities that can meet the long-term care needs for ventilator-dependent residents.

2a. Estimated impact of the rate change due to the implementation of the per diem rates for ventilator dependent residents:

Estimated Average Rate April 1, 2001.....	\$91.68
Estimated Average Rate July 1, 2000	\$91.43
Amount of Change	\$.25
Percent of Change27%

b. The above estimated average rates are in the aggregate. The rate change is resident specific and will have a minor impact on the nursing facility rates.

3. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$1,000,000.

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

a. Service providers operating a total of 321 nursing facilities (representing 98% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 46 hospital-based long-term care

units also are certified to participate in the Medicaid program;

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

c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 87.2%;

d. The statewide average Medicaid occupancy rate for participating facilities is 54.8%, which is an increase from the prior year; and

e. The proposed rates would enhance the coverage that is already at 99.19% of the estimated Medicaid health care costs incurred by participating nursing facilities statewide.

5. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the proposed methodology would result in compliance with the federal regulation.

IV. Request for Comments; Request for Copies.

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, and the justifications for the proposed rates. Persons and organizations wishing to submit comments must mail, deliver or fax their signed, written comments before the close of business April 9 to:

Bill McDaniel
 NF/CARE Division Director
 New England Building
 503 S. Kansas Ave.
 Topeka, KS 66603-3403
 Fax (785) 296-0256

Persons and organizations wishing to submit comments on the proposed amendments to the Medicaid State Plan must mail, deliver or fax their signed, written comments before the close of business April 9 to the same address set out above.

V. Notice of Intent to Publish Final Rates.

The state intends to publish the final methodology used to calculate the ventilator-dependent resident rate, the final rates and the justifications for those final rates in the Kansas Register after any timely submitted public comments have been reviewed.

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

The state intends to submit proposed Medicaid State Plan amendments to HCFA on or before June 30, 2001.

J.G. Scott
 Budget Director
 Social and Rehabilitation Services
 Janis DeBoer
 Commissioner
 Program and Policy Commission
 Kansas Department on Aging

Doc. No. 026279

State of Kansas

Department of Revenue

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Wednesday, May 30, in Room 481-W, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of proposed changes to the existing rules and regulations that support the Kansas retailers' sales tax act; the Kansas income tax act; Article 10 of Chapter 79 of the Kansas Statutes Annotated, which concerns merchants, manufacturers, motor vehicle dealers and certain contractors; Article 1 of Chapter 70a, which concerns sand and gravel; the Transient Guest Tax Act; and Article 1 of Chapter 8, which deals with registration of vehicles. In addition, a number of regulations are being revoked because the underlying supporting statutes have been repealed. These include regulations that supported the repealed statutes for display of mobile home registration, proportional fleet registration, the motor vehicle inventory tax, and sight clearance registration. The changes include the adoption of new regulations and the amendment or revocation of a number of existing regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed rules and regulations. All interested parties may submit written comments on the proposed rules and regulations prior to the hearing to Tom Hatten, Attorney/Tax Specialist, Office of Policy and Research, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing, or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Tom Hatten at (785) 296-3081 or TTY (785) 296-6461. Handicapped parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The north, south and east entrances to the Docking Building are accessible.

The regulations are proposed for adoption on a permanent basis. A summary of the proposed rules and regulations and their economic impact follows.

Revocation of K.A.R. 92-9-8. Exemption; tonnage charges. K.A.R. 92-9-8 describes an exemption from the tonnage charge for sand sold to state agencies and municipal corporations. The portion of the statute that provided this exemption was repealed by the 1996 Legislature. See 1996 Kan. Sess. Laws Ch. 47, Sec. 1. Revocation of the regulation should have no economic impact on Kansas retailers, government agencies or units, or the general public, since the amended statute is controlling and continues in place.

Revocation of K.A.R. 92-12-66; adoption of K.A.R. 92-19-66a. Compromise of income taxes. K.A.R. 92-12-66 implements K.S.A. 79-3233a and K.S.A. 79-3233b. These income tax statutes, which concern settlement of tax liabilities, were revised extensively by the 1999 Legislature. See 1999 Kan. Sess. Laws Ch. 94, Sec. 2 & 3. The legislative changes require revocation of the current regulation and adoption of a new one. The new regulation is an interpretive regulation that is intended to restate these statutes and concepts in simpler term for the benefit of taxpayers and practitioners who wish to compromise of income tax liabilities. This substitution will not have any economic impact on Kansas retailers, government agencies or units, or the general public, since the statutes, as amended, are controlling and remain in place.

Amendments to K.A.R. 92-15-6. Bond; time in effect. This regulation deals with nonresident contractor bonds. The regulation, which has been unchanged since 1968, references a regulation that was revoked in 1983. The regulation is being amended to eliminate this reference and to update its form. Amending the regulation should not have any economic impact on Kansas retailers, government agencies or units, or the general public, since the basic provisions in the regulation are unchanged.

Revocation of K.A.R. 92-19-4a; adoption of K.A.R. 92-19-4b. Recordkeeping requirements. In 1998, the Multi-state Tax Commission (MTC) revised its model recordkeeping regulation to recognize, among other things, advancements in electronic technology and the movement toward paperless sales transactions. The sales tax regulation being proposed is the new MTC model regulation, revised to meet the Department of Administration standards. The regulation being revoked is the superseded MTC regulation. Having uniform recordkeeping regulations from state-to-state should help simplify recordkeeping for Kansas and multistate businesses and should reduce accounting and auditing costs.

Adoption of K.A.R. 92-19-16a. Gifts, premiums, prizes, coupons, and rebates. K.A.R. 92-19-16a is intended to replace K.A.R. 92-19-16, which was the predecessor regulation for sales tax treatment of gifts, premiums, prizes, coupons and rebates. This regulation was revoked in 1998. The new regulation is an interpretive regulation that is intended to restate tax statutes and concepts in simpler term for the benefit of retailers and others who may be concerned with how these items and transactions are taxed. This proposal should not have a significant economic impact on Kansas retailers, government agencies or units, or the general public.

Amendments to K.A.R. 92-19-24. Renting of rooms by hotels; taxability of property and services. This sales tax regulation deals with taxation of hotels and motels. Subsection (b) of the current regulation is deleted because it implements the exemption of sleeping rooms that are rented for more than 28 consecutive days. This exemption was repealed by the Legislature in 1992 as part of the school finance bill. See 1992 Kan. Sess. Laws Ch. 280, Sec. 59. The revisions to the rest of the regulation are necessary for clarity and to bring it into compliance with the Department of Administration standards. Since the proposed changes are intended to reflect the current statute or to state the current policy more clearly, there should

be no economic impact on retailers, government agencies or units, or the general public.

Amendments to K.A.R. 92-19-33. Permanent extensions of time to file sales and use tax returns. This sales tax regulation deals with permanent extensions of time for filing sales and use tax returns. The proposed changes are needed to allow the department's new computer programs to process permanent extensions of time for filing returns more efficiently. The changes will reduce administrative costs by eliminating the hand processing that is currently needed for these returns. Some taxpayers with permanent extensions may be affected by the change.

Revocation of K.A.R. 92-19-64; adoption of K.A.R. 92-19-64a. Responsible individuals. K.A.R. 92-19-64, which deals with corporate officer liability, is being revoked. K.A.R. 92-19-64a, which deals with the liability of individuals who are responsible for collection of sales tax, is being adopted. This substitution is needed to implement amendments to the controlling statute, K.S.A. 79-3643, that were made by the 1999 Legislature. See 1999 Kan. Sess. Law Ch. 94, Sec. 10. This substitution should not have an economic impact on Kansas retailers, government agencies or units, or the general public.

Adoption of K.A.R. 92-19-73. Memberships fees and dues. This sales tax regulation deals with taxation of membership fees and dues. The proposed amendments are intended to refine and clarify the regulation based upon department litigation. Since the proposed changes are intended to state the current statutes and policy more clearly, there should be no economic impact on retailers, government agencies or units, or the general public.

Revocation of K.A.R. 92-19-75. Educational institutions. The regulation being revoked defines the term "educational institution." The 1998 Legislature defined the term in K.S.A. 2000 Supp. 79-3602(r). This subsection provides a broader definition for "educational institution" than the regulation. Since the controlling statute conflicts with the regulation, there should be no economic impact on retailers, government agencies or units, or the general public when the regulation is revoked.

Amendments to K.A.R. 92-25-1. Effective date for levy, repeal, or change in the rate of transient guest tax. The 1989 Legislature amended the controlling statutes to provide that voter changes to the transient guest tax take effect 30 days after a general or city primary election and 60 days after all other elections. See 1989 Kan. Sess. Laws Ch. 60, Sec. 1. The changes to the regulation being made to reflect the statutory changes should not have an economic impact on anyone.

Revocation of K.A.R. 92-51-33. Display of mobile home registration plates. This regulation instructs how mobile home registration plates should be displayed. The reference to mobile homes was stricken from the controlling law by the 1991 Legislature when it repealed and reenacted K.S.A. 8-143. See 1991 Kan. Sess. Laws Ch. 33, Sec. 15. K.S.A. 8-143 governs motor vehicle tags. This revocation should not have an economic impact on anyone since it mirrors the statutory change.

Revocation of K.A.R. 92-51-50, K.A.R. 92-51-51, K.A.R. 92-51-52, K.A.R. 92-51-54, and K.A.R. 92-51-55. Proportional fleet registration. These five regulations concern proportional fleet registration. Most of the statutes that

authorized these regulations were repealed, while the basic definitional sections were moved to K.S.A. 8-1,101, et seq. See K.S.A. 8-1,101, et seq.; 1978 Kan. Sess. Laws Ch. 30, Sec. 5. The regulations being revoked are not compatible with the new statutes that control proportional fleet registration. Since these regulations do not implement current statutes, their revocation should not have any economic impact on Kansas retailers, government agencies or units, or the general public.

Revocation of K.A.R. 92-53-1 through K.A.R. 92-53-7. Motor vehicle inventory tax. Article 53 implements the motor vehicle inventory tax. The motor vehicle inventory tax was repealed in 1989. See K.S.A. 79-1016, et seq. Accordingly, the seven regulations that comprise Article 53 should be revoked. Since these regulations do not implement current statutes, their revocation should not have an economic impact on Kansas retailers, government agencies or units, or the general public.

Revocation of K.A.R. 92-54-1 through K.A.R. 92-54-5. Sight clearance certification. Article 54 implements the sight clearance language of subsection (c) of K.S.A. 79-1324. This language was repealed in 1990. See 1990 Kan. Sess. Laws Ch. 244, Sec. 1. Accordingly, the five regulations that comprise Article 54 should be revoked. Since these regulations do not implement current statutes, their revocation should have no economic impact on Kansas retailers, government agencies or units, or the general public.

Copies of the regulations and their economic impact statements may be obtained from the Kansas Department of Revenue, Office of Policy and Research, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1588.

Stephen S. Richards
Secretary of Revenue

Doc. No. 026270

State of Kansas

Secretary of State

Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register March 8, 2001.)

SENATE BILL No. 216

AN ACT relating to sales taxation; concerning rates authorized to be imposed by cities; amending K.S.A. 2000 Supp. 12-189 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 12-189 is hereby amended to read as follows: 12-189. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class A, class B or class C city retailers' sales tax shall be fixed in the amount of .10%, .25%, .5%, .75% or 1% which amount shall be determined by the governing body of the city. Except as otherwise provided

(continued)

by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75%, 1%, 1.125%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75% and the board of county commissioners of Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, 1.75% or 2%;

(g) the board of county commissioners of Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; or

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the state director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 2000 Supp. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer having a place of business in such city or county setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

Sec. 2. K.S.A. 2000 Supp. 12-189 is hereby repealed.

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

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-8	Amended (T)	V. 20, p. 175
1-5-9	Amended (T)	V. 20, p. 176
1-5-19b	Amended (T)	V. 20, p. 176
1-5-19c	Amended (T)	V. 20, p. 176
1-5-20	Amended (T)	V. 20, p. 176
1-5-24	Amended	V. 19, p. 1337

1-9-23	Amended	V. 19, p. 944
1-18-1a	Amended	V. 19, p. 1719
1-49-1	Amended	V. 19, p. 724

AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
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	V. 19, p. 1678

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-3-49	Amended (T)	V. 20, p. 246
4-3-51	New (T)	V. 20, p. 246
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

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
5-12-1		
through		
5-12-4	New	V. 19, p. 1503, 1504
5-13-1		
through		
5-13-11	New	V. 19, p. 1504-1507
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
5-25-4	Amended	V. 20, p. 294
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
7-32-1	Amended	V. 19, p. 1269
7-32-2	Amended	V. 19, p. 1269

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-10-33	New	V. 19, p. 1748
9-14-2	Amended	V. 19, p. 1748
9-15-4	Amended	V. 19, p. 1748
9-15-5	New	V. 19, p. 1748

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

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 19, p. 141
28-1-18	Amended	V. 19, p. 141
28-1-26	New	V. 19, p. 142
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	Amended	V. 19, p. 1720
28-16-28e	Amended	V. 19, p. 1723
28-17-15	Amended	V. 19, p. 1190
28-19-717	New	V. 19, p. 1932
28-19-729	New	V. 19, p. 565
28-19-729a		
through		
28-19-729h	New	V. 19, p. 566-569
28-29-1100		
through		
28-29-1107	New	V. 19, p. 941-943
28-34-1a	Amended	V. 20, p. 105
28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
28-34-32b	Amended	V. 20, p. 107
28-38-18		
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
28-59-1		
through		
28-59-5	Amended	V. 20, p. 295, 296
28-59-5a	Amended	V. 20, p. 297
28-59-6	Amended	V. 20, p. 297
28-59-7	Amended	V. 20, p. 298
28-59-8	Amended	V. 20, p. 298
28-61-1		
through		
28-61-10	Amended	V. 20, p. 298-303
28-61-11	New	V. 20, p. 304
28-68-1	Amended	V. 19, p. 1934
28-68-2	Amended	V. 19, p. 1934
28-68-3	Amended	V. 19, p. 1935
28-68-6	Amended	V. 19, p. 1936
28-72-51		
through		
28-72-54	New	V. 19, p. 989, 990

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 19, p. 1548
30-5-59	Amended	V. 19, p. 1548
30-5-64	Amended	V. 19, p. 1549
30-5-81	Amended	V. 19, p. 1587
30-5-309	Amended	V. 19, p. 988
30-10-21	Amended	V. 19, p. 1550

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-2-3	Revoked	V. 19, p. 1449
36-2-4	Revoked	V. 19, p. 1449
36-2-6	Revoked	V. 19, p. 1449
36-2-8		
through		
36-2-13	Revoked	V. 19, p. 1449
36-15-23	Revoked	V. 19, p. 1622
36-34-1	Revoked	V. 19, p. 1622

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-3-26	Amended	V. 19, p. 303
40-3-27	Revoked	V. 19, p. 680
40-3-32	Amended	V. 19, p. 303
40-3-45	Amended	V. 19, p. 303
40-3-49	Amended	V. 19, p. 303
40-4-35	Amended	V. 19, p. 1853

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-45-1		
through		
49-45-4	Amended	V. 19, p. 504
49-45-4a	New	V. 19, p. 504
49-45-5		
through		
49-45-9	Amended	V. 19, p. 504
49-45-20		
through		
49-45-28	Amended	V. 19, p. 504, 505

49-45-29		
through		
49-45-34	New	V. 19, p. 505
49-45a-1	Amended	V. 19, p. 505
49-45a-2		
through		
49-45a-27	Revoked	V. 19, p. 506
49-46-1	Amended	V. 19, p. 506
49-47-1	Amended	V. 19, p. 507
49-47-1a	New	V. 19, p. 507
49-47-1b	New	V. 19, p. 507
49-47-2	Amended	V. 19, p. 507
49-48-1	Amended	V. 19, p. 508
49-49-1a	New	V. 19, p. 508
49-50-1		
through		
49-50-4	Amended	V. 19, p. 509, 510
49-50-6		
through		
49-50-15	Amended	V. 19, p. 510-513
49-50-17		
through		
49-50-20	Amended	V. 19, p. 513, 514
49-50-21	New	V. 19, p. 514
49-50-22	New	V. 19, p. 515
49-51-1	Amended	V. 19, p. 515
49-51-2	Amended	V. 19, p. 515
49-51-3	Amended	V. 19, p. 515
49-51-3a	New	V. 19, p. 516
49-51-6		
through		
49-51-12	Amended	V. 19, p. 516-518
49-51-14	Revoked	V. 19, p. 518
49-52-5		
through		
49-52-9	Amended	V. 19, p. 518-520
49-52-11	Amended	V. 19, p. 520
49-52-13	Amended	V. 19, p. 520
49-52-14	Amended	V. 19, p. 521
49-52-15	Revoked	V. 19, p. 521
49-52-16	New	V. 19, p. 521
49-52-17	New	V. 19, p. 521
49-54-1		
through		
49-54-3	Revoked	V. 19, p. 521

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138
50-1-4	Amended	V. 20, p. 138
50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140
50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143
50-3-1		
through		
50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-6-101	Amended	V. 19, p. 344
60-11-101	Amended	V. 19, p. 344
60-11-103	Amended	V. 19, p. 345
60-11-104a	Amended	V. 19, p. 346
60-11-106	Amended	V. 19, p. 346
60-11-108	Revoked	V. 19, p. 346
60-17-101		
through		
60-17-111	New	V. 19, p. 346-350

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 19, p. 2024
63-1-4	Amended	V. 19, p. 2024
63-1-5	Amended	V. 19, p. 2025
63-1-6	Amended	V. 19, p. 2025
63-1-12	Amended	V. 19, p. 2025
63-2-7	Amended	V. 19, p. 2025
63-2-10	Amended	V. 19, p. 2026
63-2-11	Amended	V. 19, p. 2026

(continued)

63-2-12	Amended	V. 19, p. 2026
63-3-17	Amended	V. 19, p. 2027
63-3-18	Amended	V. 19, p. 2027
63-3-20	Amended	V. 19, p. 2027
63-5-1	Amended	V. 19, p. 2028
63-6-1	Amended	V. 19, 0. 2028
63-6-2	Amended	V. 19, p. 2028
63-6-3	Amended	V. 19, p. 2029
63-6-6	Amended	V. 19, p. 2029

**AGENCY 65: BOARD OF EXAMINERS
IN OPTOMETRY**

Reg. No.	Action	Register
65-5-6	Amended	V. 19, p. 839

**AGENCY 66: BOARD OF TECHNICAL
PROFESSIONS**

Reg. No.	Action	Register
66-6-4	Amended	V. 20, p. 102
66-6-6	Amended	V. 19, p. 70
66-7-2	Amended	V. 19, p. 70
66-8-7	New	V. 19, p. 70
66-9-4	Amended	V. 19, p. 71
66-9-6	New	V. 19, p. 71
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 104
66-10-13	Amended	V. 20, p. 104
66-11-4	New	V. 19, p. 72
66-12-1	Amended	V. 19, p. 72
66-14-1	Amended	V. 19, p. 72
66-14-6	Amended	V. 19, p. 72
66-14-10	Amended	V. 20, p. 104

**AGENCY 67: BOARD OF HEARING
AID EXAMINERS**

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

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-5-1	Amended	V. 19, p. 501
68-7-11	Amended	V. 19, p. 501
68-7-14	Amended	V. 19, p. 502
68-7-18	Amended	V. 19, p. 503
68-14-8	Amended	V. 19, p. 1830

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-20	New	V. 19, p. 573
71-1-21	New	V. 19, p. 573
71-3-8	New	V. 19, p. 1336

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-2	Amended	V. 19, p. 1791
74-1-7	New	V. 19, p. 1792
74-2-1	Amended	V. 19, p. 1792
74-2-3	Amended	V. 19, p. 1792
74-2-4	Amended	V. 19, p. 1792
74-3-8	Amended	V. 19, p. 1792
74-4-1	Revoked	V. 19, p. 1792
74-4-1a	New	V. 19, p. 1792
74-4-2a	New	V. 19, p. 1792
74-4-3a	New	V. 19, p. 1793
74-4-4	Amended	V. 19, p. 1793
74-4-7	Amended	V. 19, p. 1793
74-4-10	Amended	V. 19, p. 1793
74-5-2	Amended	V. 19, p. 1793
74-5-202	Amended	V. 19, p. 1794
74-5-203	Amended	V. 19, p. 1794
74-5-205	New	V. 19, p. 1795
74-5-405	Amended	V. 19, p. 1795
74-6-1	Amended	V. 19, p. 1795
74-6-2	Amended	V. 19, p. 1795
74-7-2	Amended	V. 19, p. 1795
74-11-6	Amended	V. 19, p. 1796
74-12-1	Amended	V. 19, p. 1796
74-15-1	New	V. 19, p. 1797
74-15-2	New	V. 19, p. 1797

AGENCY 75: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
75-6-2	Revoked	V. 19, p. 1082
75-6-6	Revoked	V. 19, p. 1082
75-6-24	Revoked	V. 19, p. 1082
75-6-26	Amended	V. 19, p. 1082
75-6-30	New	V. 19, p. 1082
75-6-31	New	V. 19, p. 1083
75-6-32	New	V. 20, p. 175

**AGENCY 82: STATE CORPORATION
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Reg. No.	Action	Register
82-4-1	Amended	V. 19, p. 1158
82-4-3	Amended	V. 19, p. 1159
82-4-6d	Amended	V. 19, p. 1083
82-4-8a	Amended	V. 19, p. 1084
82-4-8h	New	V. 19, p. 1085
82-4-20	Amended	V. 19, p. 1085
82-4-23	Amended	V. 19, p. 1085
82-4-24a	Amended	V. 19, p. 1085
82-4-27c	Amended	V. 19, p. 1085
82-4-27e	Amended	V. 19, p. 1086
82-4-27f	Revoked	V. 19, p. 1087
82-4-27g	Amended	V. 19, p. 1087
82-4-30a	Amended	V. 19, p. 1087
82-4-31	Amended	V. 19, p. 1087
82-4-32	Amended	V. 19, p. 1087
82-4-33	Amended	V. 19, p. 1087
82-4-35a	Amended	V. 19, p. 1088
82-4-37	Amended	V. 19, p. 1088
82-4-42	Amended	V. 19, p. 1088
82-4-57	Amended	V. 19, p. 1088

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-1	through	
88-23-6	New	V. 19, p. 41-43

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-26	Revoked	V. 19, p. 1435
91-1-27	Revoked	V. 19, p. 1435
91-1-27a	through	
91-1-27d	Revoked	V. 19, p. 1435
91-1-28	Revoked	V. 19, p. 1435
91-1-30	Revoked	V. 19, p. 1435
91-1-30a	Revoked	V. 19, p. 1435
91-1-31	through	
91-1-35	Revoked	V. 19, p. 1435
91-1-37	Revoked	V. 19, p. 1435
91-1-39	through	
91-1-58	Revoked	V. 19, p. 1435, 1436
91-1-60	Revoked	V. 19, p. 1436
91-1-61	Revoked	V. 19, p. 680
91-1-63	Revoked	V. 19, p. 1436
91-1-65	Revoked	V. 19, p. 1436
91-1-67	Revoked	V. 19, p. 1436
91-1-68a	through	
91-1-68e	Amended	V. 19, p. 1588-1592
91-1-70	Revoked	V. 19, p. 1436
91-1-70b	Revoked	V. 19, p. 1593
91-1-71	through	
91-1-83	Revoked	V. 19, p. 1436, 1437
91-1-84a	Revoked	V. 19, p. 1437
91-1-85	through	
91-1-91	Revoked	V. 19, p. 1437
91-1-91a	Revoked	V. 19, p. 1437
91-1-92	Revoked	V. 19, p. 1437
91-1-93a	Revoked	V. 19, p. 1437
91-1-101a	Revoked	V. 19, p. 1437
91-1-101b	Revoked	V. 19, p. 1437
91-1-102a	Revoked	V. 19, p. 1437
91-1-104b	Revoked	V. 19, p. 1437
91-1-104c	Revoked	V. 19, p. 1437
91-1-105	Revoked	V. 19, p. 1437
91-1-106	Revoked	V. 19, p. 1437
91-1-106a	through	
91-1-106m	Revoked	V. 19, p. 1437, 1438
91-1-107a	Revoked	V. 19, p. 1438

91-1-108a	Revoked	V. 19, p. 1438
91-1-108b	Revoked	V. 19, p. 1438
91-1-108c	Revoked	V. 19, p. 1438
91-1-109a	Revoked	V. 19, p. 1438
91-1-110a	Revoked	V. 19, p. 1438
91-1-110c	Revoked	V. 19, p. 1438
91-1-111a	Revoked	V. 19, p. 1438
91-1-112c	Revoked	V. 19, p. 1438
91-1-112d	Revoked	V. 19, p. 1438
91-1-113b	Revoked	V. 19, p. 1438
91-1-114a	Revoked	V. 19, p. 1438
91-1-115a	Revoked	V. 19, p. 1438
91-1-117a	Revoked	V. 19, p. 1438
91-1-118a	Revoked	V. 19, p. 1438
91-1-119a	through	
91-1-119g	Revoked	V. 19, p. 1438, 1439
91-1-120	Revoked	V. 19, p. 1439
91-1-121	Revoked	V. 19, p. 1439
91-1-122	Revoked	V. 19, p. 1439
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91-1-125	Revoked	V. 19, p. 1439
91-1-127a	Revoked	V. 19, p. 1439
91-1-128b	Revoked	V. 19, p. 1439
91-1-129a	Revoked	V. 19, p. 1439
91-1-130	Revoked	V. 19, p. 1439
91-1-131	Revoked	V. 19, p. 1439
91-1-132a	Revoked	V. 19, p. 1439
91-1-135a	Revoked	V. 19, p. 1439
91-1-137a	Revoked	V. 19, p. 1439
91-1-138a	Revoked	V. 19, p. 1439
91-1-140a	Revoked	V. 19, p. 1439
91-1-141	Revoked	V. 19, p. 1439
91-1-143	Revoked	V. 19, p. 1439
91-1-144	Revoked	V. 19, p. 1439
91-1-145	Revoked	V. 19, p. 1439
91-1-146a	Amended	V. 19, p. 1593
91-1-146e	Amended	V. 19, p. 1593
91-1-148a	Revoked	V. 19, p. 1439
91-1-149	Revoked	V. 19, p. 1439
91-1-150	Revoked	V. 19, p. 1439
91-1-153	Revoked	V. 19, p. 1439
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91-1-211	New	V. 19, p. 1439-1449
91-5-14	Amended	V. 20, p. 108
91-12-22	Revoked	V. 19, p. 680
91-12-23	Revoked	V. 19, p. 680
91-12-24a	Revoked	V. 19, p. 680
91-12-25	Revoked	V. 19, p. 680
91-12-27	Revoked	V. 19, p. 680
91-12-28	Revoked	V. 19, p. 680
91-12-30	through	
91-12-33	Revoked	V. 19, p. 680
91-12-35	through	
91-12-42	Revoked	V. 19, p. 680, 681
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91-12-69	Revoked	V. 19, p. 681
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91-12-74	Revoked	V. 19, p. 682
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91-22-9	Amended	V. 19, p. 683
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91-22-21	Revoked	V. 19, p. 684
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91-22-24	Revoked	V. 19, p. 684
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91-40-5	New	V. 19, p. 685-691
91-40-7	through	
91-40-12	New	V. 19, p. 692-695

91-40-16 through 91-40-19	New	V. 19, p. 695-697
91-40-21	New	V. 19, p. 697
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91-40-24 through 91-40-31	New	V. 19, p. 698-700
91-40-33 through 91-40-39	New	V. 19, p. 700-702
91-40-41 through 91-40-48	New	V. 19, p. 702-704
91-40-50 through 91-40-53	New	V. 19, p. 705, 706
91-41-1 through 91-41-4	New (T)	V. 20, p. 137

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

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

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended	V. 19, p. 241
100-7-1	Amended	V. 19, p. 1044
100-10a-1	Amended	V. 19, p. 241
100-10a-3	Amended	V. 19, p. 241
100-11-1	Amended	V. 19, p. 1190
100-22-3	New	V. 19, p. 571
100-28a-1 through 100-28a-16	New (T)	V. 20, p. 247-251
100-29-7	Amended	V. 19, p. 1547
100-49-4	Amended	V. 19, p. 1190
100-54-4	Amended	V. 19, p. 1547
100-55-1 through 100-55-9	Amended	V. 19, p. 1017-1020
100-55-4	Amended	V. 19, p. 1547
100-55-11	New	V. 19, p. 1020
100-60-1	Revoked (T)	V. 20, p. 251
100-60-2	Revoked (T)	V. 20, p. 251
100-60-4	Revoked (T)	V. 20, p. 251
100-60-5	Revoked (T)	V. 20, p. 251
100-60-6	Revoked (T)	V. 20, p. 251
100-60-8 through 100-60-15	Revoked (T)	V. 20, p. 251
100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572
100-69-5	Amended	V. 19, p. 1547

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-3	Revoked	V. 19, p. 1681
102-1-3a	New	V. 19, p. 1681
102-1-5	Revoked	V. 19, p. 1683
102-1-5a	New	V. 19, p. 1683
102-1-12	Amended	V. 19, p. 1684
102-1-15	Amended	V. 19, p. 1686
102-1-17	New	V. 19, p. 1687
102-1-18	New	V. 19, p. 1687
102-2-1a	Amended	V. 19, p. 1192
102-2-2a	Amended	V. 19, p. 1194
102-2-3	Amended	V. 19, p. 1194
102-2-4a	Amended	V. 19, p. 1195
102-2-5	Amended	V. 19, p. 1196
102-2-7	Amended	V. 19, p. 1196
102-2-8	Amended	V. 19, p. 1198
102-2-11	Amended	V. 19, p. 1200
102-2-12	Amended	V. 19, p. 1201
102-2-13	New	V. 19, p. 1202
102-2-14	New	V. 19, p. 1202
102-3-1a	Amended	V. 19, p. 1202
102-3-2	Amended	V. 19, p. 1204
102-3-5a	Amended	V. 19, p. 1205
102-3-7a	Amended	V. 19, p. 1206
102-3-14	New	V. 19, p. 1207
102-3-15	New	V. 19, p. 1207
102-4-1a	Amended	V. 19, p. 1208
102-4-2	Amended	V. 19, p. 1209
102-4-4a	Amended	V. 19, p. 1209
102-4-5a	Amended	V. 19, p. 1211
102-4-7a	Amended	V. 19, p. 1211
102-4-14	New	V. 19, p. 1212
102-4-15	New	V. 19, p. 1213
102-5-1	Amended	V. 19, p. 1213
102-5-2	Amended	V. 19, p. 1214
102-5-4a	Amended	V. 19, p. 1215
102-5-5	Amended	V. 19, p. 1216
102-5-7a	Amended	V. 19, p. 1216
102-5-13	New	V. 19, p. 1218
102-5-14	New	V. 19, p. 1218

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 19, p. 2022
108-1-3	New	V. 19, p. 68

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-2-2	Amended	V. 19, p. 1949
109-5-1	Amended	V. 19, p. 1749
109-5-4	Amended	V. 19, p. 1750
109-6-2	Amended	V. 19, p. 1750
109-6-3	New	V. 19, p. 1751
109-7-1	Amended	V. 19, p. 1751

109-10-1	Amended	V. 19, p. 1751
109-11-6	Amended	V. 19, p. 1753
109-13-1	Amended	V. 19, p. 1754

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180

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
112-7-21	Amended	V. 19, p. 118
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
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-4-1	Amended	V. 20, p. 180
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
115-7-1	Amended	V. 19, p. 1876
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-16	New	V. 19, p. 1475

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
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

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