



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 20, No. 44    November 1, 2001    Pages 1701-1732

| In this issue . . .   | Page       |
|---|------------|
| <b>Secretary of State</b>   |            |
| Executive appointments .....  | 1702       |
| <b>Department of Revenue</b>  |            |
| Notice of hearing on proposed administrative regulations .....          | 1703       |
| <b>State Board of Healing Arts</b>                                      |            |
| Notice of hearing on proposed administrative regulations .....          | 1704       |
| <b>Attorney General</b>   |            |
| Opinions 2001-41 through 2001-47 .....                                  | 1704       |
| <b>Governmental Ethics Commission</b>                                   |            |
| Opinions 2001-16 through 2001-18 .....                                  | 1706       |
| <b>Historic Sites Board of Review</b>                                   |            |
| Notice of meeting.....  | 1707       |
| <b>Kansas Department of Transportation</b>                              |            |
| Notice to contractors .....   | 1708       |
| <b>Department of Administration—Division of Purchases</b>               |            |
| Notice to bidders for state purchases .....                             | 1710       |
| <b>Kansas Development Finance Authority</b>                             |            |
| Notices of hearing on proposed revenue bonds .....                      | 1710, 1711 |
| <b>Kansas State University</b>  |            |
| Notice to bidders .....   | 1711       |
| <b>State Fair Board</b>   |            |
| Notice of meeting.....  | 1711       |
| <b>Kansas Department of Health and Environment</b>                      |            |
| Requests for comments on proposed water pollution control permits ..... | 1711, 1712 |
| Notice concerning Kansas water pollution control permits .....          | 1712       |
| <b>Pooled Money Investment Board</b>                                    |            |
| Notice of investment rates.....   | 1712       |
| <b>Notice of Bond Sale</b>  |            |
| City of Garden City .....   | 1714       |
| Marshall County.....  | 1715       |
| City of Inman .....   | 1716       |
| City of Osage City.....   | 1717       |
| Atchison County.....  | 1718       |
| Johnson County.....   | 1719       |
| <b>Kansas Bureau of Investigation</b>                                   |            |
| Public notice.....  | 1718       |
| <b>State Conservation Commission</b>                                    |            |
| Notice of meeting.....  | 1718       |
| <b>Legislative interim committee schedule.....</b>                      | 1720       |
| <b>Department of Administration—Division of Architectural Services</b>  |            |
| Notice of commencement of negotiations for surveying services .....     | 1721       |
| <b>Notice of Bond Redemption</b>  |            |
| Douglas County Rural Water District No. 3 .....                         | 1721, 1722 |
| <b>Temporary Administrative Regulations</b>                             |            |
| State Corporation Commission .....                                      | 1723       |
| State Fire Marshal .....  | 1724       |
| <b>Permanent Administrative Regulations</b>                             |            |
| Racing and Gaming Commission.....                                       | 1728       |
| <b>Index to administrative regulations.....</b>                         | 1729       |

## 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:

## Bourbon County Attorney

**Terri L. Johnson**, Bourbon County Courthouse, 210 S. National, Fort Scott, 66701. Term expires when a successor is elected and qualifies according to law. Succeeds John Swarts, resigned.

## Capitol Area Plaza Authority

**Constance M. Achterberg**, 132 Overhill Road, Salina, 67401. Term expires June 30, 2005. Reappointed.

**Ellen Nesselrode**, 2708 W. 71st St., Shawnee Mission, 66208. Term expires June 30, 2005. Reappointed.

**Murray L. Rhodes**, 2308 New Jersey, Kansas City, KS 66102. Term expires June 30, 2005. Reappointed.

## Kansas Children's Cabinet

**Carol A. Nazar**, 225 N. Crestway St., Wichita, 67208. Term expires June 30, 2005. Reappointed.

**Reginald L. Robinson**, 4210 W. 13th St., Lawrence, 66049. Term expires June 30, 2002. Succeeds James Buchele, resigned.

**Donna L. Shank**, 420 Lilac Drive, Liberal, 67901. Term expires June 30, 2005. Reappointed.

## Historical Records Advisory Board

**Janet A. Chubb**, 1011 Cambridge, Topeka, 66604. Term expires June 30, 2004. Succeeds Carol Green.

**Patricia Michaelis, ex officio member**, 5627 S.W. Hawick Lane, Topeka, 66614. Term expires June 30, 2004. Reappointed.

**Ramon Powers, ex officio member and state coordinator**, Kansas History Center, 6425 S.W. 6th Ave., Topeka, 66615. Term expires June 30, 2004. Reappointed.

**Martin M. Teasley**, 1603 Hickok, Abilene, 67410. Term expires June 30, 2004. Reappointed.

**Sheryl K. Williams**, 1101 W. 27th St., Lawrence, 66046. Term expires June 30, 2004. Reappointed.

## Kansas Advisory Group on Juvenile Justice and Delinquency Prevention

**Erlinda K. DeLaRosa**, 1308 Crosswinds Court, #1, Lawrence, 66046. Term expires June 30, 2004. Succeeds Joshua Bourell.

**Hector Marin**, 1301 W. 24th St., M-31, Lawrence, 66046. Term expires June 30, 2003. Succeeds Stephen Moon.

**Anissa A. Vitale**, 1301 W. 24th, P-04, Lawrence, 66046. Term expires June 30, 2005. Succeeds Jasmin Messenger.

Ron Thornburgh  
Secretary of State

Doc. No. 027223

The KANSAS REGISTER (ISSN 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include \$5.44 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

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

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

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



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

## State of Kansas

## Department of Revenue

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Department of Revenue at 2 p.m. Wednesday, January 9, in the basement auditorium of the Docking State Office Building, Room B21, 915 S.W. Harrison, Topeka, to consider the amendment of existing bingo regulations and the adoption of new bingo regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Kathleen Smith, Tax Specialist, Office of Policy and Research, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625.

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

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the administrator of Charitable Gaming at (785) 296-6127 or TTY (785) 296-6461. Disabled parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The north, south and east entrances to the Docking Building are accessible.

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

**Article 23.—BINGO**

**K.A.R. 92-23-10. Verification of winners.** This regulation describes how the winners of call bingo games are to be verified. The amendment authorizes a shortcut for verifying winners in blackout games that is already being used by many licensees.

**K.A.R. 92-23-15. Bingo trust accounts.** This regulation describes the use of the bingo trust account required by statute. The amendments conform the regulation to recent changes in the bingo statutes.

**K.A.R. 92-23-16. Cashing of prize checks.** This regulation places restrictions on the cashing of prize checks required by statute. The amendment conforms the regulation to recent changes in the bingo statutes.

**K.A.R. 92-23-38. Bingo; books and records; inspection and preservation.** This regulation describes what records must be maintained by bingo licensees. The amendments conform the regulation to recent changes in the bingo statutes.

**K.A.R. 92-23-38a. Disputed bingo game.** This regulation defines what a disputed bingo game is and specifies

procedures to be followed. The amendments conform the regulation to recent changes in the bingo statutes.

**K.A.R. 92-23-40. Advertising.** This regulation describes restrictions on the advertising of bingo games. The amendments drop some restrictions that were removed from federal laws and regulations and conforms the regulation to recent changes in the bingo statutes.

**K.A.R. 92-23-17** is a new regulation that specifies how the distributor's tax bond is to be determined, as mandated by subsection (d) of K.S.A. 79-4704.

**K.A.R. 92-23-18** is a new regulation that establishes the due date for the taxes collected by distributor pursuant to K.S.A. 79-4704.

**K.A.R. 92-23-19** is a new regulation that memorializes existing interpretation as to persons deemed not to be participating in the conduct of bingo games.

**K.A.R. 92-23-20** is a new regulation that memorializes existing practice of allowing licensed organizations to make their own "house rules," as long as they are not inconsistent with bingo statutes and regulations.

**K.A.R. 92-23-21** is a new regulation that specifies the conditions under which prizes may be made contingent on the number of players participating in bingo games.

**K.A.R. 92-23-22** is a new regulation that requires licensed organizations to publicize any contingency rules necessary to prevent exceeding the statutory limit on the number of call bingo games or prizes awarded.

**K.A.R. 92-23-23** is a new regulation that describes procedures for licensed organizations to follow if a wrong number is called during a call bingo game.

**K.A.R. 92-23-25** is a new regulation that describes procedures for licensed organizations to follow when there are multiple winners of a call bingo game.

**K.A.R. 92-23-26** is a new regulation that specifies restrictions on providing free or discounted refreshments from the concession stand during bingo games.

**K.A.R. 92-23-29** is a new regulation that prohibits licensed organizations from requiring players to purchase a minimum number of cards to play call bingo.

**K.A.R. 92-23-30** is a new regulation that specifies procedures for licensed organizations to follow in conducting instant bingo games.

**K.A.R. 92-23-31** is a new regulation specifying exceptions to the prohibition on sale of hard cards commencing July 1, 2003, as mandated by subsection (aa) of K.S.A. 79-4706.

**Economic Impact:** These changes will not have any significant economic impact on the cost of administration by the department. These changes will not have any significant economic impact on either the bingo licensees, distributor, premises owners or players.

A copy of the regulations and the economic impact statement may be obtained by contacting the Kansas Department of Revenue, Office of Policy and Research, at the address and phone number given above.

Stephen S. Richards  
Secretary of Revenue

Doc. No. 027219

## State of Kansas

## Board of Healing Arts

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, January 9, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the proposed amendment to K.A.R. 100-27-1 dealing with supervision of light-based medical treatment.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above referenced rule and regulation. All interested parties may submit comments prior to the hearing to the Board of Healing Arts at the address above. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the amended regulation during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation being considered and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Melissa Kipp at (785) 368-6425. Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the proposed amended rule and regulation to be considered at the hearing and its respective economic impact is as follows:

**K.A.R. 100-27-1. Supervision of light-based medical treatment.** This regulation establishes the criteria necessary for a person licensed to practice medicine and surgery or osteopathic medicine and surgery to allow an unlicensed person to perform a professional service using a light-based medical device. The proposed amendment specifies what is meant by "immediately available." In addition to the current definition to mean that the supervising licensee is physically present in the same building, the amendment would allow a supervising licensee to be present at the location where the service is performed within five minutes.

The regulation is not mandated by any federal law and there is no foreseen cost to either the board or the public to implement the amendment.

Copies of the proposed amended regulation and the associated economic impact statement may be obtained by contacting Betty Johnson, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, (785) 296-3680, or by visiting the board's Web site at [www.ksbha.org/pubinfo.html](http://www.ksbha.org/pubinfo.html).

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 027226

## State of Kansas

## Attorney General

## Opinion 2001-41

**Schools—General Provisions Relating to School Districts—Control of School Property; Use By Private Association or Organization; Alcoholic Beverages.** Fred W. Rausch, Jr., Counsel, Unified School District No. 390, Topeka, September 12, 2001.

Permitting a private association or organization to conduct an event on real property owned by a unified school district does not in and of itself alter ownership of the property. A private association does not by conducting an event on school premises acquire any ownership interest in the property owned by the school district. The consumption of alcoholic liquor on real property owned by a unified school district is prohibited. Cited herein: K.S.A. 41-719; 72-1033; 72-8201, as amended by L. 2001, Ch. 158, § 3; 72-8212. RDS

## Opinion 2001-42

**Counties and County Officers—Jails—County Jails; U.S. Prisoners, City Prisoners and Inmates on Parole or Conditional Release; Compensation for Maintenance.** Robert D. Beall, Leavenworth County Attorney, Leavenworth, September 12, 2001.

In determining the appropriate prisoner *per diem* that a county may charge for the maintenance of city prisoners, a county may include expenses that relate to personnel, administration, facility operation and maintenance, as well as direct prisoner expenses. Cited herein: K.S.A. 19-1930. CN

## Opinion 2001-43

**Elections—Sufficiency of Petitions—Determination of Sufficiency of Petitions; Question to Be Submitted Filed with County or District Attorney Prior to Circulation; Determination of Legality of Form; Petition Documents; Contents; Form of Question.**

**Schools-Community Colleges—Capital Outlay—Tax Levy; Authorization; Conditions; Protest; Petition; Contents; Withdrawal of Resolution.** Melissa D. Thiesing, Neosho County Attorney, Chanute; R. Kent Pringle, Counsel, Neosho County Community College, Chanute, September 21, 2001.

Once the county attorney has opined that the form of the question set forth in a petition submitted pursuant to K.S.A. 25-3601 *et seq.* and 71-501 complies with statutory requirements, a rebuttable presumption regarding validity of the form of the question attaches. The presumption remains until a party challenging the validity of the form of the question presents before a court of law sufficient evidence to the contrary. The provision in K.S.A. 25-3602 (Furse) that required a circulator of a petition submitted pursuant to K.S.A. 25-3601 *et seq.* and 71-501 be a registered elector violated the free speech rights of the circulator and, therefore, was unenforceable in relation to a petition filed prior to July 1, 2001. The fact the circulator's recital attached to the petition filed by a circular pursuant

to K.S.A. 25-3601 *et seq.* and 71-501 did not include the phrase “and a registered elector” does not affect the validity of the petition. Cited herein: K.S.A. 25-205, as amended by L. 2001, Ch. 211, § 4; 25-302a, as amended by L. 2001, Ch. 128, § 2; 25-203, as amended by L. 2001, Ch. 128, § 3; 25-3601; 25-3602, as amended by L. 2001, Ch. 211, § 8; 25-4306, as amended by L. 2001, Ch. 128, § 8; 25-4320, as amended by L. 2001, Ch. 128, § 10; 71-501; L. 2001, Ch. 128, § 14; L. 2001, Ch. 211, § 19; 25-3602 (Furse); L. 1986, Ch. 141, § 1. RDS

#### Opinion 2001-44

**Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Size, Weight and Load of Vehicles—Criminal Penalties for Violation of Size and Weight Laws; Exceptions; Permits for Oversize or Overweight Vehicles.** Keith D. Hoffman, Dickinson County Counselor, Abilene, September 21, 2001.

Vehicles owned and operated by a county for the maintenance of county roads are exempt from weight limits established by article 19 of chapter 8 of the Kansas Statutes Annotated. Cited herein: K.S.A. 2000 Supp. 8-1901; 8-1911, as amended by L. 2001, Ch. 5, § 37; L. 1986, Ch. 43, § 2. DMV

#### Opinion 2001-45

**Crimes and Punishments—Identification and Detection of Crimes and Criminals—Collection of Specimens of Blood and Saliva from Certain Persons; Whether Collection Requirements are Retroactive to Persons Currently in Custody or under Court Supervision.** Larry Welch, Director, Kansas Bureau of Investigation, Topeka, September 27, 2001.

K.S.A. 2000 Supp. 21-2511, as amended by L. 2001, Ch. 208, § 2, requires persons convicted or adjudicated for the commission of certain offenses to submit blood and saliva specimens to the Kansas Bureau of Investigation for analysis, storage, processing and inclusion in the Federal Bureau of Investigation’s combined DNA index system for forensic DNA law enforcement purposes. Subsection (a)(3) of this statute, as amended, makes its provisions retroactive to any person convicted or adjudicated for the commission of the listed offenses, including those added by the 2001 Legislature, prior to the effective date of the act if that person is presently confined as a result of that conviction or adjudication in any state correctional facility or county jail or is presently serving a sentence under K.S.A. 2000 Supp. 21-4603, 22-3717, as amended by L. 2001, Ch. 200, § 15, or K.S.A. 38-1663. Persons who are under court supervision ordered pursuant to one of these three statutes are subject to the submission requirements of K.S.A. 2000 Supp. 21-2511, as amended. Cited herein: K.S.A. 2000 Supp. 21-2511, as amended by L. 2001, Ch. 208, § 2; 21-4603; 22-3717, as amended by L. 2001, Ch. 200, § 15; K.S.A. 22-3722; 38-1663. JLM

#### Opinion 2001-46

**State Boards, Commissions and Authorities—Development Finance Authority—Bonds for Projects of State-wide as Well as Local Importance; Reimbursement of**

**Wyandotte County; Secretary of Commerce and Housing Certification of Expenses.** Gary Sherrer, Lt. Governor/Secretary of the Department of Commerce and Housing; Topeka; Representative John Ballou, 43rd District, Gardner; Representative Tom Burroughs, 33rd District, Kansas City; Representative Margaret E. Long, 38th District, Kansas City, October 2, 2001.

The 2001 Legislature amended K.S.A. 2000 Supp. 74-8922 and 74-8930 to make repayment of three previously awarded Unified Government grants to the Oz Entertainment Company a precondition to gaining a one-year time extension for securing the Johnson County Commission’s approval of the Oz redevelopment plan. This conditional legislation was a proper exercise of the Legislature’s powers. Oz has repaid two of the grants, and executed an agreement with the Board of Public Utilities to repay the \$400,000 grant in cash or in-kind by July 1, 2002. To the extent the agreement permits repayment of the grant beyond the statutory deadline of October 29, 2001, or permits a method other than monetary repayment, the agreement does not meet the contingency of H.B. 2573 for realizing the extension. Unless Oz can document to the Secretary of Commerce and Housing that the \$400,000 has been repaid in a timely manner, the time deadline for gaining Johnson County Commission approval becomes July 1, 2001. Without timely approval of the redevelopment plan by the Johnson County Commission, Kansas Development Finance Authority cannot issue bonds for the proposed project. Cited herein: K.S.A. 2000 Supp. 12-340; K.S.A. 65-34,130; 73-1217; K.S.A. 2000 Supp. 74-8922; 74-8930; K.S.A. 75-4301a; 79-1120; L. 2001, Ch. 132; L. 1998, Ch. 199, §§ 19, 23; 2001 H.B. 2573. NLU

#### Opinion 2001-47

**Crimes and Punishments; Kansas Criminal Code; Prohibited Conduct—Crimes Affecting Public Trusts—Unlawful Use of Names Derived from Public Records; Limited Exception for Use for Solicitation Purposes.**

**Public Records, Documents and Information—Records Open to Public—Procedures for Obtaining Access to or Copies of Records; Limited Exception for Use of Names and Addresses for Solicitation Purposes.** Sherry Diel, Executive Director, Kansas Real Estate Commission, Topeka, October 12, 2001.

K.S.A. 21-3914(a)(2) allows use of licensees’ names and addresses, obtained from public records by an organization of persons who practice the licensees’ profession, for limited solicitation purposes. This exception to the general prohibition on such use of lists derived from public records applies only to solicitations that have a direct relation to the practice of that profession and would include only solicitations for services or products that are not of interest to the public at large. Cited herein: K.S.A. 21-3914; 45-220. SP

Carla J. Stovall  
Attorney General

Doc. No. 027190

## State of Kansas

## Governmental Ethics Commission

## Opinion No. 2001-16

Written September 20, 2001, to Ronald R. Hein, Hein and Weir, Chartered, Topeka.

This opinion is in response to your letter of September 10, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the ethics and lobbying provisions of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**Factual Statement**

We understand that you are asking for this opinion in your capacity as a lobbyist registered on behalf of multiple clients. You question whether the limitations on expenditures for recreation and gifts contained in K.S.A. 46-237 are applicable to the spouses of state legislators and, if so, what that limit is.

**Questions**

- I. Are the monetary limits contained in K.S.A. 46-237 applicable to the spouse of a state legislator?
- II. Is the value of the gift or recreation given to the spouse included in the spending limit for the state legislator, or does the spouse have his or her own limit separate from the limit imposed upon the state legislator?

**Opinion**

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

(a) Except as provided by this section, no state officer or employee, candidate for state office or state officer elect shall accept, or agree to accept any (1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year or (2) hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) Except as provided by this section, no person with a special interest shall offer, pay, give or make any (1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year or (2) hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year to any state officer or employee, candidate for state office or state officer elect with a major purpose of influencing such officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to such agency or any state

officer or employee, candidate for state office or state officer elect of that agency.

In 1992, the Commission addressed this specific question and held as follows:

It is our opinion, whenever a gift, favor, hospitality, etc. is given to the spouse of a state officer or employee primarily because of that relationship, the value of the gift given to the spouse is included in the gift limit to the state officer or employee. Thus, for example, if a licensed entity takes a state officer or employee and spouse to dinner, the cost of the dinner for both the state officer or employee and the spouse are attributed to the \$40 limit. Commission Opinion 1992-04.

Since that time, the legislature has amended K.S.A. 46-237 three times. The first amendment came in 1995, the second in 1998, and the third, and most recent, in 2000. In fact, when the legislature amended the statute in 2000, it amended the spending limitations at issue in this opinion request. Consequently, the legislature has had ample opportunity to revise the statutory language following the Commission's 1992 decision, and has not done so. We, therefore, must "assume that our interpretation has met with legislative sanction and approval." *Puckett v. C. K. Minter Drilling Co.*, 196 Kan. 196, 410 P.2d 414 (1966). See also *State v. Knoff*, 22 Kan. App. 2d 85, 89-90, 911 P.2d 822 (1996) (citing *Lenexa v. Board of Johnson County Comm'rs*, 237 Kan. 782, 786, 703 P.2d 800 [1985] [presumption that in amending statute, legislature acted with full knowledge of judicial decisions concerning the statute]).

It is clear that by enacting this statute, the legislature intended to prohibit entities with a special interest from providing to legislators gifts having an aggregate value of \$40 or more or recreation having an aggregate value of \$100 or more. If the limitations in this statute can be avoided by simply addressing the gift or recreation to the spouse of a legislator, then the statute becomes meaningless. "As a general rule, statutes are construed to avoid unreasonable results. [Citation omitted.] There is a presumption that the legislature does not intend to enact useless or meaningless legislation. [Citation omitted.]" *KPERS v. Reimer & Koger Assocs., Inc.*, 262 Kan. 635, 643, 941 P.2d 1321 (1997).

Based upon the forgoing, this Commission now affirms its previous decision and determines that the monetary limits contained in K.S.A. 46-237 are applicable to the spouses of state legislators. In addition, we hold that the value of the gift or recreation given to the spouse is included in the gift or recreation spending limit for the state legislator. Therefore, if an individual with a special interest takes a legislator and his or her spouse out to the theater, the cost of the tickets for both the legislator and spouse (when combined with all other recreation expenses for that legislator and spouse for the calendar year) must be less than \$100.00.

**Opinion No. 2001-17**

Written September 20, 2001, to Donald E. Atwell, Project Director, Tier Technologies, Walnut Creek, California.

This opinion is in response to your letter of September 17, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the

state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you are asking for this opinion in your capacity as Project Director for Tier Technologies (Tier). You have explained that in November of 1999, the Kansas Department of Social and Rehabilitation Services (SRS) awarded Tier the contract for management of the Kansas Payment Center (KPC). You are considering hiring Ms. Virginia Taylor for a management position at the KPC. Ms. Taylor currently works for the Office of Judicial Administration (OJA). You have explained that, although Ms. Taylor began working with the KPC through OJA in March of 2000, she was not involved in the competitive procurement process or its associated contract negotiations.

#### Question

May this state employee accept employment with Tier?

#### Opinion

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

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

You have stated that Ms. Taylor has not been involved in the making of a contract with Tier. In addition, her involvement in the implementation of the KPC contract does not rise to the level of participation in the making of a contract. See Commission Opinion 2000-50. Because she was not involved in the making of a contract with Tier, the restrictions listed in K.S.A. 46-233(a)(2) above, do not apply. Under the facts you have provided, Ms. Taylor may accept employment with Tier without violating the state level conflict of interest laws.

#### Opinion No. 2001-18

Written September 20, 2001, to Cheryl K. Magathan, Public Service Executive, Kansas Real Estate Appraisal Board, Topeka.

This opinion is in response to your letter of July 23, 2001, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand you request this opinion in your capacity as the Public Service Executive for the Kansas Real

Estate Appraisal Board (Board). You have explained that Michael Haynes was the executive director for the Board from 1993 through April of 2001. The Board is now considering contracting with Mr. Haynes to perform independent reviews of appraisal experience and complaints. In a telephone conversation with a member of our staff, you explained that during Mr. Haynes' tenure as executive director, he was not involved in the development of the contract for which he is now being considered.

#### Question

May a former employee of the Kansas Real Estate Appraisal Board enter into a contract to perform services for the Kansas Real Estate Appraisal Board?

#### Opinion

This question involves the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We have reviewed those laws and find nothing that would prohibit the scenario you have described.

Daniel Sevart  
Chairman

Doc. No. 027192

#### State of Kansas

### Historic Sites Board of Review

#### Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9:30 a.m. Saturday, December 1, on the second floor of the Potawatomi Baptist Mission (Koch Education Center), located on the grounds of the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will evaluate the following properties for the National Register of Historic Places and/or the Register of Historic Kansas Places:

- Amelia Earhart Historic District, 115-125, 200-227, 302-315, 318, 324 Second Street; 203-305 North Terrace; 124, 200, 300 Third Street; 205, 112 and 224 Santa Fe Street, Atchison, Atchison County
- Munding Hall, 6th Avenue and Gary Street, Winfield, Cowley County
- Shirk-Whitesitt Historic District, 116 E. Lindburg; 120 E. Lindburg, Pittsburg, Crawford County
- Merchants Bank of Ellis, 822 Washington Street, Ellis, Ellis County
- Hodgeman County Courthouse, 500 Main Street, Jetmore, Hodgeman County
- John Wright House, 322 W. Marlin, McPherson, McPherson County
- Devon Apartments, 800-808 S.W. 12th Street, Topeka, Shawnee County

The Kansas State Historical Society welcomes individuals with disabilities to participate in its activities. Contact Teresa Kiss at the Cultural Resources Division, Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext. 245, by November 21 to discuss the nature of the disability and what the Kansas State Historical Society may do to ensure participation in the activity.

Ramon Powers  
Executive Director

Doc. No. 027211

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Wichita Airport Hilton, until 2 p.m. November 14 and then publicly opened:

**District One - Northeast**

**Jefferson**—44 C-3754-01 - County road 2 miles (3.2 kilometers) east and 0.2 mile (0.3 kilometer) south of Meriden, 0.5 mile (0.8 kilometer), grading and culvert. (Federal Funds)

**Johnson**—46 N-0115-01 - Shawnee Mission Parkway from Jaycee Street to Monrovia Street, 0.5 mile (0.8 kilometer), grading and surfacing. (Federal Funds)

**Leavenworth**—52 C-3603-01 - Intersection of county routes 1841 and 1847, 0.2 mile (0.3 kilometer), intersection improvement. (Federal Funds)

**Leavenworth**—52 C-3617-01 - County route 389 from 0.06 mile (0.1 kilometer) south of county route 2176 to 0.06 mile (0.1 kilometer) north of county route 5050, 1.1 miles (1.8 kilometers), grading and surfacing. (Federal Funds)

**Marshall**—58 C-3625-01 - County route 3.5 miles (5.6 kilometers) south and 6 miles (9.7 kilometers) east of Blue Rapids, 0.24 mile (0.4 kilometer), bridge rehabilitation. (Federal Funds)

**Marshall-Riley**—77-106 K-8587-01 - U.S. 77 from the Riley-Marshall county line north to the west junction of K-9; U.S. 77 from the junction of county route 893 north to the Riley-Marshall county line, 19.1 miles (30.8 kilometers), seal. (State Funds)

**Pottawatomie-Riley**—106 K-8579-01 - K-16 from the Big Blue River bridge east to the junction of K-13; U.S. 77 east to the Big Blue River bridge; U.S. 77 from the east junction of U.S. 24 north 7.9 miles (12.8 kilometers) to county route 893, 20 miles (32.3 kilometers), overlay. (State Funds)

**Pottawatomie**—75 C-3748-01 - County road 2 miles (3.2 kilometers) west of Westmoreland, 0.4 mile (0.7 kilometer), grading, bridge and surfacing. (Federal Funds)

**Pottawatomie**—75 K-8581-01 - K-16 from the north junction of K-99 east to the north junction of K-63; K-99 from Main Street in Westmoreland north to the south junction of K-16, 26.6 miles (42.8 kilometers), overlay. (State Funds)

**Pottawatomie-Riley**—24-106 K-8582-01 - U.S. 24 from the Riley-Pottawatomie county line east 3.9 miles (6.3 kilometers); U.S. 24 from the south junction of K-177 east to the Riley-Pottawatomie county line, 3.9 miles (6.3 kilometers), overlay. (State Funds)

**Wyandotte**—32-105 N-0183-01 - K-32 (Kaw Drive) and 68th/Kansas Avenue in Kansas City, intersection improvement. (Federal Funds)

**District Two- Northcentral**

**Geary**—31 U-1791-01 - McFarland Road from U.S. 77 to Spring Valley Road at Junction City, 0.5 mile (0.8 kilometer), grading and surfacing. (Federal Funds)

**Mitchell**—62 C-3538-01 - County road 15 miles (24.1 kilometers) south and 2 miles (3.2 kilometers) east of Beloit, 0.1 mile (0.2 kilometer), grading and bridge. (Federal Funds)

**Morris**—64 C-3609-01 - County road 1.2 miles (1.9 kilometers) east of K-4 and 3.2 miles (5.2 kilometers) south of White City, grading, bridge and surfacing. (Federal Funds)

**District Three - Northwest**

**Graham**—33 K-8503-01 - K-18 from the junction of U.S. 24 southeast to the Graham-Rooks county line; U.S. 24 from the junction of K-18 east to the Graham-Rooks county line, 10.8 miles (17.4 kilometers), overlay. (State Funds)

**Osborne**—71 K-8502-01 - U.S. 281 from the south junction of U.S. 281 north to the north junction of U.S. 281; U.S. 24 from the north junction of U.S. 24 north to the Osborne-Smith county line, 8 miles (12.8 kilometers), overlay. (State Funds)

**Osborne**—24-71 K-6372-02 - U.S. 24, 0.2 mile (0.4 kilometer) east of U.S. 281 on county route 517 east 7.8 miles (12.5 kilometers) to K-181, detour construction. (State Funds)

**Phillips**—183-74 K-8445-01 - U.S. 183, 0.3 mile (0.5 kilometer) south of the north city limits of Phillipsburg then north to the Kansas-Nebraska state line, 18 miles (29 kilometers), overlay. (State Funds)

**Sherman**—70-91 K-8345-01 - Seven I-70 bridges in Sherman County, bridge repair. (State Funds)

**Smith**—92 C-3645-01 - County road 1 mile (1.6 kilometers) south and 0.5 mile (0.8 kilometer) west of Gaylord, 0.1 mile (0.2 kilometer), grading and bridge. (Federal Funds)

**Thomas**—25-97 K-6415-02 - K-25/Veteran's Memorial Drive east and south 1.4 miles (2.3 kilometers), detour construction. (Federal Funds)

**Thomas**—70-97 K-7857-01 - I-70, 0.3 mile (0.5 kilometer) west of the junction of U.S. 24 east to 0.3 mile (0.5 kilometer) east of the junction of K-25, 8.7 miles (14 kilometers), surfacing. (State Funds)

**Wallace**—100 C-3739-01 - County road 1.2 miles (1.9 kilometers) south of Wallace then south 2 miles (3.2 kilometers), surfacing. (Federal Funds)

**Wallace**—40-100 K-5900-01 - U.S. 40 safety rest area east of Wallace, safety rest area improvements. (State Funds)

**District Four - Southeast**

**Chautauqua**—166-10 K-7860-01 - U.S. 166 from the east junction of K-99 east to the west city limits of Niotaze, 9.3 miles (15 kilometers), joint repair. (State Funds)

**Crawford**—69-19 K-8286-01 - U.S. 69 and 20th Street in the city of Pittsburg, traffic signals. (State Funds)

**Greenwood**—37 C-3600-01 - County road 2.6 miles (4.1 kilometers) west and 1 mile (1.6 kilometers) north of Eureka, 0.16 mile (0.25 kilometer), grading, bridge and surfacing. (Federal Funds)

**Labette-Montgomery-Neosho**—169-106 K-8607-01 - U.S. 169 from the Montgomery- Labette county line north



to the Labette-Neosho county line; U.S. 169 from 0.3 mile (0.5 kilometer) south of the junction of U.S. 400 northeast to the Montgomery-Labette county line, U.S. 169 from the Labette-Neosho county line north 0.6 mile (0.9 kilometer) 3.8 miles (6.1 kilometers), overlay. (State Funds)

**Neosho-Wilson**—39-106 K-8603-01 - K-39 from the Wilson-Neosho county line east to the junction of U.S. 169; K-39 from the east junction of U.S. 75 east to the Wilson-Neosho county line, 9.5 miles (15.3 kilometers), seal. (State Funds)

**Wilson**—75-103 K-8562-01 - U.S. 75 from the junction of K-47 north to 7 miles (11.3 kilometers) north of K-47, 4.9 miles (7.8 kilometers), overlay. (State Funds)

**Woodson**—75-104 K-8563-01 - U.S. 75 from the Wilson-Woodson county line north to the south city limits of Yates Center, 10.7 miles (17.2 kilometers), overlay. (State Funds)

#### District Five - Southcentral

**Barton**—5 C-3397-01 - County road 4 miles (6.4 kilometers) west of Ellinwood then south, 0.4 mile (0.6 kilometer), grading, bridge and surfacing. (Federal Funds)

**Cowley**—18 K-8591-01 - K-15 from the west junction of U.S. 166 north to the junction of U.S. 160; U.S. 160 from the east city limits of Winfield northeast to the Cowley-Elk county line, 41.5 miles (66.9 kilometers) seal. (State Funds)

**Harvey-Reno**—50-106 K-8510-01 - U.S. 50 from the Reno-Harvey county line east to Meridian Street in Newton; U.S. 50 from Halstead Street east to the Reno-Harvey county line, 27.9 miles (44.9 kilometers), rumble strips. (State Funds)

**Harvey-Reno**—50-106 K-8592-01 - U.S. 50 from the Reno-Harvey county line east to the west city limits of Newton; U.S. 50 east of Halstead Road east to the Reno-Harvey county line, 28.9 miles (46.6 kilometers) seal. (State Funds)

**Reno-Sedgwick**—96-106 K-8595-01 - K-96 from 0.8 mile (1.3 kilometers) east of Buhler Road east to the Reno-Sedgwick county line; K-96 from the Reno-Sedgwick county line east to Maize, 18.4 miles (29.6 kilometers), seal. (State Funds)

**Rush**—96-83 K-8524-01 - K-96 from the west city limits of Alexander east to the junction of U.S. 183, 13.6 miles (21.9 kilometers), seal. (State Funds)

**Sedgwick**—87 K-8195-01 - Intelligent Transportation System in the Wichita metropolitan area. (State Funds)

**Sedgwick**—254-87 K-8531-01 - K-254 from the junction of I-135 east to Middle Fork Chisholm Creek, 3 miles (4.8 kilometers), seal. (State Funds)

**Stafford**—93 C-3766-01 - County road 3 miles (4.8 kilometers) north of St. John's then east 4 miles (6.4 kilometers), surfacing. (Federal Funds)

#### District Six - Southwest

**Ford**—54-29 M-1945-01 - U.S. 54 KDOT mixing strip located at Bucklin, stockpile bituminous material. (State Funds)

**Ford**—54-29 K-8228-01 - Safety rest area on U.S. 54 at the east edge of Bloom, safety rest area improvement. (State Funds)

**Ford**—54-29 K-8504-01 - K-34 from the west junction of U.S. 54 northwest to the junction of U.S. 400; U.S. 54 from the west city limits of Bucklin east to the Ford-Kiowa county line, 8.5 miles (13.7 kilometers), overlay. (State Funds)

**Ness**—283-68 K-8461-01 - U.S. 183 from the Hodge-man-Ness county line north to the north city limits of Ness City, 13.7 miles (22 kilometers), overlay. (State Funds)

**Scott**—86 C-3727-01 - County road 8 miles (12.9 kilometers) south and 4 miles (6.4 kilometers) west of Scott City, surfacing. (Federal Funds)

**Scott**—86 C-3837-01 - County road 1 mile (1.6 kilometers) east of Scott City then 1 mile (1.6 kilometers) south and 1 mile (1.6 kilometers) west, 2 miles (3.2 kilometers), surfacing. (Federal Funds)

**Scott**—86 C-3840-01 - County road 8 miles (12.9 kilometers) south and 6 miles (8.7 kilometers) west of Scott City then north, 0.7 mile (1.1 kilometers), surfacing. (Federal Funds)

**Scott**—86 K-8506-01 - U.S. 83 from the railroad tracks in Scott City north to the Scott-Logan county line; K-96 from the Wichita-Scott county line east to Scott City, 27.1 miles (43.6 kilometers), overlay. (State Funds)

**Scott**—96-86 M-1946-01 - K-96 KDOT mixing strip located 1 mile (1.6 kilometers) east of Scott City, stockpile bituminous material. (State Funds)

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

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

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 027206

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, November 15, in the conference room in the office of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$4,500,000 principal amount of Housing Development Revenue Bonds. The bonds will be issued, pursuant to K.S.A. 74-8901 et seq., to finance the costs of construction of an apartment complex to be operated as Meadow Walk Apartments and related improvements and equipment to be used for public housing purposes (the project). The project is being financed for FB Ark City Housing Associates, LLC, or an affiliated entity (the developer). Meadow Walk Apartments will be a 120-unit multifamily housing complex located at the southwest corner of Skyline and Eighth Streets in Arkansas City, Cowley County, Kansas.

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

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Jack H. Brier
President

Doc. No. 027227

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

Tuesday, November 13, 2001

04222

Department of Administration, Facilities Management—Hazardous Material Abatement, State Complex West

Wednesday, November 14, 2001

04231

University of Kansas—Replacement of Steam Piping and Support System

Thursday, November 15, 2001

A-7065(H)

Kansas School for the Blind—Independent Educational Living Unit

A-8701

University of Kansas—CFC Improvements, Computer Services Facility

A-9242

Kansas State Fair—RV Park System Improvements

04223

Kansas State University—Furnish and Install Dish Machine

Tuesday, November 20, 2001

04210

Department of Health and Environment—Surface Mining Section, Mowing and Seeding, Clemens Coal 305, Frontenac

04216

Department of Health and Environment—Bill Coal, Fort Scott Tipple, Phase IV

Monday, November 26, 2001

04206

Department of Health and Environment—Remediation Laboratory Analytical Services

Tuesday, November 27, 2001

A-9307

Kansas State University—Roof Repair and Rehabilitation, Durland Hall, Phase 1

Thursday, November 29, 2001

A-9138

Wichita State University—Replace Exterior Doors, Various Buildings

\*\*\*\*\*

Request for Proposals

Wednesday, November 14, 2001

04221

Medical Transcription Services for the Department of Social and Rehabilitation Services

Monday, November 26, 2001

04101

Banking Services for the Kansas State Fair

Wednesday, November 28, 2001

04164

Integration Services for a Document Imaging Management System for the Department of Agriculture

Friday, November 30, 2001

04215

Kansas Business Health Partnership for the Kansas Business Health Policy Committee

John T. Houlihan
Director of Purchases

Doc. No. 027237

State of Kansas

**Kansas State University**

**Notice to Bidders**

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

**Monday, November 12, 2001**

**#2069**

NSOM System

William H. Sesler  
Director of Purchasing

Doc. No. 027225

State of Kansas

**Kansas Development Finance Authority**

**Notice of Hearing**

A public hearing will be conducted at 9 a.m. Thursday, November 15, in the conference room in the office of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$22,000,000 principal amount of Housing Development Revenue Bonds for Summit Woods Apartments, LLC or an affiliated entity (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance the costs of construction of an apartment complex to be operated as Summit Woods Apartments and related improvements and equipment to be used for public housing purposes (the project). Summit Woods Apartments will be a 318-unit multifamily housing complex located near the intersection of Huntoon and Wanamaker Road/Interstate 470 in Topeka, Shawnee County, Kansas.

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

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Jack H. Brier  
President

Doc. No. 027228

State of Kansas

**State Fair Board**

**Notice of Meeting**

The Kansas State Fair Board will meet at 3 p.m. Tuesday, November 6, at the Finnup Education Center at the Lee Richardson Zoo, Garden City. The meeting will continue at 10 a.m. November 7 at Fort Hays State University, Hubbard Press Box, Hays. For further information, contact Deana Novak at (620) 669-3612.

Bob Barker  
President

Doc. No. 027224

State of Kansas

**Department of Health and Environment**

**Request for Comments**

The Kansas Department of Health and Environment has prepared a draft National Pollutant Discharge Elimination System permit for UCB Films, Inc. of Tecumseh to discharge up to 2.32 MGD of treated wastewater to the Kansas River.

This facility produces cellophane from wood pulp for use primarily in food packaging. The wastewater treatment system consists of flow and organic loading equalization, final neutralization with sodium hydroxide, activated sludge treatment and clarification. Domestic waste, cooling tower blowdown, solvent recovery system water still bottoms and wet end dumpster washwater also are directed to the treatment system. Waste sludge is concentrated by a centrifuge and land applied.

The proposed permit includes limits for biochemical oxygen demand, chemical oxygen demand, fecal coliform, temperature, total residual chloride, total suspended solids, whole effluent toxicity testing and pH. Monitoring for ammonia, sulfate, calcium, magnesium, nitrate/nitrite, phosphate, toluene, carbon disulfide, tetrahydrofuran and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to evaluate practices and make necessary improvements to achieve compliance with its NPDES permit.

Copies of the city's application, draft permit, fact sheets and other pertinent documents may be requested by writing the Kansas Department of Health and Environment, TSS - Permit Clerk, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the draft permit must submit written statements to the address above by December 1.

Clyde D. Graeber  
Secretary of Health and Environment

Doc. No. 027235

**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 10-29-01 through 11-04-01**

| Term      | Rate  |
|-----------|-------|
| 1-89 days | 2.51% |
| 3 months  | 2.14% |
| 6 months  | 2.06% |
| 1 year    | 2.16% |
| 18 months | 2.39% |
| 2 years   | 2.58% |

Derl S. Treff  
 Director of Investments

Doc. No. 027209

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

The Kansas Department of Health and Environment has prepared a draft National Pollutant Discharge Elimination System permit for Total Petroleum, Inc. of Arkansas City to discharge up to 1.75 MGD of treated groundwater into the Walnut River.

The proposed action consists of reissuance of a Kansas/NPDES water pollution control permit for a groundwater remediation and a free product recovery project from a former refinery operation and for wastewater associated with the current asphalt storage terminal. The wastewater treatment system consists of an influent screen, a lift station, two oil/water separation tanks operated in parallel, pH adjustment before and after oil/water separation, two extended aeration bio-reactor tanks operated in parallel, aerated pond 3B and a series of four facultative lagoons. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fluoride, benzene, oil and grease, ammonia, chronic whole effluent toxicity and pH. Monitoring for sulfate, chloride, total lead and effluent flow also will be required.

Copies of the city's application, draft permit, fact sheets and other pertinent documents may be requested by writing the Kansas Department of Health and Environment, TSS - Permit Clerk, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the draft permit must submit written statements to the address above by December 1.

Clyde D. Graeber  
 Secretary of Health and Environment

Doc. No. 027234

**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-01-350/357**  
**Pending Permits for Confined Feeding Facilities**

| Name and Address of Applicant                         | Legal Description                                | Receiving Water                     |
|---|--|-------------------------------------|
| Robert Lowe<br>Route 1, Box 129<br>Prescott, KS 66767 | NW/4 of Section 3,<br>T23S, R25E, Linn<br>County | Marais des<br>Cygnes River<br>Basin |

Kansas Permit No. A-MCLN-M005  
 This is a renewal permit for an existing facility for a maximum of 180 head (252 animal units) of mature dairy cattle.

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

Compliance Schedule: The 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  | Legal Description                                     | Receiving Water       |
|--|---|-----------------------|
| Capron Farms<br>c/o Bennie Capron<br>3636 S.W. Hwy. 69<br>Columbus, KS 66725 | SE/4 of Section 36,<br>T33S, R23E,<br>Cherokee County | Neosho River<br>Basin |

Kansas Permit No. A-NECK-F015  
 This is a renewal permit for an existing facility for a maximum of 54,000 head (972 animal units) of turkeys.

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.

| Name and Address of Applicant  | Legal Description   | Receiving Water       |
|--|---|-----------------------|
| Conley Dairy<br>c/o Gerald Conley<br>19250 English Road<br>Havensville, KS 66432 | SW/4 of Section 35,<br>T6S, R12E,<br>Pottawatomie<br>County | Kansas River<br>Basin |

Kansas Permit No. A-KSPT-M003  
 This is a permit renewal 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: 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         |
|--|--|-------------------------|
| Frank Bruna<br>1320 2nd Road<br>Bremen, KS 66412 | NW/4 of Section 5,<br>T3S, R6E, Marshall<br>County | Big Blue River<br>Basin |

Kansas Permit No. A-BBMS-S035

This is a permit renewal for an existing facility for 500 head (200 animal units) of swine greater than 55 pounds and for 490 head (49 animal units) of swine 55 pounds or less, for a total of 249 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       |
|---|--|-----------------------|
| Deryll Amstutz<br>737 140th<br>Hillsboro, KS 67063-8028 | NW/4 of Section 31,<br>T20S, R2E, Marion<br>County | Neosho River<br>Basin |

Kansas Permit No. A-NEMN-H001 Federal Permit No. KS0088218

This is a permit renewal for an existing facility for 3,600 head (1,440 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.

| Name and Address of Applicant                        | Legal Description                                   | Receiving Water         |
|--|---|-------------------------|
| Dennis Rengstorf<br>476 4th Road<br>Bremen, KS 66412 | SW/4 of Section 22,<br>T1S, R6E, Marshall<br>County | Big Blue River<br>Basin |

Kansas Permit No. A-BBMS-S005

This is a permit renewal of an existing facility for a reduction in head count and facility size from 550 head (160 animal units) to 300 head (120 animal units) of swine greater than 55 pounds.

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

Compliance Schedule: The 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                     |
|---|--|-------------------------------------|
| Barr Dairy<br>c/o James & Kathy Barr<br>Route 1, Box 21<br>Lebo, KS 66856 | NW/4 of Section 30,<br>T18S, R14E, Osage<br>County | Marais des<br>Cygnes River<br>Basin |

Kansas Permit No. A-MCOS-M004

This is a permit renewal for an existing facility for 80 head (112 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: 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                |
|---|--|--------------------------------|
| Zenith Project, LLC<br>320 N.E. 14th<br>Abilene, KS 67410 | SE/4 of Section 14,<br>T17S, R7W, Rice<br>County | Little Arkansas<br>River Basin |

Kansas Permit No. A-LARC-S005

This is a permit renewal for an existing facility for a maximum of 1,426 head of swine weighing greater than 55 pounds (570.4 animal units)

and 1,800 head of swine weighing less than 55 pounds (180 animal units), for a total of 3,226 head (750.4 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.

**Public Notice No. KS-01-150/153**

| Name and Address of Applicant                                     | Waterway     | Type of Discharge     |
|---|--------------|-----------------------|
| Total Petroleum, Inc.<br>P.O. Box 696000<br>San Antonio, TX 78269 | Walnut River | Process<br>Wastewater |

Kansas Permit No. I-WA18-PO02 Federal Permit No. KS0000434

Legal: SE¼, S32, T34S, R4E, Cowley County

Facility Address: 1400 S. M St., Arkansas City, KS 67005-0857

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily contaminated groundwater. This is a former oil refinery now being operated as an asphalt storage and distribution terminal. Contaminated groundwater from an oil recovery system, boiler blowdown, laboratory wastewater and stormwater runoff from process areas are treated in a wastewater treatment system prior to discharge. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fluoride, benzene, oil and grease, ammonia, whole effluent toxicity testing and pH. Monitoring for sulfate, chloride, total lead and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

| Name and Address of Applicant                             | Waterway     | Type of Discharge     |
|---|--------------|-----------------------|
| UCB Films, Inc.<br>6000 S.E. Second<br>Tecumseh, KS 66542 | Kansas River | Process<br>Wastewater |

Kansas Permit No. I-KS72-PO09 Federal Permit No. KS0003204

Legal: NW¼, S31, T11S, R17E, Shawnee County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily process wastewater. This facility produces cellophane from wood pulp for use primarily in food packaging. The cellophane production process generates acid, alkaline and neutral waste streams. The wastewater treatment system consists of flow and organic loading equalization, final neutralization with sodium hydroxide, activated sludge treatment and clarification. Neutral waste stream is commingled with the clarifier effluent. Boiler condensate is used as make-up water in the cellophane process. The proposed permit includes limits for biochemical oxygen demand, chemical oxygen demand, fecal coliform, temperature, total residual chloride, total suspended solids, whole effluent toxicity testing and pH. Monitoring for ammonia, sulfate, calcium, magnesium, nitrate/nitrite, phosphate, toluene, carbon disulfide, tetrahydrofuran and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to evaluate practices and make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

| Name and Address of Applicant  | Waterway                       | Type of Discharge              |
|--|--------------------------------|--------------------------------|
| DeSoto, City of<br>33150 W. 83rd St.<br>P.O. Box C<br>DeSoto, KS 66018 | Kansas River via<br>Kill Creek | Treated Domestic<br>Wastewater |

Kansas Permit No. M-KS12-OO02 Federal Permit No. KS0094633

Legal: NE¼, S17, T13S, R22E, Johnson County

Facility Name: De Soto (SAAP) Wastewater Treatment Facility

(continued)

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

| Name and Address of Applicant  | Waterway                                | Type of Discharge              |
|--|---|--------------------------------|
| Liberty, City of<br>P.O. Box 152<br>Liberty, KS 67351                      | Big Hill Creek via<br>Unnamed Tributary | Treated Domestic<br>Wastewater |
| Kansas Permit No. M-VE24-0001 Federal Permit No. KS0086223                 |   |                                |
| Legal: SW <sup>1</sup> / <sub>4</sub> , S19, T33S, R17E, Montgomery County |   |                                |

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

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Shonda Domme 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, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before December 1 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-350/357, KS-01-150/153) and name of applicant/application as listed when preparing comments.

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

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

- Northwest District Office, 2301 E. 13th,  
Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place,  
Salina, 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th,  
Lawrence, 66046-4417, (785) 842-4600
- Southwest District Office, 302 W. McArtor Road,  
Dodge City, 67801-6098, (316) 225-0596

South Central District Office, 130 S. Market, 6th Floor,  
Wichita, 67202-3802, (316) 337-6020  
Southeast District Office, 1500 W. 7th,  
Chanute, 66720, (316) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

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. 027233

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

**Summary Notice of Bond Sale  
City of Garden City, Kansas  
\$1,292,000  
General Obligation Bonds, Series B, 2001  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated October 16, 2001, bids will be received by the city clerk of the City of Garden City, Kansas, on behalf of the governing body at 301 N. 8th St., Garden City, KS 67846, until 11 a.m. Tuesday, November 13, 2001, for the purchase of \$1,292,000 principal amount of General Obligation Bonds, Series B, 2001. No bid of less than the entire par value of the bonds and accrued interest to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except for one bond in the denomination of \$7,000 (or such amount added to \$5,000 or any integral multiple thereof). The bonds will be dated December 1, 2001, and will become due on November 1 in the years as follows:

| Maturity<br>November 1 | Principal<br>Amount |
|------------------------|---------------------|
| 2002                   | \$152,000           |
| 2003                   | 270,000             |
| 2004                   | 280,000             |
| 2005                   | 290,000             |
| 2006                   | 300,000             |

The bonds will bear interest from that date at rates to be determined when the bonds are sold, which interest

will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2002.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$25,840 (2 percent of the principal amount of the bonds).

**Delivery**

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 11, 2001, at the offices of the Depository Trust Company, New York, New York.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation of the city for computation of bonded debt limitations for the year 2001 is \$149,982,269. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$14,245,675.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Logan Riley Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (620) 276- 1234, fax (620) 276-1169; from the city's financial advisor, George K. Baum & Co., 100 N. Main St., Suite 810, Wichita, KS 67202-1375, Attention: Chuck Bouilly, (316) 264-9351; or from bond counsel, Logan Riley Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated October 16, 2001.

City of Garden City, Kansas  
By Jean E. Payne  
City Clerk  
301 N. 8th St.  
Garden City, KS 67846

Doc. No. 027331

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

**Summary Notice of Bond Sale**

**Marshall County, Kansas**

**\$300,000**

**General Obligation Bonds**

**Series 2001A (Courthouse)**

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

**Sealed Bids**

Subject to the official notice of bond sale and preliminary official statement dated October 22, 2001, sealed bids will be received by the county clerk of Marshall County, Kansas (the issuer), on behalf of the governing body of the county at the Marshall County Courthouse, 1201 Broadway St., Marysville, KS 66508, until 1:30 p.m. Tuesday, November 13, 2001, for the purchase of \$300,000 principal amount of General Obligation Bonds, Series 2001A (Courthouse). No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

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

| Year | Principal Amount |
|------|------------------|
| 2002 | \$30,000         |
| 2003 | 30,000           |
| 2004 | 30,000           |
| 2005 | 30,000           |
| 2006 | 30,000           |
| 2007 | 30,000           |
| 2008 | 30,000           |
| 2009 | 30,000           |
| 2010 | 30,000           |
| 2011 | 30,000           |

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

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

**Paying Agent and Bond Registrar**

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

**Good Faith**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$6,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered at such bank or trust company in the contiguous United States as may be specified by the successful bid-

*(continued)*

der, without cost to the successful bidder, within 45 days after the date of sale.

**Assessed Valuation and Indebtedness**

The total assessed valuation of taxable tangible property in the county for the year 2001 is \$87,507,506. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$807,300, which includes temporary notes in the amount of \$322,300.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the county clerk, (785) 562-5361.

Dated October 22, 2001.

Marshall County, Kansas  
Gayle Landoll, County Clerk  
Marshall County Courthouse  
1201 Broadway St.  
Marysville, KS 66508

Doc. No. 027222

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

**Summary Notice of Bond Sale**  
**City of Inman, Kansas**  
**\$205,000**  
**General Obligation Bonds**  
**Series B, 2001**  
**Dated December 1, 2001**  
**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated October 8, 2001, written bids will be received by the clerk of the City of Inman, Kansas (the issuer), on behalf of the governing body at 104 N. Main, P.O. Box 177, Inman, KS 67546, until 11 a.m. November 12, 2001, for the purchase of \$205,000 principal amount of General Obligation Bonds, Series B, 2001. No bid of less than 99 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 December 1, 2001, and will become due on December 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 2003 | \$10,000         |
| 2004 | 20,000           |
| 2005 | 20,000           |
| 2006 | 25,000           |

|      |        |
|------|--------|
| 2007 | 25,000 |
| 2008 | 25,000 |
| 2009 | 25,000 |
| 2010 | 25,000 |
| 2011 | 30,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2003.

**Optional Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$4,100 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 5, 2001, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2000 is \$6,602,079. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$1,622,000.

**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) 585-2122, fax (620) 585-2767; or from the financial advisor, Chapman Securities, Inc., 800 E. 1st St., Suite 400, Wichita, KS 67202, Attention: David Shupe, (316) 265-3331, fax (316) 265-6418.

Dated October 8, 2001.

City of Inman, Kansas

Doc. No. 027236



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

**Summary Notice of Bond Sale**  
**City of Osage City, Kansas**  
**\$1,034,000**  
**General Obligation Bonds**  
**Series 2001A**  
**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the official notice of bond sale and preliminary official statement dated October 23, 2001, sealed bids will be received by the city clerk of the City of Osage City, Kansas (the issuer), on behalf of the governing body of the city at City Hall, 201 S. 5th St., Osage City, KS 66523, until 3:30 p.m. Tuesday, November 13, 2001, for the purchase of \$1,034,000 principal amount of General Obligation Bonds, Series 2001A. No bid of less than 98.50 percent of the aggregate principal amount of the bonds and accrued interest thereon to the date of delivery will be considered, and no supplemental interest payments will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in either the amount of, or including, \$4,000. The bonds will 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 December 1, 2001, and will become due on December 1, in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 2002 | \$29,000         |
| 2003 | 30,000           |
| 2004 | 35,000           |
| 2005 | 40,000           |
| 2006 | 40,000           |
| 2007 | 40,000           |
| 2008 | 45,000           |
| 2009 | 45,000           |
| 2010 | 50,000           |
| 2011 | 50,000           |
| 2012 | 50,000           |
| 2013 | 50,000           |
| 2014 | 55,000           |
| 2015 | 60,000           |
| 2016 | 60,000           |
| 2017 | 65,000           |
| 2018 | 65,000           |
| 2019 | 70,000           |
| 2020 | 75,000           |
| 2021 | 80,000           |

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

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

**Paying Agent and Bond Registrar**

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

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$20,680 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered to the facilities of the Depository Trust Company, New York, New York, at such bank or trust company in the contiguous United States as may be specified by the successful bidder without cost to the successful bidder within 45 days after the date of sale.

**Assessed Valuation and Indebtedness**

The total assessed valuation of taxable tangible property in the city for the year 2001 is \$14,198,821.78. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$2,499,000. Temporary notes in the principal amount of \$900,000 will be retired out of the proceeds of the bonds herein offered for sale.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (785) 528-3714, or from the city's financial advisor, David Shupe, Ranson Municipal Consultants, L.L.C., 120 S. Market, Suite 200, Wichita, KS 67202, (316) 269-2231.

Dated October 23, 2001.

City of Osage City, Kansas  
 Linda C. Jones, City Clerk  
 City Hall  
 201 S. 5th St.  
 Osage City, KS 66523

Doc. No. 027229

**State of Kansas**

**Kansas Bureau of Investigation**

**Public Notice**

The KBI is offering for sale a single engine Piper Warrior airplane. The 1997 model 161 is just off the annual inspection and is flight worthy. All records are available for inspection. The price is \$42,000. For further information, contact Special Agent in Charge Jeffery Brandau at (785) 296-8220.

Larry Welch  
Director

Doc. No. 027221

**State of Kansas**

**State Conservation Commission**

**Notice of Meeting**

The State Conservation Commission will meet at 1 p.m. Sunday, November 18, at the Airport Hilton, Consulate II Room, Wichita. A copy of the agenda may be obtained by contacting Cathy Greene, 109 S.W. 9th, Suite 500, Topeka, 66612-1215, (785) 296-3600. If special accommodations are needed, please contact the commission at least three days in advance of the meeting date.

Tracy Streeter  
Executive Director

Doc. No. 027210

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

**Summary Notice of Bond Sale**

**Atchison County, Kansas**

**\$610,000**

**General Obligation Bonds**

**Series 2001A (Bridges)**

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

**Sealed Bids**

Subject to the official notice of bond sale and preliminary official statement dated October 24, 2001, sealed bids will be received by the county clerk of Atchison County, Kansas (the issuer), on behalf of the governing body of the county at the Atchison County Courthouse, 423 N. 5th St., Atchison, KS 66002, until 10:30 a.m. Wednesday, November 14, 2001, for the purchase of \$610,000 principal amount of General Obligation Bonds, Series 2001A (Bridges). No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

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

| Year | Principal Amount |
|------|------------------|
| 2002 | \$60,000         |
| 2003 | 60,000           |

|      |        |
|------|--------|
| 2004 | 60,000 |
| 2005 | 60,000 |
| 2006 | 60,000 |
| 2007 | 60,000 |
| 2008 | 60,000 |
| 2009 | 60,000 |
| 2010 | 65,000 |
| 2011 | 65,000 |

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

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

**Paying Agent and Bond Registrar**

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

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$12,200 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered at such bank or trust company in the contiguous United States as may be specified by the successful bidder without cost to the successful bidder within 45 days after the date of sale.

**Assessed Valuation and Indebtedness**

The total assessed valuation of taxable tangible property in the county for the year 2001 is \$110,525,140. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$5,150,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the county clerk, (913) 367-1653.

Dated October 24, 2001.

Atchison County, Kansas  
Pauline M. Lee, County Clerk  
Atchison County Courthouse  
423 N. 5th St.  
Atchison, KS 66002

Doc. No. 027230

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

**Statutory Notice of Bond Sale  
Johnson County, Kansas  
\$6,310,000  
Internal Improvement Bonds  
Series 2001C  
(General obligations payable from  
unlimited ad valorem taxes)**

|      |         |      |         |
|------|---------|------|---------|
| 2008 | 290,000 | 2018 | 360,000 |
| 2009 | 295,000 | 2019 | 380,000 |
| 2010 | 305,000 | 2020 | 400,000 |
| 2011 | 315,000 | 2021 | 420,000 |

**Sealed and Electronic Bids**

Bids submitted in *sealed* envelopes marked "Series 2001C Bond Bid" will be received by the undersigned budget director, Budget and Financial Planning Department of Johnson County, Kansas, at the Johnson County Administration Building, Suite 2300, 111 S. Cherry, Olathe, KS 66061-3441, until 10 a.m. Thursday, November 8, 2001, for the purchase of all of the county's \$6,310,000 principal amount of Internal Improvement Bonds, Series 2001C, as hereinafter described. Electronic bids for the purchase of all of the bonds will only be accepted through BidComp/Parity (PARITY) electronic bid submission system. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the requirements of the complete notice of bond sale. If any provisions in this statutory notice of bond sale conflict with information provided by PARITY, this statutory notice of bond sale will control. Further information about PARITY, including any fee charged and registration requirements, may be obtained from PARITY, 395 Hudson St., 3rd Floor, New York, NY 10014, Customer Support, (212) 806-8304. The county assumes no responsibility or liability for bids submitted through PARITY. The county is using the services of PARITY solely as a communication mechanism to conduct the electronic bidding for the bonds. PARITY is not an agent of the county. All bids will be publicly opened on the date and at the time set forth above and will be considered and acted upon by the Board of County Commissioners of Johnson County, Kansas, at 1 p.m., or as soon thereafter as practicable, on said sale date. No oral or auction bids will be considered. No bid of less than \$6,250,000, plus accrued interest thereon to the date of delivery of the bonds, will be considered.

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

**Delivery and Payment**

The bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 30 days after the date of their sale in New York, New York.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$126,200 must accompany each bid for the Series 2001C Bonds.

**Costs**

The county will pay the cost of printing the bonds and the expense of all legal services, including the opinion of McDowell, Rice, Smith & Gaar, a Professional Corporation, Overland Park, Kansas, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

**Assessed Valuation and Indebtedness**

For the computation of the debt limitation relating to the bonds, the assessed valuation of the taxable tangible property within the county as of December 31, 2000, is \$6,147,085,632. For the purpose of computing the debt limitation relating to the bonds, the general obligation indebtedness of the county as of the date of the bonds is \$7,223,405; \$5,825,000 principal amount of the bonds is exempt from general obligation debt limitation, and \$100,000 principal amount of the bonds is exempt from the general obligation debt limitation and is subject to a special debt limitation pursuant to K.S.A. 3-304.

**Additional Information**

A complete notice of bond sale, preliminary official statement and bid forms approved by the county will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Incorporated, at (651) 223-3000; or from the county's budget director, Budget and Financial Planning Department, at (913) 715-0556.

**Bond Details**

The bonds will be in book entry form; will be issued in the denomination of \$5,000 or any integral multiple thereof; will be dated December 1, 2001; will be issued in the principal amount of \$6,310,000; and will become due serially on September 1 in each of the years as follows:

**Maturity Schedule**

| Maturity September 1 | Principal Amount | Maturity September 1 | Principal Amount |
|----------------------|------------------|----------------------|------------------|
| 2002                 | \$320,000        | 2012                 | \$275,000        |
| 2003                 | 265,000          | 2013                 | 290,000          |
| 2004                 | 265,000          | 2014                 | 300,000          |
| 2005                 | 275,000          | 2015                 | 315,000          |
| 2006                 | 280,000          | 2016                 | 330,000          |
| 2007                 | 285,000          | 2017                 | 345,000          |

Johnson County, Kansas  
By: Doug Robinson  
Budget Director  
Budget and Financial Planning Department  
Johnson County Administration Building  
Olathe, KS 66061-3441

Doc. No. 027241

## State of Kansas

**Legislature**  
**Interim Committee Schedule**

The following committee meetings have been scheduled during the period of November 5-18. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

| Date        | Room  | Time       | Committee  | Agenda   |
|-------------|---|------------|--|--|
| November 5  | <b>Canceled</b>                                 | 10:00 a.m. | Joint Committee on State   |  |
| November 6  | <b>Canceled</b>                                 | 9:00 a.m.  | Building Construction  |  |
| November 5  | 514-S   | 10:00 a.m. | Joint Committee on   | Review rules and regulations proposed by the Attorney General; Bank Commissioner; Dept. of Revenue; Agricultural Remediation Board; KCC; Insurance Dept.; Animal Health Dept.; State Fire Marshal; Dept. of Corrections; Board of Nursing; and Dept. of Agriculture.   |
| November 6  | 514-S   | 9:00 a.m.  | Administrative Rules and Regulations                                 |  |
| November 7  | 526-S   | 9:00 a.m.  | Special Committee on Utilities                                       | Agenda not available.  |
| November 8  | 526-S   | 9:00 a.m.  |  |  |
| November 9  | <b>Canceled</b>                                 |            |  |  |
| November 8  | 514-S   | 10:00 a.m. | Long-Term Care Task Force  | Agenda not available.  |
| November 9  | 514-S   | 9:00 a.m.  |  |  |
| November 8  | 531-N   | 10:00 a.m. | Joint Committee on Economic  | Review draft committee reports; hearings on housing finance; update on telecommunications right-of-way negotiation.  |
| November 9  | 531-N   | 9:00 a.m.  | Development  |  |
| November 12 | 514-S   | 10:00 a.m. | Joint Committee on Children's  | Agenda not available.  |
|             | 514-S   | 9:00 a.m.  | Issues   |  |
| November 13 | 231-N   | 10:00 a.m. | Special Committee on Commercial and Financial Institutions/Insurance | Review and approve interim committee reports.  |
| November 13 | 235-N   | 10:00 a.m. | Joint Committee on Corrections and Juvenile Justice Oversight        | Agenda not available.  |
| November 14 | 235-N   | 9:00 a.m.  |  |  |
| November 13 | 519-S   | 10:00 a.m. | Special Committee on Assessment and Taxation                         | Committee discussion and final decisions on all topics.  |
| November 14 | 519-S   | 9:00 a.m.  |  |  |
| November 13 | 526-S   | 10:00 a.m. | Legislative Educational Planning                                     | Agenda not available.  |
| November 14 | 526-S   | 9:00 a.m.  | Committee  |  |
| November 14 | 313-S   | 1:00 p.m.  | Legislative Educational Planning                                     | Agenda not available.  |
|             |   |            | Committee  |  |
| November 14 | 514-S   | 10:00 a.m. | Special Committee on Ways and Means/Appropriations                   | Agenda not available.  |
| November 15 | 514-S   | 9:00 a.m.  |  |  |
| November 14 | 531-N   | 10:00 a.m. | Joint Committee on Information                                       | Agenda not available.  |
| November 15 | 531-N   | 9:00 a.m.  | Technology   |  |
| November 15 | Johnson County Community College, Overland Park | 10:00 a.m. | Special Committee on Agriculture                                     | Agenda not available.  |
| November 15 | 313-S   | 10:00 a.m. | Special Committee on Judiciary                                       | <b>15th: Topic No. 7</b> —Monitor Judicial Council Study of the Juvenile Offender and Child in Need of Care Codes. <b>Topic No. 8</b> —Review the State's Guardianship System.<br><b>16th:</b> Committee discussion, deliberation and decision making; review reports. |
| November 16 | 313-S   | 9:00 a.m.  |  |  |
| November 16 | 123-S   | 2:30 p.m.  | Legislative Coordinating Council                                     | Legislative matters.   |

November 16 519-S

10:00 a.m.

Special Committee on Energy,  
Natural Resources and  
Environment

Agenda not available.

Jeff Russell  
Director of Legislative  
Administrative Services

Doc. No. 027332

## State of Kansas

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

Department of Administration  
Division of Architectural ServicesNotice of Commencement of  
Negotiations for Surveying Services

Notice is hereby given of the commencement of negotiations for a detailed topographic and utility survey of a portion of the Beloit Juvenile Correctional Facility, Beloit. The survey is to establish benchmarks and show locations and elevations of existing roads, drives, parking areas, curbs and gutters, drainage structures, loading/unloading docks and ramps, buildings, building entrances, sidewalks, trees, underground and overhead utilities, utility tunnels and other features required for the development of comprehensive construction documents for future maintenance repairs and new construction at the facility.

The survey shall establish and clearly mark benchmarks at three separate locations; note elevations of the ground or first floor of all buildings; show topographic contours at intervals for each one-foot change in elevation; show all easements on the property and mark the east and south boundary lines along the surveyed portion of the property; and place iron pins indicating the location of the property lines. Electronic media copies as required by the Division of Architectural Services' Policy and Procedures Manual shall be provided.

For additional information regarding the scope of services and an Extent of Survey plan, contact Jim McKinley, agency architect, Juvenile Justice Authority, (785) 296-4213.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. November 16.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 027216

Notice of Redemption  
Rural Water District No. 3  
Douglas County, Kansas  
Taxable Water System Refunding Revenue Bonds  
Series A, 1992  
Dated November 15, 1992

Notice is hereby given that pursuant to Resolution No. 01-2 of the governing body of Rural Water District No. 3, Douglas County, Kansas, and Section 3 of Resolution 92-1 dated November 19, 1992, the following outstanding Rural Water District No. 3, Douglas County, Kansas, Taxable Water System Refunding Revenue Bonds, Series A, 1992, dated November 15, 1992, maturing on and after December 1, 2002, have been called for redemption and prepayment on December 1, 2001 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein:

| Date             | Principal Amount | Interest Rate | CUSIP     |
|------------------|------------------|---------------|-----------|
| December 1, 2002 | 85,000           | 8.20%         | 259048CY0 |
| December 1, 2003 | 95,000           | 8.40%         | 259048CZ7 |
| December 1, 2004 | 75,000           | 8.50%         | 259048DA1 |

The principal amount of the above described Series A, 1992 Bonds shall become due and payable on December 1, 2001, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date.

On December 1, 2001, provided that funds are on hand to pay the specified redemption price, all outstanding Series A, 1992 Bonds will become due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, and from and after December 1, 2001, all interest on the Series A, 1992 Bonds will cease to accrue thereon.

Under the Interest and Dividend Tax Compliance Act of 1983 [Section 3406(a)(1) of the Internal Revenue Code of 1986], as amended, paying agents making payment of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment. Holders of the Series A, 1992 Bonds who desire to avoid the imposition of said tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated October 19, 2001.

Rural Water District No. 3  
Douglas County, Kansas

Doc. No. 027212

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

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

**Notice of Redemption**  
**Rural Water District No. 3**  
**Douglas County, Kansas**  
**Water System Utility Refunding and**  
**Improvement Revenue Bonds**  
**Series 1996**  
**Dated April 15, 1996**

Notice is hereby given that pursuant to Resolution No. 01-2 of the governing body of Rural Water District No. 3, Douglas County, Kansas, and Section 3 of Resolution 96-1 dated April 2, 1996, the following outstanding Rural Water District No. 3, Douglas County, Kansas, Water System Utility Refunding and Improvement Revenue Bonds, Series 1996, dated April 15, 1996, maturing on and after December 1, 2002, have been called for redemption and prepayment on December 1, 2001 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein:

| Date             | Principal Amount | Interest Rate | CUSIP     |
|------------------|------------------|---------------|-----------|
| December 1, 2002 | 40,000           | 4.85%         | 259048DJ2 |
| December 1, 2003 | 45,000           | 5.00%         | 259048DK9 |
| December 1, 2004 | 70,000           | 5.10%         | 259048DL7 |
| December 1, 2005 | 155,000          | 5.20%         | 259048DM5 |
| December 1, 2006 | 160,000          | 5.30%         | 259048DN3 |
| December 1, 2007 | 170,000          | 5.40%         | 259048DP8 |
| December 1, 2008 | 100,000          | 5.50%         | 259048DQ6 |

The principal amount of the above described Series 1996 Bonds shall become due and payable on December 1, 2001, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date.

On December 1, 2001, provided that funds are on hand to pay the specified redemption price, all outstanding Series 1996 Bonds will become due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, and from and after December 1, 2001, all interest on the Series 1996 Bonds will cease to accrue thereon.

Under the Interest and Dividend Tax Compliance Act of 1983 [Section 3406(a)(I) of the Internal Revenue Code of 1986], as amended, paying agents making payment of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment. Holders of the Series 1996 Bonds who desire to avoid the imposition of said tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated October 19, 2001.

Rural Water District No. 3  
Douglas County, Kansas

Doc. No. 027213

**Notice of Redemption**  
**Rural Water District No. 3**  
**Douglas County, Kansas**  
**Water System Revenue Bonds**  
**Series 1997**  
**Dated January 1, 1997**

Notice is hereby given that pursuant to Resolution No. 01-2 of the governing body of Rural Water District No. 3, Douglas County, Kansas, and Section 3 of Resolution 97-1 dated January 7, 1997, the following outstanding Rural Water District No. 3, Douglas County, Kansas, Water System Revenue Bonds, Series 1997, dated January 1, 1997, maturing on and after December 1, 2002, have been called for redemption and prepayment on December 1, 2001 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein:

| Date             | Principal Amount | Interest Rate | CUSIP     |
|------------------|------------------|---------------|-----------|
| December 1, 2002 | 135,000          | 4.90%         | 259048DW3 |
| December 1, 2003 | 135,000          | 5.00%         | 269048DX1 |
| December 1, 2004 | 150,000          | 5.10%         | 259048DY9 |
| December 1, 2005 | 150,000          | 5.20%         | 259048DZ6 |
| December 1, 2006 | 165,000          | 5.30%         | 259048EA0 |
| December 1, 2007 | 65,000           | 5.40%         | 259048EB8 |
| December 1, 2008 | 70,000           | 5.50%         | 259048EC6 |
| December 1, 2009 | 75,000           | 5.60%         | 259048ED4 |
| December 1, 2010 | 80,000           | 5.70%         | 259048EE2 |
| December 1, 2011 | 80,000           | 5.75%         | 259048EF9 |

The principal amount of the above described Series 1997 Bonds shall become due and payable on December 1, 2001, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date.

On December 1, 2001, provided that funds are on hand to pay the specified redemption price, all outstanding Series 1997 Bonds will become due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, and from and after December 1, 2001, all interest on the Series 1997 Bonds will cease to accrue thereon.

Under the Interest and Dividend Tax Compliance Act of 1983 [Section 3406(a)(I) of the Internal Revenue Code of 1986], as amended, paying agents making payment of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment. Holders of the Series 1997 Bonds who desire to avoid the imposition of said tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated October 19, 2001.

Rural Water District No. 3  
Douglas County, Kansas

Doc. No. 027214

## State of Kansas

## State Corporation Commission

Temporary Administrative  
RegulationsArticle 4.—MOTOR CARRIERS  
OF PERSONS AND PROPERTY

82-4-3. **Motor carrier safety regulations.** (a) The following parts of the federal rules and regulations promulgated by the U.S. department of transportation are hereby adopted by reference. The adoption by reference shall cover the parts as in effect on October 1, 2000:

(1) General: 49 C.F.R. Part 390, except for the following:

(A) 49 C.F.R. 390.3(b) and (f);

(B) the following terms as they appear in 49 C.F.R. 390.5: “motor vehicle,” “person,” and “private motor carrier of property”; “commercial motor vehicle,” “motor carrier,” and “driver”; and

(C) 49 C.F.R. 390.11;

(2) qualifications of drivers: 49 C.F.R. Part 391, except for the following:

(A) 49 C.F.R. 391.11(b)(1);

(B) 49 C.F.R. 391.67; and

(C) 49 C.F.R. 391.69;

(3) driving of motor vehicles: 49 C.F.R. Part 392;

(4) parts and accessories necessary for safe operation: 49 C.F.R. Part 393, except 49 C.F.R. 393.81, 393.87, and 393.95(a);

(5) hours of service of drivers: 49 C.F.R. Part 395, except 49 C.F.R. 395.1(h)(i), and (k);

(6) hours of service of drivers engaged in transportation for agricultural operations: 49 C.F.R. 395.1(k), with the following provisions:

(A) “Agricultural commodities” means the unprocessed products of agriculture, horticulture, and cultivation of the soil, including wheat, corn, hay, milo, sorghum, and soybeans. Agricultural commodities shall not include livestock and livestock products, milk, honey, poultry products, timber products, and nursery stock, nor shall the term include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded;

(B) “farm supplies” means supplies or equipment for use in the planting or harvesting of agricultural commodities, but shall not include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded; and

(C) “hazardous materials,” as used in K.A.R. 82-4-3(a)(6) only, shall not include fertilizer, animal waste used as fertilizer, anhydrous ammonia, and pesticides; and

(D) “planting and harvesting season” means the time periods for planting and harvesting that occur between January 1 and December 31;

(7) inspection, repair, and maintenance: 49 C.F.R. Part 396;

(8) transportation of hazardous materials; driving and parking rules: 49 C.F.R. Part 397;

(9) transportation of migrant workers: 49 C.F.R. Part 398;

(10) employee safety and health standards: 49 C.F.R. Part 399;

(11) minimum levels of financial responsibility for motor carriers: 49 C.F.R. Part 387;

(12) procedures for transportation workplace drug testing programs: 49 C.F.R. Part 40 and 49 C.F.R. Part 382;

(13) safety fitness procedures: 49 C.F.R. Part 385; and

(14) rules of practice for motor carrier safety and hazardous materials proceedings: 49 C.F.R. 386.72.

(b) Whenever the incorporated federal regulations or other operator standards refer to portions of the federal regulations or other operating standards that are not included under subsection (a) of this regulation, those references shall not be applicable to this regulation unless otherwise specifically adopted.

(c) The following terms as used in this regulation and the identified sections of the regulations adopted by reference shall be defined as follows:

(1) “Authorized personnel,” as used in 49 C.F.R. 396.9(c), means members of the Kansas highway patrol, any other law enforcement officer in the state, or authorized representatives of the commission who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.

(2) “Regional director of motor carriers,” as used in 49 C.F.R. 391.51(b)(2), means the director of the transportation division of the commission.

(3) “Regional director of motor carriers,” as used in 49 C.F.R. 391.51(g), means the superintendent of the Kansas highway patrol and the director of the transportation division of the commission.

(4) “Special agent of FHWA” and “special agent of the federal highway administration and authorized representatives of the federal highway administration,” as used in 49 C.F.R. 395.13(a), 398.8(a), and appendix B to subchapter B, mean authorized representatives of the commission, and members of the Kansas highway patrol or any other law enforcement officers in the state who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.

(d) The commission’s safety regulations and the federal safety regulations adopted by reference in this article shall not apply to the occasional transportation of personal property by private motor carriers that is not for compensation and is not in the furtherance of a commercial enterprise. (Authorized by and implementing K.S.A. 2000 Supp. 66-1,112, as amended by L. 2001, Ch. 92, § 9, K.S.A. 2000 Supp. 66-1,112a, K.S.A. 66-1,112g, K.S.A. 2000 Supp. 66-1,114, K.S.A. 2000 Supp. 66-1,115, as amended by L. 2001, Ch. 92, § 10 and K.S.A. 66-1,129, as amended by L. 2001 Ch. 73, § 3; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended, T-82-9-13-99, Sept. 13, 1999; amended March 3, 2000; amended T-82-4-7-00, April 17, 2000; amended July 28, 2000; amended, T-82-10-25-01, Oct. 25, 2001.)

82-4-26a. **Certain private motor carriers exempt from obtaining commission authority.** A private motor carrier engaged in the occasional transportation of per-

(continued)

sonal property that is not for compensation and is not in the furtherance of a commercial enterprise shall not be required to apply for a certificate, permit, or license. (Authorized by K.S.A. 2000 Supp. 66-1,112, as amended by L. 2001, Ch. 92, § 9, 66-1,112a, K.S.A. 66-1,112g, K.S.A. 2000 Supp. 66-1,114 and K.S.A. 2000 Supp. 66-1,115, as amended by L. 2001, Ch. 92, § 10; implementing K.S.A. 2000 Supp. 66-1,114, K.S.A. 2000 Supp. 66-1,115, as amended by L. 2001, Ch. 92, § 10 and K.S.A. 2000 Supp. 66-1,116, as amended by L. 2001, Ch. 92, § 11, K.S.A. 66-1,117; effective, T-82-10-25-01, Oct. 25, 2001.)

Jeffrey S. Wagaman  
Executive Director

Doc. No. 027217

## State of Kansas

### State Fire Marshal

#### Temporary Administrative Regulations

#### Article 24.—REGIONAL HAZARDOUS MATERIALS RESPONSE

22-24-1. **Definitions.** (a) “Chemical assessment team” (CAT) means either of the following:

- (1) A type of emergency response team whose primary objective is the assessment of chemical hazards; or
- (2) those members of a hazardous materials response team whose primary objective is the assessment of chemical hazards.

(b) “Division” means the hazardous materials response division of the Kansas state fire marshal’s office.

(c) “Emergency response team” means a hazardous materials response team or chemical assessment team that has entered into a contract with the state fire marshal’s office to provide a response to hazardous materials incidents.

(d) “Hazardous materials response team” means a team whose primary responsibility is to respond to hazardous materials incidents with full capabilities to control or mitigate the situation in order to protect life and property from the hazardous materials incident.

(e) “Local authority” means the local unit of government’s public safety agency that is in overall command at the scene of a hazardous materials incident.

(f) “Management system” means a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of assigned resources to effectively accomplish stated objectives at the scene of an incident.

(g) “Mitigation” means the actions taken by an emergency response team to lessen the severity or intensity of a hazardous materials incident. Mitigation shall not include restoration of the scene to its preaccident condition and shall not be interpreted as including cleanup procedures, remediation, or both.

(h) “NFPA” means the national fire protection association.

(i) “Primary response area” means the geographic portion of the state to which an emergency response team

has been assigned to provide the principal response to incidents occurring in that area.

(j) “Regional response team program” means the system of regionally located emergency response teams who have contracted with the state fire marshal to provide a response to hazardous materials incidents occurring in that area.

(k) “Response area” means the primary or secondary response area of an emergency response team.

(l) “Secondary response area” means the geographic portion of the state to which an emergency response team has been assigned to provide the alternate response to incidents occurring in that area.

(m) “State fire marshal” means the state fire marshal or the state fire marshal’s designee. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

22-24-2. **Team response areas.** (a) The primary and secondary response areas for each emergency response team shall be established by the state fire marshal. Each team shall be assigned at least one secondary area.

(b) The factors used by the state fire marshal in establishing these primary and secondary response areas shall include the following:

- (1) The number and geographic location of fixed facilities manufacturing, using, or storing hazardous materials that may pose a threat to life or property if released;
- (2) the number of miles of primary transportation routes in a given area, including highways, rail lines, commercially navigable waterways, pipelines, and airports;
- (3) the population of each county;
- (4) any special conditions that may be present in a given area of the state and the need for specialized equipment unique to those conditions that might affect emergency response capability;
- (5) the existing local capabilities for dealing with hazardous materials incidents; and

(6) any other factor that could contribute to the potential for a hazardous materials release that could threaten life or property, thus meriting an emergency response.

(c) The boundaries of each response area shall be reviewed and, if needed, adjusted by the state fire marshal at least every two years. The adjustment of boundaries shall not be modified, conditioned, or limited by any collective bargaining agreement or memorandum of agreement.

(d) Each emergency response team shall respond to any area of the state when directed to do so by the state fire marshal. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

22-24-3. **Adoption by reference.** (a) The following nationally recognized standards are hereby adopted by reference:

- (1) “Recommended practice for responding to hazardous materials incidents,” national fire protection association pamphlet no. 471 (NFPA 471), including appendices, 1997 edition;
- (2) “standard on professional competence of responders to hazardous materials incidents,” national fire protection association pamphlet no. 472 (NFPA 472), includ-



ing appendices, but excluding chapters 7, 8, 9, 10, and 11, 1997 edition; and

(3) "standard for competencies for EMS personnel responding to hazardous materials incidents," national fire protection association pamphlet no. 473 (NFPA 473), including appendices, 1997 edition.

(b) Each team member shall comply with the provisions of "hazardous waste operations and emergency response," 29 C.F.R. 1910.120(q), as in effect on March 7, 1996, and hereby adopted by reference. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-4. Qualifications of team members.** (a) Each member of each emergency response team shall successfully complete annual refresher training that meets or exceeds the continuing education requirements of 29 C.F.R. 1910.120(q)(8).

(b) Each employer of one or more emergency response team members shall document all hazardous material training and continuing education, and these records shall be made available to the state fire marshal upon request. Each employer of one or more emergency response team members shall annually certify to the state fire marshal in writing that each team member has met the medical requirements of 29 C.F.R. 1910.120(q)(9) and the educational requirements of 29 C.F.R. 1910.120(q)(6)(i), (ii), and (iii).

(c) Any of the training or educational requirements identified in these regulations may be waived by the state fire marshal, and a substitute requirement or standard issued by the occupational safety and health administration or the NFPA may be approved by the state fire marshal, if the substitute requirement or standard is equivalent to, meets, or exceeds the requirement to be replaced. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-5. Composition of teams.** (a) Each hazardous materials response team shall consist of at least nine members who possess the qualifications established by K.A.R. 22-24-3 and K.A.R. 22-24-4. A minimum of four members shall be available for response at any time.

(b) Each chemical assessment team shall consist of at least six members who possess the qualifications established by K.A.R. 22-24-3 and K.A.R. 22-24-4. A minimum of three members shall be available for response at any time.

(c) Each emergency response team member shall be certified by that individual's employer as meeting the qualifications for hazardous materials technicians established by NFPA 472. Each emergency response team member assigned to provide emergency medical support shall be certified by that individual's employer as meeting the qualifications for a level II responder or a higher level as defined by NFPA 473 and shall be currently certified or registered as an emergency medical technician by the state of Kansas board of emergency medical services.

(d) Emergency response teams may consist of personnel from one or more public or nonpublic entities. Each team shall designate a single point of contact for purposes of emergency dispatch, a single authority for contract ad-

ministration, and the employer responsible for the employer requirements set out in these regulations. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-6. Responsibilities of teams.** (a) As its primary responsibility, each hazardous materials response team shall assist local authorities by recommending emergency actions necessary to protect life and property from the effects of a release of a hazardous material. These emergency actions may include preventing releases, mitigating a release, stabilizing the situation, and any other actions necessary to control the incident.

(b) As its primary responsibility, each chemical assessment team shall assist local authorities by providing technical advice and recommending mitigation actions to local incident commanders. Each chemical assessment team may assist the hazardous materials response team by responding in conjunction with them, assessing the chemical issues, and assisting in the formulation of strategies to mitigate or prevent incidents. The chemical assessment team may mitigate the effects of a release and stabilize the situation after contacting the hazardous materials response team and obtaining advice when necessary.

(c) When requested by the local incident commander and approved by the emergency response team commander, the emergency response team may remain at the scene and provide continuing assistance by monitoring cleanup activity conducted by local, state, or federal agencies or private entities for the purpose of ensuring public safety. The emergency response team shall not be required to remain at the scene. If the emergency response team remains, the team's costs shall be recoverable costs against the responsible party as provided in K.A.R. 22-24-14.

(d) An emergency response team shall not take any of the following actions:

(1) Transport, store, dispose of, or perform remedial cleanup of hazardous materials, except as may be incidentally necessary to mitigate an emergency;

(2) assume overall command of the hazardous materials incident, except that the team shall establish a joint command comprised of the local incident commander and the emergency response team commander if local authorities do not have incident command training; or

(3) mitigate incidents involving explosives, explosive devices, incendiary devices, shock-sensitive explosive chemicals, or clandestine drug labs, except to respond to the effects of a hazardous materials release that has occurred as a consequence of these incidents. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-7. Reporting and documentation.** (a) Each emergency response team shall submit to the state fire marshal's office a detailed report of its response to each incident. The report shall be prepared in a manner and on a form prescribed by the state fire marshal and shall include the following data:

(1) A list of all equipment used and the personnel who responded;

(2) a description of all emergency actions taken;

(continued)

(3) a copy of the site safety plans developed during the response; and

(4) completed cost-recovery forms.

(b) When an emergency response has been activated, the emergency response team commander shall notify the Kansas department of health and environment and the Kansas division of emergency management.

(c) Each local jurisdiction requesting assistance from the emergency response team shall notify the local Kansas division of emergency management representative and the Kansas department of health and environment that an incident has occurred. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-8. Emergency preplanning.** (a) Any emergency response team may submit a request to the state fire marshal for information concerning hazardous materials that are stored or used by a state agency. Upon request of the state fire marshal, the state agency shall furnish the requested information to the division.

(b) Each government agency, including any county, city, township, or school district, shall provide information relating to its storage or use of hazardous materials when requested by an emergency response team. The local government agency shall furnish the requested information directly to the requesting team.

(c) Information that may be requested under either subsection (a) or (b) shall include the following:

(1) A copy of any facility preplans;

(2) a copy of the state or local agency's hazardous materials emergency response plan;

(3) a statement describing the local agency's level of hazardous materials training;

(4) a description of the resources available locally to support hazardous materials response actions; and

(5) any other information reasonably needed by the requesting team. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-9. Emergency response assistance.** Any emergency response team may secure for use during an emergency response any technical assistance or specialized equipment necessary to safely and properly respond to an incident. When the incident involves explosives, explosive devices, incendiary devices, or shock-sensitive explosive chemicals, the team shall request assistance from a qualified bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit. No emergency response team member shall take any action except as directed by the responding explosives unit. The costs associated with the activation of a bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall not be recoverable from the hazardous materials emergency response program. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-10. Review and evaluation of response.** Each emergency response team shall conduct an evaluation of its response to each incident after termination of the team's response. The team shall give all public and private agencies involved in the response the opportunity

to participate in the evaluation. The team shall prepare a written report following completion of the evaluation, a copy of which shall be provided to the state fire marshal within 45 days after termination of the team's response. For good cause shown, the length of the time in which the report is submitted may be extended by the state fire marshal for an additional 90 days. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-11. Supplies, equipment, and vehicles for hazardous materials response teams.** Each hazardous materials response team shall have immediate access to the following general categories of supplies and equipment in suitable quantities to respond to anticipated hazardous materials incidents: (a) Chemical reference and emergency response manuals;

(b) personal protective equipment;

(c) decontamination equipment and supplies;

(d) leak-control supplies and equipment;

(e) radios and other forms of communications equipment;

(f) computer equipment and supporting software;

(g) monitoring and detection equipment;

(h) basic suppression equipment;

(i) spill containment supplies and equipment;

(j) assorted nonsparking hand tools;

(k) basic first aid supplies; and

(l) related incident management and administrative supplies and equipment. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-12. Equipment for chemical assessment teams.** Each chemical assessment team shall have immediate access to the following general categories of supplies and equipment in suitable quantities to respond to anticipated hazardous materials incidents: (a) Chemical reference and emergency response manuals;

(b) personal protective equipment;

(c) decontamination equipment and supplies;

(d) leak-control supplies and equipment;

(e) radios and other forms of communications equipment;

(f) monitoring and detection equipment;

(g) assorted nonsparking hand tools;

(h) basic first aid supplies; and

(i) related incident management and administrative supplies and equipment. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-13. Emergency response criteria and dispatch.** (a) Each emergency response team shall engage in an emergency response only if it is authorized by the state fire marshal. An emergency response may include technical assistance provided by a team via telephone or other means of communication or the deployment of team personnel and equipment to the scene of a hazardous material incident. An emergency response team response shall be authorized by the state fire marshal whenever it appears necessary to protect life or property from the effects or potential effects of a hazardous materials release.

(b) Each decision to authorize an emergency response shall be based on consideration of all of the following criteria:

(1) A hazardous materials release has occurred, or there is a significant potential for release.

(2) The release or threat of release poses a significant threat to life or property.

(3) Local authorities on the scene have determined that the situation exceeds their capabilities.

(4) Local authorities are requesting a team response.

(c) Only the local incident commander or designee for the jurisdiction in which the scene of the hazardous materials incident is located shall be authorized to request an emergency response team. Each request for an emergency response team shall be made to the state fire marshal. The communications arrangements provided by the state fire marshal shall allow 24-hour-a-day notification of a request for a response.

(d) Each team, when authorized to respond under subsection (a), shall evaluate the situation, determine if an emergency response is needed, and act accordingly. Any question or concerns arising out of the team's decisions may be relayed to the division.

(e) An emergency response team may be authorized by the state fire marshal to provide standby technical assistance in support of a bomb squad response. A response under this subsection shall be limited to incidents involving explosives, explosive devices, incendiary devices, or shock-sensitive explosive chemicals. A bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall be on the scene. When an emergency response team responds under this subsection, its costs shall be recoverable under the provisions of these regulations. The costs of activation of a bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall not be recoverable expenses.

(f) If an emergency team is en route to an incident, the team's response may be cancelled only by the state fire marshal or by the local incident commander.

(g) The emergency response team commander or safety officer may terminate any response action at the scene of a hazardous materials incident when it is determined that response action would place any personnel in imminent danger. A team response may also be terminated at the scene of an incident by order of the local incident commander. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-14. Cost recovery.** (a) When an emergency response team is activated to respond to a hazardous materials incident, the party responsible for the hazardous materials shall be responsible for paying the costs incurred as a result of the team's emergency response. The responsible party shall be billed by the state fire marshal for these costs in a summary order. If the responsible party fails to pay the bill in full within 30 days of its issuance, a second billing shall be issued by the state fire marshal. The second billing and any subsequent billings shall include interest on the unpaid balance. If payment is not made in full within 60 days of the initial billing, the responsible party shall be contacted by the state fire marshal in an effort to obtain payment. If the matter remains

unresolved, legal action shall be brought to recover the costs of the response, any legal fees, and other related expenses, including reasonable attorney's fees.

(b) Within 30 days of the original billing issued as a summary order, any responsible party who disagrees with a billing for costs incurred as a result of an emergency response may request a hearing, which shall be conducted in accordance with the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. The request for a hearing shall specifically identify the portion of the billing that is disputed and the factual basis of that dispute. Any remaining portion of the bill that is undisputed shall be paid in accordance with subsection (a). (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-15. Coordinating emergency response activities.** (a) The local authority that has jurisdiction and that requested the emergency response shall provide all necessary assistance to the emergency response team. The emergency response team commander shall coordinate with those local, state, or federal agencies, or other organizations that are on the scene or providing assistance.

(b) Mutual aid agreements, interlocal agreements, or other forms of written agreements with local, state, or federal agencies within and without this state may be entered into by the state fire marshal to mutually support and foster assistance in response to hazardous materials incidents. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-16. Liability.** Each member of each emergency response team shall be considered a state employee for purposes of coverage under the tort claims act, K.S.A. 75-6101 et seq. and amendments thereto, upon activation by the state fire marshal for an emergency response or in connection with authorized training. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-17. Workers compensation.** For the purposes of workers compensation coverage, each member of each emergency response team shall at all times be considered an employee of the public or nonpublic entity contracting with the state fire marshal to provide emergency response team services. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001.)

**22-24-18. Advisory committee.** A hazardous materials advisory committee may be appointed by the state fire marshal to provide input and assistance to the hazardous materials program and act as advisor to the state fire marshal and the director of the division. The committee shall meet periodically as determined by the state fire marshal. (Authorized by and implementing K.S.A. 31-133 and 31-135; effective, T-22-10-25-01, Oct. 25, 2001.)

Gale Haag  
State Fire Marshal

Doc. No. 027218

## State of Kansas

## Racing and Gaming Commission

Permanent Administrative  
Regulations

## Article 10.—ANIMAL HEALTH

112-10-3. **Practicing veterinarians.** (a)(1) Each practicing veterinarian at a racetrack facility shall possess a current unrestricted license to practice veterinary medicine in the state of Kansas and shall secure an occupation license in accordance with the racing act and commission regulations. One condition of possessing an occupation license shall be the practicing veterinarian's compliance with the regulations of the Kansas board of veterinary medical examiners.

(2) Before an occupation license is issued, each practicing veterinarian shall meet with the animal health officer to verify that the practicing veterinarian has reviewed these racing regulations and is informed about existing medication practice. Each practicing veterinarian, the animal health officer, and each assistant animal health officer shall be the only individuals who may administer veterinary treatment, medicine, or medication to any horse at the racetrack facility or to any horse registered to race at the racetrack facility. Recognized feed supplements, oral tonics, and substances approved by the animal health officer shall not be subject to this regulation.

(b) Each practicing veterinarian at a racetrack facility who treats a horse for any contagious or communicable disease shall report the fact immediately in writing to the animal health officer or assistant animal health officers on a form approved by the animal health officer.

(c) Each practicing veterinarian who treats a horse at a racetrack facility shall record the treatment in a log that has been approved by the animal health officer. Each practicing veterinarian shall deliver the log by 10:00 a.m. of the day after the treatment to the assistant animal health officers' office at the racetrack facility. Each log shall be the practicing veterinarian's commission report.

(d) Each practicing veterinarian at a racetrack facility also shall maintain a treatment record on each horse that the practicing veterinarian treats during a race meeting. The records shall be compiled in a form similar to the treatment record ordinarily maintained by the practicing veterinarian in private practice. Each practicing veterinarian shall promptly surrender the treatment records to the commission upon its request. Information to be recorded in the treatment record shall include the following:

- (1) Name and location of the horse treated;
- (2) name of the trainer;
- (3) nature of the condition treated or probable diagnosis;
- (4) nature of the treatment and medication administered; and
- (5) date and hour of treatment.

(e) No veterinarian shall deliver to another individual at a racetrack facility a syringe or injectable medication except upon written authorization of the animal health officer or assistant animal health officer.

(f) No practicing veterinarian who treats a horse at a racetrack facility shall wager on the outcome of any race in which the treated horse starts.

(g) Each drug and medication at a racetrack facility shall be in a container bearing a veterinarian's prescription or in the original container bearing the manufacturer's label with the serial or lot number. Each practicing veterinarian shall use only disposable syringes and needles to medicate horses. No veterinarian shall leave unattended a drug or medication or any equipment for administering the drug or medication. All equipment for administering the drug or medication shall be destroyed before it is discarded. All drugs, medication, and equipment shall be disposed of in a manner that is environmentally safe. (Authorized by K.S.A. 2000 Supp. 74-8804; implementing K.S.A. 2000 Supp. 74-8810 and 74-8816; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended Nov. 16, 2001.)

112-10-6. **Bleeder list.** (a) For the purpose of this regulation, a bleeder is defined as any equine exhibiting exercise-induced pulmonary hemorrhage (EIPH) manifested by the presence of frank blood appearing from either nostril or the presence of frank blood in the trachea.

(b) Subject to the requirements of these racing regulations, furosemide may be administered to any horse that is entered in a race if its name is on the bleeder list. A horse's name shall be placed on the bleeder list if any one of the following conditions is met:

(1) The animal health officer or an assistant animal health officer observes the horse shed blood from one or both nostrils during or following exercise or a race.

(2) A practicing veterinarian who is employed by the owner of the horse, and the animal health officer or an assistant animal health officer determine that the horse should be certified as a bleeder after an endoscopic examination of the respiratory tract conducted by the practicing veterinarian under the observation of the animal health officer or an assistant animal health officer.

(3) A bleeder certificate for the horse is attached to the horse's papers on file in the racing secretary's office, and the certificate is from a jurisdiction that uses bleeder qualification criteria satisfactory to the animal health officer or an assistant animal health officer. Each certificate shall bear the signature of the racing commission official in the state of origin.

(c) For each horse that does not have a bleeder certificate and that is observed bleeding for the first time ever, both of these requirements shall be met:

(1) The horse's name shall be placed on the bleeder list for a minimum of 10 days or until the animal health officer or assistant animal health officer removes it.

(2) The horse's owner shall receive an official Kansas bleeder certificate signed by the animal health officer or assistant animal health officer and attached to the registration certificate of this horse.

(d) Each horse that has a bleeder certificate and is racing after the administration of furosemide shall be subject to the following restrictions:

(1) The first time a horse is observed bleeding, its name shall be placed on the bleeder list, and the name shall

remain there for a minimum of 20 days or until the animal health officer or assistant animal health officer removes it.

(2) The second time a horse is observed bleeding within a 12-month period, its name shall be placed on the bleeder list, and the name shall remain there for a minimum of 30 days or until the animal health officer or assistant animal health officer removes it.

(3) The third time a horse is observed bleeding within a 12-month period, the horse shall be barred from pari-mutuel racing in Kansas for a minimum of one year or any additional time as determined by the animal health officer or designee after an endoscopic examination of the horse's respiratory tract.

(e) Each owner shall receive a bleeder certificate signed by the animal health officer or an assistant animal health officer if the name of the owner's horse is placed on the bleeder list. Each horse's name shall be removed from the bleeder list only by the animal health officer or an assistant animal health officer, who shall notify the stewards in writing of the reason for removal.

(f) The bleeder list shall be current and shall be posted in the racing secretary's office. (Authorized by K.S.A. 2000 Supp. 74-8804; implementing K.S.A. 2000 Supp. 74-8806 and 74-8811; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13,

1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended March 21, 1997; amended July 16, 1999; amended Nov. 16, 2001.)

**Article 17.—FAIR ASSOCIATION OR HORSEMEN'S NONPROFIT ORGANIZATION**

112-17-4. **Financial resources, fair association, and horsemen's nonprofit organization applicant.** Each application for a fair association or horsemen's nonprofit organization license in which the applicant proposes to own or to construct a racetrack facility shall contain the following information concerning the applicant's financial resources: (a) A financial statement that reflects the applicant's current assets, including investments, loans, and advances receivable; and

(b) fixed assets and current liabilities, including loans and advances payable, long-term debt, and equity. (Authorized by K.S.A. 2000 Supp. 74-8804, and 74-8814; implementing K.S.A. 2000 Supp. 74-8804, 74-8813, as amended by L. 2001, Ch. 5, Sec. 342, and 74-8814; effective Nov. 30, 1992; amended July 10, 1995; amended Nov. 16, 2001.)

Tracy T. Diel  
Acting Executive Director

Doc. No. 027220

**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 and 2001 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

| Reg. No. | Action  | Register       |
|----------|---------|----------------|
| 1-5-8    | Amended | V. 20, p. 730  |
| 1-5-9    | Amended | V. 20, p. 730  |
| 1-5-19b  | Amended | V. 20, p. 730  |
| 1-5-19c  | Amended | V. 20, p. 730  |
| 1-5-20   | Amended | V. 20, p. 731  |
| 1-18-1a  | Amended | V. 20, p. 1602 |
| 1-45-1   | Amended | V. 20, p. 1602 |
| 1-45-7   | Amended | V. 20, p. 1603 |
| 1-45-7a  | New     | V. 20, p. 1603 |

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

| Reg. No. | Action  | Register      |
|----------|---------|---------------|
| 4-3-47   | Amended | V. 20, p. 861 |
| 4-3-49   | Amended | V. 20, p. 861 |
| 4-3-51   | New     | V. 20, p. 861 |
| 4-10-2j  | Amended | V. 20, p. 431 |
| 4-10-5   | Amended | V. 20, p. 430 |
| 4-10-5a  | New     | V. 20, p. 431 |

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

| Reg. No. | Action  | Register      |
|----------|---------|---------------|
| 5-25-4   | Amended | V. 20, p. 294 |

**AGENCY 7: SECRETARY OF STATE**

| Reg. No.               | Action  | Register            |
|------------------------|---------|---------------------|
| 7-17-1 through 7-17-24 | New     | V. 20, p. 1524-1528 |
| 7-19-1 through 7-19-7  | Revoked | V. 20, p. 1528      |
| 7-24-2                 | Amended | V. 20, p. 323       |
| 7-25-1                 | Amended | V. 20, p. 325       |
| 7-26-1                 | Amended | V. 20, p. 325       |
| 7-26-2                 | Amended | V. 20, p. 325       |
| 7-28-1                 | Amended | V. 20, p. 325       |
| 7-29-2                 | Amended | V. 20, p. 325       |
| 7-36-4                 | Amended | V. 20, p. 326       |
| 7-38-1                 | Amended | V. 20, p. 326       |
| 7-39-1                 | Amended | V. 20, p. 1566      |
| 7-41-1 through 7-41-13 | New     | V. 20, p. 1021-1023 |

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

| Reg. No. | Action      | Register       |
|----------|-------------|----------------|
| 9-7-19   | New (T)     | V. 20, p. 934  |
| 9-10-33  | New         | V. 20, p. 1393 |
| 9-10-33a | New         | V. 20, p. 1393 |
| 9-18-1   | Amended (T) | V. 20, p. 1567 |
| 9-22-4   | New (T)     | V. 20, p. 1567 |
| 9-22-5   | New (T)     | V. 20, p. 1568 |

**AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS**

| Reg. No. | Action  | Register       |
|----------|---------|----------------|
| 23-1-11  | Revoked | V. 20, p. 1061 |
| 23-8-27  | Revoked | V. 20, p. 1061 |

**AGENCY 26: DEPARTMENT ON AGING**

| Reg. No. | Action  | Register       |
|----------|---------|----------------|
| 26-11-1  | New (T) | V. 20, p. 1496 |
| 26-11-2  | New (T) | V. 20, p. 1496 |

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

| Reg. No.                  | Action  | Register      |
|---------------------------|---------|---------------|
| 28-10-15 through 28-10-35 | Revoked | V. 20, p. 322 |
| 28-10-37                  | Revoked | V. 20, p. 322 |

|                             |         |                     |
|-----------------------------|---------|---------------------|
| 28-10-38                    | Revoked | V. 20, p. 322       |
| 28-10-39                    | Revoked | V. 20, p. 322       |
| 28-10-75 through 28-10-88   | Revoked | V. 20, p. 322       |
| 28-10-100 through 28-10-108 | Revoked | V. 20, p. 322       |
| 28-15-35                    | Amended | V. 20, p. 725       |
| 20-15-36                    | Amended | V. 20, p. 728       |
| 28-15-36a                   | Amended | V. 20, p. 728       |
| 28-15-37                    | Amended | V. 20, p. 729       |
| 28-16-28b through 28-16-28e | Amended | V. 20, p. 1264-1270 |
| 28-16-30 through 28-16-36   | Amended | V. 20, p. 1277-1279 |
| 28-16-57                    | Revoked | V. 20, p. 322       |
| 28-16-58                    | Amended | V. 20, p. 1279      |
| 28-16-60                    | Amended | V. 20, p. 1280      |
| 28-16-76 through 28-16-79   | Revoked | V. 20, p. 322       |
| 28-16-82                    | Revoked | V. 20, p. 322       |
| 28-17-6                     | Amended | V. 20, p. 1523      |
| 28-19-79                    | Revoked | V. 20, p. 492       |
| 28-19-202                   | Amended | V. 20, p. 322       |
| 28-19-719                   | New     | V. 20, p. 492       |
| 28-34-1a                    | Amended | V. 20, p. 105       |
| 28-34-6a                    | Amended | V. 20, p. 106       |
| 28-34-9a                    | Amended | V. 20, p. 107       |
| 28-34-21                    | Revoked | V. 20, p. 323       |
| 28-34-26                    | Revoked | V. 20, p. 323       |
| 28-34-27                    | Revoked | V. 20, p. 323       |
| 28-34-28                    | Revoked | V. 20, p. 323       |
| 28-34-30                    | Revoked | V. 20, p. 323       |
| 28-34-32b                   | Amended | V. 20, p. 107       |
| 28-34-50                    | 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       |

(continued)

|           |             |                    |
|-----------|-------------|--------------------|
| 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      |
| 28-36-30  | Amended (T) | V. 20, p. 1122     |
| 28-36-30  | Amended     | V. 20, p. 1675     |
| 28-36-60  | New (T)     | V. 20, p. 1122     |
| 28-36-60  | New         | V. 20, p. 1675     |
| 28-36-120 | New (T)     | V. 20, p. 1122     |
| 28-36-120 | New         | V. 20, p. 1675     |
| 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      |

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

| Reg. No. | Action  | Register       |
|----------|---------|----------------|
| 30-4-64  | Amended | V. 20, p. 490  |
| 30-5-58  | Amended | V. 20, p. 1023 |
| 30-5-64  | Amended | V. 20, p. 1393 |
| 30-5-92  | Amended | V. 20, p. 1029 |
| 30-5-94  | Amended | V. 20, p. 1030 |
| 30-5-108 | Amended | V. 20, p. 491  |
| 30-6-89  | New     | V. 20, p. 1394 |

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

| Reg. No. | Action  | Register          |
|----------|---------|-------------------|
| 40-1-8   | Revoked | V. 20, p. 946     |
| 40-1-13  | Revoked | V. 20, p. 946     |
| 40-1-30  | Revoked | V. 20, p. 723     |
| 40-1-37  | Amended | V. 20, p. 1343    |
| 40-1-42  | Amended | V. 20, p. 723     |
| 40-1-43  | Amended | V. 20, p. 723     |
| 40-1-46  | New     | V. 20, p. 573     |
| 40-3-29  | Revoked | V. 20, p. 946     |
| 40-4-35  | Amended | V. 20, p. 1307    |
| 40-4-41  | Amended | V. 20, p. 946     |
| 40-4-41b | through |                   |
| 40-4-41g | Amended | V. 20, p. 949-953 |
| 40-4-41h | New     | V. 20, p. 953     |
| 40-4-41i | New     | V. 20, p. 954     |
| 40-4-41j | New     | V. 20, p. 954     |
| 40-5-106 | Revoked | V. 20, p. 1161    |
| 40-5-111 | Revoked | V. 20, p. 1161    |
| 40-7-6   | Revoked | V. 20, p. 1161    |
| 40-9-100 | Amended | V. 20, p. 954     |
| 40-12-1  | Revoked | V. 20, p. 723     |

**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       |
|-----------|---------|----------------|
| 60-3-111  | Amended | V. 20, p. 1522 |
| 60-4-101  | Amended | V. 20, p. 449  |
| 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  |
| 60-11-119 | Amended | V. 20, p. 451  |
| 60-12-106 | Amended | V. 20, p. 1522 |
| 60-13-101 | Amended | V. 20, p. 451  |
| 60-13-112 | Amended | V. 20, p. 1523 |
| 60-16-104 | Amended | V. 20, p. 451  |

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

| Reg. No. | Action | Register      |
|----------|--------|---------------|
| 65-8-5   | New    | V. 20, p. 944 |

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

| Reg. No. | Action  | Register       |
|----------|---------|----------------|
| 66-6-1   | Amended | V. 20, p. 1647 |
| 66-6-4   | Amended | V. 20, p. 1647 |
| 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. 1648 |
| 66-10-13 | Amended | V. 20, p. 1648 |
| 66-14-5  | Amended | V. 20 pp. 1649 |
| 66-14-10 | Amended | V. 20, p. 104  |

**AGENCY 68: BOARD OF PHARMACY**

| Reg. No. | Action  | Register       |
|----------|---------|----------------|
| 68-9-2   | New     | V. 20, p. 1020 |
| 68-14-8  | Amended | V. 19, p. 1830 |

**AGENCY 74: BOARD OF ACCOUNTANCY**

| Reg. No.  | Action  | Register       |
|-----------|---------|----------------|
| 74-4-3a   | Amended | V. 20, p. 1650 |
| 74-4-4    | Amended | V. 20, p. 1650 |
| 74-4-8    | Amended | V. 20, p. 1650 |
| 74-5-2    | Amended | V. 20, p. 1651 |
| 74-5-202  | Amended | V. 20, p. 1652 |
| 74-5-205  | Amended | V. 20, p. 1652 |
| 74-5-302  | Amended | V. 20, p. 1652 |
| 75-5-404a | Amended | V. 20, p. 1652 |
| 74-7-3    | New     | V. 20, p. 1652 |
| 74-11-6   | Amended | V. 20, p. 1653 |
| 74-11-7   | Amended | V. 20, p. 1653 |
| 74-11-8   | through |                |
| 74-11-14  | Revoked | V. 20, p. 1653 |
| 74-11-15  | New     | V. 20, p. 1653 |
| 74-12-1   | Amended | V. 20, p. 1654 |

**AGENCY 75: STATE BANKING DEPARTMENT**

| Reg. No. | Action | Register      |
|----------|--------|---------------|
| 75-6-32  | New    | V. 20, p. 175 |

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

| Reg. No. | Action  | Register             |
|----------|---------|----------------------|
| 80-5-19  | through |                      |
| 80-5-22  | New     | V. 20, p. 1649, 1650 |
| 80-9-1   | New     | V. 20, p. 1650       |
| 80-9-2   | New     | V. 20, p. 1650       |

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

| Reg. No. | Action  | Register       |
|----------|---------|----------------|
| 81-3-1   | Amended | V. 20, p. 1604 |
| 81-3-2   | Amended | V. 20, p. 1606 |
| 81-3-3   | Revoked | V. 20, p. 1606 |
| 81-3-5   | New     | V. 20, p. 1606 |
| 81-4-3   | Revoked | V. 20, p. 1607 |
| 81-5-7   | Amended | V. 20, p. 1607 |

|         |         |                     |
|---------|---------|---------------------|
| 81-14-1 | through |                     |
| 81-14-8 | New     | V. 20, p. 1607-1617 |

**AGENCY 82: STATE CORPORATION COMMISSION**

| Reg. No.  | Action  | Register       |
|-----------|---------|----------------|
| 82-1-250  | New     | V. 20, p. 1094 |
| 82-3-133  | Amended | V. 20, p. 771  |
| 82-3-133a | New     | V. 20, p. 771  |
| 82-3-201  | Amended | V. 20, p. 771  |
| 82-3-206  | Amended | V. 20, p. 771  |
| 82-3-300  | Amended | V. 20, p. 772  |
| 82-3-306  | Amended | V. 20, p. 772  |
| 82-3-307  | Amended | V. 20, p. 773  |
| 82-3-310  | Amended | V. 20, p. 773  |
| 82-3-312  | Amended | V. 20, p. 773  |

**AGENCY 91: DEPARTMENT OF EDUCATION**

| Reg. No. | Action  | Register           |
|----------|---------|--------------------|
| 91-5-14  | Amended | V. 20, p. 108      |
| 91-37-2  | Amended | V. 20, p. 724      |
| 91-37-3  | Amended | V. 20, p. 724      |
| 91-37-4  | Amended | V. 20, p. 724      |
| 91-40-2  | Amended | V. 20, p. 541      |
| 91-40-7  | Amended | V. 20, p. 541      |
| 91-40-9  | Amended | V. 20, p. 542      |
| 91-40-10 | Amended | V. 20, p. 542      |
| 91-40-17 | Amended | V. 20, p. 543      |
| 91-40-18 | Amended | V. 20, p. 544      |
| 91-40-27 | Amended | V. 20, p. 544      |
| 91-40-33 | Amended | V. 20, p. 544      |
| 91-40-36 | Amended | V. 20, p. 545      |
| 91-40-37 | Amended | V. 20, p. 545      |
| 91-40-38 | Amended | V. 20, p. 545      |
| 91-40-52 | Amended | V. 20, p. 545      |
| 91-40-53 | Amended | V. 20, p. 546      |
| 91-41-1  | through |                    |
| 91-41-4  | New     | V. 20, p. 546, 547 |

**AGENCY 92: DEPARTMENT OF REVENUE**

| Reg. No.  | Action  | Register       |
|-----------|---------|----------------|
| 92-9-8    | Revoked | V. 20, p. 1124 |
| 92-12-66  | Revoked | V. 20, p. 1124 |
| 92-12-66a | New     | V. 20, p. 1124 |
| 92-15-6   | Amended | V. 20, p. 1126 |
| 92-19-4a  | Revoked | V. 20, p. 1126 |
| 92-19-4b  | New     | V. 20, p. 1126 |
| 92-19-16a | New     | V. 20, p. 1128 |
| 92-19-24  | Amended | V. 20, p. 1129 |
| 92-19-33  | Amended | V. 20, p. 1129 |
| 92-19-64  | Revoked | V. 20, p. 1129 |
| 92-19-64a | New     | V. 20, p. 1129 |
| 92-19-73  | Amended | V. 20, p. 1130 |
| 92-19-75  | Revoked | V. 20, p. 1130 |
| 92-25-1   | Amended | V. 20, p. 1130 |
| 92-51-33  | Revoked | V. 20, p. 1130 |
| 92-51-40  | Revoked | V. 20, p. 1580 |
| 92-51-50  | Revoked | V. 20, p. 1130 |
| 92-51-51  | Revoked | V. 20, p. 1130 |
| 92-51-52  | Revoked | V. 20, p. 1130 |
| 92-51-54  | Revoked | V. 20, p. 1130 |
| 92-51-55  | Revoked | V. 20, p. 1131 |
| 92-52-9   | Amended | V. 20, p. 1603 |
| 92-52-9a  | Amended | V. 20, p. 1604 |
| 92-53-1   | through |                |
| 92-53-7   | Revoked | V. 20, p. 1131 |
| 92-54-1   | through |                |
| 92-54-5   | Revoked | V. 20, p. 1131 |

**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 100: BOARD OF HEALING ARTS**

| Reg. No.                     | Action      | Register          |
|------------------------------|-------------|-------------------|
| 100-15-1                     | Amended     | V. 20, p. 1093    |
| 100-27-1                     | New         | V. 20, p. 773     |
| 100-28a-1 through 100-28a-16 | New         | V. 20, p. 774-778 |
| 100-60-1                     | Revoked     | V. 20, p. 778     |
| 100-60-2                     | Revoked     | V. 20, p. 778     |
| 100-60-4                     | Revoked (T) | V. 20, p. 251     |
| 100-60-5                     | Revoked     | V. 20, p. 778     |
| 100-60-6                     | Revoked     | V. 20, p. 779     |
| 100-60-8 through 100-6-15    | Revoked     | V. 20, p. 779     |

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

| Reg. No. | Action | Register      |
|----------|--------|---------------|
| 102-1-19 | New    | V. 20, p. 572 |
| 102-2-15 | New    | V. 20, p. 572 |
| 102-3-16 | New    | V. 20, p. 572 |
| 102-4-16 | New    | V. 20, p. 572 |
| 102-5-15 | New    | V. 20, p. 572 |

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

| Reg. No.  | Action  | Register       |
|-----------|---------|----------------|
| 109-9-1   | Amended | V. 20, p. 1675 |
| 109-9-4   | Amended | V. 20, p. 1677 |
| 109-10-1  | Amended | V. 20, p. 1677 |
| 109-11-10 | New     | V. 20, p. 1679 |

**AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING**

| Reg. No.                | Action  | Register       |
|-------------------------|---------|----------------|
| 110-4-1                 | Amended | V. 20, p. 1392 |
| 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  |
| 110-7-1 through 110-7-4 | Revoked | V. 20, p. 1426 |
| 110-7-5                 | New     | V. 20, p. 1426 |
| 110-7-6                 | New     | V. 20, p. 1426 |
| 110-7-8                 | New     | V. 20, p. 1426 |
| 110-7-9                 | New     | V. 20, p. 1426 |
| 110-7-10                | New     | V. 20, p. 1426 |

**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          |
|-----------------------------|---------|-------------------|
| 111-2-4                     | Amended | V. 20, p. 1094    |
| 111-2-119 through 111-2-124 | New     | V. 20, p. 416-419 |
| 111-2-120                   | Amended | V. 20, p. 1094    |
| 111-2-124                   | Amended | V. 20, p. 1343    |
| 111-2-125                   | New     | V. 20, p. 573     |
| 111-2-126                   | New     | V. 20, p. 573     |

|                               |         |                     |
|-------------------------------|---------|---------------------|
| 111-2-127                     | Amended | V. 20, p. 937       |
| 111-2-128                     | New     | V. 20, p. 1188      |
| 111-2-129                     | New     | V. 20, p. 1343      |
| 111-2-130                     | New     | V. 20, p. 1394      |
| 111-3-12                      | Amended | V. 20, p. 40        |
| 111-3-35                      | Amended | V. 20, p. 1189      |
| 111-4-1795 through 111-4-1813 | New     | V. 20, p. 40-47     |
| 111-4-1801                    | Amended | V. 20, p. 1095      |
| 111-4-1803                    | Amended | V. 20, p. 1095      |
| 111-4-1805a                   | New     | V. 20, p. 1095      |
| 111-4-1814 through 111-4-1823 | New     | V. 20, p. 419-427   |
| 111-4-1818                    | Amended | V. 20, p. 575       |
| 111-4-1824                    | New     | V. 20, p. 575       |
| 111-4-1825 through 111-4-1839 | New     | V. 20, p. 937-942   |
| 111-4-1828                    | Amended | V. 20, p. 1096      |
| 111-4-1832                    | Amended | V. 20, p. 1344      |
| 111-4-1840 through 111-4-1844 | New     | V. 20, p. 1096-1100 |
| 111-4-1845 through 111-4-1850 | New     | V. 20, p. 1189-1193 |
| 111-4-1849                    | Amended | V. 20, p. 1344      |
| 111-4-1851                    | New     | V. 20, p. 1345      |
| 111-4-1852                    | New     | V. 20, p. 1346      |
| 111-4-1853                    | New     | V. 20, p. 1347      |
| 111-4-1854 through 111-4-1870 | New     | V. 20, p. 1395-1405 |
| 111-4-1864                    | Amended | V. 20, p. 1569      |
| 111-4-1866                    | Amended | V. 20, p. 1570      |
| 111-4-1867                    | Amended | V. 20, p. 1601      |
| 111-4-1869                    | Amended | V. 20, p. 1601      |
| 111-4-1871                    | New     | V. 20, p. 1571      |
| 111-4-1872                    | New     | V. 20, p. 1572      |
| 111-4-1873                    | New     | V. 20, p. 1572      |
| 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        |
| 111-7-158 through 111-7-162   | New     | V. 20, p. 577       |
| 111-7-159                     | Amended | V. 20, p. 1101      |
| 111-7-162                     | Amended | V. 20, p. 944       |
| 111-7-163 through 111-7-170   | New     | V. 20, p. 1101-1103 |
| 111-7-165                     | Amended | V. 20, p. 1194      |
| 111-8-101 through 111-8-126   | New     | V. 20, p. 1573-1579 |
| 111-9-111                     | New     | V. 20, p. 1406      |
| 111-9-112                     | Amended | V. 20, p. 1579      |

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

| Reg. No. | Action  | Register      |
|----------|---------|---------------|
| 112-4-1  | Amended | V. 20, p. 765 |
| 112-7-19 | Amended | V. 20, p. 547 |

|           |         |               |
|-----------|---------|---------------|
| 112-11-20 | Amended | V. 20, p. 945 |
|-----------|---------|---------------|

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

| Reg. No.                 | Action  | Register       |
|--------------------------|---------|----------------|
| 115-2-1                  | Amended | V. 20, p. 1499 |
| 115-2-4                  | Amended | V. 20, p. 1499 |
| 115-3-1                  | Amended | V. 20, p. 766  |
| 115-3-2                  | Amended | V. 20, p. 767  |
| 115-4-1                  | Revoked | V. 20, p. 767  |
| 115-4-2                  | New     | V. 20, p. 767  |
| 115-4-3                  | Revoked | V. 20, p. 768  |
| 115-4-4                  | New     | V. 20, p. 768  |
| 115-4-5                  | Revoked | V. 20, p. 769  |
| 115-4-7 through 115-4-10 | Revoked | V. 20, p. 769  |
| 115-4-11                 | Amended | V. 20, p. 769  |
| 115-4-12                 | Revoked | V. 20, p. 770  |
| 115-4-13                 | Amended | V. 20, p. 770  |
| 115-8-1                  | Amended | V. 20, p. 1061 |
| 115-8-4                  | Amended | V. 20, p. 1500 |
| 115-8-5                  | Revoked | V. 20, p. 1061 |
| 115-8-8                  | Amended | V. 20, p. 1061 |
| 115-8-12                 | Amended | V. 20, p. 1062 |
| 115-8-16                 | Revoked | V. 20, p. 1062 |
| 115-8-18                 | Revoked | V. 20, p. 1062 |
| 115-8-20                 | Amended | V. 20, p. 1062 |
| 115-8-21                 | Amended | V. 20, p. 1062 |
| 115-13-1                 | Amended | V. 20, p. 1500 |
| 115-13-2                 | Amended | V. 20, p. 1500 |
| 115-13-5                 | Amended | V. 20, p. 1501 |
| 115-14-2                 | Amended | V. 20, p. 1501 |
| 115-14-3                 | Amended | V. 20, p. 1502 |
| 115-14-5                 | Amended | V. 20, p. 1502 |
| 115-14-6                 | Amended | V. 20, p. 1502 |
| 115-14-7                 | Revoked | V. 20, p. 1502 |
| 115-14-9                 | Amended | V. 20, p. 1502 |
| 115-14-10                | Amended | V. 20, p. 1503 |
| 115-18-5                 | Revoked | V. 20, p. 1504 |
| 115-18-8                 | Amended | V. 20, p. 1504 |
| 115-18-9                 | Amended | V. 20, p. 1504 |
| 115-18-14                | Amended | V. 20, p. 1504 |
| 115-18-17                | New     | V. 20, p. 1062 |
| 115-20-1                 | Amended | V. 20, p. 1063 |
| 115-20-2                 | Amended | V. 20, p. 1063 |

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

| Reg. No. | Action  | Register       |
|----------|---------|----------------|
| 117-6-3  | Amended | V. 20, p. 862  |
| 117-6-4  | New     | V. 20, p. 863  |
| 117-7-1  | Amended | V. 20, p. 863  |
| 117-8-1  | Amended | V. 20, p. 1020 |

**AGENCY 118: STATE HISTORICAL SOCIETY**

| Reg. No.                 | Action  | Register            |
|--------------------------|---------|---------------------|
| 118-5-1 through 118-5-10 | New (T) | V. 20, p. 1492-1495 |

**AGENCY 125: AGRICULTURAL REMEDIATION BOARD**

| Reg. No.                | Action  | Register            |
|-------------------------|---------|---------------------|
| 125-1-1 through 125-1-9 | New (T) | V. 20, p. 1496-1498 |

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

---

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

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

**Total Enclosed \_\_\_\_\_**  
**(Make check payable to the Kansas Register)**

**Send to:** \_\_\_\_\_

(Please, no  
more than  
4 address  
lines.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zip code must be included

Rec. No. \_\_\_\_\_ Exp. \_\_\_\_\_ Code \_\_\_\_\_

This space for Register office use only.

---

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

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



Indicate change of name or address  
here:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

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