

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 20, No. 12 March 22, 2001 Pages 359-390

In this issue . . .	Page
Kansas Council on Developmental Disabilities	
Notice of available grant funding	361
Department of Administration—Division of Architectural Services	
Notice of commencement of negotiations for architectural/engineering services	361
Board of Examiners in Optometry	
Notice of hearing on proposed administrative regulations	362
Kansas State University	
Notice to bidders	362
Kansas Department of Transportation	
Request for comments on the Statewide Transportation Improvement Program	362
Kansas Insurance Department	
Notices of hearing on proposed administrative regulations	363
Board of Emergency Medical Services	
Notice of meeting	364
Kansas Development Finance Authority	
Notices of hearing on proposed revenue bonds	364, 365
Department of Agriculture	
Notice of hearing on proposed administrative regulations	364
Notice of hearing and pre-hearing conference	366
State Corporation Commission	
Notice of motor carrier applications	365
Notice of hearing on proposed administrative regulations	366
Notice of motor carrier hearings	367
Legislative bills and resolutions introduced March 8-14	367
Kansas Department of Health and Environment	
Notice concerning Kansas water pollution control permits	368
Requests for comments on proposed air quality permits	370, 371, 372
Notice of hearing on proposed administrative regulations	372
Pooled Money Investment Board	
Notice of investment rates	370
Heartland Works, Inc.	
Request for proposals for lease of office space	372
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	373

(continued on next page)

Notice of Bond Sale
 City of Olathe..... 374
 U.S.D. 431, Barton County..... 375

New State Laws
 Senate Bill 242, concerning tobacco; relating to requirements for sale of cigarettes 376
 House Bill 2184, regulating traffic; concerning the width of certain vehicles..... 377
 House Bill 2001, authorizing establishment of the Northwest Kansas technical college 378
 House Bill 2115, concerning the Kansas life and health insurance guaranty association;
 relating to claim reimbursement..... 379
 Senate Bill 71, concerning the state capitol area; relating to memorials 382
 Senate Bill 148, concerning fishing licenses 383

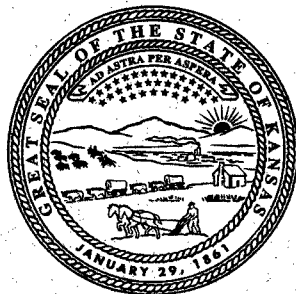
Index to administrative regulations..... 385

The Kansas Register (ISSN No. 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include \$5.44 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

Postmaster: Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

© Kansas Secretary of State 2001. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Ron Thornburgh
 Secretary of State
 1st Floor, Memorial Hall
 120 S.W. 10th Ave.
 Topeka, KS 66612-1594
 (785) 296-4564
 www.kssos.org



Register Office:
 Garden Level, Memorial Hall
 (785) 296-3489
 Fax (785) 368-8024

State of Kansas

Kansas Council on Developmental Disabilities

Notice of Available Grant Funding

The Kansas Council on Developmental Disabilities (KCDD), in a joint project with the SRS Medicaid Infrastructure Project, announces the availability of federal funds to be invested in state plan activities outlined below. Projects listed in the notice may be approved for grants for up to one year. Recipients are required to provide a 25 percent nonfederal match for this project. In-kind contributions may be included as part of the 25 percent match.

Council Mandates

The council is mandated by the Developmental Disabilities Assistance and Bill of Rights Act to "promote, through systematic change, capacity building and advocacy, a consumer and family-centered, comprehensive system and a coordinated array of services, supports and other assistance for the individuals with developmental disabilities and their families." The council, at the direction of the Administration of Developmental Disabilities (ADD), adopts a state plan to outline how this will be accomplished. In doing so, all state and federal laws and regulations pertaining to equal access, civil rights and equal opportunity are strictly enforced.

Call For Investment #1—

Waiver Review/Employment Barriers

Description: People with developmental disabilities have greater difficulty in finding employment compared to the general population. While a variety of employment options exist across the state for the persons with developmental disabilities, many leave much to be desired. The history of developing employment for people with developmental disabilities consists of predominately setting up programs and hoping for the best. Whether it is sheltered work, day activity or supported employment, the emphasis has been on getting someone into a program. Many people with developmental disabilities are still funneled automatically into segregated employment settings based solely upon their diagnosis or the service professional's perception of capacity.

The specific objective is to research and identify the policy barriers, which under the existing waiver/state plan keep people with developmental disabilities out of competitive, integrated employment, and what disincentives deter providers from helping people access integrated employment opportunities.

Funding: A total of \$50,000 for one project.

Proposal Due: May 21, 2001

The grant award is expected to be announced June 1, 2001. The project implementation period will be July 1, 2001 through June 30, 2002.

Full copies of the Call for Investment (CFI) are available upon request by calling the council office at (785) 296-2608 or by email at: kccd@midusa.net. For specific ques-

tions related to the CFI proposal, procedures or submission, contact Craig Kaberline, grants manager, at the number listed above.

Jane Rhys
Executive Director

Doc. No. 026327

State of Kansas

Department of Administration Division of Architectural Services

Notice of Commencement of Negotiations for Architectural/Engineering Services

Notice is hereby given of the commencement of negotiations for architectural/engineering services for the remodeling of a portion of the Landon State Office Building, 9th and Jackson, Topeka, for the Department of Administration, Division of Facilities Management. Architectural, mechanical and electrical engineering services are required.

The project consists of remodeling approximately 63,000 square feet of office space on seven floors. Project work required is demolition of existing partitions as required, construction of new offices, new carpet, painting and associated finishes, remodel of ceilings as required, rearrangement of lighting and HVAC distribution as required, and new electrical power and telecommunication distribution.

Space planning for the new agencies will be under a separate contract. Design work includes new state agency office areas, ranging in size from 800 square feet to 6,400 square feet, for an anticipated 20 to 25 state agencies. Design work also includes redesign of mechanical and electrical distribution systems. Construction budget is estimated at \$1,500,000.

For information regarding the scope of services, contact Gary Hibbs, Design Supervisor, Division of Facilities Management, (785) 296-4142.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal.

Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. April 6.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 026331

State of Kansas

Board of Examiners in Optometry**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Thursday, May 24, in the conference room in Suite 303, 555 S. Kansas Ave., Topeka, to consider the adoption of a proposed rule and regulation of the Kansas Board of Examiners in Optometry.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All parties may submit written comments prior to the hearing to the secretary-treasurer of the Kansas State Board of Examiners in Optometry, 3111 W. 6th, Suite A, Lawrence, 66049. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Request for accommodation should be made at least five working days in advance of the hearing by contacting Frieden, Haynes & Forbes at (785) 232-7266. Handicapped parking is located at the east end of the building, and the street entrance to the building is accessible to individuals with disabilities.

This regulation is proposed for adoption on a permanent basis. A summary of the regulation and its economic impact follows. This regulation is not mandated by federal law as a requirement for participating in or implementing a federally-subsidized or assisted program.

Copies of the regulation and its economic impact statement may be obtained by writing to the secretary-treasurer of the board at the address given above.

K.A.R. 65-8-5. Contact lens prescriptions and their release. This regulation requires, if certain conditions exist, that optometrists provide to patients contact lens prescriptions, upon the patients request. The regulation also requires that the prescription not be limited to a period of less than 12 months unless a health-related reason is stated in the patient's file.

No cost will be borne by optometrists, the agency proposing the regulation, nor any other governmental agencies or units, nor any private citizens or consumers of the services that are the subject of this regulation. This is not an environmental regulation.

Larry D. Stoppel
President

Doc. No. 026337

State of Kansas

Kansas State University**Notice to Bidders**

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

Friday, March 30, 2001

#40040

Quick service submarine sandwich shop

William H. Sesler
Director of Purchasing

Doc. No. 026328

State of Kansas

Department of Transportation**Request for Comments**

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

Project U-1877-01, Install and upgrade regulatory and warning signs, City of Garden City, Finney County

Project X-2222-01, Railway-highway crossing signals flashing light straight post-type with gates, Union Pacific Railroad Crossing with RS-958 (RD-118) east of Bloom, Ford County

Project X-2223-01, Railway-highway crossing signals flashing light straight post-type with gates, Union Pacific Railroad Crossing with RD-131 west of Bucklin, Ford County

Project X-2224-01, Railway-highway crossing signals flashing light straight post-type with gates, Union Pacific Railroad Crossing with RD-135 3 miles northeast of Bucklin, Ford County

Project X-2225-01, Railway-highway crossing signals flashing light straight post-type with gates, Burlington Northern Santa Fe Railroad Crossing with T-51 north of Arkansas City, Cowley County

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

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

The comment period regarding the STIP amendment will conclude April 23.

E. Dean Carlson
Secretary of Transportation

Doc. No. 026325

State of Kansas

Kansas Insurance Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, May 22, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed changes in an existing rule and regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Rebecca Sanders, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Rebecca Sanders at (785) 296-7811.

A copy of the complete text of the regulation and the economic impact statement may be obtained by contacting Rebecca Sanders. A summary of the regulation and its economic impact follows.

K.A.R. 40-9-100. This regulation governs advertising standards of accident and health insurance. The Kansas Insurance Department is proposing two primary revisions to this regulation. First, the current regulation adopts by reference the 1974 edition of the National Association of the Insurance Commissioners model regulation of "advertisements of accident and sickness insurance." The department is proposing that the regulation adopt by reference the April 1999 edition of the model regulation. The 1999 edition has very minor differences from the 1974 edition. All of the changes can be classified as grammatical and style changes.

The second revision that the department is proposing is that Section 18B of the model regulation not be adopted by reference. That section requires that each insurer file an annual statement with the department stating that all their advertising to the best of their knowledge complies with this regulation and the insurance laws in the state. The department feels that this statement is unnecessary because the industry compliance can be monitored through market conduct exams, consumer complaints, and standard monitoring of the industry.

The economic impact on the department and the industry, if any, would be positive. Companies are no longer required to file an annual form and the department no longer will have to store or maintain this record. Insurance consumers will not be harmed because the department will continue to monitor the industry's compliance and handle any consumer complaints that are received.

There is no economic impact on other agencies or units of local government. Federal law does not mandate this regulation.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 026324

State of Kansas

Kansas Insurance Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, May 22, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the proposed revocation of an existing rule and regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Rebecca Sanders, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678. All interested parties will be given a reasonable opportunity to present their views orally on the proposed revocation of the regulation during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Rebecca Sanders at (785) 296-7811.

A copy of the complete text of the regulation and the economic impact statement may be obtained by contacting Rebecca Sanders. A summary of the regulation and its economic impact follows.

K.A.R. 40-1-13. This regulation provides that penalties that are assessed pursuant to K.S.A. 40-246a be calculated at double the amount of premium tax owed. The Kansas Insurance Department is proposing that this regulation be repealed because it is unnecessary. K.S.A. 40-2,125 authorizes the department to assess penalties against companies for violations of insurance laws or regulations. K.S.A. 40-246a further authorizes the Kansas Insurance Department to collect that amount of tax provided by law from any insurance company or agent receiving premiums in violation of the insurance laws.

The economic impact on insurance companies and the Kansas Insurance Department is, at most, minimal. The economic impact, if any, would be positive because an unnecessary regulation is being repealed. However, the department is left with all the necessary tools to regulate and enforce industry compliance.

There is no economic impact on other agencies or local units of government. Federal law does not mandate this regulation or its repeal.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 026323

State of Kansas

Board of Emergency Medical Services

Notice of Meeting

The Board of Emergency Medical Services will meet at 9 a.m. Friday, April 6, at the Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th Ave., Topeka. Committee meetings will begin at 10 a.m. Thursday, April 5.

Agenda items include office update, committee reports, EMSC grant update, strategic planning update, FY 2002 Governor's budget update, Trauma Registry Committee update, Rural Health Options Project update, and an update on the 2001 legislative session.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (785) 296-6237.

David Lake
Administrator

Doc. No. 026330

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, April 5, 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. 000485— Maximum Principal Amount: \$100,800. Owner/Operator: Edward L. and Nancy E. George. Description: Acquisition of 240 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Section 9, Sherman Township, Crawford County, approximately 3 miles west of Farlington on West 690 Avenue (gravel 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, To-

peka, 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. 026332

State of Kansas

Department of Agriculture

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1 p.m. Tuesday, May 22, in Room 401 of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed new and amended rules and regulations of commercial feeding stuffs.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed new and amended rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, Attention: Dan Riley, 109 S.W. 9th, 4th Floor, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Jackson, and the north entrance to the building is accessible to individuals with disabilities.

A copy of the proposed regulations and the economic impact statement may be obtained by contacting the Department of Agriculture. A summary of the regulations and the economic impact follows.

K.A.R. 4-3-49 and 4-3-51 were adopted verbatim on a temporary basis and became effective February 13, 2001. These regulations are proposed for adoption on a permanent basis. No direct or indirect costs are anticipated.

K.A.R. 4-3-47 amendments serve to update materials adopted by reference to the most current versions. No direct or indirect costs are anticipated.

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 026339

State of Kansas

State Corporation Commission

Notice of Motor Carrier Applications

The following motor carriers have filed various applications. All applications listed herein are for statewide authority, unless otherwise stated.

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Jackie Miller, Director of Transportation, at the address above within 20 days of the date of publication of this notice.

Applications for Certificate of Public Service:

BSW Trucking, Inc., Route 1, Box 130, Scandia, KS 66966; MC ID No. 158090; General commodities (except household goods and hazardous materials)

C & M Trucking, Inc., 26704 W. Greentree Court, Olathe, KS 66061; MC ID No. 159620; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Dibben Land and Cattle, Inc., 5800 S. Hwy. K-57, Junction City, KS 66441; MC ID No. 159623; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Cristino M. Garcia, dba Garcia Trucking Co., 2112 A St., Garden City, KS 67846; MC ID No. 159618; General commodities (except household goods and hazardous materials)

Matlock & Sons, Inc., 4329 A Hwy. 65 South, Harrison, AR 72601; MC ID No. 156111; General commodities (except household goods and hazardous materials)

Marlon E. Nolte, dba N & S Movers, Route 1, Box 116, South Coffeyville, OK 74072; MC ID No. 159622; General commodities (except household goods and hazardous materials)

Skinner Harvesting, L.L.C., 1063 Road 135, Lot 29, Emporia, KS 66801; MC ID No. 159266; General commodities (except household goods and hazardous materials)

Steven E. Squires, dba Mid/Town Towing, 721 W. Maple, Wichita, KS 67213; MC ID No. 159624; Wrecked, disabled, repossessed and replacement vehicles

Tango Transport, Inc., 495 Spur 156, #4, Waskom, TX 75692; MC ID No. 142201; Newt Cunningham, Attorney; General commodities (except household goods and hazardous materials)

Valley Floral Company, Inc., 4619 N. Arkansas, Wichita, KS 67204; MC ID No. 158381; General commodities (except household goods and hazardous materials)

Weststar Systems, Inc., 27487 W. Hwy. 84, McGregor, TX 76657; MC ID No. 227061; Mobile homes

Application for Name Change of Certificate of Public Service:

Steve Russell, dba Russell Custom Harvesting, 106 W. Cedar, Geuda Springs, KS 67051, MC ID No. 157248, to: Steven B. Russell, dba Russell's Custom Harvesting, 106 W. Cedar, Geuda Springs, KS 67051; General commodities (except household goods and hazardous materials)

Application for Transfer and Extension of Certificate of Public Service:

Dan Wullschleger, dba Wheels Trucking, 1967 Pheasant Road, Frankfort, KS 66427, MC ID No. 132468, to: Wheels, Inc., 1967 Pheasant Road, Frankfort, KS 66427; General commodities (except household goods)

Jacquelyn S. Miller
Administrator
Transportation Division

Doc. No. 026342

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, April 5, 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. 000484—Maximum Principal Amount:

\$120,000. Owner/Operator: Craig M. and Kelly Harries. 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 Southwest ¼, Section 3, Township 1, Range 6 in Marshall County, approximately 4.5 miles north of Herkimer, 2 miles west and 2 miles north.

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. 026333

State of Kansas

State Corporation Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 4 p.m. Tuesday, May 29, in the third floor hearing room at 1500 S.W. Arrowhead Road, Topeka, to consider the adoption of proposed regulation 82-1-250.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to Colleen Harrell, Assistant General Counsel, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Colleen Harrell at (785) 271-3110.

Copies of the regulation may be obtained by contacting Colleen Harrell. A summary of the proposed regulation and the economic impact follows.

82-1-250. Consumer information and education; telephone preference service subscribership; information for telephone solicitors. This regulation is being promulgated as required by K.S.A. 2000 Supp. 50-675a. As the statute directs, by this regulation the Corporation Commission is requiring local exchange carriers and telecommunications carrier to meet to collectively develop methods of informing consumers of Kansas and federal laws regarding unsolicited telephone calls. In addition, regulation requires consumer information to include information for registration in the Direct Marketing Association's telephone preference service and methods to inform telephone solicitors of the methods of accessing the Direct Marketing Association's database.

The commission anticipates that the economic impact of this regulation will be through two means—publication of the Direct Marketing Association information yearly in the Kansas Register, which is anticipated to be minimal, and maintenance of the information on the commission's Web site. This also is anticipated to be minimal.

No significant economic impact on other governmental agencies or private entities, except for telephone companies, is anticipated. For telephone companies, the extent of the economic impact cannot be measured at this time as the statute and regulation require the companies to meet at a time in the future to determine a method or methods to inform consumers of the mandated informa-

tion. Once the methods have been determined, then the costs can be assessed.

Jeff Wagaman
Executive Director

Doc. No. 026338

State of Kansas

Department of Agriculture

Notice of Hearing and Pre-hearing Conference

The chief engineer of the Kansas Department of Agriculture's (KDA) Division of Water Resources will conduct a hearing at 9 a.m. Wednesday, May 9, in the matter of the Application(s) for Approval to Change the Place of Use and/or the Point of Diversion of Todd Graham "Huff n' Puff #1," Kearny County. Issues included for consideration are whether the quantity of water requested by the swine facility is adequate to protect the public interest, including whether the static water level of the aquifer will be adversely affected if the application were granted or whether water rights would be impaired.

Those wishing to participate in the hearing shall do the following:

1. Submit in writing any proposed testimony and any evidence they wish to present at the time of the hearing to the attention of Jim Congrove to be received at the offices of the KDA, 109 S.W. 9th, Topeka, 66612, not later than April 23;
2. Include with the above submission the address and phone number of the person who will present the evidence or the testimony at the time of the hearing and participate in the pre-hearing conference;
3. Include with the submission the legal basis for standing to participate in the hearing. A statement of the legal basis for standing shall include the nature and location of any water rights held by the person testifying and the nature of any alleged impairment of those rights;
4. Participate in the pre-hearing conference by phone or in person at the offices of the KDA. Those participating by phone will be contacted at the telephone number identified in the submission on or about 3 p.m. April 24.

Those who wish to submit only written testimony or evidence are not required to participate in the pre-hearing conference, and their submission should clearly indicate in bold print as follows: **ORAL SUBMISSION IS WAIVED**. All written submissions will be considered by the chief engineer in his deliberations.

The location of the May 9 hearing will be in Kearny County at a place to be announced at the time of the pre-hearing conference. Those who have submitted written testimony will be notified by mail following the pre-hearing conference of the exact location of the hearing.

Copies of the application(s) may be obtained from the KDA.

David L. Pope
Chief Engineer
Division of Water Resources

Doc. No. 026348

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. April 10 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Application for Certificate of Convenience and Necessity:

Byron L. and Cathleen L. Skadburg, dba Luxury Executive Xpress, 21203 S. Whiteside Road, Pretty Prairie, KS 67570; MC ID No. 159621; Passengers

Application for Abandonment of Certificate of Convenience and Necessity:

Lawrence Bus Company, Inc., 837 Pennsylvania St., Lawrence, KS 66044; MC ID No. 158483

Applications for Abandonment of Certificate of Public Service:

Diamond W Trucking, Inc., 325 16th Road N.W., Hartford, KS 66857; MC ID No. 155319

Rene Ede, dba Ede Trucking Co., 825 S. Missouri, Ulysses, KS 67880; MC ID No. 157341

Nolan Garber, dba Castle Rock Cartage, 7462 County Road X, Quinter, KS 67752-9499; MC ID No. 156176

Merle and Nancy Greve, dba Greve Farms, 10785 230th Road, Chanute, KS 66720; MC ID No. 156143

Billy D. Kenworthy, dba K & B Trucking, 90425 S.W. 140th Ave., Coats, KS 67028; MC ID No. 157405

Kurt Larson, 447 Sunflower Road, Waterville, KS 66548; MC ID No. 136098

M & B Trucking and Supply, Inc., 80 S.E. 20th Ave., Great Bend, KS 67530; MC ID No. 124928

Jim E. McFarland, 13813 234th Road, Winfield, KS 67156; MC ID No. 101376

Nicholas Water Service, Inc., 14704 S.W. 60th Ave., Zenda, KS 67159; MC ID No. 145021

Gerald W. Scheckel and Greg Scheckel, dba Scheckel Farms, 20190 N.W. 2500 Road, Richmond, KS 66080; MC ID No. 146049

Donald Lane Woodworth, dba WLF Trucking, HC 1, Box 16, St. Francis, KS 67756; MC ID No. 156801

Jacquelyn S. Miller
Administrator
Transportation Division

Doc. No. 026343

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 8-14 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 2562, An act relating to property taxation; reauthorizing the statewide education mill levy and the exemption therefrom; amending K.S.A. 2000 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Taxation.

HB 2563, An act concerning securities; relating to investor education; establishing the investor education fund; amending K.S.A. 17-1271 and repealing the existing section, by Committee on Appropriations.

HB 2564, An act concerning firearms; relating to the liability for the discharge thereof, by Committee on Federal and State Affairs.

HB 2565, An act concerning public health and welfare; relating to the Kansas children's cabinet and the sunflower foundation; prescribing certain guidelines and conditions precedent for expenditures by the sunflower foundation, by Committee on Appropriations.

HB 2566, An act concerning retirement and pensions; relating to members of the legislature; purchase of retirement annuities; amending K.S.A. 2000 Supp. 74-4925 and repealing the existing section, by Committee on Federal and State Affairs.

Senate Bills

SB 354, An act concerning corrections; relating to placement of facilities; cooperation and consultation with municipalities and the public; by Committee on Ways and Means.

SB 355, An act concerning agriculture; enacting the Kansas poultry producer protection act; prescribing penalties for violations thereof, by Committee on Ways and Means.

SB 356, An act concerning unified school district No. 512, Johnson county, Kansas; relating to elections on closure of school buildings; authorizing the levy of an ad valorem tax for operation of school buildings not closed; providing for extraordinary school facilities weighting; amending K.S.A. 72-8136e and K.S.A. 2000 Supp. 72-6407 and repealing the existing sections, by Committee on Ways and Means.

SB 357, An act concerning state moneys; relating to remittance to the state treasurer; amending K.S.A. 20-156, as amended by section 68 of 2001 Senate Bill No. 15, 20-1a01, as amended by section 70 of 2001 Senate Bill No. 15, 20-1a02, as amended by section 71 of 2001 Senate Bill No. 15, 20-1a03, as amended by section 72 of 2001 Senate Bill No. 15, 20-213, as amended by section 75 of 2001 Senate Bill No. 15, 20-2801, as amended by section 79 of 2001 Senate bill No. 15, 21-4610a, as amended by section 81 of 2001 Senate Bill No. 15, 22-4526, as amended by section 83 of 2001 Senate Bill No. 15 and K.S.A. 2000 Supp. 19-4707, as amended by section 67 of 2001 Senate Bill No. 15, 20-166, as amended by section 69 of 2001 Senate Bill No. 15, 20-1a04, as amended by section 73 of 2001 Senate Bill No. 15, 20-1a11, as amended by section 74 of 2001 Senate Bill No. 15, 20-350, as amended by section 76 of 2001 Senate Bill No. 15, 20-362, as amended by section 77 of 2001 Senate Bill No. 15, 20-367, as amended by section 78 of 2001 Senate Bill No. 15, 21-3851, as amended by section 80 of 2001 Senate Bill No. 15, 22-4504, as amended by section 82 of Senate Bill No. 15, 22-4529, as amended by section 84 of 2001 Senate Bill No. 15, and 23-108a, as amended by section 85 of 2001 Senate Bill No. 15, and repealing the existing sections, by Committee on Ways and Means.

Senate Resolutions

SR1826, A resolution congratulating and commending Joseph Blecha and Kathleen Murray.

SR 1827, A resolution in memory of Robert F. Bennett.

Doc. No. 026321

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-01-077/080

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Rick and Cindy Jensen Jensen Dairy Route 1, Box 209 Neodesha, KS 66757	SW/4 of Section 25, T30S, R15E, Wilson County	Verdigris River Basin

Kansas Permit No. A-VEWL-M005

This is a new permit for a new facility for 99 head (139 animal units) of mature dairy cattle.

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

Compliance Schedule: 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
Robert McDaniel P.O. Box 57 Sycamore, KS 67363	NW/4 of Section 25, T31S, R15E, Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-S027

This is a renewal permit for an existing facility for 600 head (240 animal units) of swine weighing greater than 55 pounds.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Eldon R. Koehn Koehn Farms 2241 Moccasin Road Galva, KS 67428	NE/4 of Section 7, T20S, R1W, McPherson County	Little Arkansas River

Kansas Permit No. A-LAMP-P001 Federal Permit No. KS-0090239

This is a renewal, change of ownership and modification of a permit for an existing facility for 80,000 head (1,440 animal units) of turkeys.

An enclosed building with dimensions of 70 feet by 90 feet is being added for manure storage and composting.

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
Pioneer, Inc. 1021 Co. RD. "CC" Oakley, KS 67748	N/2 & SW/4 of Section 18, T11S, R21W, and NW/4 of Section 19, T11S, R31W, Gove County	Smoky Hill River

Kansas Permit No. A-SHGO-C003 Federal Permit No. KS-0115860

This is a permit revision for an existing facility to reflect present available storage volumes and the addition of an extraneous runoff bypass channel. There has been no change in animal unit capacity. The permit is for 40,000 head (40,000 animal units) of cattle weighing greater than 700 lbs.

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.

Public Notice No. KS-01-017/018

Name and Address of Applicant	Waterway	Type of Discharge
Ottawa, City of 101 S. Hickory Ottawa, KS 66067	Marais des Cygnes River	Treated Domestic Wastewater

Kansas Permit No. M-MC31-IO01 Federal Permit No. KS0038504

Legal: NE¼, S36, T16S, R19E, Franklin County

Facility Description: The proposed action is to modify and 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 and pH. Monitoring for total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen and effluent flow also will be required. In addition, the permittee is required to conduct a chronic whole effluent toxicity test and a priority pollutant scan. 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.

Name and Address of Applicant	Waterway	Type of Discharge
Air Products Manufacturing Corp. P.O. Box 12291 Wichita, KS 67277	Spring Creek via Dry Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-AR94-PO18 Federal Permit No. KS0080659

Facility Location: 6601 S. Ridge Road, Haysville, KS 67060

Facility Description: The proposed action is to reissue an existing permit for the discharge of process wastewater. This facility produces and purifies amines and esters that are used as urethane catalysts, industrial and speciality amines. Specialty chemicals are manufactured on a contract basis. Reverse osmosis reject water and noncontact cooling tower blowdown are combined prior to discharging west of the plant to the unnamed tributary to Dry Creek. The proposed permit includes limits for total residual chlorine and pH. Monitoring for dissolved oxygen, chloride, sulfate and effluent flow also will be required. In addition, the permittee is required to conduct a chronic whole effluent toxicity test. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-PT-01-008/009

Name and Address of Applicant	Receiving Facility	Type of Discharge
Manko Window Systems Inc. 800 Hayes Drive Manhattan, KS 66502	Manhattan MWWTP	Processed Wastewater

Kansas Permit No. P-KS38-0002

Facility Description: The proposed action is to issue a new pretreatment permit for this facility. This facility manufactures aluminum windows. A four-stage conversion coating operation prepares the aluminum for paint using a powder coating operation. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, total cyanide, zinc and pH. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Plating Inc. 8801 6th St. Great Bend, KS 67530	Great Bend MWWTP	Processed Wastewater

Kansas Permit No. P-UA16-0001

Facility Description: The proposed action is to reissue a pretreatment permit for this facility. This facility is a job shop that performs hard chromium and zinc electroplating and performs some conversion coating operations. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, total cyanide, zinc, total metals and pH. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

Public Notice No. KS-ND-01-003

Name and Address of Applicant	Legal Location	Type of Discharge
Sedgwick County Bureau of Public Services 1250 S. Seneca Wichita, KS 67213	SW¼, S8, T28S, R1W, Sedgwick County	Nonoverflowing

Facility Name: Mid-Continent Industrial Park Sewer District

Kansas Permit No. I-AR94-NO04

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility is an industrial park for light industrial development. A three-cell earthen wastewater stabilization pond is used to treat domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to connect the collection system to the City of Wichita's collection system and properly abandon this wastewater treatment facility. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments regarding the draft permit or application notice postmarked or received on or before April 21 will

be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-077/080, KS-01-017/018, KS-PT-008/009, KS-ND-01-003) and name of applicant/application as listed when preparing comments.

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

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

- Northwest District Office, 2301 E. 13th,
Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th, Lawrence, 66046-4417,
(785) 842-4600
- Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (316) 225-0596
- South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020
- Southeast District Office, 1500 W. 7th, Chanute, 66720,
(316) 431-2390

Plans and documents for all new facilities and for expansions of existing swine facilities also may be reviewed on the Internet at www.kdhe.state.ks.us.

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

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

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026334

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).

Term	Rate
1-89 days	5.46%
3 months	4.47%
6 months	4.37%
1 year	4.25%
18 months	4.26%
2 years	4.28%

Derl S. Treff
Director of Investments

Doc. No. 026320

State of Kansas
Department of Health
and Environment
Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed modification to an air quality operating permit. APAC-Kansas, Inc., Shears Division Hays Branch, has applied for a Class II operating permit modification in accordance with the provisions of K.A.R. 28-19-544. Emissions of sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), total particulate matter (PM), and particulate matter equal to or less than 10 microns in diameter (PM₁₀) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

APAC-Kansas, Inc., Shears Division Hays Branch, Hutchinson, owns and operates a portable hot mix asphalt plant.

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 KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Herbert Buckland, (785) 296-6438, at the KDHE central office, or Dave Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to 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 23.

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

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026341

State of Kansas
Department of Health
and Environment
Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Eldorado National has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a small transit bus manufacturing facility. Emissions of volatile organic compounds (VOCs), individual hazardous air pollutant (HAP), combination of HAPs, particulate matter (PM), and particulate matter equal to or less than 10 micrometers in diameter (PM₁₀) were evaluated during the permit review process.

Eldorado National, Salina, owns and operates the stationary source located at 1655 Wall St., Salina, at which the small transit bus manufacturing facility is to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or Joan Ratzlaff, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, 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 23.

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

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026340

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. Kinder Morgan-Scott City compressor station has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Kinder Morgan-Scott City compressor station, Lakewood, Colorado, owns and operates a natural gas compressor station located at S17-T18S-R33W, Scott City, Scott County, 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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (785) 296-6427, at the KDHE central office, or Dave Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business April 23.

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

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was im-

practicable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026345

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Smith Sand Company, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a portable asphalt plant. Emissions of sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOCs), total particulate matter (PM), and particulate matter equal to or less than 10 microns in diameter (PM₁₀) were evaluated during the permit review process.

Smith Sand Company, Inc., Garden City, owns and operates the portable asphalt plant.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Herbert Buckland, (785) 296-6438, at the KDHE central office, or Dave Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to 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 23.

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

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026335

(Published in the Kansas Register March 22, 2001.)

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

Heartland Works, Inc. is accepting bids for the lease of office space in Topeka. To receive a Request for Proposals containing specifications, contact the Heartland Works office at 1035 S.W. Topeka Blvd., Topeka, 66612, (785) 234-0500. All bids must be received by 3 p.m. April 5. All companies and property owners are encouraged to bid.

Kris Kitchen
Executive Director

Doc. No. 026329

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. Kinder Morgan-Holcomb compressor station has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Kinder Morgan-Holcomb compressor station, Lakewood, Colorado, owns and operates a natural gas compressor station located at S4-T24S-R34W, Holcomb, Finney County, 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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (785) 296-6427, at the KDHE central office, or Dave Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business April 23.

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

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

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

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026346

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

The Kansas Department of Health and Environment, Division of Environment, Bureau of Water, will conduct public meetings and hearings at the following locations on the following dates to consider the adoption of the water and wastewater operator certification regulations K.A.R. 28-16-30 through 28-16-36 (amended):

May 24

Public Meeting: 5:30 - 7 p.m.

Public Hearing: 7 - 8 p.m.

City Council Office - Commission Chambers
455 N. Main, Wichita**May 29**

Public Meeting: 1:30 - 3 p.m.

Public Hearing: 3 - 4 p.m.

Memorial Hall Auditorium
120 S.W. 10th Ave., Topeka

The amended regulations are proposed in response to the 1996 Federal Safe Drinking Water Act, which requires a state certification program for water supply operators to conform to the Environmental Protection Agency mandated guidelines. Other changes are being proposed to provide clarity in how the certification program is managed and to make wastewater certification requirements consistent with the water supply system requirements.

An opportunity for open discussion on the proposed amendments will take place at the public meeting. Formal

comments on the proposed amendments will be received at the public hearing.

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

K.A.R. 28-16-30. Requirements for water and wastewater operator certification. Modifies the education and experience requirements.

K.A.R. 28-16-31. Eligibility for water and wastewater operator certification. Modifies eligibility requirements.

K.A.R. 28-16-32. Operator certification examination. Modifies the operators' examination requirements.

K.A.R. 28-16-33. Operator responsible for the operation and management of a water supply system or wastewater treatment facility, or both. Modifies the operator designated in responsible charge requirements.

K.A.R. 28-16-34. Issuance and renewal of certificate of competency. Modifies the training and renewal requirements.

K.A.R. 28-16-35. Operator certification fees. Modifies the operator certification and reinstatement fees.

K.A.R. 28-16-36. Classification of water supply systems and wastewater facilities. Modifies the system or facility classification requirements.

The economic impact as a result of the proposed changes to these regulations is minimal, with an overall annual cost of less than \$600.

The time period between the publication of this notice and the last scheduled hearing constitutes the public comment period for the purpose of receiving written comments on the proposed regulatory action. Comments received after the close of the public comment period may not be considered. All interested parties may submit written comments prior to the hearings to Jeanne Woodard, Kansas Department of Health and Environment, Bureau of Water, Forbes Field, Building 283, Topeka, 66620. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing. It is requested, but not mandatory, that those providing verbal comments also provide their comments in writing to ensure an accurate record of comments is received.

Copies of the proposed regulatory amendments and the economic impact statement may be obtained from the Kansas Department of Health and Environment by calling (785) 296-5511, or copies may be accessed by downloading the file "Operator Certification Proposed Amended Regulations" at www.kdhe.state.ks.us/water/tech.html.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Vickie Wessel at (785) 296-2976 or Teresa Schuyler at (785) 296-5511, or by fax at (785) 296-5509.

Clyde D. Graeber
Secretary of Health
and Environment

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

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

Monday, April 2, 2001

03041

Department of Administration, Division of Information Systems and Communications—Maintenance and Support for PS2 Folder Sealers

03042

Kansas State Fair—All Labor and Materials for Restoration of Concrete Surfaces

Tuesday, April 3, 2001

03008

University of Kansas—Video/Stereo Audio Switcher

03052

Wichita State University—IBM S/390 Server and Controller

03075

Emporia State University—Professional Audio Equipment

Thursday, April 5, 2001

03062

Department of Wildlife and Parks—Used Wheel Loader, Reading

Tuesday, April 17, 2001

A-9036

Emporia State University—Studio Theater and Performance Classroom, Roosevelt Hall

A-9047(B)

Osawatomie State Hospital—Reroof Staff Cottages #7 and #8

A-9089

Topeka Correctional Facility—New Laundry Building

Wednesday, April 18, 2001

A-9059

Kansas Neurological Institute—Toilet and Bath Remodeling, Cottonwood Lodge

A-9074

Atchison Juvenile Correctional Facility—Repair HVAC, Dietary/Commissary Building

A-9076

Atchison Juvenile Correctional Facility—Replace Power Poles and Equipment

A-9193

Fort Hays State University—Parking Lot Improvements, Malloy Hall

(continued)

Request for Proposals
Thursday, April 12, 2001
02977

Marketing and Advertising for the Department of Human Resources

03030

Open Shelf Filing System for the Department of Health and Environment

Thursday, April 19, 2001

03045

Administrative Services for Kansas Title XIX HealthWave Dental Beneficiaries and Capitated Dental Managed Care Services for Kansas Title XXI Healthwave Beneficiaries for the Department of Social and Rehabilitation Services

John T. Houlihan
Director of Purchases

Doc. No. 026347

(Published in the Kansas Register March 22, 2001.)

Summary Notice of Sale
City of Olathe, Kansas
\$8,270,000
Water and Sewer System Revenue Bonds
Series 2001

Bids

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$8,270,000 principal amount of Water and Sewer System Revenue Bonds, Series 2001, of the City of Olathe, Kansas, will be received (1) in the case of sealed and facsimile bids by the director of financial services at the address and fax number hereinafter set forth, and (2) in the case of electronic bids through PARITY electronic bid submission system, until 11 a.m. Tuesday, April 3, 2001, at which time such bids will be publicly read. No bid will be considered of less than 98 percent of the principal amount of the bonds and accrued interest to the date of delivery.

Bond Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated April 15, 2001, and will become due semiannually on January 1 and July 1, beginning January 1, 2002, in the years as follows:

Year	Principal Amount
01/01/02	\$ 45,000
07/01/02	125,000

01/01/03	125,000
07/01/03	125,000
01/01/04	125,000
07/01/04	125,000
01/01/05	125,000
07/01/05	125,000
01/01/06	150,000
07/01/06	150,000
01/01/07	150,000
07/01/07	150,000
01/01/08	150,000
07/01/08	150,000
01/01/09	2,200,000
07/01/09	2,250,000
01/01/10	2,000,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold, which interest will be payable semiannually on January 1 and July 1 in each year, beginning January 1, 2002. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar for the bonds.

Redemption Prior to Maturity

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

Good Faith Deposit

Each bid for the bonds shall be accompanied by a deposit in the form of a certified or cashier's check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds, payable to the order of the city.

Delivery

The city will pay for preparing the bonds. The bonds will be delivered in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about April 26, 2001.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from Kevin Hammeke, the city's director of financial services, (913) 782-2600; or from the city's financial advisor, George K. Baum & Company, Kansas City, Missouri, Attention: Dave Arteberry, (816) 474-1100.

Dated March 6, 2001.

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

Doc. No. 026344

(Published in the Kansas Register March 22, 2001.)

**Summary Notice of Bond Sale
Unified School District No. 431
Barton County, Kansas (Hoisington)
\$12,058,106
General Obligation School Bonds
Series 2001-A**

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

Bids

Subject to the notice of bond sale dated March 5, 2001, sealed, facsimile and electronic bids will be received by the clerk of Unified School District No. 431, Barton County, Kansas (Hoisington) (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at office of the Board of Education, 106 N. Main St., Hoisington, KS 67544, and in the case of electronic bids, through Thomson Financial Municipals Group BiD-COMP/PARITY electronic bid submission system, until 1 p.m. April 2, 2001, for the purchase of \$12,058,106 principal amount of General Obligation School Bonds, Series 2001-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$8,106. The bonds will be dated April 15, 2001, and will become due on September 1 in the years as follows:

Year	Principal Amount
2003	\$273,106
2004	385,000
2005	440,000
2006	475,000
2007	500,000
2008	525,000
2009	550,000
2010	575,000
2011	600,000
2012	625,000
2013	650,000
2014	675,000
2015	710,000
2016	750,000
2017	780,000
2018	825,000
2019	860,000
2020	910,000
2021	950,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2002.

Book-Entry-Only System

The bonds will be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$241,163 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about April 17, 2001, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2000 is \$25,320,195. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds including the bonds being sold, is \$12,223,106.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 653-4134, fax (316) 653-4073; or from the financial advisor, George K. Baum & Company, Twelve Wyandotte Plaza, 120 W. 12th St., Kansas City, MO 64105, Attention: David Arteberry or Kyle Patino, (816) 474-1100, fax (816) 283-5326.

Dated March 5, 2001.

Unified School District No. 431
Barton County, Kansas (Hoisington)

Doc. No. 026326

State of Kansas

Secretary of State

Certification of New State Laws

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

Ron Thornburgh
Secretary of State

(continued)

(Published in the Kansas Register March 22, 2001.)

SENATE BILL No. 242

AN ACT concerning tobacco; relating to requirements for sale of cigarettes; amending K.S.A. 2000 Supp. 50-6a02 and 50-6a03 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 50-6a02 is hereby amended to read as follows: 50-6a02. As used in this act:

(a) "Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in exhibit C to the master settlement agreement.

(b) "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns," "is owned" and "ownership" mean ownership of an equity interest; or the equivalent thereof, of 10% or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.

(c) "Allocable share" means allocable share as that term is defined in the master settlement agreement.

(d) "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (1) of this subsection (d). The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

(e) "Master settlement agreement" means the settlement agreement (and related documents) entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.

(f) "Qualified escrow fund" means an escrow arrangement with a federally or state chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1,000,000,000 where such arrangement requires that such financial institution hold the escrowed funds principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with subsection (b)(2) of K.S.A. 2000 Supp. 50-6a03 and amendments thereto.

(g) "Released claims" means released claims as that term is defined in the master settlement agreement.

(h) "Releasing parties" means releasing parties as that term is defined in the master settlement agreement.

(i) "Tobacco product manufacturer" means an entity that after the date of enactment of this act directly (and not exclusively through any affiliate):

(1) Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer, as that term is defined in the master settlement agreement, that will be responsible for the payments under the master settlement agreement with respect to such cigarettes as a result of the provisions of subsections II(mm) of the master settlement agreement and that pays the taxes specified in subsection II(z) of the master settlement agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

(2) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(3) becomes a successor of an entity described in paragraph (1) or (2). The term "tobacco product manufacturer" shall not include an affil-

iate of a tobacco product manufacturer unless such affiliate itself falls within any of parts (1)-(3) of subsection (i) above.

(j) "Units sold" means the number of individual cigarettes sold in the state by the applicable tobacco product manufacturer (whether directly or through a distributor, retailer or similar intermediary or intermediaries) during the year in question, as measured by excise taxes collected by the state on packs (or "roll-your-own" tobacco containers) bearing the excise tax stamp of the state. The department of revenue shall promulgate such rules and regulations as are necessary to ascertain the amount of state excise tax paid on the cigarettes of such tobacco product manufacturer for each year.

Sec. 2. K.S.A. 2000 Supp. 50-6a03 is hereby amended to read as follows: 50-6a03. Any tobacco product manufacturer selling cigarettes to consumers within the state (whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the effective date of this act shall do one of the following:

(a) Become a participating manufacturer (as that term is defined in section II(jj) of the master settlement agreement) and generally perform its financial obligations under the master settlement agreement; or

(b) (1) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation):

(A) 1999: \$.0094241 per unit sold after the effective date of this act;

(B) 2000: \$.0104712 per unit sold;

(C) for each of 2001 and 2002: \$.0136125 per unit sold;

(D) for each of 2003 through 2006: \$.0167539 per unit sold;

(E) for each of 2007 and each year thereafter: \$0188482 \$.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (1) of subsection (b) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

(A) To pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the state or any releasing party located or residing in the state. Funds shall be released from escrow under this subparagraph (i) in the order in which they were placed into escrow and (ii) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(B) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the state's allocable share of the total payments that such manufacturer would have been required to make in that year under the master settlement agreement (as determined pursuant to section IX(i)(2) of the master settlement agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that agreement other than the inflation adjustment) had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(C) to the extent not released from escrow under subparagraphs (A) or (B) of paragraph (2) of subsection (b), funds shall be released from escrow and revert back to such tobacco product manufacturer 25 years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the attorney general that it is in compliance with this subsection. The attorney general may bring a civil action on behalf of the state against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall:

(A) Be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty to be credited to the state general fund in an amount not to exceed 5% of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100% of the original amount improperly withheld from escrow;

(B) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty to be paid to the state general fund in an amount not to exceed 15% of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300% of the original amount improperly withheld from escrow; and

(C) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the state (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed two years.

Each failure to make an annual deposit required under this section shall constitute a separate violation. A tobacco product manufacturer who is found in violation of this section shall pay, in addition to other amounts assessed under this section and pursuant to law, the costs and attorney's fees incurred by the state during a successful presentation under this paragraph (3).

Sec. 3. K.S.A. 2000 Supp. 50-6a02 and 50-6a03 are hereby repealed.

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

(Published in the Kansas Register March 22, 2001.)

HOUSE BILL No. 2184

AN ACT regulating traffic; concerning the width of certain vehicles; amending K.S.A. 2000 Supp. 8-126, 8-1486 and 8-1902 and repealing the existing sections.

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

New Section 1. "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

Sec. 2. K.S.A. 2000 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(c) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(e) "Tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(g) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person" means every natural person, firm, partnership, association or corporation.

(n) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident" means every person who is not a resident of this state.

(p) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

(s) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents.

(u) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(v) "Division" means the division of vehicles of the department of revenue.

(w) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes and measuring eight feet or less in width.

(x) "Passenger vehicle" means every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer" means every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.

(aa) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:

- (1) A motor which produces not more than 3.5 brake horsepower;
- (2) a cylinder capacity of not more than 130 cubic centimeters;
- (3) an automatic transmission; and
- (4) the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle" means any motorized nonhighway vehicle 45 inches or less in width, having a dry weight of 650 pounds or less, traveling on three or more low-pressure tires, having a seat designed to be straddled by the operator. As used in this subsection, low-pressure tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership.

(continued)

(4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;

(5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(dd) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

(ee) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is an oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

Sec. 3. K.S.A. 2000 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1414a, 8-1459a and 8-1475a, and amendments thereto, and K.S.A. 2000 Supp. 8-1402a, 8-1439c, 8-1458a, 8-1487, 8-1488 and 8-1489, and amendments thereto, and *section 1, and amendments thereto*, shall be a part of, and supplemental to, the uniform act regulating traffic on highways.

Sec. 4. K.S.A. 2000 Supp. 8-1902 is hereby amended to read as follows: 8-1902. (a) The total outside width of any vehicle or the load thereon shall not exceed 8½ feet, except as otherwise provided in this section.

(b) A farm tractor or a fertilizer dispensing machine shall not be permitted to travel on any highway which is a part of the national system of interstate and defense highways. Whenever a farm tractor or implement of husbandry, and any load on any such vehicle, exceeds the width limitations prescribed by this section to the extent that the width of such vehicle, including any load thereon, exceeds the width of that portion of a roadway on which such vehicle is driven, which is marked as a single lane of traffic, or, if such roadway has not been marked for lanes of traffic, the width of such vehicle exceeds more than ½ the width of such roadway, the driver shall move such vehicle as soon as possible as far to the right side of the highway as is practicable and safe upon the approach of any oncoming or following vehicle and upon approaching the crest of a hill.

(c) The secretary shall adopt rules and regulations consistent with federal requirements designating safety and other devices which may extend out on either side of the vehicle.

(d) (1) A vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by K.S.A. 8-1904, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national network of highways, except as permitted under subsection (j) of K.S.A. 8-1911, and amendments thereto, or under paragraph (2) of this subsection.

(2) A farm vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by K.S.A. 8-1904, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national system of interstate and defense highways, except as permitted under subsection (j) of K.S.A. 8-1911, and amendments thereto. As used in this paragraph "farm vehicle" means a truck or truck tractor registered under K.S.A. 8-143, and amendments thereto, as a farm truck or truck tractor. Such farm truck or truck tractor may be used in combination with any type of trailer or semitrailer.

(3) Any such vehicles under paragraphs (1) or (2) so loaded shall not be moved during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. Any vehicle loaded with bales of hay as authorized by the exception in this subsection, with the load extending beyond 8½ feet, shall have attached thereto a sign which states "OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of seven feet long and 18 inches high. Letters shall be a minimum of 10 inches high with a brush stroke of not less than 1½ inches. The sign shall be readily visible from a distance of 500 feet and shall be removed when the vehicle or load does not exceed the legal width. Each vehicle shall be equipped with red flags on all four corners of the oversized load.

(e) The secretary of transportation shall adopt rules and regulations authorizing vehicles to be loaded with two combine headers which exceed the legal width, but vehicles so loaded shall not be moved on any highway designated as a part of the national system of interstate and defense highways, except as permitted under subsection (i) of K.S.A. 8-1911, and amendments thereto, and vehicles so loaded shall not be moved during

the period beginning 30 minutes after sunset and ending 30 minutes before sunrise.

(f) A motor home or travel trailer, may exceed 102 inches, if such excess width is attributable to an appurtenance that extends no more than six inches beyond the body of the vehicle, except that in no case shall such motor home or travel trailer exceed a total width of 108 inches.

For the purposes of this subsection the term "appurtenance" shall include:

- (1) An awning and its support hardware; and
- (2) any appendage that is intended to be an integral part of a motor home or travel trailer coach and that is installed by the manufacturer or dealer.

The term "appurtenance" shall not include any item that is temporarily affixed or attached to the exterior of a motor home or travel trailer by the owner of such motor home or travel trailer for the purposes of transporting from one location to another.

Sec. 5. K.S.A. 2000 Supp. 8-126, 8-1486 and 8-1902 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 22, 2001.)

HOUSE BILL No. 2001

AN ACT authorizing establishment of the Northwest Kansas technical college; amending K.S.A. 2000 Supp. 72-4412 and repealing the existing section.

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

New Section 1. (a) The Northwest Kansas area vocational-technical school, also known as the Northwest Kansas technical school, is authorized to be converted to and established as a technical college and, upon such conversion and establishment as provided by law, shall be officially designated as the Northwest Kansas technical college.

(b) Whenever the Northwest Kansas area vocational-technical school, or the Northwest Kansas technical school, is referred to or designated by or in any statute, contract or other document, such reference or designation shall be deemed to apply to the Northwest Kansas technical college.

Sec. 2. K.S.A. 2000 Supp. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act:

(a) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, the board of control of any area vocational-technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.

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

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

- (1) is the Southeast Kansas area vocational-technical school; and
- (2) Northwest Kansas area vocational-technical school.

The governing body of an area vocational-technical school shall be called a board of control and shall be constituted as is provided by agree-

ment of the boards participating therein. Members of the board of control shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties. The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection. Nothing in this act shall be deemed to prevent any board from entering into an agreement for participation in the operation of any area vocational-technical school designated in this subsection, nor shall any board which is now or hereafter a participant in the operation of such an area vocational-technical school be prevented by the provisions of this act from withdrawing therefrom in the absence of a written agreement to the contrary.

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

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

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

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

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

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

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

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

(l) "Technology education" means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

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

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

Sec. 3. K.S.A. 2000 Supp. 72-4412 is hereby repealed.

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

(Published in the Kansas Register March 22, 2001.)

HOUSE BILL No. 2115

AN ACT concerning the Kansas life and health insurance guaranty association; relating to claim reimbursement; amending K.S.A. 40-3003, 40-3005 and 40-3008 and repealing the existing sections.

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

Section 1. K.S.A. 40-3003 is hereby amended to read as follows: 40-3003. (a) This act shall provide coverage, for the policies and contracts specified in subsection (b), for:

(1) Persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees, payees or providers of the persons covered under paragraph (2); and

(2) persons who are owners of or certificate holders under such policies or contracts, and who:

(A) Are residents;

(B) are not residents, but only with respect to an annuity contract awarded pursuant to K.S.A. 60-3407 or 60-3409, and amendments thereto, an annuity contract for future economic loss procured pursuant to a settlement agreement in a medical malpractice liability action, as defined by K.S.A. 60-3401, and amendments thereto, or fixed-return accounts of the Kansas public employees deferred compensation plan under K.S.A. 75-5521 through 75-5529a, and amendments thereto; or

(C) are not residents, but only under all of the following conditions:

(i) The insurers which issued such policies or contracts are domiciled in this state;

(ii) such insurers never had a license or certificate of authority in the states in which such persons reside;

(iii) such states have associations similar to the association created by this act; and

(iv) such persons are not eligible for coverage by such associations.

(b) This act shall provide coverage to the persons specified in subsection (a) for direct, nongroup life, health, annuity and supplemental policies or contracts, unallocated annuity contracts covering individuals participating in a governmental deferred compensation plan established under section 457 of the U.S. internal revenue code pursuant to K.S.A. 75-5521 through 75-5529a, and amendments thereto, whether or not a resident, or the beneficiaries of each such individual if deceased, and for certificates under direct group policies and contracts issued by member insurers, except as limited by this act.

Sec. 2. K.S.A. 40-3005 is hereby amended to read as follows: 40-3005. As used in this act:

(a) "Account" means either of the three accounts created under K.S.A. 40-3006 and amendments thereto;

(b) "association" means the Kansas life and health insurance guaranty association created under K.S.A. 40-3006, and amendments thereto;

(c) "commissioner" means the commissioner of insurance of this state;

(d) "contractual obligation" means any obligation of a policy or contract or certificate under a group policy or contract, or portion thereof, for which coverage is provided under K.S.A. 40-3003 and amendments thereto;

(e) "covered policy" means any policy or contract within the scope of this act under K.S.A. 40-3003 and amendments thereto;

(f) "impaired insurer" means a member insurer which, after the effective date of this act, is not an insolvent insurer, and which: (1) Is deemed by the commissioner to be potentially unable to fulfill its contractual obligations; or

(2) is placed under an order of rehabilitation or conservation by a court of competent jurisdiction;

(g) "insolvent insurer" means a member insurer which, after the effective date of this act, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency;

(h) "member insurer" means any insurer licensed or holding a certificate of authority to transact in this state any kind of insurance for which coverage is provided under K.S.A. 40-3003 and amendments thereto, and includes any insurer whose license or certificate of authority in this state may have been suspended, revoked, nonrenewed or voluntarily withdrawn, but does not include: (1) A nonprofit hospital or medical service organization;

(2) a health maintenance organization;

(3) a fraternal benefit society;

(continued)

(4) a mandatory state pooling plan;
 (5) a mutual assessment company or any entity that operates on an assessment basis; or

(6) an insurance exchange, except a reciprocal or interinsurance exchange governed by the provisions of article 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto; or

~~(7) any entity similar to any of the above;~~

(i) "Moody's corporate bond yield average" means the monthly average corporates as published by Moody's investors service, inc., or any successor thereto;

(j) "provider" means a person who is entitled to receive compensation for providing medical services to an insured covered under any health insurance contract or policy issued by a member insurer, regardless of whether the provider is obligated by statute or by agreement with the member insurer to hold any insured covered by any health insurance contract or policy harmless from liability for services;

(k) "premiums" means amounts received on covered policies or contracts less premiums, considerations and deposits returned thereon, and less dividends and experience credits thereon. Premiums does not include any amounts received for any policies or contracts or for the portions of any policies or contracts for which coverage is not provided under subsection (b) of K.S.A. 40-3003 and amendments thereto, except that assessable premiums shall not be reduced on accounts for subsection (n)(3) of K.S.A. 40-3008 and amendments thereto relating to interest limitations and subsection (o)(2) of K.S.A. 40-3008 and amendments thereto relating to limitations with respect to any one life and any one contract holder. Premiums shall not include any premiums on any unallocated annuity contract;

~~(l)~~ (l) "person" means any individual, corporation, partnership, association or voluntary organization or provider;

(m) "resident" means any person who resides in this state at the time a member insurer is determined to be an impaired or insolvent insurer and to whom a contractual obligation is owed. A person may be a resident of only one state which, in the case of a person other than a natural person, shall be its principal place of business;

~~(n)~~ (n) "unallocated annuity contract" means any annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under such contract or certificate; and

~~(o)~~ (o) "supplemental contract" means any agreement entered into for the distribution of policy or contract proceeds.

Sec. 3. K.S.A. 40-3008 is hereby amended to read as follows: 40-3008. (a) If a member insurer is an impaired domestic insurer, the association may, in its discretion and subject to any conditions imposed by the association that do not impair the contractual obligations of the impaired insurer, that are approved by the commissioner and that are, except in cases of court-ordered conservation or rehabilitation, also approved by the impaired insurer:

(1) Guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured, any or all of the policies or contracts of the impaired insurer;

(2) provide such moneys, pledges, notes, guarantees or other means as are proper to effectuate the provisions of paragraph (1) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (1); or

(3) lend money to the impaired insurer.

(b) (1) If a member insurer is an impaired insurer, whether domestic, foreign or alien, and the insurer is not paying claims timely, then subject to the preconditions specified in paragraph (2) of this subsection, the association shall, in its discretion, either: (A) Take any of the actions specified in subsection (a), subject to the conditions therein; or

(B) provide substitute benefits in lieu of the contractual obligations of the impaired insurer solely for health claims, periodic annuity benefit payments, death benefits, supplemental benefits and cash withdrawals for policy or contract owners who petition therefor under claims of emergency or hardship in accordance with standards proposed by the association and approved by the commissioner.

(2) The association shall be subject to the requirements of paragraph (1) of this subsection only if: (A) The laws of the impaired insurer's state of domicile provide that: (i) The delinquency proceeding shall not be dismissed;

(ii) neither the impaired insurer nor its assets shall be returned to the control of its shareholders or private management; and

(iii) it shall not be permitted to solicit or accept new business or have any suspended or revoked license restored; and until all payments of or on account of the impaired insurer's contractual obligations by all guaranty associations, along with all expenses thereof and interest on all such payments and expenses, shall have been repaid to the guaranty associations or a plan of repayment by the impaired insurer shall have been approved by the guaranty associations; and

(B) (i) with respect to the impaired insurer who is a domestic insurer, it has been placed under an order of rehabilitation by a court of competent jurisdiction in this state; or

(ii) with respect to the impaired insurer who is a foreign or alien insurer: (aa) It has been prohibited from soliciting or accepting new business in this state;

(bb) its certificate of authority has been suspended or revoked in this state; and

(cc) a petition for rehabilitation or liquidation has been filed in a court of competent jurisdiction in its state of domicile by the commissioner of the state.

(c) If a member insurer is an insolvent insurer, the association shall, in its discretion, either: (1) (A) Guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured, the policies or contracts of the insolvent insurer;

(B) assure payment of the contractual obligations of the insolvent insurer; and

(C) provide such moneys, pledges, guarantees or other means as are reasonably necessary to discharge such duties; or

(2) with respect only to life and health policies, provide benefits and coverages in accordance with subsection (d).

(d) When proceeding under subsection (b)(1)(B) or (c)(2), the association shall, with respect only to life and health insurance policies: (1) Assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the policies of the insolvent insurer, for claims incurred: (A) With respect to group policies, not later than the earlier of the next renewal date under such policies or contracts or 45 days, but in no event less than 30 days, after the date on which the association becomes obligated with respect to such policies;

(B) with respect to individual policies, not later than the earlier of the next renewal date, if any, under such policies or one year, but in no event less than 30 days, from the date on which the association becomes obligated with respect to such policies;

(2) make diligent efforts to provide all known insureds or group policyholders with respect to group policies 30 days' notice of the termination of the benefits provided; and

(3) with respect to individual policies, make available to each known insured, or owner if other than the insured, and with respect to an individual formerly insured under a group policy who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of paragraph (4) of this subsection, if the insureds had a right under law or the terminated policy to convert coverage to individual coverage or to continue an individual policy in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or had a right only to make changes in premium by class;

(4) (A) in providing the substitute coverage required under paragraph (3) of this subsection, the association may offer either to reissue the terminated coverage or to issue an alternative policy;

(B) alternative or reissued policies shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy; and

(C) the association may reinsure any alternative or reissued policy;

(5) (A) alternative policies adopted by the association shall be subject to the approval of the commissioner. The association may adopt alternative policies of various types for future issuance without regard to any particular impairment or insolvency;

(B) alternative policies shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premiums charged. The association shall set the premiums in accordance with a table of rates which it shall adopt. The premiums shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy was last underwritten;

(C) any alternative policy issued by the association shall provide cov-

erage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the association;

(6) if the association elects to reissue the insured's terminated coverage at a premium rate different from that charged under the terminated policy, the premium shall be set by the association in accordance with the amount of insurance provided and the age and class of risk, subject to approval by the commissioner and by a court of competent jurisdiction;

(7) the association's obligations with respect to coverage under any policy of the impaired or insolvent insurer or under any reissued or alternative policy shall cease on the date such coverage or policy is replaced by another similar policy by the policyholder, the insured or the association.

(e) When proceeding under subsection (b)(1)(B) or (c) with respect to any policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with subsection (n)(3).

(f) Nonpayment of premiums within 31 days after the date required under the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the association's obligations under such policy or coverage under this act with respect to such policy or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of this act.

(g) Premiums due after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the association, and the association shall be liable for unearned premiums due to policy or contract owners arising after the entry of such order.

(h) The protection provided by this act shall not apply where any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state.

(i) In carrying out its duties under subsections (b) and (c), the association may, subject to approval by the court: (1) Impose permanent policy or contract liens in connection with any guarantee, assumption or reinsurance agreement, if the association finds that the amounts which can be assessed under this act are less than the amounts needed to assure full and prompt performance of the association's duties under this act, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens to be in the public interest; and

(2) impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value.

(j) If the association fails to act within a reasonable period of time as provided in subsections (b)(1)(B), (c) and (d) of this section, the commissioner shall have the powers and duties of the association under this act with respect to impaired or insolvent insurers.

(k) The association may render assistance and advice to the commissioner, upon request, concerning rehabilitation, payment of claims, continuation of coverage or the performance of other contractual obligations of any impaired or insolvent insurer.

(l) The association shall have standing to appear before any court in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this act. Such standing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring or guaranteeing the covered policies of the impaired insurer and the determination of the covered policies or contracts and contractual obligations. The association shall also have the right to appear or intervene before a court in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over a third party against whom the association may have rights through subrogation of the insurer's policyholders.

(m) (1) Any person receiving benefits under this act shall be deemed to have assigned the rights under any cause of action relating to the covered policy or contract to the association to the extent of the benefits received because of this act, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative coverages. The association may require an assignment to it of such rights and cause of action by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any right or benefits conferred by this act upon such person.

(2) The subrogation rights of the association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this act.

(3) In addition to paragraphs (1) and (2), the association shall have all common-law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired or insolvent insurer or holder of a policy or contract with respect to such policy or contracts.

(n) The contractual obligations of the impaired or insolvent insurer for which the association becomes, or may become, liable shall be as great as but no greater than the contractual obligations of the impaired or insolvent insurer would have been in the absence of an impairment or insolvency unless such obligations are reduced as permitted by subsection (e) but the association shall not provide coverage for: (1) Any portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract holder;

(2) any policy or contract of reinsurance, unless assumption certificates have been issued;

(3) any portion of a policy or contract to the extent that the rate of interest on which it is based: (A) Averaged over the period of four years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds a rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the association became obligated; and

(B) on and after the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available;

(4) any plan or program of an employer, association or similar entity to provide life, health or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including but not limited to, benefits payable by an employer, association or similar entity under: (A) A multiple employer welfare arrangement as defined in section 514 of the employee retirement income security act of 1974, as amended;

(B) a minimum premium group insurance plan;

(C) a stop-loss group insurance plan; or

(D) an administrative services only contract;

(5) any portion of a policy or contract to the extent that it provides dividends or experience rating credits, or provides that any fees or allowances be paid to any person, including the policy or contract holder, in connection with the service to or administration of such policy or contract;

(6) any policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this state; and

(7) any unallocated annuity contract, except as provided in subsection (b) of K.S.A. 40-3003 and amendments thereto.

(o) The benefits for which the association may become liable shall in no event exceed the lesser of: (1) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2) with respect to any one life, regardless of the number of policies or contracts: (A) \$300,000 in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(B) \$100,000 in health insurance benefits, including any net cash surrender and net cash withdrawal values; or

(C) \$100,000 in the present value of annuity benefits, including net cash surrender and net cash withdrawal values;

(D) In no event shall the association be liable to expend more than \$300,000 in the aggregate with respect to any one life as provided in paragraph (A), (B) or (C) of this subsection.

(E) Any increased limits of liability of the guaranty association by this act shall not apply to an impaired or insolvent insurer for which the guaranty association becomes liable prior to July 1, 1993.

The provisions of subsection (o) shall not apply to annuity contracts for future economic loss procured pursuant to a judgment or settlement agreement in a medical malpractice liability action.

(continued)

(p) The association may: (1) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this act;

(2) sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments under K.S.A. 40-3009 and amendments thereto, and to settle claims or potential claims against it;

(3) borrow money to effect the purposes of this act. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;

(4) employ or retain such persons as are necessary to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this act;

(5) take such legal action as may be necessary to avoid payment of improper claims; or

(6) exercise, for the purposes of this act and to the extent approved by the commissioner, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform its obligations under this act.

(q) The association may join an organization of one or more other state associations of similar purposes to further the purposes and administer the powers and duties of the association.

(r) *The association shall pay any and all persons who, as a provider, may have claims as a result of a member insurer being found insolvent between March 1, 1999 and June 1, 1999.*

Sec. 4. K.S.A. 40-3003, 40-3005 and 40-3008 are hereby repealed.

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

(Published in the Kansas Register March 22, 2001.)

SENATE BILL No. 71

AN ACT concerning the state capitol area; relating to memorials; prescribing certain powers, duties, functions, guidelines and procedures; memorial for Kansas firefighters and advisory committee.

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

Section 1. As used in this section and sections 2 through 6, and amendments thereto:

(a) "Director" means the director of the division of facilities management.

(b) "Division" means the division of facilities management within the department of administration.

(c) "Memorial" means any permanent commemorative plaque, monument, sculpture, statuary, work of art or other object, structure or capital improvement project, but does not include construction or maintenance of walkways or roadways or any landscaping, landscape gardening or other maintenance or development of the capitol grounds unless such project or activity is specifically for commemorative purposes.

Sec. 2. (a) There shall be placed on state property within the state capitol plaza area a memorial to Kansas firefighters who have lost their lives in the line of duty in the service of the state. Such memorial shall be located at a site to be selected by the director. Such memorial shall be constructed in accordance with the design and architectural drawings approved by the director. The memorial shall be of such a design that the names of the firefighters to be honored, both past and future, may be inscribed thereon. The director shall cause annually the name or names of any firefighters who have lost their lives in the line of duty in the service of the state to be inscribed upon the memorial. The memorial for Kansas firefighters is subject to the provisions, procedures and approvals required under sections 2 through 6, and amendments thereto, except that such memorial for Kansas firefighters is hereby authorized by the legislature for purposes of subsection (b) of section 6, and amendments thereto.

(b) It shall be the duty of the state fire marshal on or before the 15th day of March of each year to notify the secretary of administration of the name or names of any firefighters who lost their lives in the line of duty during the preceding calendar year. The state fire marshal shall assemble the necessary information regarding any such firefighter and report the same to the director.

(c) The secretary of administration is hereby authorized to receive

any grants, gifts, contributions or bequests made for the purpose of financing the construction of such memorial or for its upkeep and the addition of names thereto and to expend the same for the purpose for which received.

(d) There is hereby established in the state treasury the Kansas firefighters memorial fund. Expenditures from the fund may be made for the purposes of constructing, updating and repairing such memorial, for other purposes related to memorializing and honoring Kansas firefighters and for such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the Kansas firefighters memorial advisory committee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or the secretary's designee.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas firefighters memorial fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas firefighters memorial fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 3. (a) There is hereby established the Kansas firefighters memorial advisory committee which shall be composed of nine members as follows:

(1) A representative of the Kansas state firefighters association, appointed by the governor;

(2) a representative of the Kansas state association of fire chiefs, appointed by the governor;

(3) a representative of the Kansas professional fire chiefs association, appointed by the governor;

(4) a representative of the Kansas council of firefighters, appointed by the governor;

(5) a representative of the fire education association of Kansas, appointed by the governor;

(6) a representative of the Kansas chapter of the international association of arson investigators, appointed by the governor;

(7) a representative of the fire marshal's association of Kansas, appointed by the governor;

(8) the state fire marshal or the marshal's designee; and

(9) the executive director of the Kansas state historical society or the executive director's designee.

(b) With regard to a member to be appointed by the governor as a representative of the Kansas state firefighters association, Kansas state association of fire chiefs, the Kansas professional fire chiefs association, the Kansas council of firefighters, fire education association of Kansas, the Kansas chapter of the international association of arson investigators, or the fire marshal's association of Kansas, the association or group to be represented may submit a list of at least three names for consideration by the governor in making the appointment. The governor shall consider each such list if timely submitted and may appoint from among those listed.

(c) The Kansas firefighters memorial advisory committee shall be advisory to the director and the secretary of administration with regard to matters concerning the memorial to Kansas firefighters on the state capitol grounds. The advisory committee also may make recommendations to the governor and the legislature regarding appropriate activities memorializing or commemorating the services of firefighters in Kansas. The advisory committee may solicit grants, gifts, contributions and bequests for the memorial and shall remit all moneys so received for deposit in the state treasury to the credit of the Kansas firefighters memorial fund in accordance with section 2 and amendments thereto.

(d) The members of the advisory committee shall organize annually by electing a chairperson and vice-chairperson. The advisory committee shall meet at least once each year upon call of the chairperson. The secretary of administration, or the secretary's designee, shall serve as secretary for the advisory committee. Members of the advisory committee appointed by the governor under this section shall serve at the pleasure of the governor.

Sec. 4. (a) The secretary of administration shall review the historic structure report on the capitol and shall develop and maintain a preservation plan for the capitol grounds. In addition, the secretary of administration shall develop guidelines and standards for memorials on the grounds of the capitol. All guidelines and standards for memorials on the

grounds of the capitol shall be consistent with the statement of purpose and use for the capitol grounds and shall be designed to:

- (1) Ensure the subjects of memorials are of historic and lasting significance for Kansas;
- (2) ensure the design excellence of all memorials on the grounds of the capitol;
- (3) preserve, protect and enhance the limited amount of available space on the capitol grounds;
- (4) preserve and further the implementation of the long-range plan of development for the capitol area;
- (5) ensure that memorials proposed for the grounds of the capitol are appropriately planned, designed and sited and are reviewed, funded and constructed in a timely manner;
- (6) ensure that adequate and appropriate opportunities are provided for the involvement of or comment by interested members of the public throughout the development of the proposal for the memorial; and
- (7) ensure that individuals, groups and organizations have a clear understanding of the process that must be completed in order to propose and to have a memorial constructed or placed on the grounds of the capitol.

(b) After advising and consulting with the state historic preservation officer of the state historical society, the legislative coordinating council and the heads of other state agencies with offices located in the capitol, the secretary of administration shall recommend guidelines and standards for memorials on the grounds of the capitol to the capitol area plaza authority. After receipt of such guidelines and standards, the capitol area plaza authority shall review and consider such guidelines and standards. If the authority approves of the proposed guidelines and standards, the authority shall adopt the proposed guidelines and standards for memorials on the grounds of the capitol. If the authority does not adopt the recommended guidelines and standards or any amendments thereto, the authority shall make recommendations to the secretary of administration for amendments or additions to the proposed guidelines and standards or any amendments thereto.

(c) In the same manner, the secretary of administration may propose and recommend amendments or additions to the guidelines and standards for memorials on the grounds of the capitol for consideration by the capitol area plaza authority.

Sec. 5. (a) No memorial shall be constructed or placed on the grounds of the capitol except in accordance with the procedures and subject to the conditions and limitations prescribed by this act. Each proposal for a memorial to be constructed or placed on the grounds of the capitol shall be consistent with the statement of purpose and use adopted for the grounds of the capitol and shall be subject to the guidelines and standards for memorials on the grounds of the capitol adopted by the capitol area plaza authority.

(b) In addition to other requirements or provisions of law applicable thereto, each proposal for a memorial to be constructed or placed on the grounds of the capitol shall be submitted to the secretary of administration for consideration in accordance with this act. Prior to being adopted or rejected by the secretary of administration, each such proposal shall be submitted to and reviewed and considered by the following officials:

- (1) The state historic preservation officer of the state historical society;
- (2) the director of facilities management of the department of administration; and
- (3) the director of legislative administrative services.

(c) The secretary of administration shall receive and consider the recommendations from the state historic preservation officer of the state historical society, director of facilities management of the department of administration and director of legislative administrative services regarding any such proposal prior to adopting any recommendation regarding such proposal. After review and consideration of the recommendations from each such official, the secretary of administration may approve or reject the proposal. If the secretary of administration recommends approval of any such proposal, the secretary shall submit the proposal to the capitol area plaza authority for consideration by the authority.

(d) Each memorial proposed to be constructed or placed on the grounds of the capitol that is recommended by the secretary of administration shall be presented to the capitol area plaza authority. If any such proposal is approved by the capitol area plaza authority, such proposal shall be submitted to the governor and the legislative coordinating council for appropriate action.

Sec. 6. (a) The primary considerations as to whether a proposed memorial is approved for the capitol grounds shall be the significance and relevance of any memorial proposed to be constructed or placed on the grounds of the capitol and the extent to which the proposed memorial complies with the requirements of, is consistent with and furthers the purposes and implementation of the preservation plan for the grounds of the capitol and the guidelines and standards for memorials on the grounds of the capitol.

(b) No memorial shall be constructed or placed on the grounds of the capitol without specific authorization for such memorial by act of the legislature.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 22, 2001.)

SENATE BILL No. 148

AN ACT concerning fishing licenses; amending K.S.A. 32-906 and 32-988 and repealing the existing sections.

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

Section 1. K.S.A. 32-906 is hereby amended to read as follows: 32-906. (a) Except as otherwise provided by law or rules and regulations of the secretary, a valid Kansas fishing license is required to fish or to take any bullfrog in this state.

(b) The provisions of subsection (a) do not apply to fishing by:

(1) A person, or a member of a person's immediate family domiciled with such person, on land owned by such person or on land leased or rented by such person for agricultural purposes;

(2) a person resident of this state who is less than 16 years of age or who is 65 or more years of age;

(3) a nonresident who is less than 16 years of age;

(4) a person fishing in a private water fishing impoundment unless waived pursuant to K.S.A. 32-975 and amendments thereto;

(5) a resident of an adult care home, as defined by K.S.A. 39-923 and amendments thereto, licensed by the secretary of health and environment;

(6) an inmate in an honor camp operated by the secretary of corrections, pursuant to an agreement between the secretary of corrections and the secretary of wildlife and parks;

(7) a person on dates designated pursuant to subsection (f);

(8) a person fishing under a valid institutional group fishing license issued pursuant to subsection (g); or

(9) a participant in a fishing clinic sponsored or cosponsored by the department, during the period of time that the fishing clinic is being conducted.

(c) The fee for a fishing license shall be the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto.

(d) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid throughout the state.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid from the date of issuance and expires on December 31 following its issuance, except that the secretary may issue a:

(1) Permanent license pursuant to K.S.A. 32-929 and amendments thereto;

(2) lifetime license pursuant to K.S.A. 32-930 and amendments thereto;

(3) nonresident fishing license valid for a period of five days; and

(4) resident or nonresident fishing license valid for a period of 24 hours.

(f) The secretary may designate by resolution two days each calendar year during which persons may fish by legal means without having a valid fishing license.

(g) The secretary shall issue an annual institutional group fishing license to each facility operating under the jurisdiction of or licensed by the secretary of social and rehabilitation services and to any veterans administration medical center in the state of Kansas upon application by such facility or center to the secretary of wildlife and parks for such license.

(continued)

All applications for facilities under the jurisdiction of the secretary of social and rehabilitation services shall be made with the approval of the secretary of social and rehabilitation services and shall provide such information as the secretary of wildlife and parks requires. All applications for any veterans administration medical center shall be made with the approval of the director of such facility and shall provide such information as the secretary of wildlife and parks requires. Persons who have been admitted to and are currently residing at the facility or center, not to exceed 20 at any one time, may fish under an institutional group fishing license within the state while on a group trip, group outing or other group activity which is supervised by the facility or center. Persons fishing under an institutional group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and to all rules and regulations relating to fishing.

The staff personnel of the facility or center supervising the group trip, group outing or other group activity shall have in their possession the institutional license when engaged in supervising any activity requiring the license. Such staff personnel may assist group members in all aspects of their fishing activity.

(h) The secretary may issue a special nonprofit group fishing license to any community, civic or charitable organization which is organized as a not-for-profit corporation, for use by such community, civic or charitable organization for the sole purpose of conducting group fishing activities for handicapped or developmentally disabled individuals. All applications for a special nonprofit group fishing license shall be made to the secretary or the secretary's designee and shall provide such information as required by the secretary.

Handicapped or developmentally disabled individuals, not to exceed 20 at any one time, may fish under a special nonprofit group fishing license while on a group trip, outing or activity which is supervised by the community, civic or charitable organization. Individuals fishing under a special nonprofit group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and rules and regulations relating to fishing.

The staff personnel of the community, civic or charitable organization supervising the group trip, outing or activity shall have in their possession the special nonprofit group fishing license when engaged in supervising any activity requiring the special nonprofit group fishing license. Such staff personnel may assist group members in all aspects of their fishing activity.

Sec. 2. K.S.A. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

- Big game permits
 - Resident: minimum \$10, maximum \$100
 - Nonresident: minimum \$30, maximum \$400
 - Big game tag: maximum \$10
 - Nonresident applications: maximum \$5
- Combination hunting and fishing licenses
 - Resident: minimum \$10, maximum \$30
 - Lifetime: minimum \$400, maximum \$600; or 8 quarterly payments, each minimum \$55, maximum \$80
 - Nonresident: minimum \$75, maximum \$125
- Commercial dog training permits: minimum \$10, maximum \$25
- Commercial guide permit or associate guide permit: maximum \$50
- Commercial harvest or dealer permits: minimum \$10, maximum \$200
- Commercial prairie rattlesnake harvesting permits
 - Resident or nonresident with valid hunting license: maximum \$5
 - Resident or nonresident nonfirearm without valid hunting license: maximum \$20
- Controlled shooting area operator license: minimum \$200, maximum \$400
- Duplicate licenses, permits, stamps and other issues of the department: maximum \$10
- Falconry
 - Permits: minimum \$50, maximum \$300
 - Examinations: minimum \$25, maximum \$100
- Field trial permits: minimum \$10, maximum \$25
- Fishing licenses
 - Resident: minimum \$5, maximum \$15

- Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45
- Nonresident: minimum \$15, maximum \$50
- Five-day nonresident: minimum \$5, maximum \$15
- Institutional group: minimum \$100, maximum \$200
- Special nonprofit group: minimum \$50, maximum \$200
- Twenty-four-hour: maximum \$3
- Fur dealer licenses
 - Resident: minimum \$50, maximum \$200
 - Nonresident: minimum \$50, maximum \$400
- Furharvester licenses
 - Resident: minimum \$10, maximum \$20
 - Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45
 - Nonresident: minimum \$50, maximum \$400
- Game breeder permits: minimum \$2, maximum \$15
- Handicapped hunting and fishing permits: maximum \$5
 - Hound trainer-breeder running permits: minimum \$10, maximum \$25
- Hunting licenses
 - Resident: minimum \$5, maximum \$15
 - Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45
 - Nonresident: minimum \$25, maximum \$75
 - Controlled shooting area: minimum \$5, maximum \$15
 - Forty-eight-hour waterfowl permits: maximum \$25
 - Migratory waterfowl habitat stamps: minimum \$3, maximum \$5
- Mussel fishing licenses
 - Resident: minimum \$25, maximum \$200
 - Nonresident: minimum \$50, maximum \$1,500
- Rabbit permits
 - Live trapping: maximum \$200
 - Shipping: minimum \$25, maximum \$400
- Raptor propagation permits: maximum \$100
- Rehabilitation permits: maximum \$50
- Scientific, educational or exhibition permits: maximum \$10
- Wildlife damage control permits: maximum \$10
- Wildlife importation permits: maximum \$10
- Special permits under K.S.A. 32-961: maximum \$100
- Miscellaneous fees
 - Special events on department land or water: maximum \$200
 - Special departmental services, materials or supplies: no maximum
 - Other issues of department: no maximum
 - Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game hunting permit shall be an amount equal to 1/2 the fee for a general resident big game hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to 1/2 the fee for a resident furharvester license.

(d) For a resident 65 or more years of age the fee for a hunting license, fishing license, combination hunting and fishing license, lifetime hunting license, lifetime fishing license or lifetime combination hunting and fishing license shall be an amount equal to 1/2 the fee for a resident license.

(e) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

Sec. 3. K.S.A. 32-906 and 32-988 are hereby repealed.

Sec. 4. 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
7-24-2	Amended	V. 20, p. 323
7-25-1	Amended	V. 20, p. 325
7-26-1	Amended	V. 20, p. 325
7-26-2	Amended	V. 20, p. 325
7-28-1	Amended	V. 20, p. 325
7-29-2	Amended	V. 20, p. 325
7-32-1	Amended	V. 19, p. 1269
7-32-2	Amended	V. 19, p. 1269
7-36-4	Amended	V. 20, p. 326
7-38-1	Amended	V. 20, p. 326

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-10-33	New	V. 19, p. 1948
9-14-2	Amended	V. 19, p. 1748
9-15-4	Amended	V. 19, p. 1748
9-15-5	New	V. 19, p. 1948

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
28-10-15		
through		
28-10-35	Revoked	V. 20, p. 322
28-10-37	Revoked	V. 20, p. 322
28-10-38	Revoked	V. 20, p. 322
28-10-39	Revoked	V. 20, p. 322
28-10-75		
through		
28-10-88	Revoked	V. 20, p. 322
28-10-100		
through		
28-10-108	Revoked	V. 20, p. 322
28-16-28b	Amended	V. 19, p. 1720
28-16-28e	Amended	V. 19, p. 1723
28-16-57	Revoked	V. 20, p. 322
28-16-76		
through		
28-16-79	Revoked	V. 20, p. 322
28-16-82	Revoked	V. 20, p. 322
28-17-15	Amended	V. 19, p. 1190
28-19-202	Amended	V. 20, p. 322
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
28-34-21	Revoked	V. 20, p. 323
28-34-26	Revoked	V. 20, p. 323
28-34-27	Revoked	V. 20, p. 323
28-34-28	Revoked	V. 20, p. 323
28-34-30	Revoked	V. 20, p. 323
28-34-32b	Amended	V. 20, p. 107
28-34-75		
through		
28-34-93	Revoked	V. 20, p. 323
28-34-94a	Revoked	V. 20, p. 323
28-38-18		
through		
28-38-23	Amended	V. 19, p. 1078-1080
28-38-26	Amended	V. 19, p. 1081
28-38-28	Amended	V. 19, p. 1081
28-38-29	Amended	V. 19, p. 1081
28-38-30	New	V. 19, p. 1082
28-39-410	Revoked	V. 20, p. 323
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

(continued)

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Table with columns: Reg. No., Action, Register. Rows include 36-2-3, 36-2-4, 36-2-6, 36-2-8, 36-2-13, 36-15-23, 36-34-1.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with columns: Reg. No., Action, Register. Rows include 40-3-26, 40-3-27, 40-3-32, 40-3-45, 40-3-49, 40-4-35.

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Table with columns: Reg. No., Action, Register. Rows include 49-45-1 through 49-54-3.

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Table with columns: Reg. No., Action, Register. Rows include 50-1-2, 50-1-3, 50-1-4, 50-2-1.

Table with columns: Reg. No., Action, Register. Rows include 50-2-3, 50-2-9, 50-2-12, 50-2-17, 50-2-18, 50-2-19, 50-2-21, 50-2-26, 50-3-1 through 50-3-5, 50-4-2.

AGENCY 60: BOARD OF NURSING

Table with columns: Reg. No., Action, Register. Rows include 60-6-101, 60-11-101, 60-11-103, 60-11-104a, 60-11-106, 60-11-108, 60-17-101 through 60-17-111.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with columns: Reg. No., Action, Register. Rows include 63-1-3, 63-1-4, 63-1-5, 63-1-6, 63-1-12, 63-2-7, 63-2-10, 63-2-11, 63-2-12, 63-3-17, 63-3-18, 63-3-20, 63-5-1, 63-6-1, 63-6-2, 63-6-3, 63-6-6.

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

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

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with columns: Reg. No., Action, Register. Rows include 66-6-4, 66-6-6, 66-7-2, 66-8-7, 66-9-4, 66-9-6, 66-10-1, 66-10-4, 66-10-11, 66-10-12, 66-10-13, 66-11-4, 66-12-1, 66-14-1, 66-14-6, 66-14-10.

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Table with columns: Reg. No., Action, Register. Rows include 67-2-4, 67-3-2, 67-4-7, 67-4-10, 67-4-13, 67-5-3, 67-5-4, 67-6-4, 67-7-4.

AGENCY 68: BOARD OF PHARMACY

Table with columns: Reg. No., Action, Register. Rows include 68-5-1, 68-7-11, 68-7-14, 68-7-18.

Table with columns: Reg. No., Action, Register. Rows include 68-14-8, AGENCY 71: KANSAS DENTAL BOARD, 71-1-20, 71-1-21, 71-3-8.

AGENCY 74: BOARD OF ACCOUNTANCY

Table with columns: Reg. No., Action, Register. Rows include 74-1-2, 74-1-7, 74-2-1, 74-2-3, 74-2-4, 74-3-8, 74-4-1, 74-4-1a, 74-4-2a, 74-4-3a, 74-4-4, 74-4-7, 74-4-10, 74-5-2, 74-5-202, 74-5-203, 74-5-205, 74-5-405, 74-6-1, 74-6-2, 74-7-2, 74-11-6, 74-12-1, 74-15-1, 74-15-2.

AGENCY 75: STATE BANKING DEPARTMENT

Table with columns: Reg. No., Action, Register. Rows include 75-6-2, 75-6-6, 75-6-24, 75-6-26, 75-6-30, 75-6-31, 75-6-32.

AGENCY 82: STATE CORPORATION COMMISSION

Table with columns: Reg. No., Action, Register. Rows include 82-4-1, 82-4-3, 82-4-6d, 82-4-8a, 82-4-8h, 82-4-20, 82-4-23, 82-4-24a, 82-4-27c, 82-4-27e, 82-4-27f, 82-4-27g, 82-4-30a, 82-4-31, 82-4-32, 82-4-33, 82-4-35a, 82-4-37, 82-4-42, 82-4-57.

AGENCY 88: BOARD OF REGENTS

Table with columns: Reg. No., Action, Register. Rows include 88-23-1 through 88-23-6.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with columns: Reg. No., Action, Register. Rows include 91-1-26, 91-1-27, 91-1-27a through 91-1-27d, 91-1-28, 91-1-30, 91-1-30a, 91-1-31 through 91-1-35.

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
91-1-123a	Revoked	V. 19, p. 1439
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
91-1-200	through	
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
91-12-44	through	
91-12-69	Revoked	V. 19, p. 681
91-12-71	through	
91-12-74	Revoked	V. 19, p. 682
91-22-1a	New	V. 19, p. 682
91-22-2	Amended	V. 19, p. 683
91-22-3	Revoked	V. 19, p. 683
91-22-4	Amended	V. 19, p. 683
91-22-5a	Amended	V. 19, p. 683
91-22-7	Amended	V. 19, p. 683
91-22-8	Revoked	V. 19, p. 683
91-22-9	Amended	V. 19, p. 683
91-22-10	through	
91-22-18	Revoked	V. 19, p. 684
91-22-19	Amended	V. 19, p. 684
91-22-21	Revoked	V. 19, p. 684
91-22-22	Amended	V. 19, p. 684
91-22-23	Revoked	V. 19, p. 684
91-22-24	Revoked	V. 19, p. 684
91-22-25	Amended	V. 19, p. 684
91-22-26	Revoked	V. 19, p. 685
91-40-1	through	
91-40-5	New	V. 19, p. 685-691
91-40-7	through	
91-40-12	New	V. 19, p. 692-695
91-40-16	through	
91-40-19	New	V. 19, p. 695-697
91-40-21	New	V. 19, p. 697
91-40-22	New	V. 19, p. 697
91-40-24	through	
91-40-31	New	V. 19, p. 698-700
91-40-33	through	
91-40-39	New	V. 19, p. 700-702
91-40-41	through	
91-40-48	New	V. 19, p. 702-704
91-40-50	through	
91-40-53	New	V. 19, p. 705, 706
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

(continued)

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

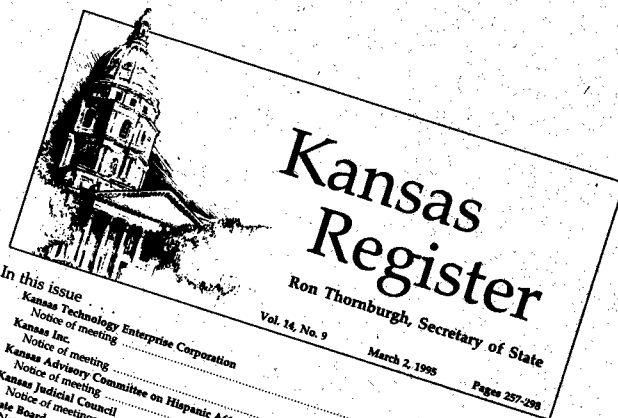
Reg. No.	Action	Register
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-4-1	Amended	V. 20, p. 180
115-4-3	Amended	V. 19, p. 1138
115-4-5	Amended	V. 19, p. 1139
115-4-6	Amended	V. 19, p. 1140
115-4-7	Amended	V. 19, p. 1142

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

Order a custom-made loose-leaf binder for the Kansas Register!



In this issue

Kansas Technology Enterprise Corporation	Page
Notice of meeting	259
Kansas Inc.	259
Notice of meeting	259
Kansas Advisory Committee on Hispanic Affairs	259
Notice of meeting	259
Kansas Judicial Council	259
Notice of meetings	259
State Board of Indigents' Defense Services	260
Notice of meeting	260
Real Estate Appraisal Board	261
Notice of hearing on proposed administrative regulations	261
State Emergency Response Commission	261
Notice of meeting	261
Kansas Law Enforcement Training Commission	261
Notice of meeting	261
Social and Rehabilitation Services	261
Request for proposals	261

Custom-made Kansas Register binders are now available. These binders will attractively hold up to a year's worth of your copies of the Kansas Register for permanent use. They are high quality, durable casebound Swing Hinge® binders made by McBee Loose Leaf Binder Products. (A Swing Hinge® binder has more capacity and allows for easier interfiling than standard ring binders.) The three-inch binders feature dark blue supported vinyl covering and gold imprinting.

\$12 each, includes shipping and handling.

(Kansas residents must include an additional \$.82 state and local sales tax.)

Clip and mail

Please send _____

Kansas Register Binders @ \$12 each
 (Note: Kansas residents must include an additional \$.82 state and local sales tax.)

Total enclosed _____

Ship to:

**Shipping is by
 U.P.S. Delivery Service –
 Street address is necessary.**

Mail this form, with payment, to: Kansas Register, Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594

**Kansas Register
Secretary of State
1st Floor, Memorial Hall
120 S.W. 10th Ave.
Topeka, KS 66612-1594**

Use this form or a copy of it to enter a subscription:

_____ **One-year subscription @ \$80 ea.**
(Kansas residents must include
\$5.44 state and local sales tax.)

Total Enclosed _____
(Make check payable to the Kansas Register)

Send to:

(Please, no
more than
4 address
lines.)

Zip code must be included

Rec. No. _____ Exp. _____ Code _____

This space for Register office use only.

Use this form or copy of it to enter a name or address change:

Remove your mailing label (above) and affix it here:

Indicate change of name or address
here:

**Mail either form to: Kansas Register, Secretary of State, 1st Floor,
Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594**