

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 20, No. 16    April 19, 2001    Pages 513-558

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## State of Kansas

## Legislature

## Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 5-6 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](http://ink.org/public/legislative).

## House Bills

**HB 2586**, An act relating to taxation; allowing credits for payments to certain port authorities, by Committee on Taxation.

**HB 2587**, An act concerning crimes, punishment and criminal procedure; relating to postrelease supervision; amending K.S.A. 2000 Supp. 22-3717 and repealing the existing section; also repealing K.S.A. 2000 Supp. 22-3717b, by Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2588**, An act making and concerning appropriations for the fiscal year ending June 30, 2003, for the department of corrections; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2589**, An act concerning the state educational institutions; relating to residence of students for fee purposes; amending K.S.A. 2000 Supp. 76-729 and repealing the existing section, by Committee on Appropriations.

## House Concurrent Resolutions

**HCR 5030**, A concurrent resolution urging the United States Congress to enact legislation mandating country of origin labeling for meat and requiring certain import standards on foreign meat products.

**HCR 5031**, A concurrent resolution supporting safeguards to prevent movement of foot and mouth disease and a moratorium on importation of certain animals and products thereof.

**HCR 5032**, A concurrent resolution approving the creation of the City of Pittsburg, Kansas, Port Authority.

## House Resolutions

**HR 6019**, A resolution designating the Santa Fe Trail Center near Larned as the Official Santa Fe Trail History Museum in Kansas.

## Senate Bills

**SB 359**, An act concerning the Kansas life and health insurance guaranty association; amending K.S.A. 40-3006, 40-3008, as amended by section 3 of 2001 House Bill No. 2115, 40-3011, 40-3016 and 40-3017 and repealing the existing sections.

**SB 360**, concerning credentialing of health care providers; allowing health care providers to apply for credentialing with the appropriate state agency; amending K.S.A. 65-5001, 65-5002, 65-5003, 65-5005, 65-5006, 65-5007, 65-5008, 65-5009 and 65-5011 and repealing the existing sections.

**SB 361**, An act concerning school district finance; revising the definition of local effort by exclusion of federal impact aid; increasing state prescribed percentage for the purpose of local option budgets; amending K.S.A. 2000 Supp. 72-6410 and 72-6433 and repealing the existing sections.

**SB 362**, An act concerning the state educational institutions; relating to residence of students for fee purposes; amending K.S.A. 2000 Supp. 76-729 and repealing the existing section.

## Senate Resolutions

**SR 1841**, A resolution congratulating and commending the 2000-01 Washburn Ichabods men's basketball team.

**SR 1842**, A resolution congratulating and commending Bob Chipman.

**SR 1843**, A resolution congratulating and commending the Cloud County Community College women's basketball team and Coach Brett Erkenbrack for winning the 2001 National Junior College Athletic Association Women's basketball championship.

**SR 1844**, A resolution designating the Santa Fe Trail Center near Larned as the Official Santa Fe Trail History Museum in Kansas.

**SR 1845**, A resolution memorializing the Congress of the United States regarding the availability of prescription drugs.

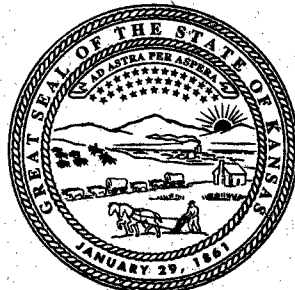
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State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 864-3416 or fax (785) 864-3454 for additional information:

Monday, April 30, 2001

RFQ 15536-A

X-Ray Powder Diffraction System

Barry Swanson  
Director of Purchasing

Doc. No. 026465

State of Kansas

Secretary of State

Executive Appointments

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

The following appointments were recently filed with the Secretary of State:

Advisory Commission for Children With  
Special Health Care Needs

Stephen C. Meyers, Chair, 1008 Labrador, Garden City, 67846. Term expires February 27, 2005. Reappointed.

Kansas Planning Council on Developmental  
Disabilities Services

Askia Adams, 3149 N. 61st, Kansas City, KS 66104. Serves at the pleasure of the Governor. Succeeds Richard Williams.

Education Commission of the States

Sheila Frahm, Kansas Association of Community Colleges, 700 S.W. Jackson, Suite 401, Topeka, 66603. Term expires May 8, 2003. Reappointed.

State Highway Advisory Commission

Gene Argo, Midwest Energy, Inc., P.O. Box 898, Hays, 67601. Term expires January 31, 2005. Succeeds Bernard Giefer.

Terry D. Arnett, P.O. Box 8606, Pratt, 67124. Term expires January 31, 2005. Reappointed.

Ross E. Markle, 1823 Pine Ridge Drive, Leavenworth, 66048. Term expires January 31, 2005. Reappointed.

Phil Near, 1020 W. Sycamore, Independence, 67301. Term expires January 31, 2005. Reappointed.

Kansas, Inc.

Patti Bossert, 6832 S.W. 43rd St., Topeka, 66610. Term expires January 15, 2004. Succeeds Peter Brungardt, resigned.

Lawrence McCants, P.O. Box 570, Goodland, 67735. Term expires January 15, 2005. Succeeds Larry Williams.

Wayne Maichel, 108 Gemini St., Silver Lake, 66539. Term expires January 15, 2005. Succeeds Janet Gardner, resigned.

Tamera Nelson, 3625 W. 20th Ave., Emporia, 66801. Term expires January 15, 2005. Succeeds Carl Ricketts.

Law Enforcement Officers Memorial  
Advisory Committee

John L. Riedel, 2019 E. Iron St., Salina, 67401. Serves at the pleasure of the Governor. Succeeds Mark Deterding.

Public Employee Relations Board

Shirley K. Sicilian, Kansas Department of Revenue, 4th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Term expires March 15, 2005. Succeeds Mary Jane Stattelmann.

Gregory M. Windholz, 612 Easy Court, Lawrence, 66049. Term expires March 15, 2005. Reappointed.

Kansas Turnpike Authority

Mary E. Turkington, 1433 S.W. Campbell Ave., Topeka, 66604. Term expires April 30, 2005. Reappointed.

Unmarked Burial Sites  
Preservation Board

Ginger A. Barr, 9421 S.W. Hoch Road, Auburn, 66402. Term expires July 15, 2002. Reappointed.

Michael R. Finnegan, Kansas State University, Manhattan, 66506. Term expires July 15, 2003. Reappointed.

Ron T. McCoy, 1724 E. Wilman Court, Emporia, 66801. Term expires July 15, 2004. Reappointed.

Harold W. Reed, 3825 E. Stimmel Road, Salina, 67401. Term expires July 15, 2004. Reappointed.

Kansas Workforce Investment  
Partnership Council

Timothy F. McNally, 969 E. 620th Ave., Mulberry, 66756. Serves at the pleasure of the Governor. Succeeds Troy Hickman.

Alicia L. Salisbury, 1455 S.W. Lakeside Drive, Topeka, 66604. Serves at the pleasure of the Governor. Succeeds David Thomas.

Ron Thornburgh  
Secretary of State

Doc. No. 026464

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-16-01 through 4-22-01

Term	Rate
1-89 days	4.99%
3 months	4.00%
6 months	4.17%
1 year	4.22%
18 months	4.29%
2 years	4.36%

Derl S. Treff  
Director of Investments

Doc. No. 026457

State of Kansas

Department of Agriculture

Notice of Hearing on Proposed Permanent Quarantine Rescission

A hearing will be conducted at 9 a.m. Thursday, May 10, in Room 401, Kansas Department of Agriculture, 109 S.W. 9th, Topeka, in the matter of the proposed rescission of the Pine Shoot Beetle, *Tomicus piniperda* (L.) quarantine issued January 20, 1993, within the state of Kansas. The USDA has issued a federal quarantine that preempts the state of Kansas' quarantine. A copy of the quarantine will be provided upon request.

All interested persons may attend the hearing and will be given the opportunity to express comments either orally or in writing, or both. Interested parties may appear in person or by counsel.

Written comments and requests for information concerning the proposed quarantine should be directed to Tom Sim IV, Manager, Plant Protection and Weed Control Section, Kansas Department of Agriculture, Forbes Field, Building 282, P.O. Box 19282, Topeka, 66619, at or before the time of hearing. For persons intending to present oral testimony at the hearing, prior notice to the department would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Jamie Clover Adams  
Secretary of Agriculture

Doc. No. 026462

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 30, 2001

03124

Kansas Correctional Industries—Chemicals

03126

Kansas Correctional Industries—Chemicals for Soap Factory

03128

Kansas Correctional Industries—Polymer Emulsion

03118

Fort Hays State University—Graphic Arts Digital Video Equipment and Software

Tuesday, May 1, 2001

03180

Department of Wildlife and Parks—Construct Sidewalks, Walkways and Boat Ramp, Various Locations

Wednesday, May 2, 2001

03184

University of Kansas—Interior Painting

03189

Kansas Correctional Industries—Organic Yellow Pigment

Tuesday, May 8, 2001

03187

Kansas State Fair—Tickets (Roll, Strip and Flat)

Wednesday, May 9, 2001

A-9140

Wichita State University—Replace Seats, Miller Concert Hall, Duerksen Fine Arts Center

Monday, May 21, 2001

03165

Beloit Juvenile Correctional Facility—Lease of Agricultural Land

\*\*\*\*\*

Request for Proposals

Wednesday, April 25, 2001

03190

Furnish and Install Multimedia Audio Video Equipment with System Design/Integration for the State Board of Regents

Monday, April 30, 2001

03169

Elevator Upgrades for Emporia State University

Wednesday, May 2, 2001

03186

Call Center Services for the Kansas Department of Commerce and Housing

Monday, May 7, 2001

03140

Rest Area Cleaning Services—District 3 for the Department of Transportation

03172

Case Binding Services for the Department of Administration, Division of Printing

Thursday, May 10, 2001

03175

Aircraft Inspection and Maintenance Service for the Kansas Department of Administration, Division of Facilities Management

03183

60-Month Rental of Mailing Machine Equipment for Ellsworth Correctional Facility

John T. Houlihan  
Director of Purchases

State of Kansas

**Department of Agriculture**

**Notice of Hearing on Proposed Permanent Quarantine**

Pursuant to the provisions of K.S.A. 2-2117, a hearing will be conducted at 9:30 a.m. Thursday, May 10, in Room 401, Kansas Department of Agriculture, 109 S.W. 9th, Topeka, in the matter of the issuance of a permanent quarantine prohibiting the importation of and the distribution or spread of Grecian Foxglove, *Digitalis lanata* Ehrh. within the state of Kansas. The proposed quarantine would affect the entire state of Kansas and prohibit the importation of or distribution or spread of Grecian Foxglove.

All interested persons may attend the hearing and will be given the opportunity to express comments either orally or in writing, or both. Interested parties may appear in person or by counsel.

Written comments and requests for information concerning the proposed quarantine should be directed to Tom Sim IV, Manager, Plant Protection and Weed Control Section, Kansas Department of Agriculture, Forbes Field, Building 282, P.O. Box 19282, Topeka, 66619, at or before the time of hearing. For persons intending to present oral testimony at the hearing, prior notice to the department would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes.

The proposed quarantine order is as follows:

**BEFORE THE SECRETARY OF AGRICULTURE,  
TOPEKA, KANSAS**

**GRECIAN FOXGLOVE QUARANTINE**

On this \_\_\_\_\_ day of 2001 the Secretary of the Kansas Department of Agriculture, pursuant to authority authorized by

K.S.A. 2-2117, hereby determines that quarantine action is necessary to prevent the further introduction and spread of Grecian foxglove, *Digitalis lanata* Ehrh. into the State of Kansas and within the State of Kansas.

The Secretary does hereby make the following findings relevant to this plant:

WHEREAS, the Kansas Department of Agriculture has determined that *Digitalis lanata* Ehrh., commonly known as Grecian foxglove, is a plant pest as defined in K.S.A. 2-2113.

WHEREAS, the Kansas Department of Agriculture has located established populations of Grecian foxglove in Kansas and is taking official control measures to contain and eradicate this pest.

WHEREAS, Grecian foxglove may reproduce, spread, and survive in Kansas.

WHEREAS, Grecian foxglove has been shown to be lethal to animals consuming small amounts of this plant.

WHEREAS, Grecian foxglove is a terrestrial plant believed to have innate tendencies for invasiveness which requires that an exterior and interior quarantine of Grecian foxglove be established in the State of Kansas.

**THE SECRETARY DOES THEREFORE ORDER THAT:**

In order to prevent and retard, suppress and control the spread of the plant pest, the movement of Grecian foxglove, *Digitalis lanata* Ehrh. into the state of Kansas from any other state of the United States, by any person, is forbidden. Further, the movement of Grecian foxglove, *Digitalis lanata* Ehrh. within the State of Kansas, by any person is prohibited, unless authorized as a control measure by the Secretary of Agriculture.

**DEFINITIONS**

This quarantine shall apply to any "person" as defined by K.S.A. 2-2113, and all other terms used within this quarantine shall have the meanings as defined or established in K.S.A. 2-2113 et seq. as amended and supplemented.

**REGULATED AREAS**

All area within the borders of the State of Kansas shall be subject to the restrictions of this quarantine. As established by K.S.A. 2-2115, the Secretary shall have the right to enter and inspect any property in the state, for the purpose of enforcement of this act, except private residences, or to inspect any means of conveyance, upon probable cause that it contains material subject to this quarantine.

**REGULATED ARTICLES**

Grecian foxglove plants or parts of plants capable of growing or propagation are prohibited. Forage, hay or any other commodity containing Grecian foxglove plants or parts of plants shall be subject to the restrictions of this quarantine.

**EFFECTIVE DATE OF QUARANTINE**

This Order of Quarantine is effective upon the date signed by the Secretary of the Kansas Department of Agriculture as set forth below and shall remain in effect until rescinded or modified by further order of the Secretary.

**VIOLATION OF THIS QUARANTINE**

Any person who knowingly moves an article in violation of this quarantine may be subject to criminal prosecution pursuant to K.S.A. 2-2124 and 2-2125.

Dated and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Jamie Clover Adams, Secretary of Agriculture

Jamie Cover Adams  
Secretary of Agriculture

Doc. No. 026463

## State of Kansas

## Attorney General

## Opinion 2001-7

**Public Health and Welfare—Civil Rights—Federally Assisted Programs; Disbursement of Funds to Applicants of Empowerment Zones Subject to Title VI. Senator David B. Haley, 4th District, Kansas City; Representative Broderick T. Henderson, 35th District, Kansas City; Representative Valdenia C. Winn, 34th District, Kansas City, March 12, 2001.**

An urban area designated as an empowerment zone or an enterprise community (EZ/EC) by the Secretary of the United States Department of Housing and Urban Development (HUD) is eligible for federal assistance funds in order to promote the economic development of the low-income community. Generally, regulations promulgated by the Secretary for Community Planning and Development under HUD require that recipients establish guidelines/requirements for the disbursement of EZ/EC funds in accordance with the provisions of Title VI of the Civil Rights Act of 1964 to the end that no person, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. Cited herein: 26 U.S.C. § 1391; 42 U.S.C. § 1397f; 42 U.S.C. § 5301; 24 C.F.R. §§ 1, 1.1, 1.4, 570, 570.602, 597, 597.1, 597.2, 597.200, 598, 598.1, 598.2 (2000). GE

## Opinion 2001-8

**Labor and Industries—Minimum and Maximum Hours—Minimum Wage; Computation Based on Federal Fair Labor Standards Act. Representative Alfred J. Lane, 25th District, Mission Hills, March 13, 2001.**

The provision of 2001 House Bill No. 2130 that sets the minimum wage in Kansas at an amount provided by Section 6 of the Federal Fair Labor Standards Act, and amendments thereto, constitutes an unlawful delegation of legislative authority to the Congress of the United States and is constitutionally impermissible under Article 2, Section 1 of the Constitution of the State of Kansas. Cited herein: K.S.A. 44-1203; Kan. Const., Art. 2, § 1; 2001 HB 2130; 29 U.S.C. § 201. DMV

## Opinion 2001-9

**Bonds and Warrants—Cash-Basis Law—Cash Basis for Municipalities; Creating Indebtedness in Excess of Funds Unlawful; Limits of Indebtedness May Be Exceeded, When; Unified School District; Claims; Service Provided in Previous Fiscal Years.**

**Cities and Municipalities—General Provisions—Uniform Procedure for Payment of Claims; Presentment of Claims; Claims Which Could Give Rise to Action Under Kansas Tort Claims Act; Unified School District; Service Provided in Previous Fiscal Years.**

**Taxation—Miscellaneous Provisions; Budgets of Taxing Subdivisions—Budgets of Taxing Bodies; Creation of Indebtedness in Excess of Budget Unlawful; Excep-**

**tions; Unified School District; Service Provided in Previous Fiscal Years. Representative Kenny A. Wilk, 42nd District, Lansing, March 13, 2001.**

Members of the Board of Education for U.S.D. No. 449 (U.S.D. No. 449) may violate the Cash-Basis and Budget Laws if by authorizing payment of the claim submitted by Kansas Power and Light (KPL) for services rendered in previous fiscal years an indebtedness in excess of funds actually on hand in the treasury of U.S.D. No. 449 is created. If, however, the Board of Tax Appeals authorizes issuance of no-fund warrants by U.S.D. No. 449 and such warrants are issued in an amount sufficient to meet the needs of the budget, there will be no violation of the Cash-Basis and Budget Laws. Provided sufficient funds are available in the budget of U.S.D. No. 449, state law does not prohibit the district from paying out of its current budget a claim submitted by KPL for services provided in previous fiscal years. If KPL is seeking payment for undercharges from previous fiscal years by submitting to U.S.D. No. 449 a written statement with a full account of the items for which payment is sought, KPL has complied with its obligations under K.S.A. 10-802 and K.S.A. 2000 Supp. 12-105b(a). If the claim submitted by KPL includes all the information required under subsection (d) of the statute, it has likewise complied with that provision. Cited herein: K.S.A. 10-101; 10-801; 10-802; K.S.A. 2000 Supp. 10-1101; K.S.A. 10-1113; 10-1116; K.S.A. 2000 Supp. 12-105b; K.S.A. 72-8204a; 75-6101; 79-2925; 79-2935; 79-2938; 79-2939. RDS

## Opinion 2001-10

**Cities and Municipalities—Miscellaneous Provisions—Securing Industries In or Near Cities; Tax Levy; Use of Proceeds for Nuisance Abatement. Sarah Bootes Shattuck, Ashland City Attorney, Ashland, March 13, 2001.**

Industrial development funds cannot be used for general nuisance abatement because nuisance abatement ordinarily does not bear a demonstrable and direct relation to inducing industries to locate or remain within or near a city. However, industrial development funds may be used for specific nuisance abatement projects if a governing body determines that there is a demonstrable and direct relation between the abatement project and inducing an industry to locate or remain within or near a city. Cited herein: K.S.A. 2000 Supp. 12-1617h; K.S.A. 12-1617i. MF

## Opinion 2001-11

**Cities and Municipalities—Retirement Systems; Group Health Care Benefits for Retirants—Group Health Care Benefits Plan; Availability for Retirants; Coverage, End; Eligibility; Cost of Coverage; Definitions; Cessation of Coverage. Robert C. Myers, Newton City Attorney, Newton, March 13, 2001.**

A local government can terminate coverage under its group health care benefits plan when a retired employee turns 65, regardless whether the employee's dependent has also reached the age of 65. Cited herein: K.S.A. 12-5040. MF

## Opinion 2001-12

**State Boards, Commissions and Authorities—Development Finance Authority—Bonds for Projects of Statewide as Well as Local Importance; Use of Bond Proceeds; Use of Specified State and Local Tax Revenues to Pay Debt Service on Bonds and Costs of a Project of Statewide as Well as Local Importance; Whether Unconstitutional Delegation of Legislative Authority.**

**State Boards, Commissions and Authorities—Development Finance Authority—Bonds for Projects of Statewide as Well as Local Importance; Remittal of Pledged Revenues; Credit to Redevelopment Bond Fund; Distribution; Remittance of Excess Revenue; Whether Unconstitutional Delegation of Legislative Authority.**

**Legislative—Appropriations—Constitutionality of Disbursement of Moneys from Redevelopment Bond Fund without Appropriation. Jack Brier, President, Kansas Development Finance Authority, Topeka, March 15, 2001.**

The Act conferring the Kansas Development Finance Authority's discretion to determine the use of specified state and local tax revenues to pay bond debt service, project costs and to determine whether to approve remittances to taxing authorities includes sufficient policies and standards to guide the Authority's exercise of delegated power. Thus, the Act constitutionally delegates administrative, not legislative, power to the Authority to determine the use of state and local tax revenues deposited in the redevelopment bond fund to: (a) pay debt service on bonds issued pursuant to K.S.A. 2000 Supp. 74-8905(e), (b) pay any portion of such revenues directly to, or on the order of, a development to defray the costs of a "project of statewide as well as local importance" and (c) direct that any moneys not used for such purposes be remitted back to state and local taxing authorities.

The specified state and local tax revenues at issue are collected, segregated, set aside, and may be used only for statutorily specified purposes, namely, for the payment of debt service on redevelopment bonds and project costs. However, once these revenues are remitted to the State Treasurer, he is mandated to credit them to the redevelopment bond fund established in the state treasury. As such, Article 2, § 24 of the Kansas Constitution requires legislative appropriation in order for the State Treasurer to disburse moneys from the redevelopment bond fund for payment of debt service on redevelopment bonds and costs of a project of statewide as well as local importance. An initial, no limit appropriation with a savings clause would be sufficient for this purpose. Cited herein: K.S.A. 2000 Supp. 12-187; 12-189; 74-8902; 74-8903; 74-8905; 74-8921; 74-8922; 74-8923; 74-8924; 74-8925; 79-8926; 74-8927; 74-8929; Kan. Const., Art. 1, § 2; Art. 2, § 24; L. 1987, ch. 57; L. 1998, ch. 199; L. 1999 ch. 158. CN

## Opinion 2001-13

**Cities and Municipalities—Public Purpose Doctrine—Use of Public Funds to Promote School Bond Issue.**

**State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—**

**Meetings of State and Subdivisions Open to Public; Application to Finney County Economic Development Commission. John P. Wheeler, Jr., Finney County Attorney, Garden City, March 21, 2001.**

Given the extent of governmental involvement with the Finney County Economic Development Corporation (FEDC), based on the information provided we believe the FEDC is subject to both the Kansas Open Records Act and the Kansas Open Meetings Act. In light of the penalties for misuse of public funds, the uncertainty with how a Kansas court would address the use of public funds to advocate a position in a matter before the electorate and the necessity of making factual determinations, we are unable to opine regarding the propriety of the FEDC's contribution to an advocacy group organized to promote the issuance of bonds by a school district to build a high school. Cited herein: K.S.A. 21-3910; 25-4169a; 45-217, 75-4318. MF, SP

## Opinion 2001-14

**Cities and Municipalities—General Provisions—Countywide and City Retailers' Sales Tax; Use of Sales Tax Revenue for Economic Development; School District Use. Senator Jim Barone, 13th District, Frontenac, March 22, 2001.**

A city or county may use the proceeds from a retailers' sales tax for economic development, provided the electorate approves such use. Moreover, if a governing body determines that providing financial assistance to a school or school district will enhance the quality of the school or school district which will, in turn, make the area more attractive for economic development, it is our opinion that a Kansas appellate court would likely uphold the use of the sales tax proceeds. Cited herein: K.S.A. 2000 Supp. 12-187. MF

## Opinion 2001-15

**Public Health and Welfare—Civil Rights—Federally Assisted Programs; Disbursement of Funds to Applicants of Empowerment Zones Subject to Title VI. Senator David B. Haley, 4th District, Kansas City, March 22, 2001.**

An urban area designated as an empowerment zone or enterprise community (EZ/EC) by the Secretary of the U.S. Department of Housing and Urban Development (HUD) receives federal assistance in order to promote the economic development of the low-income community. Federal regulations require that the federal funds be expended to help low-income families become self-sufficient and to revitalize the community. HUD determines whether a local government receiving federal assistance as a designated EZ/EC is in compliance with federal regulations that require implementation of programs to enable low-income families within the zone to become self-sufficient. The secretary regularly evaluates whether the specific EZ/EC is implementing the programs in their strategic plan that target the economic self-sufficiency of low income families. Cited herein: 24 C.F.R. §§ 597.102, 597.200, 597.201, 597.401, 597.403, 598.2, 598.10, 598.110, 598.205, 598.215, 598.415, 598.420 (2000). GE

(continued)



Opinion 2001-16

Township and Township Officers—Township Officers—Qualifications and Oaths of Certain Township Officials; Qualified Elector; Residence.

Cities of the Third Class—Election, Appointment and Removal of Officers—Qualifications of Officers; Qualified Elector, Residence.

Elections—Conduct of Elections—Rules for Determining Residence of Voters.

Constitution of the State of Kansas—Suffrage—Qualifications of Electors; Residence. Jan Satterfield, Butler County Attorney, El Dorado, April 9, 2001.

Being a qualified elector in relation to township officials, as well as to third class city council candidates, is tied to residency through Article 5, Section 1 of the Kansas Constitution. For purposes of determining the residence of a voter, "residence" means the place that is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. Whether a person has changed his or her residence, either temporarily or permanently, is a question of fact. Residence is a combination of acts and intention; both must concur. Cited herein: K.S.A. 15-209; 25-407; 77-201; 80-202; Kan. Const., Art. 5, § 1. CN

Opinion 2001-17

Public Health and Welfare—Civil Rights—Federally Assisted Programs; Application of Title VI to Programs and Entities Receiving Federal Funding. Senator David B. Haley, 4th District, Kansas City, March 27, 2001.

Section 601 of Title VI provides that no person may, on the ground of race, color or national origin, be excluded from participation in, be denied benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance. State agencies, local government entities, educational institutions, private for profit and not-for-profit corporations, if recipients of federal funding [as defined in the federal statute], are subject to this prohibition against discrimination. Federal officials have an affirmative duty to police operations of, and prevent discrimination by, state and local agencies receiving the funds. The federal provision affects state and local government boards, commissions and authorities when making public policy concerning the expenditure of federal funds, and failure to comply may result in the termination of or refusal to grant or to continue federal funding assistance. No one may, on the basis of race, color or national origin, be denied the right to participate in the planning of public policy for a federally funded program. Cited herein: 20 U.S.C. §§ 1681,1682, 1687; 42 U.S.C. §§ 2000d, 2000d-1, 2000d-4a; 34 C.F.R. §§ 100.3(b)(vii), 100.4(a). GE

Opinion 2001- 18

Legislature—Legislative Post Audit—Definitions; Duty of Confidentiality Imposed by Law; Audit Work Papers.

Public Records, Documents and Information—Records Open to Public—Public Policy That Records be Open; Definitions; Custodian; Public Records; Certain Records Not Required to be Open; Records Obtained by

Post Audit. Barbara J. Hinton, Legislative Post Auditor, Topeka, March 27, 2001.

Legislative Post Audit may publicly report information it receives from nongovernmental persons by authority of K.S.A. 46-1114(c)(2)-(4) and (d)(1)-(3), as long as there is no law requiring such information to be confidential. This is so even if such entities are not otherwise covered by the Kansas Open Records Act (KORA). Such records are subject to disclosure under the KORA when in Post Audit's possession. Cited herein: K.S.A. 45-217; 45-221; 46-1106; 46-1114; 46-1128; 75-4318; 75-4319. SP

Carla J. Stovall  
Attorney General

Doc. No. 026467

State of Kansas

Board of Tax Appeals

Notice of Change in Fees

Notice is hereby given that effective June 1, 2001, the following fee schedule shall be in effect for transcripts of tape recorded hearings, certification of records to court and copies of public records:

Transcripts of Tape Recorded Hearings

Original Transcript (per page charge)	\$2.25
(Fee covers the cost of the original transcript and one copy. The original transcript is filed with the board and the copy is provided to the party requesting the transcript.)	
Additional Copies of Transcript (per page charge)	\$0.50

Additionally, the actual cost of postage required to mail the transcript or copies is charged. To request a transcript, send a written request indicating the docket number of the case and the date of the hearing for which you are requesting a transcript along with \$25. The \$25 will be applied toward the total charges for the transcript. Please note that the \$25 fee is not refundable.

Certification of Records to Court

Fee for Certification of the Record to Court	\$3.00
Reproduction of File for Certification of Record (per page charge)	\$1.00
Certified Copies of Orders to Court	\$3.00
Plus Per Page Charge	\$0.50

In addition, the actual cost of postage to mail the documents to the court is charged.

Copies of Public Records

Copies of Public Records (per page charge)	\$0.50
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In addition, the actual cost of postage to mail the copies is charged. Also, there may be an additional charge for staff time if the request involves staff research and a charge for computer time if a specific computer report has to be developed to obtain the records requested. Staff time is billed at \$25 per hour. Computer time is billed at \$60 per hour. Staff and computer time charges are billed in tenths of an hour.

David L. Patton  
Chairman

Doc. No. 026471



State of Kansas

**Persian Gulf War Veterans Health Initiative Advisory Board**

**Notice of Meeting**

The Kansas Persian Gulf War Veterans Health Initiative Advisory Board will meet at noon Tuesday, April 24, in Room 526-South, State Capitol, 300 S.W. 10th Ave., Topeka. The public is invited to attend. For further information, contact Tonya Ricklefs at (785) 296-7455.

Stoney Wages  
Executive Director

Doc. No. 026481

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-01-099/107**

**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Wayne Detweiler 2568 Deer Trail Road Summerfield, KS 66541	SE/4 of Section 19, NE/4 of Section 30, T1S, R10E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S048

This is an expansion of a previously certified facility for 620 head of swine greater than 55 pounds and 800 head of swine 55 pounds or less. The facility is expanding by adding 300 head of swine 55 pounds or less for a total of (358 animal units).

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

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

**Name and Address of Applicant**

Ingram Farms Feedyard  
c/o Craig & Genine Ingram  
Route 1, Box 4  
Long Island, KS 67647

**Legal Description**

W/2 of the NW/4 of  
Section 13,  
E/2 of the NE/4 of  
Section 14,  
T1S, R20W,  
Phillips County

**Receiving Water**

Upper Republican  
River Basin

Kansas Permit No. A-URPL-B003

This is a permit revision to reflect a change in the location and size of the earthen retention structure for an existing facility for 990 head (495 animal units) of cattle weighing 700 pounds or less. There has been no change in animal unit capacity.

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

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

**Name and Address of Applicant**

Rochus and David  
Enneking  
Route 1, Box 113  
Centralia, KS 66415

**Legal Description**

NE/4 of Section 10,  
T4S, R12E,  
Nemaha County

**Receiving Water**

Missouri River  
Basin

Kansas Permit No. A-MONM-M013

This is a permit renewal of a current permit for an existing facility for 70 head (98 animal units) of dairy cows.

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

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

**Name and Address of Applicant**

Edwin Welch  
387 20th Road  
Haddam, KS 66944

**Legal Description**

SE/4 of Section 21,  
T2S, R1E,  
Washington County

**Receiving Water**

Big Blue River  
Basin

Kansas Permit No. A-BBWS-B002

This is a renewal permit for an existing facility for a maximum of 88 head of cattle greater than 700 pounds [88 animal units (a.u.)] and 218 head less than 700 pounds (109 a.u.), for a total of 306 head and 197 animal units.

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

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

**Name and Address of Applicant**

Merlin D. Hiebert  
Route 1, Box 71  
Canton, KS 67428

**Legal Description**

NW/4 of Section 17,  
T20S, R1E,  
Marion County

**Receiving Water**

Neosho River  
Basin

Kansas Permit No. A-NEMN-MO24

This is a new permit for the construction of additional waste controls at an existing facility for 100 head (140 animal units) of 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: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required.

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quired. The manure/waste management plan approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Hermann's Dairy c/o Jim Hermann 8991 Village Greens Road Meriden, KS 66512	SE/4 of Section 4, T10S, R17E, Jefferson County	Kansas River Basin

Kansas Permit No. A-KSJF-M001

This is a permit renewal of a current permit for an existing facility for 40 head (56 animal units) of dairy cows.

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

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

Name and Address of Applicant	Legal Description	Receiving Water
Ebel Farms Inc. 1117 340th St. Hiawatha, KS 66434	NW/4 of Section 2, T1S, R16E, Brown County	Missouri River Basin

Kansas Permit No. A-MOBR-S004

This is a permit renewal of a current permit for an existing facility for 400 head (160 animal units) of swine greater than 55 pounds and 320 head (32 animal units) of swine 55 pounds or less, for a total of 192 animal units.

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

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
James Dobbins Route 2, Box 105 Goff, KS 66428	SE/4 of Section 32, T4S, R13E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S006

This is a permit renewal of a current permit for an existing facility for 75 head (30 animal units) of swine greater than 55 pounds and 320 head (32 animal units) of swine 55 pounds or less, for a total of 62 animal units.

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

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lynn Harris & Sons P.O. Box 146 Burr Oak, KS 66936	NW/4 of Section 8, T2S, R8W, Jewell County	Lower Republican River Basin

Kansas Permit No. A-LRJW-S008

This is a renewal permit for an existing facility for a maximum of 950 head (380 animal units) of swine.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health

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

All comments regarding the draft permit or application notice postmarked or received on or before May 19 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-099/107) and name of applicant/application as listed when preparing comments.

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

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

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

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

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

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

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

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

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

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

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

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026469

## State of Kansas

**Department of Health  
and Environment**
**Request for Comments**

The Kansas Department of Health and Environment is announcing its intent to issue general Class I air operating permits for small hospital/medical/infectious waste incinerators (HMIWI) located in metropolitan areas and small HMIWIs located in rural areas. The proposed general permits were developed in accordance with the provisions of K.A.R. 28-19-400 *et seq.* and K.A.R. 28-19-514 *et seq.* Emissions of particulate matter, carbon monoxide, dioxins/furans, hydrogen chloride, sulfur dioxide, nitrogen oxides, lead, cadmium and mercury were evaluated during the permit development process. A public comment period for this permitting has been established from April 19 to May 21.

Owners or operators of small HMIWIs in Kansas that meet certain criteria may apply for authorization to operate under the terms and conditions of the proposed general permits by filing permit applications with the department. The department will review the applications and issue authorizations to HMIWIs that qualify. The authorizations will identify the name and address of the facility, the terms of the authorization, and site-specific monitoring and operating requirements. Owners or operators of HMIWIs receiving such authorization will be deemed to have satisfied the requirements of Title V of the federal Clean Air Act and the Kansas Air Quality Program approved thereunder.

A public notice will be promulgated each month that identifies the name and location of each HMIWI that receives authorization to operate under the terms and conditions of the general permit. These notices will be published in the Kansas Register and in a newspaper of general circulation in the area where each HMIWI is located. Copies of the permit application, the authorization documents and all other relevant information will be made available for public review at the KDHE central office, Bureau of Air and Radiation, Topeka, and at appropriate KDHE district offices or local air pollution control agencies. A list of all HMIWIs authorized to operate under the terms and conditions of the HMIWI class I general operating permit will be maintained at the KDHE central office in Topeka.

Copies of the proposed HMIWI general class I permits and the proposed authorization documents are available for public review during normal business hours (8 a.m. to 5 p.m. Monday through Friday) at the following locations:

**KDHE Bureau of Air and Radiation**  
Building 283, Forbes Field, Topeka, 66620  
Contact Person: John Ramsey, (785) 296-1992

**KDHE North Central District Office**  
2501 Market Place, Suite D, Salina, 67401  
Contact Person: Joan Ratzlaff, (785) 827-9639

**KDHE Northeast District Office**  
800 W. 24th, Lawrence, 66046  
Contact Person: Pat Simpson, (785) 842-4600

**KDHE Northwest District Office**  
2301 E. 13th, Hays, 67601  
Contact Person: Rick Robinson, (785) 625-5663

**KDHE South Central District Office**  
130 S. Market, 6th Floor, Wichita, 67202  
Contact Person: Dave Butler, (316) 337-6020

**KDHE Southeast District Office**  
1500 W. 7th, Chanute, 66720  
Contact Person: Lynelle Stranghoner, (620) 431-2390

**KDHE Southwest District Office**  
302 W. McArtor Road, Dodge City, 67801  
Contact Person: Dave Butler, (316) 337-6020

**Johnson County Environmental Department**  
11180 Thompson Ave., Lenexa, 66219  
Contact Person: Mike Boothe, (913) 492-0402

**Shawnee County Health Agency**  
1615 W. 8th, Topeka, 66601  
Contact Person: Ed Kalas, (785) 368-2059

**Wichita-Sedgwick County Department of  
Community Health**  
1900 E. 9th, Wichita, 67214  
Contact Person: Randy Owen, (316) 268-8448

**Wyandotte County Health Department**  
619 Ann Ave., Kansas City, KS 66101  
Contact Person: Bruce Anderson, (913) 573-6700

Copies of the proposed general permit documents may be obtained by contacting the person listed at the appropriate office. Standard departmental costs will be assessed for any copies requested.

Written comments on the proposed permitting documents should be directed to Harish Agarwal, KDHE, Bureau of Air and Radiation, Forbes Field, Building 283, Topeka, 66620. Written comments must be received by the close of business May 21 in order to be considered in the final decision-making process.

A public hearing may be requested on this proposed permitting action by any person. The request must be in writing and set out the basis for the request. Written requests for a hearing should be directed to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 21 in order to be considered by the Secretary of Health and Environment.

In accordance with K.A.R. 28-19-515, the U.S. Environmental Protection Agency has 45 days after receipt of the proposed general class I operating permit to object to issuance of the draft permit. Any person may petition the EPA administrator to review the permit within 60 days after expiration of the 45-day EPA review period. The petition may be based only on objections identified with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objection within the comment period or unless the grounds for such objection arose after the close of the comment period.

A copy of the draft general permit, the permit application and instructions, and the draft authorization documents are being submitted to the EPA simultaneously with publication of this notice. Contact Gary Schlicht, EPA Region VII, Air Permitting and Compliance

(continued)

Branch, 901 N. 5th, Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026456

#### 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 of an air quality construction permit issued to Hugoton Municipal Power Plant No. 2. Certain requirements of the construction permit dated June 29, 1993, as revised January 22, 1996, are being modified.

The City of Hugoton owns and operates Hugoton Municipal Power Plant No. 2 located at 1601 S. Washington, Hugoton, at which the existing construction permit requirements are to be modified.

A copy of the proposed permit modification, all supporting documentation and all information relied upon during the preparation of the permit modification 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 modification and supporting documentation, contact Alan W. Brooks, (785) 296-6281, 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 modification to Alan W. Brooks, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit modification decision, written comments must be received by close of business May 21.

A person may request a public hearing be held on the proposed permit modification. 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 May 21 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026460

#### 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 and amending previously-issued construction permits. Acme Foundry, Inc. 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. Notice also is given that certain requirements were found to no longer be required in the construction permit dated April 1, 1998. These requirements are being modified by a modification of permit conditions.

Acme Foundry, Inc. owns and operates a gray iron foundry located at 1502 Spruce St., Coffeyville.

A copy of the proposed permit, permit application, all supporting documentation, all information relied upon during the permit application review process and a copy of the modification of permit conditions are 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 Southeast District Office, 1500 W. 7th, Chanute. To obtain or review either document, contact Alan Brooks, (785) 296-6281, at the KDHE central office, or Lynelle Stranghoner, (316) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the documents to Alan Brooks, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating final document decisions, written comments must be received by the close of business May 21.

A person may request a public hearing be held on the proposed documents. 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 May 21 in order for the Secretary of Health and Environment to consider the request.

The U.S. 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. 026476

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. Northern Natural Gas Company, Stevens County #2 Compressor Station, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace compressor engine number 9. Emissions of oxides of nitrogen and carbon monoxide were evaluated during the permit review process.

Northern Natural Gas Company, Stevens County #2 Compressor Station, Liberal, owns and operates the stationary source located at Section 3, Township 34 South, Range 37 West, Hugoton, Stevens County, at which the compressor engine will be exchanged in a major PSD source.

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 Amer Safadi, (785) 296-1993, 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 Amer Safadi, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business May 21.

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 May 21 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026461

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. Northern Natural Gas Company, Stevens County #6 Compressor Station, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace compressor engines 4 and 5. Emissions of oxides of nitrogen and carbon monoxide were evaluated during the permit review process.

Northern Natural Gas Company, Stevens County #6 Compressor Station, Liberal, owns and operates the stationary source located at Section 14, Township 32 South, Range 36 West, Hugoton, Stevens County, at which the compressor engines will be exchanged in a major PSD source.

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 Amer Safadi, (785) 296-1993, 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 Amer Safadi, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business May 21.

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 May 21 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026466

## 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 and amending previously-issued construction permits. Tony's Pizza Service 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. Notice also is given that certain requirements were found to no longer be required in the construction permits dated June 23, 1998 and April 12, 1999. These requirements are being modified by an applicability determination.

Tony's Pizza Service owns and operates a frozen specialty food manufacturing plant located at 3019 Scanlan Ave., Salina.

A copy of the proposed permit, permit application, all supporting documentation, all information relied upon during the permit application review process and a copy of the applicability determination are 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 North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review either document, contact Alan Brooks, (785) 296-6281, 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 documents to Alan Brooks, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating final document decisions, written comments must be received by the close of business May 21.

A person may request a public hearing be held on the proposed documents. 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 May 21 in order for the Secretary of Health and Environment to consider the request.

The U.S. 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. Inter-

ested 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. 026475

## 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. Northern Natural Gas Company, Hugoton Compressor Station, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace compressor engines 14, 19, 20 and 21. Emissions of oxides of nitrogen and carbon monoxide were evaluated during the permit review process.

Northern Natural Gas Company, Hugoton Compressor Station, Liberal, owns and operates the stationary source located at Section 6, Township 33 South, Range 35 West, Hugoton, Stevens County, at which the compressor engines will be exchanged in a major PSD source.

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 Amer Safadi, (785) 296-1993, 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 Amer Safadi, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business May 21.

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 May 21 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026468

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. Northern Natural Gas Company, Morton County #1 Compressor Station, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to permit a previously-installed catalytic converter on engine number 7. The facility is major for PSD. Emissions of oxides of nitrogen and carbon monoxide were evaluated during the permit review process.

Northern Natural Gas Company, Morton County #1 Compressor Station, Liberal, owns and operates the stationary source located at Section 25, Township 34 South, Range 40 West, Rolla, Morton County, at which a catalytic converter on engine 7 has been previously installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Amer Safadi, (785) 296-1993, 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 Amer Safadi, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business May 21.

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 May 21 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026478

(Published in the Kansas Register April 19, 2001.)

Summary Notice of Bond Sale

Barton County, Kansas

\$2,720,000

General Obligation Bonds, Series 2001-A

(General obligation bonds payable from  
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated March 26, 2001, sealed, facsimile and electronic bids will be received by the clerk of Barton County, Kansas (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at the Barton County Courthouse, 1400 Main St., Suite 202, Great Bend, KS 67530, and in the case of electronic bids, through Thomson Financial Municipals Group BiDCOMP/PARITY electronic bid submission system, until 1 p.m. April 30, 2001, for the purchase of \$2,720,000 principal amount of General Obligation Bonds, Series 2001-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

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

Year	Principal Amount
2002	\$190,000
2003	235,000
2004	245,000
2005	260,000
2006	270,000
2007	280,000
2008	290,000
2009	305,000
2010	315,000
2011	330,000

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 \$54,400 (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 regis-

(continued)

tered without cost to the successful bidder on or about May 15, 2001, to DTC for the account of the successful bidder.

#### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2000 is \$181,289,793. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$2,720,000.

#### Approval of Bonds

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

#### Additional Information

Additional information regarding the bonds may be obtained from the clerk, (620) 793-1835, fax (620) 793-1990; or from the financial advisor, George K. Baum & Company, Inc., 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 26, 2001.

Barton County, Kansas

Doc. No. 026477

(Published in the Kansas Register April 19, 2001.)

#### Summary Notice of Sale City of Olathe, Kansas

\$37,700,000\*

#### General Obligation Temporary Notes Series 2001-A

\$6,825,000\*

#### General Obligation Bonds Series 198

(General obligations payable from  
unlimited ad valorem taxes)

#### Bids

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$37,700,000\* of General Obligation Temporary Notes, Series 2001-A, and \$6,825,000\* of General Obligation Bonds, Series 198, 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. local time for the notes and until noon local time for the bonds on Tuesday, May 1, 2001, at which time such bids will be publicly read. No bid will be considered of (a) less than 99.50 percent of the principal amount of the notes and accrued interest to the date of delivery, and (b) less than 99.25 percent of the principal amount of the bonds and accrued interest to the date of delivery.

#### Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes 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 notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated May 15, 2001, and will become due on June 1, 2002. The notes will bear interest from the dated date at a rate to be determined when the notes are sold, which interest will be payable on December 1, 2001 and June 1, 2002. The Olathe City Treasurer will be the note paying agent and note registrar for the notes.

#### 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 May 15, 2001, and will become due annually on April 1, beginning April 1, 2002, in the years as follows:

Year	Principal Amount
04/01/02	\$685,000
04/01/03	685,000
04/01/04	685,000
04/01/05	685,000
04/01/06	685,000
04/01/07	680,000
04/01/08	680,000
04/01/09	680,000
04/01/10	680,000
04/01/11	680,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on April 1 and October 1 in each year, beginning October 1, 2001. The Kansas State Treasurer, Topeka, Kansas, will be the bond paying agent and bond registrar for the bonds.

#### Redemption Prior to Maturity

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

#### Good Faith Deposit

Each bid for the notes shall be accompanied by a good faith deposit in the form of a cashier's or certified check or a financial surety bond in the amount of 1 percent of the principal amount of the notes. Each bid for the bonds shall be accompanied by a good faith check in the form of a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds.

**Delivery**

The city will pay for preparing the notes and the bonds. The city will deliver the notes and bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about May 30, 2001.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2000 is \$875,814,407. The total general obligation indebtedness of the city as of the date of the notes and bonds, including the notes and bonds but excluding the temporary notes to be retired with the proceeds of the notes and bonds, is \$113,739,582, and the total general obligation indebtedness of the city as of December 31, 1999, for debt limitation purposes, was \$41,098,022.

**Approval of Bonds**

The bonds and notes 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/notes will be furnished and paid for by the city, will accompany the bonds and notes and will be delivered to the successful bidder when the bonds/notes are delivered.

**Additional Information**

Additional information regarding the bonds and the notes may be obtained from Kevin Hammeke, the city's director of financial services, (913) 782-2600, fax (913) 393-6203; or from the city's financial advisor, George K. Baum & Company, Kansas City, Missouri, Attention: Dave Arteberry, (816) 474-1100.

Dated April 3, 2001.

City of Olathe, Kansas  
 Kevin Hammeke  
 Director of Financial Services  
 Municipal Building  
 126 S. Cherry St.  
 Olathe, KS 66061

\* Preliminary; subject to change.  
 Doc. No. 026470

State of Kansas

**Office of Judicial Administration**

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

Kansas Court of Appeals  
 Kansas Judicial Center  
 Court of Appeals Courtroom  
 Second Floor  
 301 S.W. 10th Ave.  
 Topeka, Kansas

Before Marquardt, P.J.; Johnson, J.; and Fred S. Jackson, S.J.

Tuesday, May 15, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
84,176	State of Kansas, Appellee, v. Arnold E. Grice, Appellant.	Attorney General Frank E. Kohl, C.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Leavenworth
85,530	Matthew Jones, Appellee, v. Reliable Security, Inc., Dequince Atkinson, d/b/a Reliable Security and Investigations, Defendants, and Acceptance Insurance Company, Garnishee, Appellant.	Donald W. Vasos John G. Schultz Lisa A. Brunner	Wyandotte
85,342	Michael Scott Johnson, Appellant, v. Kansas Department of Revenue, Appellee.	Michael S. Holland II Brian Cox	Barton
85,210	State of Kansas, Appellant, v. Lee J. Booher, Appellee.	Attorney General Thomas D. Haney, Acting C.A. Stephen M. Joseph	Geary
85,901	Maria Prugue, as Guardian and Conservator of Martin Prugue, Appellant, v. Jeff David Monley, et al., Appellees.	James M. Crabtree Larry E. Benson	Douglas

(continued)

1:30 p.m.

85,908	Michael D. Brimm, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Kent A. Roth Attorney General Douglas A. Matthews, Asst. C.A.	Barton
85,582	Nancy Hatcher, Appellee, v. Amarillo Mesquite Grill, and Liberty Mutual Insurance Company, Appellants.	Roger A. Riedmiller Anton C. Andersen	Work Comp
84,804	State of Kansas, Appellee, v. Roland Hill, Appellant.	Attorney General John H. Taylor, Asst. C.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Geary
86,071	Lyon-Coffey Electric Cooperative, Inc., Appellant, v. State Corporation Commission of the State of Kansas, Defendant, and City of Burlington, Kansas, Intervenor, Appellees.	Stuart S. Lowry Caroline M. Ong	Coffey

**Wednesday, May 16, 2001**  
**Summary Calendar—No Oral Argument**

Case No.	Case Name	Attorneys	Jurisdiction
85,905	Darrin E. Frey and Paula L. Kelly-Frey, Appellees/Cross-Appellants, v. First Savings Bank, F.S.B., Appellant/ Cross-Appellee.	Kent E. Oleen Brenda J. Bell	Riley
85,045	Richard Selders, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D. Attorney General Tony Cruz, Asst. C.A.	Geary
85,921	Kenneth Kincaid, Appellant, v. Charles Simmons, et al., Appellees.	Kenneth Kincaid Kenneth R. Smith, Spec. Asst. A.G.	Leavenworth
85,389	State of Kansas, Appellee, v. Kathryn D. Harris, a/k/a Kathryn D. Turner, Appellant.	Attorney General David L. Miller, C.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Miami
86,404	Kevin Gray, Appellant, v. L.E. Bruce, et al., Appellees.	Kevin E. Gray Jon D. Graves	Reno
85,311	State of Kansas, Appellee, v. Jeremy K. Lewis, Appellant.	Attorney General Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Sedgwick
84,869	State of Kansas, Appellee, v. Felix A. Bribiesca, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Reno
85,537	In the Matter of the Applications of Mount St. Scholastica Academy for Exemption from Ad Valorem Taxation in Atchison County, Kansas.	Jeanne Gorman Rau	Tax Appeal

85,775	Glenn Cahill, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D. Attorney General Steve Stockard, Asst. D.A.	Crawford
86,119	In the Interest of: C.C., DOB: 02/26/99 C.B., DOB: 08/26/90 R.C., DOB: 12/31/94	A.J. Stecklein Sheryl A. Bussell, Asst. D.A.	Wyandotte
85,929	State of Kansas, Appellee, v. Dale M.L. Denney, Appellant.	Attorney General Ian H. Taylor, Asst. D.A. Dale M.L. Denney	Sedgwick
85,356	Charles C. Hunter, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Randall L. Hodgkinson, Asst. A.D. Attorney General Angela M. Wilson, Asst. D.A.	Douglas
85,203	State of Kansas, Appellee, v. Albie E. Heslop, Appellant.	Attorney General Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Sedgwick
85,058	State of Kansas, Appellee, v. Kenneth R. Laytham, Appellant.	John K. Bork, Asst. A.G. Jessica R. Kunen, Asst. A.D. Debra J. Wilson, Asst. A.D.	Osage
84,850	State of Kansas, Appellee, v. Charles Bennett, Appellant.	Attorney General Bridget A. Schell, Asst. D.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Wyandotte
85,721	Murphy Tractor & Equipment Co., Appellee, v. Stuart Clark, d/b/a Allied Plumbing, Appellant.	Keith J. Shuttleworth John C. King	Stevens

**Kansas Court of Appeals  
Fatzer Courtroom  
Kansas Judicial Center  
301 S.W. 10th Ave.  
Topeka, Kansas**

**Before Green, P.J.; Knudson, J.; and Philip C. Vieux, D.J., assigned.**

**Tuesday, May 15, 2001**

**9:15 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
84,656	In the Matter of the Conservatorship of Dolores W. O'Keefe. Samantha G. O'Keefe, Appellant, v. Anthony D. O'Keefe, et al., Appellees.	Kenneth J. Catanzarite James T. Wiglesworth John P. Biscanin	Johnson
85,565	Busby, Inc., Appellant, v. Kansas Department of Agriculture, Appellee.	W. Patrick Riordan Grant M. Glenn Derenda J. Mitchell	Shawnee
83,987	State of Kansas, Appellee, v. Tamara J. Herzog, Appellant.	Attorney General Mary E. Mattivi, Asst. C.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Jackson

*(continued)*

85,478	State of Kansas, ex. rel., Secretary Department of Social and Rehabilitation Services, et al., Appellees, v. Willie C. Cook, Jr., Appellant.	Randy M. Barker Sheila Reynolds	Shawnee
1:30 p.m.			
85,126	In the Matter of the Application of Allen, Gibbs & Houlik, L.C. for Exemption from Ad Valorem Taxation in Sedgwick County, Kansas.	William E. Waters Gerald N. Capps	Tax Appeal
85,289	In the Matter of the Marriage of Brenda Diane Wagner, Appellee, and Dirk Patrick Wagner, Appellant.	Marian M. Burns Phillip A. Burdick	Osage
85,460	Meyer Land & Cattle Company, * Appellant, v. Lincoln County Conservation District, Ron Federking, David Morriscal, Darrell Oetting, David Bell, Dale Rosebrook, as Individuals and as Supervisors for the Lincoln County Conservation District, and the Kansas State Conservation Commission, Appellees.	Karen K. McIlvain M.J. Willoughby	Lincoln
84,070	State of Kansas, Appellee, v. Brian E. Baker, Appellant.	Attorney General Barry Wilkerson, C.A. Dwight L. Miller	Pottawatomie

Wednesday, May 16, 2001

9:15 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
84,963	Roger Novak, Rebecca Massey, and Cindy Lusher, Suing on Behalf of Themselves and All Other Individuals Similarly Situated, Appellants, v. Mutual of Omaha Insurance Company, A Nebraska Corporation; United of Omaha Life Insurance Company, A Nebraska Corporation; and John Does I-V, Appellees.	Richard D. Greene James D. Oliver	Saline
86,383	Jennifer K. Musser, Appellant, v. Ronald A. Charity, and American Standard Insurance Company of Wisconsin, Defendants, and Guaranty National Insurance Company, Garnishee, Appellee.	Lelyn J. Braun William J. Pauzauskie Douglas Breyfogle Michael Hufft	Shawnee

**Summary Calendar—No Oral Argument**

Case No.	Case Name	Attorneys	Jurisdiction
84,722	State of Kansas, Appellee, v. Juan J. Alvarez, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Randall L. Hodgkinson	Geary
85,399	In the Matter of the Marriage of Frances Louise Clement, n/k/a Frances Louise Pendleton, Appellee, and Robert Edward Clement, Appellant.	Marvin R. Appling Phillip B. Slape Chris M. Mitchell Douglas C. Cranmer	Sedgwick



86,073	Blanca Sanchez Cano, Appellee, v. IBP, Inc., Appellant.	Stanley R. Ausemus Bradley D. Thornton	Work Comp
85,589	Rory W. Gertsch, Appellant, v. Central Electropolishing Company, Appellee.	Thomas M. Warner, Jr. David J. Rebein	Harper
86,275	State of Kansas, Appellee, v. Phillip O. Schreiner, Appellant.	Attorney General Deborah L. Hughes, Asst. D.A. Jason P. Hoffman Donald R. Hoffman	Shawnee
85,403	State of Kansas, Appellee, v. Antonio M. Washington, Appellant.	Attorney General Vernon Buck, Asst. C.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Lyon
84,635	State of Kansas, Appellee, v. Alroy Vern Martins, Appellant.	Attorney General Russ Roe, Asst. C.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Saline
85,550	Timothy D. Duffy and Carrol A. Duffy, Appellants, v. John T. Casady, Appellee.	John L. Richeson John C. Chappell	Franklin
85,890	Melvin Breascher, Appellant, v. Goodyear Tire & Rubber Company, and Travelers Insurance, Appellees.	Jeff K. Cooper John A. Bausch	Work Comp
86,412	In the Interest of K.H., DOB: 02/12/93.	A.J. Stecklein John B. Knudsen, Asst. D.A.	Wyandotte
85,719	Steve Brooks, as Administrator of the Estate of Betty Ann Coffel and Cindy Parks, as Heir at Law of Betty Ann Coffel, Appellant, v. Cherl Bennett, Defendant, and Farmers Insurance Company, Garnishee, Appellee.	Gerard C. Scott Craig Kennedy	Sedgwick
85,134	State of Kansas, Appellee, v.	Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Cowley
85,153	Ronald Delano Fletcher, Appellant.		
85,924	Ronald V. Gatlin, Appellant, v. Hartley, Nicholson, Hartley & Arnett, P.A., Appellee.	Ronald V. Gatlin Peter Vanderwarker	Miami
85,863	Andrew S. Mavrovich, Jr. Appellant, v. John Doe, Jim Vanderbilt, et al., Appellees.	A.S. Mavrovich Wendell Cowan Michael C. Hayes	Jefferson
86,179	Derrick W. Davis, Appellant, v. Charles E. Simmons, et al., Appellees.	Michael G. Highland Kenneth Smith	Leavenworth

(continued)

Kansas Court of Appeals  
 Court of Appeals Courtroom  
 Sedgwick County Courthouse  
 525 N. Main, Courtroom 11-1  
 Wichita, Kansas

Before Beier, P.J.; Pierron, J.; and Buchele, S.J.

Tuesday, May 15, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,542	Kansas Healthcare Systems Ltd., Appellees/Cross-Appellants, v. Robert W. Schlicht, Individually; Robert W. Schlicht, d/b/a Revlo Source and Supply, A Sole Proprietorship, and Schlicht Memorial Luthern Home, A Minnesota Not-For-Profit Corporation, Appellant/Cross-Appellee.	John E. Helander, Jr. Frank G. Spurney, Jr. Regine L. Thompson Curtis M. Irby	Republic
85,409	State of Kansas, Appellant, v. Craig Sutfin, Appellee.	Attorney General Christina Trocheck, Asst. C.A. Gary D. Denning	Saline
85,902	In the Interest of: T.A.M., DOB: 10/26/88 R.R.M., DOB: 06/23/96 Children Under Eighteen (18) Years of Age.	Michael Lazzo Gwendolen B. Mason	Sedgwick
85,529	Jeremy Reid, By and Through his Mother and Next Friend, Karla Smith and Michael C. Smith, Appellees, v. Kimberly A. Fisher, Appellant.	David W. Andreas Paul Hasty, Jr.	Cowley
1:30 p.m.			
85,602	Alan Van Nahmen, Appellant, v. Agri-Technology, L.P.; Ralph Lagergren, Individually; and Mark R. Underwood, Individually, Appellees.	Thomas D. Herlocker Thomas Odell Rost Lee H. Woodard	Cowley
84,871	In the Matter of the Application of Mercy Health System of Kansas, Inc., for Exemption from Ad Valorem Taxation in Bourbon County, Kansas.	Larry D. Nuss Geoffrey Clark H. Phillip Elwood	Tax Appeal
84,439	State of Kansas, Appellee, v. Jerome G. Everett, Appellant.	Attorney General Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Sedgwick
85,093	Elizabeth White, A Minor By and Through R. Steven White, Father, Appellants, v. Allied Mutual Insurance Company, Appellee.	Dennis L. Horner Craig C. Blumreich	Osage

Wednesday, May 16, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
84,447	David Ellis, Appellant, v. Invacare Corporation, and Mobile Care, Inc. Appellee.	Bradley A. Pistotnik David S. Wooding Thomas J. Berscheidt	Barton
85,150	State of Kansas, Appellee, v. James R. Harris, Appellant.	Attorney General Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Sedgwick
85,491	State of Kansas, Appellee, v. David G. Baughman, Appellant.	Attorney General Matt Treaster, C.A. Kevin Loeffler	Harvey
85,754	Billie R. Riggs, Deceased, Appellee, v. Crist Feed Yard, Inc., and Crum & Forster Insurance Co., Appellants.	Jim D. Mills Christopher J. McCurdy	Work Comp

## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
85,238	State of Kansas, Appellee, v. Timothy A. Carr, Appellant.	Attorney General Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Sedgwick
85,654	Kelly S. Geren, Appellant/Cross-Appellee, v. Kimit M. Geren, Appellee, Cross- Appellant.	Richard G. Tucker David K. Markham	Labette
85,504	State of Kansas, Appellee, v. Rosie McDonald, Appellant.	Attorney General David C. Smith, Asst. D.A. Jessica R. Kunen, Chief A.D. Peter Maharray, Asst. A.D.	Wyandotte
85,989	In the Interest of E.D.F., T.S.F., and M.R.F.	Richard L. Dickson Gwendolen B. Mason	Sedgwick
84,364	Elias Flores, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Shawn Minihan, Asst. A.D. Attorney General Julie A. Funk, Asst. C.A.	Ford
85,297	State of Kansas, Appellee, v. Kevin H. Hortel, Appellant.	Attorney General Boyd K. Isherwood, Asst. D.A. Geary N. Gorup	Sedgwick
85,028 85,029	Norman D. Thomason, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D. Attorney General Boyd K. Isherwood, Asst. D.A.	Sedgwick
85,587	Charlene K. Scott, as an Heir-at-Law of Dalton F. Scott, and as the Administratrix of the Estate of Dalton F. Scott, Deceased, Appellant; v. Eustoquio Abay, M.D., Appellee.	James R. Howell Gary M. Austerman	Sedgwick
84,822	State of Kansas, Appellee, v. Kasey L. Nesbitt, Appellant.	Attorney General Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Sedgwick

(continued)

85,925	Wayne Stewart, #35253, Appellant, v. Secretary of Corrections, Appellee.	Wayne A. Stewart #35253 Julie Riddle	Butler
85,878	In the Matter of the Marriage of Tamalyn J. Kasper, now Ludlow, Appellant, and, Rex Kasper, Appellee.	Megan L. Campbell Dennis J. Molamphy	Sedgwick
85,419	State of Kansas, Appellee, v. Robert Z. Eisen, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Cowley
86,033	Christopher H. McKee, Appellant, v. Board of County Commissioners of Montgomery County, Kansas, and Jack Daniels, in his Capacity as Montgomery County Sheriff, Appellees.	Jeffrey A. Chubb David R. Cooper	Montgomery
86,186	In the Interest of J.N., J.N., and C.N.	Joel D. McMullen Linda J. Knak, Asst. C.A.	Barton
85,135	In the Matter of the Marriage of Steven D. Johnson, Appellee, and Terry A. Johnson, Appellant.	Wayne R. Tate Linda P. Gilmore	Grant
83,477	Jim C. Elliott, Appellant, v. Tim Chambers, et al., Appellees.	Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D. Attorney General Keith E. Schroeder, C.A.	Reno
85,257	State of Kansas, Appellee, v. David D. Fitchett, Appellant.	Attorney General Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Sedgwick
85,511	State of Kansas, Appellee, v. Stephen O. Schmidt, Appellant.	Attorney General Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Shawn Minihan, Asst. A.D.	Sedgwick

**Kansas Court of Appeals  
Old Sedgwick County Courthouse  
510 N. Main, 3rd Floor  
Wichita, Kansas**

Before Rulon, C.J.; Lewis, J.; and Stephen D. Hill, D.J., assigned.

Tuesday, May 15, 2001

9:00 p.m.

Case No.	Case Name	Attorneys	Jurisdiction
86,031	Michael C. Day, Appellee, v. Ned A. Berry; and Board of Education, Unified School District No. 259, Defendants. Lloyd's and Northfield Insurance Company, Garnishee-Defendants, Appellants.	Randall E. Fisher E.L. Lee Kinch John E. Franke	Sedgwick
84,248	State of Kansas, Appellee, v. Kristin D. Wilt, Appellant.	Attorney General Thomas V. Black, C.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Pratt

85,317	Ina Knorp, Appellant, v. Steven E. Albert, D.O., Appellee.	James T. McIntyre Peter G. Collins James Z. Hernandez	Harper
85,810	Clyde Rodreick, Appellee, v. The Estate of Everett H. Wikoff, Appellant, and Thomas Rodreick, Appellee, v. The Estate of Everett H. Wikoff, Appellant.	Richard A. Boeckman Brian C. Wright	Barton
85,413	State of Kansas, Appellee, v. Douglas D. Larson, Appellant.	Attorney General Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Randall L. Hodgkinson, Asst. A.D.	Sedgwick
1:30 p.m.			
86,410	Anthony Edward Molina, Appellant, v. Benjamin Christensen and Wichita State University, Appellees.	Daniel J. Sevart William Scott Hesse	Sedgwick
85,296	State of Kansas, Appellee, v. Robert L. Smith, Appellant.	Attorney General Boyd K. Isherwood, Asst. D.A. Gery N. Gorup	Sedgwick
84,930	State of Kansas, Appellee, v. Anthony C. Blackshire, Appellant.	Attorney General Elizabeth Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Sedgwick
85,991	Joseph L. Farris, Appellee, v. Judy (Kachanes) Sumpter, Appellant.	Richard W. Brown Steve E. Johnson	Barton
84,067	State of Kansas, Appellee, v. Juan Rojas-Ramirez, Appellant.	Attorney General Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Sedgwick

Wednesday, May 16, 2001

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
84,897	State of Kansas, Appellee, v. Edward Charles Franklin, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Wyandotte
85,099	State of Kansas, Appellee, v.	Attorney General District Attorney	Sedgwick
85,111	Marcus R. Hutton, Appellant.	Jessica R. Kunen, Chief A.D.	
85,152	State of Kansas, Appellee, v. Mervin L. Graham, Jr., Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Coffey
85,329	State of Kansas, Appellee, v. John S. Taylor, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Sedgwick
85,338	State of Kansas, Appellee, v. Orrin L. Allsman, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Sedgwick
85,540	State of Kansas, Appellee, v. Minhha T. Thach, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Sedgwick

(continued)

86,178	Derrick W. Davis, Appellant, v. M. Sass, et al., Appellees.	Michael G. Highland Kenneth R. Smith	Leavenworth
85,290	State of Kansas, Appellee, v. Kevin B. Peterson, Appellant.	Attorney General Rod Ludwig, C.A. Michael S. Holland	Mitchell
85,911	Billy Marsh, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General County Attorney	Republic
86,156	State of Kansas, Appellee, v. Mark K. Miller, Appellant.	Attorney General County Attorney Ralph J. De Zago	Saline
85,796	Lloyd P. Adams, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General District Attorney	Sedgwick
86,399	Jay Wells, d/b/a Lemon Shake Up, Appellee, v. Kansas Department of Health and Environment, Appellant.	Robert J. McCully Debra A. Haimowitz	Sedgwick
85,304	Billy Littlejohn, Jr., Appellant, v. State of Kansas, Appellee.	Keihl Rathbun Attorney General Boyd K. Isherwood	Sedgwick
85,020	State of Kansas, Appellee, v. Gerold Hatfield, Appellant.	Attorney General F. Terry Bruce, Asst. C.A. Jessica R. Kunen, Chief A.D. Reid T. Nelson, Asst. A.D.	Reno
84,959	State of Kansas, Appellee, v. Curtis S. Banks, Appellant.	Attorney General Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Nathan Webb, Asst. A.D.	Sedgwick

**Kansas Court of Appeals  
Wyandotte County Courthouse  
Division 17  
710 N. 7th St., 3rd Floor  
Kansas City, Kansas**

**Before Elliott, P.J.; Gernon, J.; and Wahl, S.J.**

**Tuesday, May 15, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
85,278	Limestone Farms, Inc., Tim Beim; & Interior Farms, L.L.C., Appellants, v. Deere & Company; and Smith County Implement, Inc., d/b/a Phillips County Implement, Appellees.	Ellen Byers Donald Patterson Peter Vanderwarker	Smith
83,836	State of Kansas, Appellee, v. Michael A. Baldwin, Appellant.	Attorney General Steven J. Obermeier Jessica R. Kunen, Chief A.D. Reid T. Nelson, Asst. A.D.	Johnson
85,872	Atlantic Avenue Associates, Appellee, v. Central Solutions, Inc., Appellant, v. Great Northern Insurance Company.	Blaine C. Kimrey Jeffrey M. Hensley	Wyandotte



85,313	Intellisports LLC, Appellant, v. Timothy G. Fitzgerald, et al., Appellees.	Barry L. Pickens Mark Hinderks	Johnson
1:30 p.m.			
84,433	Bill J. Owens, Appellant, v. Advanced Business Consultants, Inc., Appellee.	Edward A. McConwell John J. Jurcyk, Jr.	Johnson
85,473	City of Kansas City Claims Division, Appellee, v. Paul Ramirez, d/b/a Rainbow Center, Appellant.	Sean M. Durr J. R. Russell	Wyandotte
85,836	State of Kansas, Appellant, v. Lance R. Arsenault, Appellee.	Attorney General Terra D. Morehead, Asst. D.A. Bob L. Thomas	Wyandotte
85,291	Carl E. Long, Appellee, v. Standard Motor Products, Inc., Appellant.	David R. Hills Carl A. Gallagher	Wyandotte

**Wednesday, May 16, 2001**

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,755	Heartland Premier, Ltd., Appellant, v. Group B and B, L.L.C., Appellee.	Kurt S. Brack Richard J. Plouff Thomas W. Harris	Johnson
85,138	Antonio Garcia-Paz, Appellant, v. Robert Galvin and Petro Sistemas, L.L.P., Appellees.	Antonio Garcia-Paz Keith J. Shuttleworth	Johnson
84,786	State of Kansas, Appellee, v. Felisha Charleen Burhans, Appellant.	Attorney General Steven J. Obermeier Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Johnson
85,668	Rachel Estrada, Appellant, v. Unified Government of Wyandotte County/Kansas City, Kansas, and B & R Properties, Appellees.	J. R. Russell Wayman W. Favors	Wyandotte

**Summary Calendar—No Oral Argument**

Case No.	Case Name	Attorneys	Jurisdiction
86,345	Shirley F. Walker, Appellant, v. Board of County Commissioners of Johnson County, Kansas, Appellee.	John Anderson, Jr. Kathryn D. Myers	Johnson
85,669 85,670	State of Kansas, Appellee, v. David Walter Trammel, Defendant, and Liberty Bonding Company, Inc., Surety, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Ross C. Nigro, Jr.	Johnson
85,118 85,119	State of Kansas, Appellee, v. Justin L. Dunn, Appellant.	Attorney General Thomas V. Black, C.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Pratt
85,334	Walter Jones, Appellant, v. Romans Motor, Co., Inc., Appellee.	Jack Peggs Harry M. Bass	Montgomery

(continued)

85,388	State of Kansas, Appellee, v. Jeremy C. Peterson, Appellant.	Attorney General Ian H. Taylor, Asst. D.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Sedgwick
84,688	State of Kansas, Appellee, v. John Waldo Jones, Appellant.	Attorney General Keith E. Schroeder, C.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Reno
86,316	In the Matter of L.G., A Juvenile Under the Age of Eighteen.	Charles A. Peckham Bonnie J. Selby, C.A.	Sherman
86,181	Christopher Ellis, Appellant, v. David R. McKune, et al., Appellees.	Michael G. Highland Kenneth R. Smith	Leavenworth
85,212	State of Kansas, Appellee, v. Gary Lynn Jordan, Appellant.	Attorney General Steven J. Obermeier Jessica R. Kunen, Chief A.D. Randall L. Hodgkinson	Johnson
84,381	State of Kansas, Appellee, v. William Lester Price, Appellant.	Attorney General John S. Sutherland, C.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Linn
85,447	State of Kansas, Appellee. v. Chuck M. Winters, Appellant.	Attorney General Ian H. Taylor, Asst. D.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Sedgwick
84,543	State of Kansas, Appellee, v. Jimmie Williams, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Johnson
85,764	Town & Country Bank of Quincy, Illinois, Appellee, v. V. Maxine Stock, Appellant.	Douglas Lancaster Genine L. Ware	Johnson
86,171	In the Interest of A.M.C., DOB: 05/16/99, Minor Child Under Eighteen (18) Years of Age.	Roger Batt Christopher J. Vinduska	Sedgwick
84,308	State of Kansas, Appellee, v. Darren Jones, Appellant.	Attorney General Linda Monroe, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Wyandotte
85,347	State of Kansas, Appellee, v. Homer Roy Whisler, Jr., Appellant.	Attorney General Frank E. Kohl, C.A. Carl E. Cornwell	Leavenworth
84,936 84,968	State of Kansas, Appellee, v. Michael Lee Geren, Appellant.	Attorney General Ty Kaufman, C.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	McPherson
85,638	In the Interest of: W.K., DOB: 06/18/86 S.K., DOB: 08/20/84	Patricia Aylward Kalb Victoria S. Meyer, Asst. D.A.	Wyandotte

Carol G. Green  
Clerk of the Appellate Courts

## State of Kansas

## Department of Education

Permanent Administrative  
Regulations

## Article 40.—SPECIAL EDUCATION

**91-40-2. FAPE.** (a) (1) Each agency shall provide FAPE in accordance with K.S.A. 72-966 and amendments thereto, and with this article.

(2) Each agency's obligation to provide FAPE shall extend to exceptional children residing on Indian reservations, unless these children are provided FAPE by the secretary of the interior under federal law.

(b)(1) Each agency shall make FAPE available to each child with a disability residing in its jurisdiction beginning not later than the child's third birthday.

(2) An IEP or IFSP shall be in effect by the child's third birthday, but, if that birthday occurs during the summer when school is not in session, the child's IEP team shall determine the date when services will begin.

(3) If a child is transitioning from early intervention services provided under part C of the federal law, the agency responsible for providing FAPE to the child shall participate in transition planning conferences for the child.

(c)(1) Each agency shall make FAPE available to any child with a disability even though the child is advancing from grade to grade.

(2) The determination of whether a child who is advancing from grade to grade is a child with a disability shall be made on an individual basis in accordance with child find activities and evaluation procedures required by this article.

(d) Each agency shall provide services that address all of the special education and related services needs of each exceptional child. The services shall be based upon the child's unique needs and not upon the child's area of exceptionality.

(e) An agency shall not be required to provide FAPE to a student aged 18 through 21 who meets the following criteria:

- (1) Is incarcerated in an adult correctional facility; and
- (2) in the student's last educational placement before incarceration, was not identified as a child with a disability and did not have an IEP.

(f) (1) An agency shall not be required to provide FAPE to any exceptional child who has graduated from high school with a regular high school diploma.

(2) Each exceptional child shall be eligible for graduation from high school upon successful completion of state and local board requirements and shall receive the same graduation recognition and diploma that a nonexceptional child receives.

(3) The IEP of an exceptional child may designate goals other than high school graduation.

(4) When an exceptional child enters high school, progress toward graduation shall be monitored annually and recorded on an official transcript of credits. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-966; effective May 19, 2000; amended May 4, 2001.)

**91-40-7. Child find.** (a) Each board shall adopt and implement policies and procedures to identify, locate, and evaluate all children with exceptionalities residing in its jurisdiction, including children with exceptionalities who meet any of the following criteria:

- (1) Attend private schools;
- (2) are highly mobile, including migrant and homeless children; or

(3) are suspected of being children with disabilities even though they are advancing from grade to grade.

(b) Each board's policies and procedures under this regulation shall include age-appropriate screening procedures that meet the following requirements:

(1) For children younger than five years of age, observations, instruments, measures, and techniques that disclose any potential disabilities or developmental delays that indicate a need for evaluation, including hearing and vision screening;

(2) for children from ages five through 21, observations, instruments, measures, and techniques that disclose any potential exceptionality and indicate a need for evaluation, including hearing and vision screening as required by state law; and

(3) implementation of procedures ensuring the early identification and assessment of disabilities in children.

(c) (1) A board shall not refer any child for an evaluation who is enrolled in any of the grades kindergarten through 12 until school personnel, including the child's regular education teacher and special education instructional and related services staff, make one of the following determinations:

(A) Regular education interventions and strategies to address areas of concern, including instructional or environmental modifications, are inadequate to address the areas of concern for the child.

(B) Regular education interventions and strategies to address areas of concern, including instructional or environmental modifications, have been implemented but have been inadequate to address the areas of concern for the child.

(2) A board shall implement regular education interventions and strategies to address areas of concern for a child before referring the child for an evaluation unless one of the following conditions is met:

(A) School personnel can demonstrate that those interventions and strategies are inadequate to address the areas of concern for the child.

(B) The parent of the child requests, and gives written consent for, an evaluation of the child, and the board agrees that an evaluation of the child is appropriate.

(d) Each board, at least annually, shall provide information to the public concerning the availability of special education services for exceptional children, including child find activities conducted by the board.

(e) Each agency shall ensure that the collection and use of data under this regulation are subject to the confidentiality requirements of K.A.R. 91-40-50. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-966; effective May 19, 2000; amended May 4, 2001.)

(continued)

**91-40-9. Evaluation procedures.** (a) If tests or other assessment instruments are used as a part of the evaluation or reevaluation of an exceptional child, the agency shall ensure that the following requirements are met:

(1) Tests and other assessment instruments or materials shall meet the following criteria:

(A) Be selected and administered so as not to be racially or culturally discriminatory; and

(B) be provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.

(2) Materials and procedures used to assess a child with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the child has an exceptionality and needs special education, rather than measuring the child's English language skills.

(3) A variety of assessment tools and strategies shall be used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved and progress in the general curriculum or, for a preschool child, to participate in appropriate activities that may assist in determining whether the child is an exceptional child and what the content of the child's IEP should be.

(4) Any standardized tests that are given to a child shall meet the following criteria:

(A) Have been validated for the specific purpose for which they are used; and

(B) be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(5) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions shall be included in the evaluation report.

(6) Tests and other evaluation materials shall include those that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(7) Tests shall be selected and administered to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure.

(8) A single procedure shall not be used as the sole criterion for determining whether a child is an exceptional child and for determining an appropriate educational program for the child.

(b) (1) Each child shall be assessed in all areas related to a suspected exceptionality, including, if appropriate, the following:

(A) Health;

(B) vision;

(C) hearing;

(D) social and emotional status;

(E) general intelligence;

(F) academic performance;

(G) communicative status; and

(H) motor abilities.

(2) Each evaluation shall be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(c) (1) Each agency shall use reliable instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(2) Each agency shall use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-986; effective May 19, 2000; amended May 4, 2001.)

**91-40-10. Eligibility determination.** (a) (1) After completion of appropriate evaluation procedures, a team of qualified professionals and the parent of the child who has been evaluated shall prepare a written evaluation report that includes a statement regarding each of the following matters:

(A) The determination of whether the child has an exceptionality;

(B) the basis for making the determination;

(C) the relevant behavior noted during the observation of the child;

(D) the relationship of that behavior to the child's academic functioning;

(E) educationally relevant medical findings, if any; and

(F) (i) If the child was evaluated for a specific learning disability, the determination of whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and

(ii) the determination of the team concerning the effects of environmental, cultural, or economic disadvantage on the child's achievement.

(2) Each team member shall certify in writing whether the report reflects the member's conclusion. If it does not reflect that member's conclusion, the team member may submit a separate statement presenting the member's conclusion.

(b) Each agency shall provide, at no cost, a copy of the evaluation report to the child's parent.

(c) An evaluation team shall not determine a child to be an exceptional child if the determinant factor for that eligibility determination is the child's lack of instruction in reading or mathematics or limited English proficiency, and if the child does not otherwise qualify as a child with an exceptionality.

(d) Each evaluation team, in determining whether a child is an exceptional child and what the educational needs of the child are, shall meet the following requirements:

(1) The evaluation team shall draw upon information from a variety of sources, including the following:

(A) Aptitude and achievement tests;

(B) parent input;

(C) teacher recommendations;

(D) physical condition;

(E) social or cultural background; and

(F) adaptive behavior.

(2) The evaluation team shall ensure that the information obtained from all of the sources specified in paragraph (1) of this subsection is documented and considered.

(e) (1) Except as provided in paragraph (2) of this subsection, after a child has been determined to be a child with an exceptionality and has been provided special education or related services, an agency shall conduct a reevaluation of the child before terminating special education or related services to the child.

(2) An agency shall not be required to conduct a reevaluation of a child with an exceptionality before terminating special education or related services to the child if the reason for termination of services is due to either of the following:

(A) The child has graduated from high school with a regular high school diploma.

(B) The child has reached the age of 21 years.

(f) An agency shall not be required to classify children with disabilities according to their categories of disabilities if each child with a disability is regarded as a child with a disability and is provided FAPE.

(g) With regard to children ages three through five who are determined to need special education and related services, an agency shall use the term "early childhood disability" and either one or more of the categories of disabilities described in the definition of the term "child with a disability" or the term "developmental delay."

(h) With regard to children ages six through nine who are determined to need special education and related services, an agency may elect to use the term "developmental delay" or one or more of the categories of disabilities described in the definition of the term "child with a disability." (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-986; effective May 19, 2000; amended May 4, 2001.)

**91-40-17. IEP team participants.** (a) Each agency shall take steps to ensure that one or both of the parents of an exceptional child are present at each IEP meeting or are afforded the opportunity to participate. These steps shall include the following:

(1) Scheduling each meeting at a mutually agreed-upon time and place and informing the parents of the information specified in subsection (b) of this regulation;

(2) except as otherwise provided in K.A.R. 91-40-37, providing written notice, in conformance with subsection (b) of this regulation, to the parents of any meeting at least 10 days in advance of the meeting.

(b) The notice required in subsection (a) of this regulation shall meet the following requirements:

(1) The notice shall indicate the purpose, time, and location of the meeting and the titles or positions of the persons who will attend on behalf of the agency, including, if appropriate, any other agency invited to send a representative to discuss needed transition services.

(2) The notice also shall indicate the following information, if a purpose is to consider transition services:

(A) The agency will invite the parents' child to attend.

(B) For a student with a disability, beginning at age 14 or younger if appropriate, one of the purposes of the

meeting will be to develop a statement of the transition service needs of the student.

(C) For a student with a disability, beginning at age 16 or younger if appropriate, one of the purposes of the meeting will be to consider the needed transition services for the student.

(3) The notice also shall inform the parents of their right to invite to the IEP meeting individuals whom the parents believe to have knowledge or special expertise about their child.

(c) If neither parent of an exceptional child can be physically present for an IEP meeting for the child, the agency shall attempt other measures to ensure parental participation, including individual or conference telephone calls.

(d) An agency shall take action to ensure that parents understand the discussions that occur at IEP meetings, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(e)(1) An agency may conduct an IEP meeting without parental participation if the agency, despite repeated attempts, has been unable to contact the parents or to convince the parents that they should participate.

(2) If an agency conducts an IEP meeting without parental participation, the agency shall have a record of the attempts that the agency made to contact the parents to provide them notice of the meeting and to secure the parents' participation. The record shall include at least two of the following:

(A) Detailed records of telephone calls made or attempted, including the date, time, and person making the calls and the results of the calls;

(B) detailed records of visits made to the parents' home or homes, including the date, time, and person making the visit and the results of the visit;

(C) copies of correspondence sent to the parents and any responses received; and

(D) detailed records of any other method attempted to contact the parents and the results of that attempt.

(f)(1) An agency shall invite an exceptional child, regardless of the child's age, to attend any IEP meeting for the child if a purpose of the meeting is consideration of the child's transition services needs, the child's needed transition services, or both.

(2) If the exceptional child does not attend the IEP meeting, an agency shall take other steps to ensure that the child's preferences and interests are considered.

(g)(1) If a purpose of any IEP meeting for an exceptional child is consideration of the child's needed transition services, the agency shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(2) If an agency invited to send a representative to an IEP meeting does not do so, the agency responsible for the IEP meeting shall take other steps to obtain participation of the other agency in the planning of any transition services.

(h) A regular education teacher of an exceptional child, as a member of an IEP team, shall participate to the extent appropriate in the development, review, and revision of

(continued)

the child's IEP. This participation shall include assisting in making the following determinations:

(1) The appropriate positive behavioral interventions and strategies for the child;

(2) the supplementary aids and services needed by the child; and

(3) the program modifications or supports for school personnel that will be provided to assist the child.

(i) If qualified to do so, an agency member of the IEP team may serve in the role of two or more required members of a child's IEP team.

(j) In asking individuals with knowledge or special expertise about a child to be members of the child's IEP team, the party asking the person to participate shall have the sole discretion in determining whether the invited person has knowledge or special expertise regarding the child. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-987; effective May 19, 2000; amended May 4, 2001.)

**91-40-18. IEP development and content.** (a) In developing or reviewing the IEP of any exceptional child, each agency shall comply with the requirements of K.S.A. 72-987 and amendments thereto, and, as appropriate, shall consider the results of the child's performance on any general state or districtwide assessment programs.

(b) If, as a result of its consideration of the special factors described in K.S.A. 72-987(c) and amendments thereto, an IEP team determines that a child needs behavioral interventions and strategies, accommodations, assistive technology devices or services, or other program modifications for the child to receive FAPE, the IEP team shall include those items in the child's IEP.

(c) Each agency shall ensure that the IEP of each exceptional child includes the information required by K.S.A. 72-987(b) and amendments thereto.

(d) Each agency shall give the parent a copy of the child's IEP at no cost to the parent.

(e) At least one year before an exceptional child reaches 18 years of age, the agency providing services to the child shall ensure that the child's IEP includes a statement the student has been informed of rights provided in the federal law, if any, that will transfer to the child on reaching 18 years of age. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-987; effective May 19, 2000; amended May 4, 2001.)

**91-40-27. Parental consent.** (a) Except as otherwise provided in this regulation, an agency shall obtain written parental consent before taking any of the following actions:

(1) Conducting an initial evaluation or any reevaluation of an exceptional child;

(2) initially providing special education and related services to an exceptional child; or

(3) making a material change in services to, or a substantial change in the placement of, an exceptional child, unless the change is made under the provisions of K.A.R. 91-40-33 through 91-40-38.

(b) An agency shall not construe parental consent for initial evaluation as parental consent for the initial provision of special education and related services to an exceptional child.

(c) An agency shall not be required to obtain parental consent before taking either of the following actions:

(1) Reviewing existing data as part of an evaluation, reevaluation, or functional behavioral assessment; or

(2) administering a test or other evaluation that is administered to all children, unless before administration of that test or evaluation, consent is required of the parents of all children.

(d) If the parents of an exceptional child refuse consent for initial evaluation or any reevaluation, or for a proposed material change in services or a substantial change in the placement of the child, an agency may continue to pursue the evaluation or proposed change by initiating due process or mediation procedures.

(e) An agency shall not be required to obtain parental consent for a reevaluation or a proposed change in services or placement of the child if the agency has made attempts, as described in K.A.R. 91-40-17(e)(2), to obtain consent but the parents have failed to respond.

(f) An agency shall not use a parent's refusal to consent to an activity or service to deny the parent or child other activities or services offered by the agency. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-988; effective May 19, 2000; amended May 4, 2001.)

**91-40-33. Change in placement for disciplinary reasons; definitions.** As used in K.A.R. 91-40-33 through 91-40-38, the following terms shall have the meanings specified below.

(a) (1) The phrase "change in placement for disciplinary reasons" means that school personnel or a special education due process hearing officer has ordered any of the following changes in placement of a child with a disability:

(A) The child is suspended or expelled from school for more than 10 consecutive school days.

(B) The child is subjected to a series of short-term suspensions that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of the length of each suspension, the total amount of time the child is suspended, and the proximity of the suspensions to one another.

(C) The child is placed in an interim alternative educational setting.

(2) If school personnel order two or more short-term suspensions of a child with a disability during a school year, these suspensions shall not constitute a change in placement for disciplinary reasons if the suspensions do not constitute a pattern as described in paragraph (a)(1) (B) of this regulation.

(b) "School officials" mean the following:

(1) A regular education administrator;

(2) the director of special education or the director's designee or designees; and

(3) a special education teacher of the child with a disability.

(c) "Short-term suspension" means a suspension as authorized by K.S.A. 72-8902(a) and amendments thereto. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-991; effective May 19, 2000; amended May 4, 2001.)



**91-40-36. Determination of services for children with disabilities suspended from school or placed in interim alternative educational settings.** (a) If a child with a disability is properly suspended from school for more than 10 cumulative school days in any school year, the special education and related services to be provided to the child during any period of suspension shall be determined by school officials of the agency responsible for the education of the child.

(b) If a child with a disability is suspended from school for more than 10 consecutive school days or is expelled from school for behavior that has been determined not to be a manifestation of the child's disability, the child's IEP team shall determine the special education and related services that will be provided to the child.

(c) If a child with a disability is placed in an interim alternative educational setting as a result of the child's possession of a weapon or illegal drug, the child's IEP team shall determine the following:

(1) The special education and related services to be provided to the child in the interim alternative educational setting; and

(2) those services and modifications that will be provided to address the misbehavior of the child and that are designed to prevent the misbehavior from recurring.

(d) (1) If a child with a disability is to be placed in an interim alternative educational setting by a due process hearing officer because the child is substantially likely to cause injury to self or others, school officials shall propose to the hearing officer the special education and related services to be provided to the child, and those services and modifications to be provided to address the behavior and prevent its recurrence.

(2) The hearing officer shall determine whether the services proposed by the school officials are appropriate. If so determined, those services shall be provided to the child. If determined to be inappropriate, the hearing officer shall order any modification in the services to be provided that the hearing officer determines necessary to provide the child with an appropriate education.

(e) An agency shall convene IEP meetings under this regulation as expeditiously as possible and shall be required to give only 24 hours' prior notice of an IEP meeting to the child's parents. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-966 and 72-991; effective May 19, 2000; amended May 4, 2001.)

**91-40-37. Functional behavioral assessments and behavioral intervention plans.** (a) (1) Either before, or not more than 10 business days after, first suspending a child with a disability for more than 10 school days or making a change in placement of a child with a disability for disciplinary reasons, an agency shall convene an IEP meeting to develop an assessment plan if it has not previously conducted a functional behavioral assessment and implemented a behavioral intervention plan for the child.

(2) As soon as practicable after developing the assessment plan and completing the assessments required by the plan, the agency shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(3) If the child already has a behavioral intervention plan at the time of being suspended or subjected to a change in placement for disciplinary reasons, the IEP team shall meet to review the plan and its implementation and to modify the plan and its implementation, as necessary, to address the behavior.

(b) (1) If a child with a disability who has a behavioral intervention plan and who has been suspended from school for more than 10 school days in a school year is again suspended from school but the suspension does not constitute a change of placement, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the IEP team members believe that modifications are needed, the IEP team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

(c) An agency shall convene IEP meetings under this regulation as expeditiously as possible and shall be required to give only 24 hours' prior notice of an IEP meeting to the child's parents. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-991; effective May 19, 2000; amended May 4, 2001.)

**91-40-38. Manifestation determination.** (a) If an agency proposes to make a change in educational placement for disciplinary reasons, the agency shall implement the provisions of K.S.A. 72-991 (f) and amendments thereto.

(b) If the IEP team and other qualified personnel determine that any of the standards in K.S.A. 72-991 (g) and amendments thereto are not met, the IEP team shall determine that the child's behavior was a manifestation of the child's disability.

(c) An agency may conduct the manifestation determination at the same IEP meeting that is held in regard to a child's behavioral intervention plan under K.A.R. 91-40-37.

(d) If, in making a manifestation determination, a child's IEP team identifies deficiencies in the child's IEP or placement or in the provision of services to the child, the IEP team shall make any changes it deems appropriate, and the agency shall implement those changes.

(e) An agency shall convene IEP meetings under this regulation as expeditiously as possible and shall be required to give only 24 hours' prior notice of an IEP meeting to the child's parents. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-991; effective May 19, 2000; amended May 4, 2001.)

**91-40-52. School district eligibility for funding; facilities.** (a) (1) To be eligible to receive state and federal funding, each board shall submit to the state board documentation that the board has policies, procedures, and programs in effect to achieve compliance with the special education for exceptional children act and this article.

(2) In school districts having an enrollment of more than 5,000 students, the board's policies shall provide for the employment of a full-time administrator of special education.

(b) (1) Each board shall be eligible to receive state funding for the following related services, if provided under an exceptional child's IEP or services plan:

(continued)

- (A) Art therapy;
- (B) assistive technology devices and services;
- (C) audiology;
- (D) counseling services;
- (E) dance movement therapy;
- (F) medical services for diagnostic or evaluation purposes;
- (G) music therapy;
- (H) occupational therapy;
- (I) parent counseling and training;
- (J) physical therapy;
- (K) recreation;
- (L) rehabilitation counseling services;
- (M) school health services;
- (N) school psychological services;
- (O) school social work services;
- (P) special education administration and supervision;
- (Q) special music education;
- (R) speech or language services; and
- (S) transportation.

(2) A board shall submit requests for reimbursement for any other related service to the state board for its consideration.

(c) An agency shall not use federal funds to pay the attorneys' fees or costs of any parent who is the prevailing party in any proceeding or action brought under the federal law and its implementing regulations.

(d) Each agency shall ensure that all of the following requirements concerning facilities are met:

(1) All facilities for exceptional children shall be comparable to those for non-exceptional children within the same school building.

(2) If an agency operates a facility solely for exceptional children, the facility and the services and activities provided in the facility shall be comparable to those provided to nonexceptional children.

(3) All facilities for exceptional children shall be age-appropriate environments, and each environment shall be appropriate for the instructional program being provided. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-978; effective May 19, 2000; amended May 4, 2001.)

**91-40-53. Resolution of interagency agreement disputes.** (a) If a dispute arises under an interagency agreement entered into under K.S.A. 72-966 and amendments thereto, the parties to the dispute shall resolve the matter under either of the procedures specified in this regulation.

(b) (1) Parties to an interagency agreement dispute may select a mutually agreed-upon mediator, or they may make a joint request to the commissioner of education to appoint a person to serve as mediator. Upon receiving a request for the appointment of a mediator, a mediator shall be promptly appointed by the commissioner of education.

(2) The parties to any interagency agreement dispute shall divide equally the costs of the mediation process.

(c) (1) If the parties to an interagency agreement dispute do not agree to mediate the disagreement or are unable to resolve the dispute through mediation, either party may initiate an administrative hearing by filing a

request for a hearing with the commissioner of education.

(2) Upon receiving a request for an administrative hearing under this regulation, an attorney in private practice shall be appointed by the commissioner of education to conduct the hearing. The hearing officer shall be selected from the list of special education due process hearing officers that is required to be maintained under K.S.A. 72-973 and amendments thereto.

(3) Upon being appointed, the hearing officer shall notify the parties of the appointment and shall commence the hearing procedures. The hearing officer shall conduct the hearing in accordance with the Kansas administrative procedure act and shall issue a final order in regard to the matter.

(4) The hearing officer, as part of the order, shall assess the costs of the hearing as determined appropriate based upon the outcome of the hearing.

(d) If a party to an interagency agreement fails to provide the transition services described in a child's IEP, the agency responsible for the child's education shall reconvene the child's IEP team to identify alternative strategies to meet the transition objectives for the student as set out in the IEP. (Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-966; effective May 19, 2000; amended May 4, 2001.)

#### Article 41.—MENTOR TEACHER PROGRAM

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

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

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

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

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

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

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

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

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

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

(h) "Probationary teacher" means a certificated or licensed teacher to whom the provisions of K.S.A. 72-

5438 through 72-5443, and amendments thereto, do not apply.

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

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

(k) "Training" means professional development provided to mentor teachers to enable them to support and assist probationary teachers. (Authorized by and implementing K.S.A. 2000 Supp. 72-1414; effective, T-91-1-18-01, Jan. 18, 2001; effective May 4, 2001.)

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

(b) Each board receiving state funds for a mentor teacher program shall submit an annual evaluation report to the state board. The report shall be submitted on or before June 30. (Authorized by and implementing K.S.A. 2000 Supp. 72-1414; effective, T-91-1-18-01, Jan. 18, 2001; effective May 4, 2001.)

**91-41-3. Criteria for evaluating applications and approving mentor teacher programs.** Each board applying for approval of a mentor teacher program shall submit an application containing the following statements and descriptions: (a) A statement of the district's purpose or purposes for establishment of the mentor teacher program;

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

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

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

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

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

(g) a description of how the program will establish ongoing professional development and support for each mentor teacher under the program. (Authorized by and implementing K.S.A. 2000 Supp. 72-1414; effective, T-91-1-18-01, Jan. 18, 2001; effective May 4, 2001.)

**91-41-4. Criteria for determining exemplary teaching ability for qualification as a mentor teacher.**

In determining whether a teacher has demonstrated exemplary teaching ability for qualification as a mentor teacher, each board shall consider the following criteria:

(a) Professional competency as indicated by the board's most recent evaluation of the teacher under K.S.A. 72-9001 through K.S.A. 72-9006, and amendments thereto, including competency in the teacher's area of certification or licensure, effective communication skills, and efficacy of instruction; and

(b) recognition, if any, under national or state programs, including the national board teaching certification program and the Kansas exemplary educators network. (Authorized by and implementing K.S.A. 2000 Supp. 72-1414; effective, T-91-1-18-01, Jan. 18, 2001; effective May 4, 2001.)

Andy Tompkins  
Commissioner of Education

Doc. No. 026454

## State of Kansas

### Racing and Gaming Commission

#### Permanent Administrative Regulations

#### Article 7.—RULES FOR RACING

**112-7-19. Jockey mount fees.** (a) In the absence of a written contract or special agreement between the parties, the following jockey mount fees shall be assessed:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$599 & Under	\$33.00	\$33.00	\$33.00	\$33.00
600—699	36.00	33.00	33.00	33.00
700—999	10%-Win Purse	33.00	33.00	33.00
1,000—1,499	10%-Win Purse	33.00	33.00	33.00
1,500—1,999	10%-Win Purse	35.00	33.00	33.00
2,000—3,499	10%-Win Purse	45.00	40.00	38.00
3,500—4,999	10%-Win Purse	55.00	45.00	40.00
5,000—9,999	10%-Win Purse	65.00	50.00	45.00
10,000—14,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	50.00
15,000—24,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	55.00
25,000—49,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	65.00
50,000—99,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	80.00
100,000 & up	10%-Win Purse	5%-Place Purse	5%-Show Purse	105.00

(b) If the parties enter an agreement regarding the jockey mount fee, the parties shall deliver a written contract or agreement, signed by the jockey or the jockey's agent and the owner or the owner's authorized agent, that details the mount fee for a winning mount, a second place mount, a third place mount, and a losing mount, to the horsemen's bookkeeper before the running of the race. Each horsemen's bookkeeper shall debit the owner's purse account in accordance with the provisions of the written contract or agreement. If no written contract or agreement is executed and delivered to the horsemen's bookkeeper before the running of the race, the horsemen's bookkeeper shall debit the owner's purse account in accordance with the fee scale set forth in this regulation. (Authorized by and implementing K.S.A. 1999 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended May 4, 2001.)

Tracy T. Diel  
Acting Executive Director

Doc. No. 026459

## 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

(Published in the Kansas Register April 19, 2001.)

## SENATE BILL No. 11

AN ACT concerning vocational education; relating to supervision of the administration of programs by local educational agencies; amending K.S.A. 2000 Supp. 72-4408 and 72-4412, as amended by section 2 of 2001 House Bill No. 2001, and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 72-4408 is hereby amended to read as follows: 72-4408. (a) The state of Kansas hereby accepts the provisions and benefits of the Carl D. Perkins vocational and technical education act of 1998, and acts amendatory thereof and supplemental thereto. The state board of education is hereby designated as the sole agency for supervision of the administration of vocational education by local educational agencies through June 30, 2004. On and after July 1, 2004, the state board of regents shall be and hereby is designated as the sole agency for supervision of the administration of vocational education by local educational agencies. The state board of education is authorized to prepare, from time to time amend, and administer the state plan for vocational education as provided in the above cited federal act.

(b) The state plan for vocational education, prepared and adopted pursuant to the provisions of this section prior to its amendment by this act, shall continue to be effective and shall be deemed to be the duly adopted state plan of the state board of education for vocational education in Kansas, until revised, amended, revoked or nullified pursuant to law.

~~(c) The provisions of this section shall expire on July 1, 2001.~~

Sec. 2. K.S.A. 2000 Supp. 72-4412, as amended by section 2 of 2001 House Bill No. 2001, 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 school to which this definition applies is the Southeast 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; nor shall any board which is now or hereafter a participant in the operation of 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, for the 2001-02 through 2003-04 school years, the state board of education; and for the 2004-05 school year and school years thereafter, the state board of regents.

(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. 72-4408 and 72-4412, as amended by section 2 of 2001 House Bill No. 2001, 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 April 19, 2001.)

SENATE BILL No. 209

AN ACT concerning crimes, criminal procedure and punishment; enacting the national crime prevention and privacy compact.

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

Section 1. The National Crime Prevention and Privacy Compact is hereby ratified, enacted into law and entered into with all jurisdictions legally joining in the Compact, in substantially the form set forth in this section.

Article I. Definitions

As used in this Compact, the following definitions apply:

- (1) "Attorney General" means the Attorney General of the United States.
- (2) "Compact officer" means:
  - (a) With respect to the Federal Government, an official so designated by the Director of the FBI; and
  - (b) With respect to a party state, the chief administrator of the state's criminal history record repository or a designee of the chief administrator who is a regular full-time employee of the repository.
- (3) "Council" means the Compact Council established under Article VI.
- (4) "Criminal history record repository" means the state agency designated by the governor or other appropriate executive official or the legislature of a state to perform centralized recordkeeping functions for criminal history records and services in the state.
- (5) (a) "Criminal history records" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, or release.
  - (b) The term does not include identification information such as fingerprint records if the information does not indicate involvement of the individual with the criminal justice system.
- (6) "Criminal justice" includes activities relating to the detection, apprehension, detention, pretrial release, post trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records.
  - (7) (a) "Criminal justice agency" means:
    - (i) Courts; and
    - (ii) A governmental agency or any subunit of an agency that performs the administration of criminal justice pursuant to a statute or executive order and allocates a substantial part of its annual budget to the administration of criminal justice.
  - (b) The term includes federal and state inspector general offices.
- (8) "Criminal justice services" means services provided by the FBI to criminal justice agencies in response to a request for information about a particular individual or as an update to information previously provided for criminal justice purposes.
- (9) "Direct access" means access to the national identification index by computer terminal or other automated means not requiring the assistance of or intervention by any other party or agency.
- (10) "Executive order" means an order of the President of the United States or the chief executive officer of a state that has the force of law and that is promulgated in accordance with applicable law.
- (11) "FBI" means the Federal Bureau of Investigation.
- (12) (a) "III System" means the Interstate Identification Index System, which is the cooperative federal-state system for the exchange of criminal history records.
  - (b) The term includes the national identification index, the national fingerprint file, and to the extent of their participation in the system, the criminal history record repositories of the states and the FBI.
- (13) "National fingerprint file" means a database of fingerprints or of other uniquely personal identifying information that relates to an arrested or charged individual and that is maintained by the FBI to provide positive identification of record subjects indexed in the III System.
- (14) "National identification index" means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(15) "National indices" means the national identification index and the national fingerprint file.

(16) "Noncriminal justice purposes" means uses of criminal history records for purposes authorized by federal or state law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

(17) "Nonparty state" means a state that has not ratified this Compact.

(18) "Party state" means a state that has ratified this Compact.

(19) "Positive identification" means a determination, based upon a comparison of fingerprints or other equally reliable biometric identification techniques, that the subject of a record search is the same person as the subject of a criminal history record or records indexed in the III System. Identifications based solely upon a comparison of subjects' names or other nonunique identification characteristics or numbers, or combinations thereof, does not constitute positive identification.

(20) "Sealed record information" means:

- (a) With respect to adults, that portion of a record that is:
    - (i) Not available for criminal justice uses;
    - (ii) Not supported by fingerprints or other accepted means of positive identification; or
  - (iii) Subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a federal or state statute that requires action on a sealing petition filed by a particular record subject; and
  - (b) With respect to juveniles, whatever each state determines is a sealed record under its own law and procedure.
- (21) "State" means any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article II. Purposes

The purposes of this Compact are to:

- (1) Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses;
- (2) Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this Compact and with rules, procedures, and standards established by the Council under Article VI;
- (3) Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the Federal Government for noncriminal justice purposes, in accordance with the terms of this Compact and with rules, procedures, and standards established by the Council under Article VI;
- (4) Provide for the establishment of a Council to monitor III System operations and to prescribe system rules and procedures for the effective and proper operation of the III System for noncriminal justice purposes; and
- (5) Require the FBI and each party state to adhere to III System standards concerning record dissemination and use, response times, system security, data quality, and other duly established standards, including those that enhance the accuracy and privacy of such records.

Article III. Responsibilities of Compact Parties

- (1) The Director of the FBI shall:
  - (a) Appoint an FBI Compact officer who shall:
    - (i) Administer this Compact within the Department of Justice and among federal agencies and other agencies and organizations that submit search requests to the FBI pursuant to Article V(3);
    - (ii) Ensure that Compact provisions and rules, procedures, and standards prescribed by the Council under Article VI are complied with by the Department of Justice and the federal agencies and other agencies and organizations referred to in subsection (1)(a)(i) of this Article III; and
    - (iii) Regulate the use of records received by means of the III System from party states when such records are supplied by the FBI directly to other federal agencies;
  - (b) Provide to federal agencies and to state criminal history record

(continued)



repositories criminal history records maintained in its database for the noncriminal justice purposes described in Article IV, including:

- (i) Information from nonparty states; and
- (ii) Information from party states that is available from the FBI through the III System, but is not available from the party state through the III System;
- (c) Provide a telecommunications network and maintain centralized facilities for the exchange of criminal history records for both criminal justice purposes and the noncriminal justice purposes described in Article IV and ensure that the exchange of the records for criminal justice purposes has priority over exchange for noncriminal justice purposes; and
- (d) Modify or enter into user agreements with nonparty state criminal history record repositories to require them to establish record request procedures conforming to those prescribed in Article V.
  - (2) Each party state shall:
    - (a) Appoint a Compact officer who shall:
      - (i) Administer this Compact within that state;
      - (ii) Ensure that Compact provisions and rules, procedures, and standards established by the Council under Article VI are complied with in the state; and
      - (iii) Regulate the in-state use of records received by means of the III System from the FBI or from other party states;
    - (b) Establish and maintain a criminal history record repository, which shall provide:
      - (i) Information and records for the national identification index and the national fingerprint file; and
      - (ii) The state's III System-indexed criminal history records for noncriminal justice purposes described in Article IV;
    - (c) Participate in the national fingerprint file; and
    - (d) Provide and maintain telecommunications links and related equipment necessary to support the criminal justice services set forth in this Compact.
  - (3) In carrying out their responsibilities under this Compact, the FBI and each party state shall comply with III System rules, procedures, and standards duly established by the Council concerning record dissemination and use, response times, data quality, system security, accuracy, privacy protection, and other aspects of III System operation.
  - (4) (a) Use of the III System for noncriminal justice purposes authorized in this Compact must be managed so as not to diminish the level of services provided in support of criminal justice purposes.
  - (b) Administration of Compact provisions may not reduce the level of service available to authorized noncriminal justice users on the effective date of this Compact.

#### Article IV. Authorized Record Disclosures

- (1) To the extent authorized by section 552a of Title 5, United States Code (commonly known as the Privacy Act of 1974), the FBI shall provide on request criminal history records, excluding sealed record information, to state criminal history record repositories for noncriminal justice purposes allowed by federal statute, federal executive order, or a state statute which has been approved by the Attorney General and which authorizes national indices checks.
- (2) The FBI, to the extent authorized by section 552a of Title 5, United States Code (commonly known as the Privacy Act of 1974), and state criminal history record repositories shall provide criminal history records, excluding sealed record information, to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by federal statute, federal executive order, or a state statute that has been approved by the Attorney General, that explicitly authorizes national indices checks.
- (3) Any record obtained under this Compact may be used only for the official purposes for which the record was requested. Each Compact officer shall establish procedures, consistent with this Compact and with rules, procedures, and standards established by the Council under Article VI, which procedures shall protect the accuracy and privacy of the records and shall:
  - (a) Ensure that records obtained under this Compact are used only by authorized officials for authorized purposes;
  - (b) Require that subsequent record checks are requested to obtain current information whenever a new need arises; and
  - (c) Ensure that record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate "no record" response is communicated to the requesting official.

#### Article V. Record Request Procedures

- (1) Subject fingerprints or other approved forms of positive identification must be submitted with all requests for criminal history record checks for noncriminal justice purposes.
- (2) Each request for a criminal history record check utilizing the national indices made under any approved state statute must be submitted through that state's criminal history record repository. A state criminal history record repository shall process an interstate request for noncriminal justice purposes through the national indices only if the request is transmitted through another state criminal history record repository or the FBI.
- (3) Each request for criminal history record checks utilizing the national indices made under federal authority must be submitted through the FBI or, if the state criminal history record repository consents to process fingerprint submissions, through the criminal history record repository in the state in which the request originated. Direct access to the national identification index by entities other than the FBI and state criminal history records repositories may not be permitted for noncriminal justice purposes.
  - (4) A state criminal history record repository or the FBI:
    - (a) May charge a fee, in accordance with applicable law; for handling a request involving fingerprint processing for noncriminal justice purposes; and
    - (b) May not charge a fee for providing criminal history records in response to an electronic request for a record that does not involve a request to process fingerprints.
  - (5) (a) If a state criminal history record repository cannot positively identify the subject of a record request made for noncriminal justice purposes, the request, together with fingerprints or other approved identifying information, must be forwarded to the FBI for a search of the national indices.
    - (b) If, with respect to a request forwarded by a state criminal history record repository under subsection (5)(a), the FBI positively identifies the subject as having a III System-indexed record or records:
      - (i) The FBI shall so advise the state criminal history record repository; and
      - (ii) The state criminal history record repository is entitled to obtain the additional criminal history record information from the FBI or other state criminal history record repositories.

#### Article VI. Establishment of Compact Council

- (1) (a) There is established a Council to be known as the Compact Council, which has the authority to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes, not to conflict with FBI administration of the III System for criminal justice purposes.
  - (b) The Council shall:
    - (i) Continue in existence as long as this Compact remains in effect;
    - (ii) Be located, for administrative purposes, within the FBI; and
    - (iii) Be organized and hold its first meeting as soon as practicable after the effective date of this Compact.
  - (2) The Council must be composed of 15 members, each of whom must be appointed by the Attorney General, as follows:
    - (a) Nine members, each of whom shall serve a 2-year term; who must be selected from among the Compact officers of party states based on the recommendation of the Compact officers of all party states, except that in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of nonparty states must be eligible to serve on an interim basis;
    - (b) Two at-large members, nominated by the Director of the FBI, each of whom shall serve a 3-year term, of whom:
      - (i) One must be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and
      - (ii) One must be a representative of the noncriminal justice agencies of the Federal Government;
    - (c) Two at-large members, nominated by the Chairman of the Council once the Chairman is elected pursuant to subsection (3) of this Article VI, each of whom shall serve a 3-year term, of whom:
      - (i) One must be a representative of state or local criminal justice agencies; and
      - (ii) One must be a representative of state or local noncriminal justice agencies;
    - (d) One member who shall serve a 3-year term and who shall simul-

taneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board; and

(e) One member, nominated by the Director of the FBI, who shall serve a 3-year term and who must be an employee of the FBI.

(3) (a) From its membership, the Council shall elect a Chairman and a Vice Chairman of the Council. Both the Chairman and Vice Chairman of the Council:

(i) Must be a Compact officer, unless there is no Compact officer on the Council who is willing to serve, in which case the Chairman may be an at-large member; and

(ii) Shall serve 2-year terms and may be reelected to only one additional 2-year term.

(b) The Vice Chairman of the Council shall serve as the Chairman of the Council in the absence of the Chairman.

(4) (a) The Council shall meet at least once each year at the call of the Chairman. Each meeting of the Council must be open to the public. The Council shall provide prior public notice in the Federal Register of each meeting of the Council, including the matters to be addressed at the meeting.

(b) A majority of the Council or any committee of the Council shall constitute a quorum of the Council or of a committee, respectively, for the conduct of business. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

(5) The Council shall make available for public inspection and copying at the Council office within the FBI and shall publish in the Federal Register any rules, procedures, or standards established by the Council.

(6) The Council may request from the FBI reports, studies, statistics, or other information or materials that the Council determines to be necessary to enable the Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide assistance or information upon a request.

(7) The Chairman may establish committees as necessary to carry out this Compact and may prescribe their membership, responsibilities, and duration.

#### Article VII. Ratification of Compact

This Compact takes effect upon being entered into by two or more states as between those states and the Federal Government. When additional states subsequently enter into this Compact, it becomes effective among those states and the Federal Government and each party state that has previously ratified it. When ratified, this Compact has the full force and effect of law within the ratifying jurisdictions. The form of ratification must be in accordance with the laws of the executing state.

#### Article VIII. Miscellaneous Provisions

(1) Administration of this Compact may not interfere with the management and control of the Director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act (5 U.S.C. App.) for all purposes other than noncriminal justice.

(2) Nothing in this Compact requires the FBI to obligate or expend funds beyond those appropriated to the FBI.

(3) Nothing in this Compact diminishes or lessens the obligations, responsibilities, and authorities of any state, whether a party state or a nonparty state, or of any criminal history record repository or other subdivision or component thereof, under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544), or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the Council under Article VI(1), regarding the use and dissemination of criminal history records and information.

#### Article IX. Renunciation

(1) This Compact shall bind each party state until renounced by the party state.

(2) Any renunciation of this Compact by a party state must:

(a) Be effected in the same manner by which the party state ratified this Compact; and

(b) Become effective 180 days after written notice of renunciation is provided by the party state to each other party state and to the Federal Government.

#### Article X. Severability

The provisions of this Compact are severable. If any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any participating state or to the Constitution of the United States or if the applicability of any phrase, clause, sentence, or provision of this Compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability of the remainder of the Compact to any government, agency, person, or circumstance is not affected by the severability. If a portion of this Compact is held contrary to the constitution of any party state, all other portions of this Compact remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected, as to all other provisions.

#### Article XI. Adjudication of Disputes

(1) The Council:

(a) Has initial authority to make determinations with respect to any dispute regarding:

(i) Interpretation of this Compact;

(ii) Any rule or standard established by the Council pursuant to Article VI; and

(iii) Any dispute or controversy between any parties to this Compact; and

(b) Shall hold a hearing concerning any dispute described in subsection (1)(a) at a regularly scheduled meeting of the Council and only render a decision based upon a majority vote of the members of the Council. The decision must be published pursuant to the requirements of Article VI(5).

(2) The FBI shall exercise immediate and necessary action to preserve the integrity of the III System, to maintain system policy and standards, to protect the accuracy and privacy of records, and to prevent abuses until the Council holds a hearing on the matters.

(3) The FBI or a party state may appeal any decision of the Council to the Attorney General and after that appeal may file suit in the appropriate District Court of the United States that has original jurisdiction of all cases or controversies arising under this Compact. Any suit arising under this Compact and initiated in a state court must be removed to the appropriate District Court of the United States in the manner provided by section 1446 of Title 28, United States Code, or other statutory authority.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 19, 2001.)

#### SENATE BILL No. 184

AN ACT concerning natural resources; creating the natural resources damages trust fund.

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

Section 1. (a) As used in this section:

(1) "Department" means the department of health and environment.

(2) "Secretary" means the secretary of health and environment.

(3) "Fund" means the natural resources damages trust fund.

(b) There is hereby created in the state treasury the natural resources damages trust fund. All moneys received pursuant to subsections (d), (e) and (f) shall be remitted to the state treasurer. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the natural resources damages trust fund.

(c) All moneys credited to the fund shall be used to pay the cost of:

(1) The design, review, implementation or oversight of the implementation of natural resources and environmental restoration plans;

(2) contracting for services needed to supplement the department's staff expertise in natural resource restoration activities;

(3) mitigation of adverse environment impacts;

(4) emergency or long-term, remedial activities;

(5) legal costs, including expert witness fees, incurred in the recovery of fund expenditures;

(6) state cost share for restoration activities undertaken in conjunction with the federal government or others; and

(7) administrative costs necessary to administer the fund.

(d) There is hereby created the natural resources restoration activities federal account in the natural resources damages trust fund. All moneys

(continued)



received from the federal government that are designated for natural resource restoration activities shall be credited to such account.

(e) There is hereby created the natural resources restoration activities general account in the natural resources damages trust fund. All moneys received solely by the state as cost recoveries, settlements, grants and donations from other sources that are designated for natural resource restoration activities shall be credited to such account. All moneys credited to such account shall be used for the purposes as designated in the granting or collection document.

(f) There is hereby created the emergency response activities account in the natural resources damages trust fund. All moneys received by the secretary in the form of gifts, grants, reimbursements, appropriations, cost recoveries or funds collected from other sources that are designated for emergency response activities in accordance with this act shall be credited to such account.

(g) All expenditures from the natural resources damages trust fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

(h) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the natural resources damages trust fund interest earnings based on:

- (1) The average daily balance of moneys in the natural resources damages trust fund for the preceding month; and
- (2) the net earnings of the pooled money investment portfolio for the preceding month.

Sec. 2. 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*.

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**AGENCY 3: KANSAS STATE TREASURER**

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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
28-34-50	Amended	V. 20, p. 453
28-34-51	Amended	V. 20, p. 454
28-34-52	Revoked	V. 20, p. 455
28-34-52a	New	V. 20, p. 455
28-34-52b	New	V. 20, p. 455
28-34-53	Amended	V. 20, p. 456
28-34-54	Amended	V. 20, p. 456
28-34-55	Revoked	V. 20, p. 457
28-34-55a	New	V. 20, p. 457
28-34-56	Revoked	V. 20, p. 457
28-34-56a	New	V. 20, p. 457
28-34-57	Amended	V. 20, p. 457
28-34-58	Revoked	V. 20, p. 458
28-34-58a	New	V. 20, p. 458
28-34-59	Revoked	V. 20, p. 459
28-34-59a	New	V. 20, p. 459
28-34-60	Revoked	V. 20, p. 459
28-34-60a	New	V. 20, p. 459
28-34-61	Revoked	V. 20, p. 460
28-34-61a	New	V. 20, p. 460
28-34-62a	Amended	V. 20, p. 460
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
30-4-64	Amended	V. 20, p. 490
30-5-59	Amended	V. 19, p. 1548
30-5-64	Amended	V. 19, p. 1549
30-5-81	Amended	V. 19, p. 1587
30-5-108	Amended	V. 20, p. 491
30-5-309	Amended	V. 19, p. 988

30-10-21	Amended	V. 19, p. 1550
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**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

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

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

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

**AGENCY 49: DEPARTMENT OF HUMAN RESOURCES**

Reg. No.	Action	Register
49-45-1		
through		
49-45-4	Amended	V. 19, p. 504
49-45-4a	New	V. 19, p. 504
49-45-5		
through		
49-45-9	Amended	V. 19, p. 504
49-45-20		
through		
49-45-28	Amended	V. 19, p. 504, 505
49-45-29		
through		
49-45-34	New	V. 19, p. 505
49-45a-1	Amended	V. 19, p. 505
49-45a-2		
through		
49-45a-27	Revoked	V. 19, p. 506
49-46-1	Amended	V. 19, p. 506
49-47-1	Amended	V. 19, p. 507
49-47-1a	New	V. 19, p. 507
49-47-1b	New	V. 19, p. 507
49-47-2	Amended	V. 19, p. 507
49-48-1	Amended	V. 19, p. 508
49-49-1a	New	V. 19, p. 508
49-50-1		
through		
49-50-4	Amended	V. 19, p. 509, 510
49-50-6		
through		
49-50-15	Amended	V. 19, p. 510-513
49-50-17		
through		
49-50-20	Amended	V. 19, p. 513, 514
49-50-21	New	V. 19, p. 514
49-50-22	New	V. 19, p. 515
49-51-1	Amended	V. 19, p. 515
49-51-2	Amended	V. 19, p. 515
49-51-3	Amended	V. 19, p. 515
49-51-3a	New	V. 19, p. 516
49-51-6		
through		
49-51-12	Amended	V. 19, p. 516-518
49-51-14	Revoked	V. 19, p. 518
49-52-5		
through		
49-52-9	Amended	V. 19, p. 518-520
49-52-11	Amended	V. 19, p. 520
49-52-13	Amended	V. 19, p. 520
49-52-14	Amended	V. 19, p. 521
49-52-15	Revoked	V. 19, p. 521
49-52-16	New	V. 19, p. 521
49-52-17	New	V. 19, p. 521
49-54-1		
through		
49-54-3	Revoked	V. 19, p. 521

**AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138
50-1-4	Amended	V. 20, p. 138

50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140
50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143
50-3-1		
through		
50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 20, p. 449
60-6-101	Amended	V. 19, p. 344
60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449
60-9-105	Amended	V. 20, p. 449
60-9-106	Amended	V. 20, p. 450
60-11-101	Amended	V. 19, p. 344
60-11-103	Amended	V. 19, p. 345
60-11-104a	Amended	V. 19, p. 346
60-11-106	Amended	V. 19, p. 346
60-11-108	Revoked	V. 19, p. 346
60-11-119	Amended	V. 20, p. 451
60-13-101	Amended	V. 20, p. 451
60-16-104	Amended	V. 20, p. 451
60-17-101		
through		
60-17-111	New	V. 19, p. 346-350

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-3	Amended	V. 19, p. 2024
63-1-4	Amended	V. 19, p. 2024
63-1-5	Amended	V. 19, p. 2025
63-1-6	Amended	V. 19, p. 2025
63-1-12	Amended	V. 19, p. 2025
63-2-7	Amended	V. 19, p. 2025
63-2-10	Amended	V. 19, p. 2026
63-2-11	Amended	V. 19, p. 2026
63-2-12	Amended	V. 19, p. 2026
63-3-17	Amended	V. 19, p. 2027
63-3-18	Amended	V. 19, p. 2027
63-3-20	Amended	V. 19, p. 2027
63-5-1	Amended	V. 19, p. 2028
63-6-1	Amended	V. 19, p. 2028
63-6-2	Amended	V. 19, p. 2028
63-6-3	Amended	V. 19, p. 2029
63-6-6	Amended	V. 19, p. 2029

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

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

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

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

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

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

(continued)

67-5-3	Amended	V. 19, p. 626
67-5-4	Amended	V. 19, p. 626
67-6-4	Amended	V. 19, p. 626
67-7-4	Amended	V. 19, p. 627

AGENCY 68: BOARD OF PHARMACY

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

AGENCY 71: KANSAS DENTAL BOARD

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

AGENCY 74: BOARD OF ACCOUNTANCY

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

AGENCY 75: STATE BANKING DEPARTMENT

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

AGENCY 82: STATE CORPORATION COMMISSION

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

AGENCY 88: BOARD OF REGENTS

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

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-26	Revoked	V. 19, p. 1435
91-1-27	Revoked	V. 19, p. 1435
91-1-27a through 91-1-27d	Revoked	V. 19, p. 1435
91-1-28	Revoked	V. 19, p. 1435
91-1-30	Revoked	V. 19, p. 1435
91-1-30a	Revoked	V. 19, p. 1435
91-1-31 through 91-1-35	Revoked	V. 19, p. 1435
91-1-37	Revoked	V. 19, p. 1435
91-1-39 through 91-1-58	Revoked	V. 19, p. 1435, 1436
91-1-60	Revoked	V. 19, p. 1436
91-1-61	Revoked	V. 19, p. 680
91-1-63	Revoked	V. 19, p. 1436
91-1-65	Revoked	V. 19, p. 1436
91-1-67	Revoked	V. 19, p. 1436
91-1-68a through 91-1-68e	Amended	V. 19, p. 1588-1592
91-1-70	Revoked	V. 19, p. 1436
91-1-70b	Revoked	V. 19, p. 1593
91-1-71 through 91-1-83	Revoked	V. 19, p. 1436, 1437
91-1-84a	Revoked	V. 19, p. 1437
91-1-85 through 91-1-91	Revoked	V. 19, p. 1437
91-1-91a	Revoked	V. 19, p. 1437
91-1-92	Revoked	V. 19, p. 1437
91-1-93a	Revoked	V. 19, p. 1437
91-1-101a	Revoked	V. 19, p. 1437
91-1-101b	Revoked	V. 19, p. 1437
91-1-102a	Revoked	V. 19, p. 1437
91-1-104b	Revoked	V. 19, p. 1437
91-1-104c	Revoked	V. 19, p. 1437
91-1-105	Revoked	V. 19, p. 1437
91-1-106	Revoked	V. 19, p. 1437
91-1-106a through 91-1-106m	Revoked	V. 19, p. 1437, 1438
91-1-107a	Revoked	V. 19, p. 1438
91-1-108a	Revoked	V. 19, p. 1438
91-1-108b	Revoked	V. 19, p. 1438
91-1-108c	Revoked	V. 19, p. 1438
91-1-109a	Revoked	V. 19, p. 1438
91-1-110a	Revoked	V. 19, p. 1438
91-1-110c	Revoked	V. 19, p. 1438
91-1-111a	Revoked	V. 19, p. 1438
91-1-112c	Revoked	V. 19, p. 1438
91-1-112d	Revoked	V. 19, p. 1438
91-1-113b	Revoked	V. 19, p. 1438
91-1-114a	Revoked	V. 19, p. 1438
91-1-115a	Revoked	V. 19, p. 1438
91-1-117a	Revoked	V. 19, p. 1438
91-1-118a	Revoked	V. 19, p. 1438
91-1-119a through 91-1-119g	Revoked	V. 19, p. 1438, 1439
91-1-120	Revoked	V. 19, p. 1439
91-1-121	Revoked	V. 19, p. 1439
91-1-122	Revoked	V. 19, p. 1439
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	Revoked	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 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-1-1 through 93-1-4	Revoked	V. 20, p. 452
93-4-6	Amended	V. 20, p. 452
93-6-1 through 93-6-4	Amended	V. 20, p. 452, 453

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
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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-T	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
111-2-119 through 111-2-124	New	V. 20, p. 416-419
111-3-12	Amended	V. 20, p. 40

111-4-1795 through 111-4-1813	New	V. 20, p. 40-47
111-4-1814 through 111-4-1823	New	V. 20, p. 419-427
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-7-123	Amended	V. 20, p. 48
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49

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

Reg. No.	Action	Register
112-4-1	Amended	V. 19, p. 1307
112-7-21	Amended	V. 19, p. 118
112-10-38	Amended	V. 19, p. 119
112-18-21	Amended	V. 19, p. 1308
112-18-22	Amended	V. 19, p. 119

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

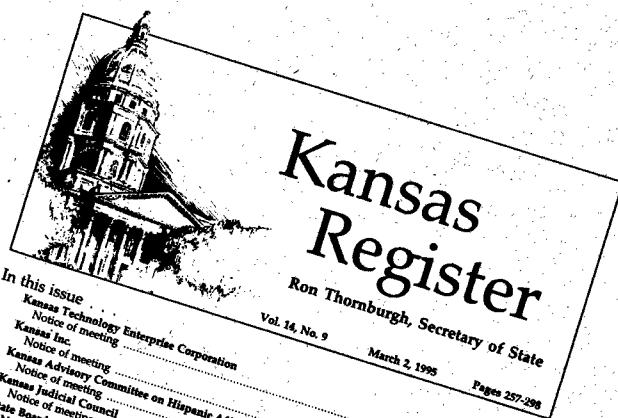
Reg. No.	Action	Register
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-4-1	Amended	V. 20, p. 180
115-4-3	Amended	V. 19, p. 1138
115-4-5	Amended	V. 19, p. 1139
115-4-6	Amended	V. 19, p. 1140
115-4-7	Amended	V. 19, p. 1142
115-7-1	Amended	V. 19, p. 1876
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-16	New	V. 19, p. 1475

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-6-3	Amended	V. 19, p. 472
117-7-1	Amended	V. 19, p. 41
117-8-1	Amended	V. 19, p. 473
117-9-1	Amended	V. 19, p. 41



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