

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 21, No. 14 April 4, 2002 Pages 433-486

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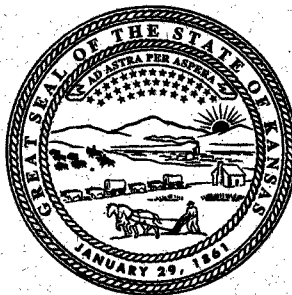
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The KANSAS REGISTER (ISSN 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., 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.

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

Secretary of State

Code Mortgage Rate for April

Pursuant to the provisions of K.S.A. 2001 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of April 1, 2002 through April 30, 2002, is 12.09 percent.

Ron Thornburgh
Secretary of State

Doc. No. 027715

State of Kansas

Secretary of State

Usury Rate for April

Pursuant to the provisions of K.S.A. 2001 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of April 1, 2002 through April 30, 2002, is 8.59 percent.

Ron Thornburgh
Secretary of State

Doc. No. 027714

State of Kansas

Department of Administration
Division of Facilities ManagementNotice of Commencement of Negotiations
for Landscape Architectural Services

Notice is hereby given of the commencement of negotiations for "on-call" landscape architectural services for the Division of Facilities Management. Services will include work on small projects for a one-year period, renewable for two additional years.

For information regarding the scope of services, contact Dan Balch, Manager of Facilities Operations, Division of Facilities Management, (785) 296-2202.

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 Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. April 19.

Joe Fritton, P.E.
Director, Division of
Facilities Management

Doc. No. 027740

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. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-1-02 through 4-7-02

Term	Rate
1-89 days	1.73%
3 months	1.81%
6 months	2.16%
1 year	2.76%
18 months	3.31%
2 years	3.72%

Derl S. Treff
Director of Investments

Doc. No. 027713

State of Kansas

Department of Administration
Division of Facilities ManagementNotice of Commencement of
Negotiations for Asbestos Abatement
Engineering Services

Notice is hereby given of the commencement of negotiations for "on-call" asbestos abatement engineering services for the Division of Facilities Management. Services will include work on small projects for a one-year period, renewable for two additional years. Services shall include asbestos and other hazardous material surveying, testing and reporting, development of abatement bid documents, construction administration and air monitoring, and other related services. One or two firms may be selected.

For information regarding the scope of services, contact Randy Riveland, Chief Architect of Design, Division of Facilities Management, (785) 296-0749.

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 Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. April 19.

Joe Fritton, P.E.
Director, Division of
Facilities Management

Doc. No. 027742

State of Kansas

**Speech-Language Pathology/Audiology
Advisory Board****Notice of Meeting**

The Speech-Language Pathology/Audiology Advisory Board will meet at 10 a.m. Thursday, April 11, in Classroom C of the KNEA Building, 715 S.W. 10th, Topeka.

Lesla Roberts, Director
Health Occupations Credentialing

Doc. No. 027736

State of Kansas

State Employees Health Care Commission**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 2 p.m. Tuesday, June 4, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed regulation of the Kansas State Employees Health Care Commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Kyle Wendt, Health Benefits Administrator, Department of Administration, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251.

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request 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 regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6000 or TTY (785) 296-4798. Handicapped parking is located at the south end of Landon State Office Building, directly across the street from the building's north entrance, and around the corner from the north entrance on 9th Street. The north entrance to the building is accessible.

Summaries of the proposed regulation and its economic impact follow.

K.A.R. 108-1-2 outlines the eligibility requirements for the student health care benefits component of the state health care benefits program. This program includes provisions for an employer contribution in an amount determined by the commission for graduate teaching assistants (GTA) and graduate research assistants (GRA) who meet the following criteria: (1) are enrolled in the student health care benefits component of the state health care program; and (2) are in at least a half-time graduate teaching assistant or graduate research assistant position or combination thereof, which requires a minimum of 750

hours over two consecutive semesters and is equivalent to 1,000 hours for an entire one-year period.

Representatives of several universities participating in the student health care benefits component of the state health care benefits program have asked for a change in the eligibility requirements for the employer contribution. The university representatives indicate that requiring a minimum of 750 hours over two semesters is not consistent with the nature of most GRA and GTA positions. Therefore, universities have requested that the language be changed to remove the requirement that eligible GTAs and GRAs be employed for at least 750 hours over two semesters. The proposed amendment requires an employer contribution from the university for those GRA or GTA students who are appointed for the current semester to a GTA or GRA position that is at least a 50 percent appointment for the semester. At the option of the university, concurrent appointments to multiple GTA or GRA positions that total at least a 50 percent appointment may also be considered to meet this condition.

Two additional amendments are proposed. The first amendment updates the definition of "student" to exclude any individual who is eligible for coverage under K.A.R. 108-1-3, which establishes the school district employee health care benefits component of the health care benefits program. Individuals who are eligible for coverage under K.A.R. 108-1-1 are already excluded from the definition of student. The second proposed amendment eliminates the option to authorize or require periodic payroll deductions for students who are employed by the university they are attending.

The amendment relating to eligibility for an employer contribution will increase the number of students appointed to a GTA or GRA position who are eligible for an employer contribution toward the cost of their health insurance. However, the number of additional students who will qualify cannot be determined. Currently, over 1,600 GTAs and GRAs are receiving an employer contribution toward their health insurance coverage, and the employer contribution for each GTA and each GRA is \$67.50 per semester for the limited plan option and \$171 per semester for the comprehensive plan option.

The university department hiring the GRAs and GTAs will pay the employer contribution in an amount determined by the Health Care Commission, but may benefit from an improvement in its ability to attract and retain highly qualified graduate students. Those students who would now qualify for an employer contribution would benefit from greater access to affordable health care insurance. The university health centers also may benefit from an increase in the number of insured students seeking their services. The other proposed amendments are not expected to have any significant economic impact on the Health Care Commission, other state agencies, Regents institutions, students or the general public.

Copies of the proposed regulation and the associated economic impact statement may be obtained by contacting Kyle Wendt at the address above, (785) 296-6280.

Joyce Glasscock
Secretary of Administration

Doc. No. 027745

State of Kansas

Kansas Water Authority

Notice of Meetings

The Kansas Water Authority will conduct its quarterly meeting April 17-18 in Hutchinson. The Water Quality/Riparian and Wetland/Flood Control Committee, the Assessment and Evaluation Committee and the Public Information and Education Committee will meet at 9 a.m. April 17, followed by meetings of the Water Management/Conservation Committee, the Data and Research Committee and the Public Water Supply/Recreation Committee at 12:30 p.m. The meetings will be held in the Golden, Harvest and Kansas Conference Rooms of the Ramada Inn, 1400 N. Lorraine.

The full Authority will convene at 9 a.m. April 18 in the Ambassador Conference Room of the Ramada Inn to receive the Kansas Water Office Director's Report and conduct its regular business session, including reports from the six committees.

An agenda and other details of the meeting are available from the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, (785) 296-3185, or toll free at 1-888-KAN-WATER. If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at the above address at least two days prior to the meeting.

Kent Lamb
Chairman

Doc. No. 027750

State of Kansas

Fort Hays State University

Request for Bids for Lease of Land

Public notice is hereby given, pursuant to K.S.A. 75-430a(d), that Fort Hays State University seeks to lease land for the purposes of constructing a telecommunications tower. The specifications of the contemplated lease and further information are available by contacting Kim Christiansen, Fort Hays State University, 600 Park, Sheridan Hall 312a, Hays, 67601.

Competitive bids will be received by Fort Hays State University until 1 p.m. Thursday, May 9. No bid received after that date and hour shall be considered by Fort Hays State University. Only bids as shall be in substantial conformity with the terms and provisions of the contemplated need and the materials available to bidders from FHSU will be considered or accepted by Fort Hays State University. Any lease entered into by Fort Hays State University will be awarded to the highest, responsible, responsive bidder. Fort Hays State University reserves the right to reject any and all bids.

Bids should be addressed to Fort Hays State University, attention Kim Christiansen, at the address given above. The outside of the envelope containing any bid for this purpose should be plainly marked or written "Bid on Lease-Tower." The bid opening will be at 9 a.m. Friday, May 10, in the president's conference room, third floor, Sheridan Hall, Fort Hays State University.

Kim Christiansen
General Counsel

Doc. No. 027734

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, April 18, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the projects numbered below in the respective maximum principal amount. The bonds will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The projects shall be located as shown:

Project No. 000538—Maximum Principal Amount: \$203,553.30. Owner/Operator: Ryan and Angie Hammes. Description: Acquisition of 310 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at (1) the Southwest Quarter of Section 20, Township 3, Range 13, Adams Township, and (2) the Northeast Quarter of Section 24, Township 3, Range 12, Mitchell Township, Nemaha County, Kansas, approximately (1) 4 miles south of Seneca on 63 Highway and east .75 of a mile, and (2) 4 miles south of Seneca on 63 Highway, east 2 miles and south .5 mile.

Project No. 000539—Maximum Principal Amount: \$95,025.38. Owner/Operator: Tom Wegman. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the Southwest Quarter of Section 34, Township 5, Range 10, East of the 6th PM, Marshall County, Kansas, approximately 4.5 miles north and 1 mile east of Wheaton on Parallel Road.

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 it be 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 respective borrower, 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 projects may be obtained by contacting the Authority.

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

Jack H. Brier
President

Doc. No. 027732

State of Kansas

State Records Board

Notice of Meeting

The Kansas State Records Board will meet at 10 a.m. Thursday, April 11, at the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist

Doc. No. 027712

State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka:

Date	Committee	Time	Location
April 5	Guardianship/Conservatorship	9:30 a.m.	Room 259
April 19	Probate Law	9:30 a.m.	Room 259
April 26	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 259
May 3	Guardianship/Conservatorship	9:30 a.m.	Room 259
May 17	Probate Law	9:30 a.m.	Room 259
May 31	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 259
June 7	Judicial Council	9:00 a.m.	Room 259
June 21	Probate Law	9:30 a.m.	Room 259
June 28	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 259

Hon. Tyler C. Lockett
Chair

Doc. No. 027749

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

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

Tuesday, April 16, 2002

A-9273

Department of Administration, Facilities Management—Renovation of the Woodward Building, Social and Rehabilitation Services Blind Services

04759

Department of Transportation—Right-of-Way Mowing Service, (Pratt, Stafford and Reno Counties)

04760

State Corporation Commission—Abandoned Well Plugging, Ball East

04773

Department of Transportation—Ready Mix Concrete (Kansas City, Kansas)

Wednesday, April 17, 2002

04766

Department of Transportation—Heated High-Pressure Washers, Various Locations

04769

Kansas Highway Patrol—Law Enforcement Automobiles

Thursday, April 18, 2002

04774

Department of Administration, Facilities Management—Domestic Water Booster Pump Installation

Thursday, April 25, 2002

A-9066

Wichita State University—Reroof, Clinton Hall

04791

Department of Administration—Deferred Compensation Consultant Service

Tuesday, April 30, 2002

A-9145(C)

Pittsburg State University—Asbestos Abatement, Trout Hall

04768

Parsons State Hospital and Training Center—Remove Asbestos and Re-insulate

Tuesday, May 7, 2002

A-9258

Osawatomie State Hospital—Patient Rooms Ceiling and Lighting Replacement, Adair Complex and Biddle Building

A-9386

Kansas State University—Forum Hall Accessibility Improvements, Student Union

04767

Kansas Highway Patrol, Kansas Bureau of Investigation and Department of Wildlife and Parks—Aircraft Insurance

Request for Proposals

Tuesday, April 30, 2002

04762

Software Development Service for Juvenile Justice Information System for the Juvenile Justice Authority

John T. Houlihan
Director of Purchases

Doc. No. 027755

(Published in the Kansas Register April 4, 2002.)

City of Olathe, Kansas

Notice to Bidders

Sealed bids will be received at the office of the City Clerk, City Hall, 100 W. Santa Fe, Olathe, Kansas, until 10 a.m. Friday, May 3, 2002, for the construction of **Klink 1R Resurfacing FY 2002, K-7 Highway (Parker Street) from Dennis Ave. to a point 0.1 km. north of Park St. (Project No. 34700C) and Parker & Wabash Storm Sewer Improvements (Project No. 20101C).**

At said time and place all bids that have been duly received will be publicly opened and read aloud. The work consists of the following:

Resurfacing of approximately 1.55 kilometers of K-7 Highway (Parker Street) from Dennis Ave. to a point 0.1 kilometer North of Park St., along with pavement markings, traffic detector loops, storm sewer improvements at Wabash St., and all other incidental work.

Contract documents, including drawings and specifications, are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be obtained at the office of the Olathe city engineer for \$25, none of which will be refunded.

The entire title of this project must appear on the outside of the bid envelope submitted to the city clerk's office.

A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

Attention is called to the fact that not less than the minimum salaries and wages as set forth in the contract documents must be paid on this project, and that the contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. Contractors must comply with Title 29 relating to the employment of apprentices in accordance with requirements published by the United States Department of Labor as contained in the contract documents.

Bidders are informed that the prime contractor and subcontractors are required to comply with Section 109 of the Housing and Community Development Act of 1974, Title VI of the Civil Rights Act of 1964, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968. Contractors' responsibilities under these laws are outlined at Title 24, CFR Part 1 and Part 570 relating to nondiscrimination in federally-assisted programs of the Department of Housing and Urban Development; Title 24, Part 130 relating to equal employment opportunity under HUD-assisted construction contract; and Title 24, Part 135 relating to employment opportunities for businesses and lower income persons in connection with assisted projects.

The prime general contractor, and subcontractors where appropriate, under the terms of the contract, shall be required to comply with the following requirements prior to issuance of a construction work order:

(A) Maintain an affirmative action file detailing efforts to meet affirmative action hiring responsibilities and utilize minority firms as subcontractors and suppliers;

(B) Submit a copy of their affirmative action plan to the city for review and HUD concurrence;

(C) Provide a preliminary statement of workforce needs by category for the project and goals for minorities; and

(D) Attend a scheduled pre-construction conference for orientation on HUD equal opportunity and labor standards requirements.

The City of Olathe reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the City of Olathe for a period not to exceed 60 days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

Effective April 24, 2000, all bidders shall submit in writing to the Director of Human Relations an affirmative action program. No contract will be awarded to any company that has not been issued a Certification of Compliance by the Olathe Human Relations Commission within the past 12 months. A copy of the required form is included in the contract documents. Questions concerning the forms and information required to complete the form should be directed to the City of Olathe Equal Opportunity Office at (913) 254-3694.

City of Olathe, Kansas
By Debra S. Gragg
City Clerk

Doc. No. 027759

(Published in the Kansas Register April 4, 2002.)

**Notice of Certificate Sale
Cowley County Community College
Cowley County, Kansas
\$1,500,000**

**Certificates of Participation
Series 2002**

**Evidencing Proportionate Interests in
and Rights to Receive Payments Under
the Lease Purchase Agreement Between
the College and Intrust Bank, N.A.**

Bids

Written bids will be received by the secretary of the Board of Trustees of Cowley County Community College, Cowley County, Kansas, on behalf of the Board of Trustees at 125 S. 2nd, P.O. Box 1147, Arkansas City, KS 67005, until 5 p.m. April 15, 2002, for the purchase of \$1,500,000 principal amount of Certificates of Participation, Series 2002 Evidencing Proportionate Interests In and Rights to Receive Payments Under the Lease Purchase Agreement between the College and INTRUST Bank, N.A., Wichita, Kansas.

Certificate Details

The Series 2002 Certificates will be issued pursuant to a Declaration of Trust by the Trustee identified below. The Series 2002 Certificates will consist of fully registered certificates in the denomination of \$5,000 or any integral multiple thereof. The Series 2002 Certificates will be dated

(continued)

May 1, 2002, and the principal portion thereof will become due annually on March 1 in the years as follows:

Year	Principal Amount
2003	\$110,000
2004	100,000
2005	105,000
2006	110,000
2007	115,000
2008	120,000
2009	125,000
2010	130,000
2011	135,000
2012	145,000
2013	150,000
2014	155,000

Each of the Series 2002 Certificates shall represent the right to receive a proportionate share of the interest portion and principal portion of Basic Rent paid by the College to the Trustee identified below under a Lease Purchase Agreement. The interest portion due on the Series 2002 Certificates will accrue from the date of the Series 2002 Certificates, at rates to be determined when the Series 2002 Certificates are sold as hereinafter provided, which interest portion will be payable semiannually on Certificate Payment Dates, which shall be March 1 and September 1 in each year, beginning March 1, 2003.

Trustee, Paying Agent and Certificate Registrar

Intrust Bank, N.A., Wichita, 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 \$30,000 (2 percent of the principal amount of the Series 2002 Certificates).

Authority, Purpose and Security

The lease is being entered into for the acquisition, construction, installation and equipping of a new track and field athletic facility (the improvements), all pursuant to K.S.A. 71-201 *et seq.*, as amended. The Series 2002 Certificates are secured by and payable from the Trust Estate established under the Declaration of Trust, which consists, in part, of basic rent payments received by the Trustee under the lease. The obligation of the college to make basic rent payments under the lease is a limited obligation, payable from available revenues of the college, including those raised through ad valorem taxation, but shall not in any way be construed to be a general obligation or indebtedness of the college. The initial term of the lease extends to June 30, 2011, but the lease provides for extensions of the term to June 30, 2014. The lease is also subject to change or termination by act of the Kansas Legislature.

Conditions of Bids

Proposals will be received on the Series 2002 Certificates bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: (a) the same rate shall apply to all of the principal portion due in each year; (b) each interest rate specified shall be

a multiple of 1/8 or 1/20 of 1 percent; (c) no interest rate may exceed a rate equal to the daily yield for the 30-year Treasury Certificate published by *The Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the Series 2002 Certificates are sold, plus 2 percent; and (d) no supplemental interest payments will be considered. The difference between the highest rate specified and the lowest rate specified cannot exceed 3 percent. No bid shall be for less than 98.5 percent of the total principal portion evidenced by the Series 2002 Certificates and accrued interest thereon to the date of delivery will be considered. Each bid shall specify the total interest cost (expressed in dollars) during the term of the lease on the basis of such bid, the discount, if any, the premium, if any, offered by the bidder, the net interest cost (expressed in dollars) on the basis of such bid and the average annual net interest rate (expressed as a percentage) on the basis of such bid. Each bidder shall certify to the college the correctness of the information contained on an official bid form; the college will be entitled to rely on such certification. Each bidder agrees that, if it is awarded the Series 2002 Certificates, it will provide the certification as to initial offering prices described under the caption "Certification as to Offering Price" in this notice.

Basis of Award

The award of the Series 2002 Certificates will be made on the basis of the lowest net interest cost (expressed in dollars), which will be determined by subtracting the amount of the premium bid, if any, from or adding the amount of the discount bid, if any, to the total interest cost to the college. If there is any discrepancy between the net interest cost specified and the interest rates specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the Board of Trustees of the college will determine which bid, if any, will be accepted, and its determination is final.

The college reserves the right to reject any and/or all bids and to waive any irregularities in a submitted bid. Any bid received after the submittal hour on the sale date set forth above will be returned to the bidder. Any disputes arising hereunder shall be governed by the laws of Kansas, and any party submitting a bid agrees to be subject to jurisdiction and venue of the federal and state courts within Kansas with regard to such dispute.

Certification as to Offering Prices

To provide the college with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended (the code), the successful bidder will be required to complete, execute and deliver to the college prior to the delivery of the Series 2002 Certificates, a certificate regarding the "issue price" of the Series 2002 Certificates (as defined in Section 148 of the code), reflecting the initial offering prices (excluding accrued interest and expressed as dollar prices) at which a substantial amount (*i.e.*, 10 percent or more) of the Series 2002 Certificates of each maturity have been or are expected to be sold to the public. The term "public" excludes bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or

wholesalers. Such certificate shall state that 10 percent or more of the Series 2002 Certificates of each maturity have been or are expected to be sold to the public at prices no higher than such initial offering prices. However, such certificate may indicate that the successful bidder will not offer the Series 2002 Certificates for sale to the public.

Optional Prepayment

At the option of the college, the Series 2002 Certificates maturing on March 1, 2009, and thereafter, may be called for prepayment prior to maturity on March 1, 2008, and thereafter, as a whole at any time or in part on any basic term payment date, at the prepayment price of 100 percent (expressed as a percentage of principal), plus accrued interest thereon to the prepayment date.

Mandatory Prepayment

A bidder may elect to have all or a portion of the Series 2002 Certificates scheduled to be paid in consecutive years issued as term certificates (the term certificates) scheduled to be paid in the latest of said consecutive years and subject to mandatory prepayment requirements consistent with the schedule of serial payments set forth above, subject to the following conditions: not less than all Series 2002 Certificates to be paid in the same year shall be converted to term certificates with mandatory prepayment requirements and a bidder shall make such an election by completing the applicable paragraph on the official bid form.

Delivery

The college will pay for printing the Series 2002 Certificates and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about May 1, 2002, to 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.

Approval of Series 2002 Certificates

The Series 2002 Certificates will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, special counsel, whose approving legal opinion as to the validity of the lease and Series 2002 Certificates will be furnished and paid for by the college, printed on the Series 2002 Certificates and delivered to the successful bidder when the Series 2002 Certificates are delivered.

Additional Information

Additional information regarding the Series 2002 Certificates may be obtained from the college's Dean of Business Services, 125 S. 2nd, P.O. Box 1147, Arkansas City, KS 67005, Attn: Tony Crouch, (620) 442-0430, fax (620) 441-5354; or from the financial advisor, Ranson Financial Consultants, L.L.C., 120 S. Market, Suite 200, Wichita, KS 67202, Attention: John Haas, (316) 264-3400, fax (316) 265-5403.

Dated April 1, 2002.

Tony Crouch, Dean of Business Services
Cowley County Community College
P.O. Box 1147
Arkansas City, KS 67005

Doc. No. 027754

State of Kansas

Kansas Insurance Department

Notice of Changes in Pharmacy Networks

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that the following changes have occurred in pharmacy networks in the State of Kansas:

Aetna U.S. Healthcare Pharmacy Network has notified the Insurance Department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Sams Pharmacy #10-8254	Wichita	11/05/2001
Sams Pharmacy #10-6418	Wichita	11/12/2001
Kansas City Cancer Ctr. Pharmacy	Overland Park	12/07/2001
Country Mart Pharmacy	Tonganoxie	01/01/2002
Costco Pharmacy #349	Lenexa	01/04/2002

In addition, **Aetna U.S. Healthcare Pharmacy Network** has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
Phar-Mor #380	Shawnee	11/09/2001
Sheridan Pharmacy	Mission	11/29/2002
Zongker Drug	Wichita	11/30/2002
The Medicine Shoppe #0600	Liberal	12/03/2001
Columbia Drug	Coffeyville	12/03/2001
Hugh Snell's Prescription	Wichita	12/03/2001
Nelson's Hometown Pharmacy	Wathena	12/03/2001
Bellas Pharmacy	Kansas City	12/04/2001
Hudson Pharmacy	Wichita	12/04/2001
Proscript Pharmacy	Iola	12/15/2001
Quantum Health Resources	Lenexa	12/31/2001
Horizon Pharmacy #48	Dodge City	01/31/2002

Coventry Healthcare Pharmacy Network has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Hutchinson Clinic Pharmacy	Hutchinson	01/09/2002
Ashcraft Pharmacy	Hutchinson	01/09/2002
Bachman Drug, Inc.	Meade	01/09/2002
Medical Center Pharmacy	Hutchinson	01/09/2002

Humana, Inc., Pharmacy Network has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Sams Club Pharmacy 10-8254	Wichita	11/05/2001
Sams Club Pharmacy 10-6418	Wichita	11/12/2001
Preston Socora Pharmacy	Wichita	11/13/2001
Eckerd Drugs #8180	Kansas City	12/01/2001
Eckerd Drugs #8170	Leavenworth	12/01/2001
Eckerd Drugs #8165	Lenexa	12/01/2001
Eckerd Drugs #8182	Mission	12/01/2001
Eckerd Drugs #8683	Olathe	12/01/2001
Eckerd Drugs #3653	Overland Park	12/01/2001
Eckerd Drugs #8162	Overland Park	12/01/2001
Eckerd Drugs #8181	Overland Park	12/01/2001
Eckerd Drugs #8167	Shawnee	12/01/2001

(continued)

Eckerd Drugs #8106 Shawnee Mission 12/01/2001
Bond Pharmacy Kansas City 12/21/2001

Humana, Inc., Pharmacy Network also has notified the department of the following termination from its pharmacy network:

Pharmacy Name	City	Effective Date
Hassig Drugs, Inc.	Kansas City	12/27/2001

United HealthCare of the Midwest, Inc., Pharmacy Network has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Caremark, Inc.	Lenexa	January, 2002
Gibson Pharmacy	Lawrence	January, 2002
Edcker #8179	Shawnee	January, 2002
Pharmacare Prescription	Kansas City	January, 2002
Boger Pharmacy and Gift	Ellinwood	January, 2002
Mercy Hospital	Independence	January, 2002
Corner Drug Store	Kiowa	January, 2002
Probst Pharmacy	Medicine Lodge	January, 2002
Harmon Drug	Sedan	January, 2002
Wiley's Apothecary	Saint Francis	January, 2002
Highland Park Pharmacy	Topeka	January, 2002
Hudson Pharmacy	Wichita	January, 2002
Jefferson County Memorial	Winchester	January, 2002
Walmart #307	Pittsburg	January, 2002
Caldwell Pharmacy	Caldwell	January, 2002
Rose Hill Pharmacy	Rose Hill	January, 2002
The Medicine Shoppe #0600	Liberal	January, 2002
Checkers Pharmacy	Wichita	January, 2002
Eckerd #8171	Leavenworth	January, 2002
Pharmerica #3117	Shawnee Mission	January, 2002
Medical Center Pharmacy	Hutchinson	January, 2002
Patterson Farm Apothecary	Clay Center	January, 2002
Albertsons Pharmacy #2211	Wichita	January, 2002
Holst Pharmacy	Lansing	January, 2002
Medical Mart Pharmacy	Topeka	January, 2002
Overbrook Pharmacy, Inc.	Overbrook	January, 2002
Nelson's Hometown Pharmacy	Wathena	January, 2002
Drug Emporium #102	Wichita	January, 2002
Insite Care, Inc.	Wichita	January, 2002
Great Plains Compounding	Lenexa	January, 2002
Coram Alteriate Site	Fort Riley	January, 2002
Sun Flower Pharmacy, Inc.	Lawrence	January, 2002
Pharmerica #3719	Wichita	January, 2002
Freed's Pharmacy	Bel Aire	January, 2002
Hy-Vee Pharmacy #1509	Overland Park	January, 2002
The Medicine Shoppe #1430	Emporia	January, 2002
La Cygne Pharmacy	La Cygne	January, 2002
NCS Healthcare of Kansas, Inc.	Wichita	January, 2002
AFS/HIS (Midwest)	Lenexa	January, 2002
NCS Healthcare of Kansas Care IV, Inc.	Topeka	January, 2002
Option Care of Kansas	Wichita	January, 2002
Heartland Homecare SVC's	Lawrence	January, 2002
IHS Infusion Services	Lenexa	January, 2002
BIO Partners In Care	Lenexa	January, 2002
Heartland Homecare SVC	Wichita	January, 2002
McLain Medical Clinic PA	Ransom	January, 2002
Shopko Pharmacy #2161	Wichita	January, 2002
Shopko Pharmacy #2162	Wichita	January, 2002
Sublette Drugs	Sublette	January, 2002
Pill Box Pharmacy	Chanute	January, 2002

Park Pharmacy	Osage City	January, 2002
Mt. Ovead Pharmacy	Lawrence	January, 2002
Gibson Pharmacy #75	Liberal	January, 2002
Ashcraft Pharmacy	Hutchinson	January, 2002
Hy-Vee Pharmacy	Lawrence	January, 2002
Hamilton County Drug	Syracuse	January, 2002
Northside Family Healthmart	Topeka	January, 2002
Centre Pharmacy	Smith Center	January, 2002
Stockton Pharmacy	Stockton	January, 2002
Rooks County Health Department	Stockton	January, 2002
Medical Arts CL of SE Kansas	Parsons	January, 2002
Total Home Care	Wichita	January, 2002

United HealthCare of the Midwest, Inc., Pharmacy Network also has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
F & M Drug LLC	Ellsworth	January, 2002
Gentiva Health Services	Lenexa	January, 2002
Walgreens #05840	Andover	January, 2002
Food 4 Less Pharmacy #12	Topeka	January, 2002
Walgreens #06478	Merriam	January, 2002
Walgreens #06362	Wichita	January, 2002
Walgreens #05263	Shawnee Mission	January, 2002
Lansing Pharmacy	Lansing	January, 2002
Sams Pharmacy #10-4707	Overland Park	January, 2002
Walmart Pharmacy #10-3283	Wichita	January, 2002
Walgreens #06363	Wichita	January, 2002
Hen House Pharmacy #1	Overland Park	January, 2002

Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 027739

State of Kansas

Governmental Ethics Commission

Opinion No. 2002-01

Written February 21, 2002, to Bradley D. Dillon, Gilliland & Hayes, P.A., Hutchinson.

This opinion is in response to your letter of February 6, 2002, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest law (K.S.A. 75-4301 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 75-4301 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you are requesting this opinion in your capacity as a member of the City Council of the City of Hutchinson (the City). You have explained that for the past two years you have been a board member of the Hutchinson Historic Fox Theatre, Inc., (Theatre) which is a non-profit 501(C)(3) corporation which owns and operates a renovated theater in the downtown area. You have informed us that you have not received any type of compensation from and have no ownership interest in the Theatre. The Theatre may request that the City assume

ownership of the facility and pay certain operational costs such as utilities, insurance, and maintenance. The Theatre would then lease the theater back and continue to operate as it does now.

Question

May a city council member who is a board member of a non-profit 501(C)(3) corporation vote on a contract between the City and the Corporation?

Opinion

In your capacity as a Hutchinson City Council member, you are governed by the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*). Three sections of the local conflict of interests law must be reviewed to answer your questions. K.S.A. 75-4304 prohibits a local official, in his official capacity, from participating in the making of contracts in which that official has a substantial interest. It states in pertinent part:

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

K.S.A. 75-4305 requires disclosure of actions other than contracts which affect a local government official's private business interests. It states:

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

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

In order for either of these statutes to apply, you must have a "substantial interest" in the Theatre. K.S.A. 75-4301a provides the definition of a substantial interest. It states in pertinent part:

(a) "Substantial interest" means any of the following:

(4) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501(c)(3), (4), (7), (8), (10) or (19) of chapter 26 of the United States code, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

Because the Theatre is a 501(c)(3) corporation, you do not hold a substantial interest in that business and therefore you may participate in and vote on any contracts which may arise between the City and the Theatre.

Opinion No. 2002-02

Written February 21, 2002, to Sonya Allen, General Counsel, Office of the State Bank Commissioner, Topeka.

This opinion is in response to your letter of February 6, 2002, 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 General Counsel for the Office of the State Bank Commissioner. You have explained that the Deputy Commissioner of the Consumer and Mortgage Lending Division of the Office of the State Bank Commissioner (CML Deputy) has responsibility for the supervision of all consumer and mortgage lending functions. The CML Deputy has been asked to serve on the board of a non-profit entity that provides consumer credit counseling services. This is not an entity under the regulatory supervision of the Office of the State Bank Commissioner.

The Office of the State Bank Commissioner has authority to provide grant money to various entities either through a line item in the agency's budget or through the statutory structure found at K.S.A. 16a-6-104(c). Pursuant to this statutory scheme, the CML Deputy has discretion to distribute funds, and could conceivably choose to give funds to the nonprofit entity in question. In addition, the CML Deputy is involved in reviewing grant proposals and has the authority to determine who receives grant money.

Questions

- I. Would the CML Deputy's acceptance of a position on the board of directors of a nonprofit entity preclude the CML Deputy from being involved in the review and approval of grant proposals involving that nonprofit entity?
- II. If the CML Deputy is precluded from being involved in the review and approval of grant proposals involving this nonprofit entity, would the delegation of these functions to an individual who is otherwise under the direct or indirect supervision of the CML Deputy alleviate the conflict?

Opinion

Three sections of the state conflict of interest laws must be reviewed to answer your questions. K.S.A. 46-233, which involves participation in the making of contracts, K.S.A. 46-229, which defines the term "substantial interest," and K.S.A. 46-241, involving the use of confidential information. Each will be addressed in turn.

K.S.A. 46-233 states in pertinent part:

(a) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest.

Pursuant to this statute, the CML Deputy would be prohibited, as a state employee, from being substantially

(continued)

involved in the preparation of or from participating in the making of a contract with a business (pursuant to K.S.A. 46-230, this nonprofit entity is a "business") in which he holds a substantial interest. K.S.A. 46-229 provides the definition of a substantial interest. It states in pertinent part:

(d) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

Pursuant to this subsection, it is clear that the CML Deputy will have a substantial interest in the nonprofit entity if he accepts the position on the board of directors. Therefore, the CML Deputy, as a state employee, would be prohibited from being substantially involved with any contracts between his agency and the nonprofit entity.

With respect to your second question, if the CML deputy completely delegates his authority to another individual and does not substantially participate in the making of the contract, he would not be in violation of K.S.A. 46-233. So long as the CML Deputy does not retain, for the purposes of this particular contract, supervisory authority over the person to whom he has delegated his authority, it does not matter that the person is otherwise under the direct or indirect supervision of the CML Deputy. As to whether the CML Deputy has the power to delegate such authority, we suggest you contact the Attorney General.

Finally, K.S.A. 46-241 should be considered. It states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This section is self-explanatory. Confidential information obtained during the CML Deputy's official duties may not be used for his financial gain or that of another.

In conclusion, the CML Deputy will have a substantial interest in the nonprofit entity if he accepts the position on the board of directors, and therefore, will be precluded from being involved, in his capacity as a state employee, in the making of a contract with that entity. If he has the authority to do so, he may avoid the conflict of interest by abstaining from any role in the making of this contract by delegating his authority to another individual whether or not that individual is generally his subordinate. Finally, confidential information obtained during the CML Deputy's official duties may not be used for his financial gain or that of another.

Opinion No. 2002-03

Written February 21, 2002, to Dustin Deschaine-Costello, Wichita.

This opinion is in response to your letter of February 11, 2002, 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 the-

ory 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 on behalf of yourself, Allain Barnes, and Regina Gaston who are all Economic and Employment Specialists with the Wichita office of the Kansas Department of Social & Rehabilitation Services (SRS). You are all interested in accepting part-time independent contract work with Sedgwick County. You have explained that in your positions with SRS, you determine eligibility for cash and food stamp benefits for individuals under 60 years of age. You have further explained that none of you have ever been involved, in your capacities as state employees, in the making of a contract with Sedgwick County. The part-time independent contract work the three of you wish to perform for Sedgwick County involves assessing the needs of, and managing health care services for, elderly men and women who are 60 years of age or older for the HCBS/Frail Elderly Waiver program.

Question

May these SRS Economic and Employment Specialists become independent contractors for Sedgwick County?

Opinion

Three statutes apply to the question you have raised: K.S.A. 46-233(a), which involves participation in the making of contracts; K.S.A. 46-235, which governs restrictions on compensation of state employees; and K.S.A. 46-241, which involves the use of confidential information. Each of these statutes will be addressed in turn.

K.S.A. 46-233 states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed. . . .

Under this provision, the three of you are prohibited, as state employees, from being substantially involved in the preparation of, or from participating in the making of a contract with an entity by which you are employed or in which you have a substantial interest. Absent your participation as state employees in the making of a contract with Sedgwick County, this statute would not prohibit you from accepting employment as an independent contractor for Sedgwick County.

K.S.A. 46-235 states in pertinent part:

No state officer or employee shall accept compensation for performance of official duties, other than that of which such person is entitled for such performance. . . . The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

Pursuant to this statute, so long as it is not part of your current state duties to perform the services you propose to perform for Sedgwick County, K.S.A. 46-235 would not prohibit any of you from accepting compensation for performing these services.

Finally K.S.A. 46-241 states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This section is self-explanatory. Confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another.

In conclusion, K.S.A. 46-233(a)(1) does not prohibit you from accepting employment with Sedgwick County, so long as you do not, in your capacities as state employees, participate in the making of any contracts between the State and Sedgwick County. Pursuant to K.S.A. 46-235, as long as it is not part of your current state duties to perform the services you propose to perform for Sedgwick County, you would not be prohibited from accepting compensation for performing these services. And finally, pursuant to K.S.A. 46-241, confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another.

Opinion No. 2002-04

Written February 21, 2002, to Mary D. Prewitt, General Counsel, Kansas Board of Regents, Topeka.

This opinion is in response to your letter of November 19, 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 General Counsel for the Kansas Board of Regents. You have explained that Wichita State University (WSU) is interested in establishing an employee benefit club. Membership in this club would afford the employees of WSU with a variety of opportunities and discounts for services and products. You envision two levels of "membership." The first level or "basic membership" would be given to all WSU employees purely by virtue of their employment with the University. The benefits available at this level would include merchant discounts, WSU event tickets at dramatically discounted rates, and monthly family events or activities. The second level, or "enhanced membership," would cost the employee a nominal fee of \$1.00 per pay period and would include discounts to places such as Worlds of Fun, Silver Dollar City, movies, Wrangler's games, River Festival buttons and shirts, etc.

Questions

- I. May an employee of Wichita State University accept a gift or special discount provided to members of the Wichita State University employee benefit club?
- II. May employees of Wichita State University solicit discounts and gifts to be provided to the members of the Wichita State University employee benefit club?

Opinion

State employees solicitation and acceptance of gifts is governed by K.S.A. 46-237a. It states in pertinent part:

(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:

- (1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; or
- (2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; or
- (3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or
- (4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended.

Pursuant to this section, state employees are entirely prohibited from soliciting or accepting gifts provided to them because of their official position, unless one of the four enumerated exceptions applies. In Opinion 1999-50, this Commission discussed the definition of the term "official position":

The Commission now determines that the term "official position" refers to an individual's particular position with the State and does not apply generally to a person because they are a State employee. For guidance, the Commission notes that a gift or discount which is provided to all State employees is not being provided to a person because of his or her "official position." On the other hand, a gift or discount which is provided to all purchasing agents, for example, or all employees of a particular agency, will be deemed to be provided because of such persons' "official position."

Because the discounts at issue will only be provided to WSU employees by virtue of their status as employees of WSU, they are gifts provided to state employees because of their "official position" and may only be solicited for or accepted if one of the enumerated exceptions listed in K.S.A. 46-237a(b) applies. We have reviewed those exceptions, and have determined that none apply. Therefore, WSU employees may not solicit or accept the gifts or special discounts at issue.

Daniel Severt
Chairman

Doc. No. 027703

State of Kansas

State Corporation Commission

Notice of Motor Carrier Applications

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

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

Applications for Certificate of Public Service:

Carl E. Arnberger, dba Carl Arnberger Trucking, Junction F and 28, Oakley, KS 67748; MC ID No. 161486; General commodities (except household goods and hazardous materials)

Art's Trucking, Inc., 11585 Yucca, Garden City, KS 67846; MC ID No. 260129; General commodities (except household goods and Classes A & B explosives)

B & L Transport, Inc., 501 Countryside, Andale, KS 67001; MC ID 159831; Joseph Weiler, Attorney; General commodities (except Classes A & B explosives, household goods and hazardous materials)

Lorenzo Castaneda, 12413 South Blackfoot Drive, Olathe, KS 66062; MC ID No. 159834; Wrecked, disabled, repossessed and replacement vehicles

Floyd Chambers, dba Flying F Livestock, 9900 South 4060 Road, Talala, OK 74080; MC ID No. 159835; General commodities (except household goods and hazardous materials)

Robert Cross, dba Cross Transport Service, 1011 East 13th, Hutchinson, KS 67501; MC ID No. 159833; General commodities (except household goods and hazardous materials)

Double T Trucking, Inc., 110 South Main, Long Pine, NE 69217; MC ID No. 159836; General commodities (except household goods and hazardous materials)

Manuel Espino, dba Espino Trucking, 501 West Road 21, Deerfield, KS 67838; MC ID No. 158740; General commodities (except household goods and hazardous materials)

James E. Gilmore, dba Gilmore Trucking, 11780 SW 90th, Cheyopa, KS 67336; MC ID No. 159832; General commodities (except household goods)

Dale E. Goedeke, dba Goedeke Dozer Service, 553 27000 Road, Thayer, KS 66776; MC ID No. 260111; General commodities (except household goods)

Christopher C. Graham, dba Western Acres, 1408 Nickerson Blvd., Hutchinson, KS 67501; MC ID No. 161602; Mobile homes

Toby Gravatt, dba Lazy G Livestock, 613 Cedar Springs, Tuttle, OK 73089; MC ID No. 159827; General commodities (except household goods and hazardous materials)

Louderback Trucking, LLC, Route 2, Box 254, Liberal, KS 67901; MC ID No. 260096; General commodities (except household goods and hazardous materials)

Miguel Macias, dba Macias Trucking, 4101 East Hwy 50 #490, Garden City, KS 67846; MC ID No. 159830; General commodities (except household goods and hazardous materials)

Roy F. Palmer, dba Palmer Truck & Trailer Repair, 2700 North 5th, Salina, KS 67401; MC ID No. 161616; Wrecked, disabled, repossessed and replacement vehicles

Johan Peters, dba Peters Trucking, 1817 Ontario Drive, Sublett, KS 67877; MC ID No. 161631; General commodities (except household goods and hazardous materials)

Clayton J. Pfannenstiel, dba Pfannenstiel Trucking, 1212 Mount Pleasant Road, Hays, KS 67601; MC ID No. 161564; General commodities (except household goods and hazardous materials)

Professional Services Transportation, Inc., dba PSI Transportation, Route 2, Box 45, Huntsville, MO 65259; MC ID No. 142497; General commodities (except household goods and hazardous materials)

Redhill Trucking, LLC, 12000 East Pretty Prairie Road, Mt. Hope, KS 67108; MC ID No. 260121; General commodities (except household goods and hazardous materials)

RGN Company, Inc., 804 Main, Stockton, KS 67669; MC ID No. 159829; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Sappa Creek Enterprises, LLC, 2248 County Road DD, Colby, KS 67701; MC ID No. 159837; General commodities (except household goods and hazardous materials)

3 J Fuel Carriers, Inc., 1979 Burlingame Road, Emporia, KS 66801-7940; MC ID No. 161594; Clyde Christey, Attorney; General commodities (except household goods)

Thiessen & Beam Trucking L.L.C., RR 2, Box 114, Beloit, KS 67420; MC ID No. 161598; General commodities (except household goods and hazardous materials)

Watco Companies, Inc., 315 West 3rd, Pittsburg, KS 66762; MC ID 160671; General commodities (except household goods and hazardous materials)

Application for Extension of Certificate of Public Service:

Mears Fertilizer, Inc., 629 North Industrial Road, El Dorado, KS 67042; MC ID No. 136812; General commodities (except household goods and hazardous materials)

Applications for Transfer of Certificate of Public Service:

Leonard Fiscus, dba Stafford Lumber Co. 244 South Main, Stafford, KS 67578; MC ID No. 154445; TO: L.A.F. Trucking, Inc., 224 South Main, Stafford, KS 67578; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Cody D. Karl, dba Karl Trucking, 1459 3rd Detroit Street, Abilene, KS 67410; MC ID No. 156065; TO: Karl Trucking LLC, 1459 3rd Detroit Street, Abilene, KS 67410; General commodities (except household goods and hazardous materials)

Rex D. Larrison, dba Quality Towing, 426 East 6th, Holton, KS 66436; MC ID No. 154098; TO: Quality Towing, Inc., 14042 I Road, Mayetta, KS 66509; Wrecked, disabled, repossessed and replacement vehicles

Donald J. Navarre, dba Happy Hooker Towing & Transportation, 3760 South Broadway, Wichita, KS 67216; MC ID No. 120898; TO: Happy Hooker Towing and Transportation, Inc., 3760 South Broadway, Wichita, KS 67216; Wrecked, disabled, repossessed and replacement motor vehicles and trailers

Application for Transfer and Extension of Certificate of Public Service:

Shirley A. Miller, dba Four Season Trucking, 13697 NW 1700 Road, Westphalia, KS 66093; MC ID No. 260070; TO: Four Season Trucking L.L.C., 13697 NW 1700 Road, Westphalia, KS 66093; General commodities (except household goods)

Application for Name Change of Certificate of Public Service:

Wenger Oil, Inc., 2701 Anderson Road, Newton, KS 67114; MC ID No. 114515; TO: Wenger Oil Transport, LLC, 2701 An-

derson Road, Newton, KS 67114; General commodities (except Classes A & B explosives and household goods)

• Mike J. Hoeme, Director
Transportation Division

Doc. No. 027756

**State of Kansas
State Corporation Commission**

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. April 23 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

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

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

Application for Certificate of Convenience and Necessity:

Jeff B. Clark, dba Clarks Security Service, 1701 Avenue C, Dodge City, KS 67801; MC ID No. 159828; Passengers

Applications for Abandonment of Certificate of Public Service:

Bar-T, Inc., 4555 Jennie Barker, Garden City, KS 67846; MC ID No. 147492

Danny J. Coonce, dba McKenzie Body Shop, 45 Kansas Avenue, South Hutchinson, KS 67505; MC ID No. 150515

Clark L. Cronin & Robert C. Hadley, dba C & C Trucking, HC 69, Box 31A, Wilmore, KS 67155; MC ID No. 157260

Joseph E. McMahon, dba J K M Trucking, 310 North Hopkins Street, Sayre, PA 18840; MC ID No. 151423

Richard L. Morain, dba Morain Trucking, 2463 Swallow Avenue, Duncombe, IA 50532; MC ID No. 155374

Gary B. Page, dba Page Trucking, 411 North Poplar, Solomon, KS 67480-8235; MC ID No. 137183

Road Runner Tanker Corp., 530 South Wichita, Dighton, KS 67839; MC ID No. 151133

Gary E. Schmutz, dba Schmutz Trucking, 133 Utah Road, Wakefield, KS 67487; MC ID No. 157421

Skaggs Motors, Inc., 200 Military, Dodge City, KS 67801-4993; MC ID No. 121352

Alan Stinemetz, dba Triple Stinemetz, dba Triple S Farm Supply, RR 1, Box 33, Hanston, KS 67849; MC ID No. 102727

Mike J. Hoeme, Director
Transportation Division

Doc. No. 027757

(Published in the Kansas Register April 4, 2002.)

**Summary Notice of Bond Sale
Clay County, Kansas
\$2,000,000
General Obligation Bonds
Series 2002A**

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the official notice of bond sale and preliminary official statement dated March 25, 2002, sealed and faxed bids will be received by the county clerk of Clay County, Kansas (the issuer), on behalf of the governing body of the county at the Clay County Courthouse, 712 5th St., Clay Center, KS 67432, until 2 p.m. Monday, April 15, 2002, for the purchase of \$2,000,000 principal amount of General Obligation Bonds, Series 2002A. 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 April 1, 2002, and will become due on October 1 in the years as follows:

Year	Principal Amount
2003	\$155,000
2004	165,000
2005	175,000
2006	185,000
2007	195,000
2008	205,000
2009	215,000
2010	225,000
2011	235,000
2012	245,000

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 April 1 and October 1 in each year, beginning April 1, 2003.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas, will be designated as 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 \$40,000 (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 bidder

(continued)

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 \$62,829,239. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$7,855,000.

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, (785) 632-2552.

Dated March 25, 2002.

Clay County, Kansas
Mary Brown, County Clerk
Clay County Courthouse
712 5th St.
Clay Center, KS 67432

Doc. No. 027746

(Published in the Kansas Register April 4, 2002.)

Summary Notice of Bond Sale

City of Hays, Kansas

\$2,940,000*

General Obligation Internal Improvement Bonds

Series 2002-A

(General obligation bonds payable
from unlimited ad valorem taxes)

Bids

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$2,940,000* of General Obligation Internal Improvement Bonds, Series 2002-A, of the City of Hays, Kansas, will be received (1) in the case of sealed and facsimile bids by the city clerk at the address and fax number hereinafter set forth, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system, until 2 p.m. Thursday, April 11, 2002, at which time such bids will be publicly read. 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 initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated

April 15, 2002, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2003	190,000
2004	195,000
2005	200,000
2006	205,000
2007	215,000
2008	225,000
2009	230,000
2010	240,000
2011	250,000
2012	265,000
2013	70,000
2014	75,000
2015	80,000
2016	85,000
2017	85,000
2018	60,000
2019	60,000
2020	65,000
2021	70,000
2022	75,000

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

Redemption Prior to Maturity

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

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 the amount of 2 percent of the principal amount of the bonds.

Delivery

The city will pay for preparing the bonds. The city will deliver the bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about April 30, 2002.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the computation of bonded debt limitations is \$144,896,627. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds but excluding temporary notes to be retired with proceeds of the bonds, is \$16,066,054.

Approval of Bonds

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

cessful bidder when the bonds are delivered. Reference is made to the preliminary official statement for further discussion of federal and Kansas income tax matters relating to the interest on the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (785) 628-7300, or from the city's financial advisor, George K. Baum & Company, Kansas City, Missouri, (816) 474-1100.

Dated March 21, 2002.

City of Hays, Kansas
 By: Carol Sue Berger, City Clerk
 1507 Main
 Hays, KS 67601
 Fax (785) 628-7323

* Preliminary, subject to change.

Doc. No. 027752

(Published in the Kansas Register April 4, 2002.)

**Summary Notice of Bond Sale
 City of Ottawa, Kansas
 \$3,175,000***

**General Obligation Bonds, Series 2002
 (General obligation bonds payable
 from unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated April 9, 2002, bids will be received by the city clerk of the City of Ottawa, Kansas, on behalf of the governing body at City Hall, 101 S. Hickory St., Ottawa, Kansas, until 11 a.m. April 17, 2002, for the purchase of \$3,175,000* principal amount of General Obligation Bonds, Series 2002. 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. The bonds will be dated May 1, 2002, and will become due on September 1 in the years as follows:

Maturity September	Principal Amount*
2002	\$ 55,000
2003	160,000
2004	170,000
2005	120,000
2006	110,000
2007	115,000
2008	125,000
2009	130,000
2010	135,000
2011	145,000
2012	150,000
2013	160,000
2014	165,000
2015	175,000
2016	185,000
2017	195,000
2018	205,000

2019	215,000
2020	225,000
2021	235,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning September 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 \$63,500.

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 May 7, 2002, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$64,013,911. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$8,470,000. Included in this amount is \$175,000 principal amount of outstanding bonds, which are anticipated to be refunded by the proceeds of the bonds.

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 finance director/city clerk, (785) 229-3615, or from bond counsel, Logan Riley Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated April 4, 2002.

City of Ottawa, Kansas
 By Scott Bird
 City Hall
 101 S. Hickory St.
 Ottawa, KS 66067-2347

* Subject to change.

Doc. No. 027751

State of Kansas

Department of Revenue

Permanent Administrative
Regulations

Article 22.—HOMESTEAD TAX RELIEF

92-22-4. Domicile; temporary absence. (a) "Domicile" shall mean that place where a person resides, where the person has an intention to remain, and to which that person intends to return following any absence.

(b) The claimant shall have maintained a domicile within the state of Kansas during the entire year preceding the year in which the homestead claim is filed to be eligible for a homestead property tax refund.

(c) For purposes of the homestead property tax refund act, a claimant shall be domiciled in this state if the claimant resides in this state and maintains the principal home within this state.

(d) Temporary absence from the domicile shall not disqualify a claimant for a refund. A seasonal absence or absence of a reasonable duration shall constitute a temporary absence. (Authorized by K.S.A. 79-4510; implementing K.S.A. 2000 Supp. 79-4502; effective, E-77-6, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1986; amended April 19, 2002.)

92-22-19. (Authorized by K.S.A. 79-4510; implementing K.S.A. 79-4505, 79-4517; effective, E-77-6, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1986; revoked April 19, 2002.)

92-22-22. (Authorized by K.S.A. 1976 Supp. 79-4502(f), 79-4502(i), 79-4502(j), 79-4510; effective, E-77-6, March 19, 1976; effective Feb. 15, 1977; revoked April 19, 2002.)

92-22-23. Computation of amount of claim; rental and ownership of a homestead during the same calendar year. (a) If a claimant owns a homestead and the claimant and the claimant's household occupy the homestead for a portion of a calendar year and for the remainder of the calendar year rent and occupy another homestead, the claim for relief granted under the homestead property tax refund act shall be computed by adding together the following:

(1) The property taxes accrued for that portion of the calendar year the claimant and the claimant's household occupied the owned homestead; and

(2) the rent constituting property taxes accrued for that portion of the year the claimant and the claimant's household occupied the rented homestead.

(b) The sum of property taxes accrued and rent constituting property taxes accrued shall not exceed the amount allowed by K.S.A. 79-4509, and amendments thereto. (Authorized by K.S.A. 79-4510; implementing K.S.A. 79-4508; effective, E-77-6, March 19, 1976; effective Feb. 15, 1977; amended April 19, 2002.)

92-22-24. (Authorized by K.S.A. 1976 Supp. 79-4502(d), 79-4502(f), 79-4502(i), 79-4502(j), 79-4509, 79-4510; effective, E-77-6, March 19, 1976; effective Feb. 15, 1977; revoked April 19, 2002.)

92-22-25. Proof in support of claim. (a) Proof of ownership of property for which a homestead property tax refund is claimed shall be provided by submitting a copy of the deed to the property to the director of taxation. If a deed has not been recorded to indicate ownership of the property by a claimant, the claimant shall complete and file with the director of taxation the following:

(1) A statement of ownership specifying the interest held in the property claimed; and

(2) a statement establishing by whom the property taxes are paid.

(b) Proof of income shall be provided by submitting a copy of the claimant's state or federal income tax return to the director of taxation. If the claimant did not file a state or federal income tax return for the period in question, the claimant shall file a signed schedule that shows the claimant's income from sources listed in K.S.A. 79-4502, and amendments thereto.

(c) Proof of a claimant's age shall be provided by submitting a copy of the claimant's birth certificate to the director of taxation. Proof of a dependent child's age shall be provided by submitting a copy of the dependent child's birth certificate to the director of taxation.

(d) Proof of household membership shall be provided by submitting a list of the following:

(1) The name of each individual residing in the household;

(2) the social security number of each individual residing in the household; and

(3) the relationship to the claimant of each individual residing in the household. (Authorized by K.S.A. 79-4510; implementing K.S.A. 79-4511; effective, E-77-6, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1986; amended April 19, 2002.)

92-22-33. Dependent children of claimant. A child shall be considered a dependent child if all of the following requirements are met for the calendar year for which the claim is submitted:

(a) The child was born before the beginning of the calendar year.

(b) The child is or may be claimed as a dependent by the claimant for income tax purposes.

(c) The child resided with the claimant, and solely with the claimant, for the entire calendar year.

(d) The child did not reach the age of 18 during the calendar year. (Authorized by K.S.A. 79-4510; implementing K.S.A. 2000 Supp. 79-4502; effective April 19, 2002.)

92-22-34. Complete filing required. (a) A refund claim shall not be considered actually filed with or in the possession of the department of revenue until the claim is complete.

(b) To be considered complete, a refund claim shall disclose all information concerning the claim and shall be accompanied by any proof required in support of the claim necessary for the department to determine if the claim should be allowed, adjusted, or disallowed.

(c) A refund claim that is not complete by the filing deadline established by K.S.A. 79-4505, and amendments thereto, shall be considered untimely and shall be denied, unless either of the following conditions is met:

(1) The claimant responds to requests for additional information from the department of revenue by furnishing the requested information within the time specified in writing by the department.

(2) The director of taxation agrees to extend the filing deadline or accept the claim after the filing deadline in accordance with K.S.A. 79-4517, and amendments thereto. (Authorized by K.S.A. 79-4510; implementing K.S.A. 79-4505 and K.S.A. 2000 Supp. 79-4517; effective April 19, 2002.)

Stephen S. Richards
Secretary of Revenue

Doc. No. 027741

State of Kansas

Kansas Insurance Department

Permanent Administrative
Regulations

Article 1.—GENERAL

40-1-43. Reinsurance trust instruments; letters of credit. (a) Sections 10 and 11 of the national association of insurance commissioners' "credit for reinsurance model regulation," January 1997 edition, with amended pages 5 through 22 dated July 2001, are adopted by reference, subject to the following exceptions:

(1) In section 10(B)(1), delete "Section [insert citation to state law equivalent to Section 4B of the Credit for Reinsurance Model Law]," and replace it with "K.S.A. 40-221a and amendments thereto."

(2) In section 10(B)(11)(c), delete "Section [insert citation to state law equivalent of Section 4B of the Credit for Reinsurance Model Law]," and replace it with "K.S.A. 40-221a and amendments thereto."

(3) Section 10(D)(4) is not adopted by reference.

(4) In section 11(A), delete "Section [insert citation to state law equivalent of Section 4A of the Credit for Reinsurance Model Law]," and replace it with "K.S.A. 40-221a and amendments thereto."

(5) In section 11(G), delete "Section [insert citation to state law equivalent to 4A of the Credit for Reinsurance Model Law]," and replace it with "K.S.A. 40-221a and amendments thereto."

(b) Each trust that is used by an insurer, organized under the laws of this state, to demonstrate compliance with K.S.A. 40-221a(b)(1) and (3), and amendments thereto, shall be established in a form approved by the commissioner. The trust instrument shall include all of the following provisions:

(1) Entry of the final order of any court of competent jurisdiction in the United States will make contested claims valid and enforceable.

(2) Legal title to the assets of the trust will be vested in the trustee for the benefit of the grantor's United States ceding insurers, their assigns, and successors in interest.

(3) The commissioner will have the power to examine the trust.

(4) The trust will remain in effect for as long as the assuming group or insurer has outstanding obligations under reinsurance agreements subject to the trust.

(5) On or before February 28 of each year, a written report prepared by the trustees will be sent to the commissioner of insurance containing the following:

(A) The balance in the trust;

(B) a listing of the trust's investments at the end of the preceding year; and

(C) a certification of the termination date of the trust, or a certification that the trust will not expire before the following December 31.

(c) Each amendment to the trust shall be reviewed and approved by the commissioner before that amendment becomes effective. (Authorized by K.S.A. 40-221a and K.S.A. 40-103; implementing K.S.A. 40-221a; effective Jan. 24, 1997; amended May 25, 2001; amended, T-40-12-11-01, Dec. 11, 2001; amended April 19, 2002.)

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 027733

State of Kansas

Department of Wildlife and Parks

Permanent Administrative
Regulations

Article 2.—FEES, REGISTRATIONS
AND OTHER CHARGES

115-2-6. Other fees and charges. (a) The following fees and charges shall be in effect for state parks and for other designated areas for which fees and charges are required.

- (1) Annual private boat dock fee \$25.00
- (2) Private cabin, club, and organization site assignment transfer fee 25.00
- (3) Private cabin, club, and organization site annual fee.

(A) The annual fee for private cabin, club, and organization sites shall be adjusted when the lease agreement for a site is newly assigned, transferred, or renewed, unless the existing lease agreement specifies a fee applicable for the renewal term.

(B) The annual fee for fees adjusted before January 1, 2003 shall be \$200.00.

(C) The annual fee shall be recalculated on January 1, 2003; January 1, 2008; and January 1, 2013, based on the equation in subsection (b).

(b) The annual fee for private cabin, club, and organization sites shall be calculated as follows, using terms as defined in the remainder of this subsection.

$$\text{Annual Fee} = \frac{\text{Previous Annual Fee} \times (\text{New CPI})}{(\text{Previous CPI})}$$

(1) "CPI" means the "consumer price index for all urban consumers" (CPI-U) for the midwest region average for all items, 1982-1984 = 100, as published in the "CPI detailed report" by the bureau of labor statistics of the U.S. department of labor.

(2) "Previous annual fee" means \$200 for the recalculation of the annual fee on January 1, 2003, and for each recalculation thereafter means the annual fee calculated

(continued)

five years previous to the new calculation, using the equation in subsection (b).

(3) "New CPI" means the CPI on July 1 immediately preceding the January 1 date for a newly calculated annual fee.

(4) "Previous CPI" means the CPI on July 1, 1998 for the recalculation of the annual fee on January 1, 2003, the CPI on July 1, 2002 for the recalculation of the annual fee on January 1, 2008, and the CPI on July 1, 2007 for the recalculation of the annual fee on January 1, 2013.

(c) Each private cabin, club, and organization site lease and each private boat dock permit shall expire on the date specified in the respective lease or permit.

(d) This regulation shall be effective on and after July 1, 2002. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-988, as amended by L. 2001, Ch. 211, Sec. 9; effective Jan. 1, 1999; amended July 1, 2002.)

Article 4.—BIG GAME

115-4-4. Big game; legal equipment and taking methods. (a) Hunting equipment for the taking of big game during a big game archery season shall consist of the following:

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

(B) No bow shall have a mechanical device that locks the bow at full or partial draw.

(C) Each bow shall be designed to shoot only one arrow at a time.

(D) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, or holographic sights.

(E) Each arrow used for hunting shall be equipped with a nonbarbed broadhead point with all-metal cutting edges.

(F) Each arrow used for hunting shall be at least 20 inches in length.

(G) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(H) Range-finding devices may be used or attached to the bow if the system does not project visible light toward the target.

(I) No bow with less than 50 pounds of draw weight shall be used to archery hunt for elk.

(2) Crossbows and locking draws as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of big game during a big game firearm season shall consist of the following:

(1) Firearms season equipment authorized for all big game species:

(A) Archery equipment as authorized in subsection (a);

(B) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(C) range-finding devices, if the system does not project visible light toward the target.

(2) Firearms season equipment authorized for deer and antelope:

(A) Centerfire rifles that are not fully automatic and that fire a bullet larger than .23 inches in diameter, while

using only soft point, hollow point, or other expanding bullets;

(B) muzzleloading rifles and muskets that can be loaded only through the front of the firing chamber with separate components and that fire a bullet of .39 inches in diameter or larger;

(C) centerfire handguns that are not fully automatic, fire a bullet larger than .23 inches in diameter, and use a cartridge case 1.280 inches or more in length, while using only soft point, hollow point, or other expanding bullets;

(D) single barrel muzzleloading pistols .45 caliber or larger that have a barrel length of 10 inches or greater and can be loaded only through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols; and

(E) shotguns using only slugs of 20 gauge or larger.

(3) Firearms season equipment authorized for elk:

(A) Centerfire rifles as authorized in paragraph (b)(2)(A), but only if firing a bullet larger than .25 inches in diameter and using a cartridge greater than 2.5 inches in length; and

(B) muzzleloading rifles and muskets as authorized in paragraph (b)(2)(B), but only if firing a bullet of .49 inches in diameter or larger.

(4) Firearms season equipment authorized for turkey: shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot.

(c) Hunting equipment for the taking of big game during a big game muzzleloader-only firearm season shall consist of the following:

(1) Muzzleloader-only season equipment authorized for deer and antelope:

(A) Muzzleloading rifles and muskets as authorized in paragraph (b)(2)(B), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light; and

(B) muzzleloading pistols as authorized in paragraph (b)(2)(D), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light.

(2) Muzzleloader-only season equipment authorized for elk:

(A) Muzzleloading rifles and muskets as authorized in paragraph (b)(3)(B), but only if using only open or peep sights that do not magnify the target, project visible light, or electronically amplify visible or infrared light; and

(B) archery equipment as authorized in subsection (a).

(d) Accessory equipment.

(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-12 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear clothing of a bright orange color having a predominant light wavelength of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

(A) A hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions; and

(B) a minimum of 100 square inches of the bright orange color that is on the front of the torso and is visible

from the front, and a minimum of 100 square inches that is on the rear of the torso and is visible from the rear.

(2) Nonelectric calls, lures, and decoys, except live decoys, shall be legal while hunting big game.

(3) Any individual may use blinds and stands while hunting big game.

(e) Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit or game tag in possession while hunting.

(f) Shooting hours.

(1) Shooting hours for deer, antelope, and elk during each day of any deer, antelope, or elk hunting season shall be from one-half hour before sunrise to one-half hour after sunset.

(2) Shooting hours for turkey during each day of any turkey hunting season shall be from one-half hour before sunrise to sunset.

(g) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.

(h) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. Dogs may be used while hunting turkey, but only during the fall turkey season. (Authorized by K.S.A. 32-807 and K.S.A. 32-937; implementing K.S.A. 32-807, K.S.A. 32-937, K.S.A. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002.)

Article 18.—SPECIAL PERMITS

115-18-7. Use of crossbows and locking draws for big game hunting by persons with disabilities; application, permit, and general provisions. (a) Any permanently disabled person qualified to hunt deer, antelope, elk, or wild turkey with a crossbow and desiring to obtain a crossbow and locking draw permit shall apply to the secretary on forms provided by the department. Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) a physician's signed report, on forms provided by the department, describing the permanent disability and certifying the applicant physically incapable of using a bow; and

(4) other information as required by the secretary.

(b) Any person with a temporary disability who would be qualified to hunt deer, antelope, elk, or wild turkey with a crossbow if the disability were permanent and who desires to obtain a temporary crossbow and locking draw permit shall apply to the secretary on forms provided by the department. Each applicant shall provide the following information:

(1) Name of applicant;

(2) address;

(3) a physician's signed report, on forms provided by the department, describing the disability, certifying the applicant physically incapable of using a bow, and estimating the time period that the person is likely to be subject to the disability; and

(4) other information as required by the secretary.

A temporary permit shall expire no more than three years

from the date of issuance and shall state the expiration date on the face of the permit.

(c) An applicant may be required by the secretary to obtain, at department expense, a report from a second physician chosen by the secretary.

(d) A crossbow and locking draw permit or temporary permit may be refused issuance or may be revoked by the secretary for any of the following reasons:

(1) The disability does not meet qualifications for the permit.

(2) The application is incomplete or contains false information.

(3) The disability under which the permit was issued no longer exists.

(e) A crossbow and locking draw permit or temporary permit shall be valid statewide.

(f) A crossbow and locking draw permittee may use a crossbow or bow equipped with a locking draw for hunting deer, antelope, elk, or wild turkey during any archery season established by the secretary for the big game species being hunted by the permittee. This provision shall be subject to applicable rules and regulations governing archery hunting of that big game species, including possession of a valid hunting permit issued by the department for that big game species, if required.

(g) Legal equipment for hunting any big game by crossbow shall consist of the following:

(1) Crossbows of not less than 125 pounds draw weight and without telescopic sights;

(2) arrows not less than 16 inches in length, equipped with broadhead points and all-metal cutting edges;

(3) lighted pin, dot, or holographic sights attached to the bow, but no other electronic or chemical device attached to the crossbow or arrow;

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(5) range-finding devices, if the system does not project visible light toward the target.

(h) Legal equipment for hunting any big game using a bow equipped with a locking draw shall consist of legal archery equipment as specified in K.A.R. 115-4-4, except that the bow may have a mechanical device that locks the bow at full or partial draw.

(i) Any person may assist the holder of a crossbow permit or a temporary crossbow permit during the permittee's hunting activity. A person assisting a holder of a permit shall not perform the actual shooting of the crossbow for the permittee. (Authorized by K.S.A. 32-807, K.S.A. 32-919, and K.S.A. 32-932; implementing K.S.A. 32-932; effective Oct. 30, 1989; amended, T-115-9-9-97, Sept. 9, 1997; amended Dec. 29, 1997; amended Oct. 1, 1999; amended April 19, 2002.)

J. Michael Hayden
Secretary of Wildlife and Parks

Doc. No. 027744

State of Kansas

Kansas Bureau of Investigation

Permanent Administrative
Regulations

Article 12.—DISSEMINATION

10-12-1. Dissemination of conviction records. (a) Except as provided in subsection (c), the KBI shall be the sole agency releasing criminal history record information from the Kansas central repository for non-criminal justice purposes. Upon request by any individual, the KBI may, at its discretion, release conviction information from the central repository. Each request for conviction information shall include the name, sex, and date of birth of the individual in question and shall be accompanied by a fee as prescribed by the director of the KBI.

(b) Upon a request by a non-criminal justice agency or an individual, a criminal justice agency other than the KBI may provide any conviction information originated by that criminal justice agency. Each request for a conviction record shall include as part of the request the name, sex, and date of birth of the individual in question.

(c) A criminal justice agency may obtain conviction information from the KBI for a non-criminal justice purpose only if required under a municipal ordinance or county resolution for governmental licensing or certification purposes. (Authorized by K.S.A. 22-4704; implementing K.S.A. 22-4707; effective, E-81-31, Oct. 8, 1980; effective May 1, 1981; amended April 19, 2002.)

Article 13.—INSPECTION AND CHALLENGE

10-13-1. Right to review and challenge decisions.

(a) Upon presentation of proper identification, a person may request a copy of that person's criminal history record information and juvenile offender information retained at the local level or at the KBI. Requested criminal history record information and juvenile offender information may be provided in abstract form by mail or electronic transmission, at the discretion of the providing agency. The providing agency shall include with the record written notification to the individual of the right to challenge the accuracy of the content of the individual's record and the procedures to submit these challenges. Any unresolved challenge may be reviewed by the director of the KBI or the authorized designee.

(b) All corrections made to the record by local agencies shall be reported to the KBI. (Authorized by K.S.A. 22-4704; implementing K.S.A. 22-4709; effective, E-81-31, Oct. 8, 1980; effective May 1, 1981; amended April 19, 2002.)

Article 20.—MISSING PERSONS; UNIDENTIFIED
DECEASED PERSONS

10-20-2a. Procedures for reporting. (a) The local law enforcement agency having jurisdiction shall receive initial reports on missing persons from the reporting party and immediately enter the information into NCIC as prescribed by the chapter titled "missing person file," which is contained in the "national crime information

center 2000 operating manual," published December 1999 and hereby adopted by reference, to create an active record. After the initial entry, all additional information received by the entering agency shall be immediately entered into the base record.

(b) A missing person's report shall not be removed from NCIC based solely on age. (Authorized by and implementing K.S.A. 75-712b, K.S.A. 75-712c, K.S.A. 75-712d; effective April 19, 2002.)

Article 21.—KANSAS BUREAU OF INVESTIGATION
DNA DATABANK

10-21-1. Definitions. As used in this article, the following terms shall have the meanings specified below:

(a) "CODIS" (Combined DNA index system) means the federal bureau of investigation's (FBI) national DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories.

(b) "Convicted offender" means a person 18 years of age or older who commits an act that constitutes the commission of one of the crimes listed in K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, and is convicted by a court.

(c) "DNA" means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

(d) "DNA analysis" means the process through which DNA in a human biological specimen is analyzed and compared with DNA from another human biological specimen for identification purposes.

(e) "DNA databank" means the repository of DNA samples collected under the provisions of K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(f) "DNA database" means the Kansas bureau of investigation's (KBI) DNA identification record system. It is administered by the KBI and provides DNA records to the FBI for storage and maintenance in CODIS. The KBI's DNA database system is computer software and procedures administered by the KBI, to store and maintain DNA records regarding forensic casework, certain convicted offenders, and juvenile offenders, and DNA records used for research or quality control.

(g) "DNA record" means DNA identification information stored in the state DNA database or CODIS. The DNA record is the result obtained from the DNA analysis tests. The DNA record is comprised of the characteristics of a DNA sample that are of value in establishing the identity of individuals. The DNA record shall not contain any of the personal information submitted to the KBI on any form prescribed by the director of the KBI. The results of all DNA identification tests on an individual's DNA sample are also collectively referred to as the DNA profile of an individual.

(h) "DNA samples" means one blood sample and one saliva sample provided by any convicted offender or juvenile offender, or submitted to the KBI laboratory for analysis pursuant to a criminal investigation.

(i) "FBI" means the federal bureau of investigation.

(j) "Juvenile offender" means a person who meets the following criteria:

(1) Is 10 or more years of age, but less than 18 years of age;

(2) performs an act while a juvenile that, if done by an adult, would constitute the commission of one of the crimes listed in K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto; and

(3) is adjudicated by a court.

(k) "KBI" means the Kansas bureau of investigation.

(l) "Law enforcement" means those law enforcement officers and agencies authorized to receive information under K.S.A. 21-2511(f) or 22-4901 et seq., and amendments thereto.

(m) "NDIS" (national DNA index system) means the federal bureau of investigation's (FBI) centralized system of DNA identification records contributed by state and local forensic DNA laboratories. (Authorized by and implementing K.S.A. 2001 Supp. 21-2511; effective Dec. 22, 1995; amended April 19, 2002.)

10-21-2. Purpose of DNA identification. The DNA databank shall be utilized only for the following purposes:

(a) For identifying investigative leads in criminal investigations;

(b) for locating missing persons;

(c) for identifying unknown human remains;

(d) for a population statistic database, after personal identifiable information is removed; or

(e) for research, protocol development, and quality control, after personal identifiable information is removed. (Authorized by and implementing K.S.A. 2001 Supp. 21-2511; effective Dec. 22, 1995; amended April 19, 2002.)

10-21-3. Procedural compatibility with the FBI. (a) The DNA database as established by the KBI shall be compatible with the following documents, all of which are hereby adopted by reference:

(1) "National DNA index system (NDIS): NDIS standards for acceptance of DNA data," dated January 2000;

(2) "quality assurance standards for forensic DNA testing laboratories," effective October 1998; and

(3) "quality assurance standards for convicted offender DNA databasing laboratories," effective April 1999.

(b) DNA samples shall be received by the KBI for storage and analysis. The DNA analysis may be conducted under contract with the KBI by a qualified DNA laboratory that meets KBI procedural guidelines.

(1) Each DNA record submitted pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, shall be classified and filed by the KBI for the purposes specified in K.A.R. 10-21-2.

(2) The DNA profile of individuals in the state database shall be made available to local, state, and federal law enforcement agencies, approved CODIS crime laboratories that serve these agencies, and the county or district attorney's office in furtherance of an official investigation of a criminal offense.

(3) If the laboratory is a non-CODIS crime laboratory, the laboratory request shall be submitted in compliance

with the procedures specified in the documents adopted in subsection (a).

(c) A separate population database comprised of blood samples obtained pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, shall be created by the KBI after all personal identification is removed.

(1) The KBI's population databases may be shared with or disseminated to other law enforcement agencies, crime laboratories that serve them, and other third parties that the KBI deems necessary to assist the KBI with statistical analysis of the KBI's population database.

(2) The population database may be made available to and searched by other agencies participating in the CODIS system. (Authorized by and implementing K.S.A. 2000 Supp. 21-2511, as amended by L. 2001, ch. 208, sec. 2; effective Dec. 22, 1995; amended April 19, 2002.)

10-21-4. Expungement. (a) Any person whose DNA record or profile has been included in the DNA database and whose DNA samples are stored in the databank may apply for expungement on any of the following grounds:

(1) The felony conviction that resulted in the inclusion of the person's DNA record or profile in the database or the inclusion of the person's DNA sample in the databank has been reversed or dismissed.

(2) The person has been acquitted on retrial.

(3) The person has been pardoned by the governor of the state of Kansas pursuant to article 1, section 7 of the constitution of the state of Kansas and any implementing legislation.

(b) The person, either individually or through an attorney, may make application to the KBI for expungement of the record. The written application for expungement shall be on a form approved by the KBI and shall include the following information about the person:

(1) Name;

(2) date of birth;

(3) sex;

(4) race;

(5) place of birth, including city and state;

(6) district court case number and county; and

(7) offense or offenses.

(c) The application shall be forwarded to the KBI along with a certified copy of the final order of reversal, dismissal, acquittal, or pardon, which shall be attached to the application for expungement.

(d) When an application for expungement is submitted, the record contained in the state's DNA databank and database shall be reviewed by the KBI to confirm the existence of the record and the identity of the contributor. The DNA record and all other identifiable information shall be purged from the DNA database, and the DNA sample stored in the DNA databank shall be purged after the contributor no longer meets the requirements to submit blood and saliva pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(e) If the individual has more than one offense that requires submission of blood and saliva samples to the state DNA database, DNA databank, and CODIS, if applicable, then only the offense covered by the expungement shall be expunged. The samples submitted shall be retained if

(continued)

additional offenses require retention pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(f) If an individual has a record expunged, that individual shall be treated as not having had a DNA record in the DNA database, DNA databank, or CODIS for that offense.

(g) Upon receiving information regarding a contributor, a record may be expunged by the KBI on its own initiative according to this article.

(h) The Kansas department of corrections shall be notified by the KBI when the record of any inmate who has contributed DNA while housed with the department of corrections is expunged. (Authorized by and implementing K.S.A. 2001 Supp. 21-2511; effective Dec. 22, 1995; amended April 19, 2002.)

10-21-5. Maintenance. (a) DNA records maintained at the KBI shall be treated as confidential as provided in K.S.A. 21-2511 and 22-4901 et seq., and amendments thereto.

(b) A criminal defendant's rights to access DNA testing information during the course of a criminal case shall be governed by existing rules of discovery of scientific evidence in criminal cases.

(c) Access to blood and saliva samples shall be limited only to forensic DNA analysis for profiles to be included in the DNA databank.

(d) All DNA records obtained by the KBI shall be maintained, preserved, and securely stored at the KBI for not less than 10 years. (Authorized by and implementing K.S.A. 2000 Supp. 21-2511, as amended by L. 2001, ch. 208, sec. 2; effective Dec. 22, 1995; amended April 19, 2002.)

10-21-6. Collection of samples for DNA databank procedures. (a) The collection, labeling, storage, handling, preservation, and shipment of blood and saliva samples obtained from convicted felons pursuant to K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, for the DNA databank shall be in conformance with a form prescribed by the director of the KBI. Copies of the applicable protocol may be obtained from the KBI DNA laboratory.

(b) Each offender shall be positively identified using photo identification before taking the blood and saliva samples.

(c) When the offender is positively identified, one blood sample and one saliva sample shall be taken from the offender in a reasonable manner according to generally accepted medical practices.

(d) These samples shall be taken using only the DNA sample collection kit provided by the KBI.

(e)(1) The DNA information sheet provided in the collection kit shall be completed, providing all relevant information requested on the form.

(2) The offender's left and right thumbs shall be imprinted by means of an inked impression in the spaces indicated on the form.

(3) The person taking the blood and saliva samples and one other witness shall complete and sign, as indicated on the form, a verification that the blood sample and saliva sample were taken from the positively identified of-

fender. Additional supplies may be obtained from the KBI DNA laboratory.

(f) All samples so collected shall be transmitted within 72 hours of collection to the KBI in the manner prescribed in the instructions.

(g) Results from the DNA analysis made from blood or saliva samples, or both, obtained from convicted felons under K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto, shall be entered into the DNA database and CODIS.

(h) Each convicted offender or juvenile offender placed on probation and required to provide blood and saliva samples shall provide the samples within 10 days after sentencing or disposition.

(1) Court services officers or community corrections officers shall facilitate the collection of DNA samples.

(2) The offender may have the DNA sample collection kit completed at any public health agency, clinic, hospital, or any other facility with persons qualified to draw blood as provided in K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(i) Each convicted offender sentenced to the custody of the secretary of corrections and each juvenile offender placed in a youth residential facility or in a state youth center shall provide these samples upon arrival. The collection of DNA samples shall be facilitated by the department of corrections and SRS, as appropriate.

(j) Each convicted offender or juvenile offender currently incarcerated and required to provide blood and saliva samples shall provide these samples before release, discharge, or parole.

(k) Each convicted offender or juvenile offender paroled and required to provide blood and saliva samples shall provide the samples within 10 days of being paroled.

(1) Parole officers shall facilitate the collection of DNA samples.

(2) The offender may have the DNA sample collection kit completed at any public health agency, clinic, hospital, or any other facility with persons qualified to draw blood as provided in K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(l) Any convicted offender or juvenile offender placed on probation, parole, or community corrections or in SRS custody may have the blood sample collection kit completed at any public health agency, clinic, hospital, or any other facility with persons qualified to draw blood as provided in K.S.A. 21-2511 or 22-4901 et seq., and amendments thereto.

(m) Each convicted offender or juvenile offender sentenced or receiving a disposition to a term of incarceration in the county jail and required to provide blood and saliva samples shall provide these samples upon arrival.

(n) When any convicted offender or juvenile offender is placed on probation, parole, or community corrections or in SRS custody, the cost or fee associated with collection of the DNA sample shall be paid by the offender. (Authorized by and implementing K.S.A. 2001 Supp. 21-2511; effective Dec. 22, 1995; amended April 19, 2002.)

Larry Welch
Director

Doc. No. 027743

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Panhandle Eastern Pipe Line Company - Louisburg Compressor Station has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Panhandle Eastern Pipe Line Company - Louisburg Compressor Station, Houston, Texas, owns and operates a natural gas compressor station located at 29115 Metcalf Road, Louisburg, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Julie Ingoli, (785) 368-6683, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Julie Ingoli, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business May 6.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 6 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity

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

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027735

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2002-04 by adding the following projects:

Project X-2265-01 - Railroad Crossing Improvement, SK&O Railroad and Neosho Road in Thayer, Neosho County

Project X-2267-01 - Railroad Crossing Improvement, SK&O Railroad and U.S. 400 southeast of Cherokee, Cherokee County

Project X-2268-01 - Railroad Crossing Improvement, SK&O Railroad and U.S. 75 (Main Street) in Neodesha, Wilson County

Project X-2269-01 - Railroad Crossing Improvement, SK&O Railroad and Grandby Avenue northwest of Neodesha, Wilson County

Project X-2270-01 - Railroad Crossing Improvement, SK&O Railroad and U.S. 169 northeast of Coffeyville, Montgomery County

Project X-2271-01 - Railroad Crossing Improvement, SK&O Railroad and Montgomery Street in Thayer, Neosho County

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

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

The comment period regarding the STIP amendment will conclude April 25.

E. Dean Carlson
Secretary of Transportation

Doc. No. 027738

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment has received an application for a new permit to establish and operate a construction and demolition (C&D) landfill. The application was submitted by C&D Recyclers of Kansas, Inc., a subsidiary of Ritchie Companies, Inc. The proposed C&D landfill site is located at 4250 W. 37th St. North, Wichita, KS 67204 (SE¼ Section 26, Township 26 South, Range 1 West, Sedgwick County). Waste disposal will occur on about 24 acres within the 34½-acre property, to a maximum elevation of about 1,400 feet above sea level (about 70 feet above the existing ground surface). The C&D landfill will be constructed and operated in conformance with state solid waste regulations. Construction of the C&D landfill will involve filling an existing onsite isolated wetland; however, the U.S. Army Corps of Engineers has determined that the subject wetland is not jurisdictional and the proposed activity will not involve "waters of the United States." Based on current projections of disposal rates, the C&D landfill will have a total capacity to receive waste for approximately 10 to 30 years. C&D Recyclers of Kansas, Inc. has expressed an intention to recycle a significant percentage of the C&D waste received. KDHE is providing public notice of its intent to issue a permit to allow construction and operation of the proposed C&D landfill.

A copy of the administrative record, which includes the draft permit, permit application, engineering drawings and other information regarding this permit action, is available for public review April 8-May 15 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Bureau of Waste Management
Solid Waste Permits Section
1000 S.W. Jackson, Suite 320
Topeka, 66612-1366
Contact: Paul Graves
(785) 296-1596

Kansas Department of Health and Environment
South Central District Office
130 S. Market, Suite 6050
Wichita, 67202
Contact: Mark Bradbury
(316) 337-6041

Anyone wishing to comment on the proposed permit action should submit written statements postmarked not later than May 15 to Paul Graves of KDHE (at the address listed above). In addition, an informational meeting and public hearing will be held in conjunction with the public comment period on Wednesday, May 8, at the Sedgwick County Extension Education Center, Sunflower Room, 7001 W. 21st St. North (southeast corner of 21st and Ridge Road), Wichita. The informational meeting will begin at 6 p.m. At the informational meeting, KDHE staff will be present in an informal setting to respond to questions

from concerned individuals regarding the C&D landfill. At 7 p.m., immediately following the informational meeting, a public hearing will be held to provide a format for individuals to make formal comments, which will be recorded by KDHE. KDHE will subsequently respond to all formal comments in writing.

After consideration of all formal comments received at the public hearing and all written comments received during the public notice period, KDHE will make a final decision on whether to issue the permit. Notice of the decision will be given to the applicant, to anyone who submitted written comments during the comment period, to those who commented during the public hearing and to those who requested notice of the final permit decision.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027747

(Published in the Kansas Register April 4, 2002.)

U.S.D.A.—Natural Resources
Conservation Service

Notice of Meeting

A third party vendor meeting will be conducted from 9 a.m. to noon Thursday, April 18, at the NRCS Conference Center, 747 Duvall Ave., Salina, to get input from farmers and ranchers on the possible use of third party vendors (TPV) for technical assistance. This meeting provides farmers, ranchers and other USDA program participants with an opportunity to comment on obtaining technical assistance from sources outside of the USDA.

Participants may speak up to five minutes or may provide written testimony. Written comments may be sent by April 18 to the attention of Acting State Conservationist Leroy Ahlers, 760 S. Broadway, Salina, 67401.

The 1996 Farm Bill authorized the use of TPV for technical assistance. The proposed 2002 Farm Bill includes additional language on the use of TPV. A TPV program means that producers may have a choice of providers—they may use the NRCS for technical assistance or they may call on a TPV who is certified to provide such assistance. Technical assistance could include conservation planning and the design, layout, installation and check-out of approved conservation practices.

A third party vendor is an entity other than the NRCS that could provide the technical assistance, such as conservation planning or engineering assistance, that has previously been provided by the NRCS.

For more information, access the NRCS Web site at www.ks.nrcs.usda.gov.

Leroy E. Ahlers
Acting State Conservationist

Doc. No. 027758

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 Environmental Protection Agency, 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-02-88
Applications for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
James Hartter Route 4, Box 300 Sabetha, KS 66534	James Hartter Route 4, Box 300 Sabetha, KS 66534	Kansas River Basin
Legal Description NW/4 of Section 3, T2S, R14E, Nemaha County		
Kansas Permit No.: A-KSNM-S023		
This is an application for a permit for the expansion of an existing swine facility. A new permit will not be issued without additional public notice.		
The application is for the expansion of an existing swine facility of 400 head of swine each weighing greater than 55 pounds by adding 1,000 head of swine, each weighing greater than 55 pounds, for a total capacity of 560 animal units of swine.		

Public Notice No. KS-AG-02-89/99
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Goeckel Hog Farm Mark & Randy Goeckel 2773 20th Road Hanover, KS 66945	NE/4 of Section 1, T3S, R4E, Washington County	Big Blue River Basin
Kansas Permit No.: A-BBWS-S016		
This is a new permit for an existing facility for a maximum of 500 head of swine weighing less than 55 pounds [50 animal units (a.u.)] and 400 head of swine weighing more than 55 pounds (160 a.u.) for a total of 900 head (210 a.u.) of swine. This is a transfer of ownership.		
Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which 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
Dermot Truckwash #0 Seaboard Farms, Inc. P. O. Box 1207 Guymon, OK 73942	NE/4 of Section 28, T31S, R39W, Morton County	Cimarron River Basin

Kansas Permit No.: A-CIMT-T001

Nearest city to facility: Richfield, KS

This is a renewal and modification to omit the evaporative pond from the permit for an existing truck wash.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which 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
James Snyder 3495 Clay Road Effingham, KS 66023	SW/4 of Section 31, T6S, R18E, Atchison County	Kansas River Basin

Kansas Permit No.: A-KSAT-M006

This is a permit renewal of a current permit, for an existing facility for 50 head of dairy cows, for a total of 70 animal units.

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

Compliance Schedule: A 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
Turkey Red Farm 1840 Cherokee Road Moundridge, KS 67107	SW/4 of Section 7, T21S, R2W, McPherson County	Little Arkansas River Basin

Kansas Permit No.: A-LAMP-S029

This is a permit renewal for an existing facility for a maximum of 3,000 head of swine weighing less than 55 pounds [300 animal units (a.u.)] of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which 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
Steve Luthi 920 12th Road Clay Center, KS 67432	NW/4 of Section 9, T9S, R2E, Clay County	Lower Republican River Basin

Kansas Permit No.: A-LRCY-S047

This is a permit renewal for a maximum of 76 head of swine weighing more than 55 pounds [30.4 animal units (a.u.)] and 460 head of swine weighing less 55 pounds (46 a.u.) for a total of 536 head (76.4 animal units) of swine located in the Northwest Quarter of Section 9, Township 9S, Range 2E of Clay County.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which 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.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Mark Pfizenmaier 1296 Hackberry Road Clay Center, KS 67432	NW/4 of Section 5, T9S, R2E, Clay County	Lower Republican River Basin

Kansas Permit No.: A-LRCY-S049

This is a permit renewal for an existing facility for a maximum of 66 head of swine weighing greater than 55 pounds [26.4 animal units (a.u.)] and 320 head of swine weighing less than 55 pounds (32 a.u.) for a total of 386 head (58.4 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which 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
J-Six Farms, Inc. (West) 32 South 6th Street Seneca, KS 66538	SE/4 of Section 14, T4S, 1E, Washington County	Lower Republican River Basin

Kansas Permit No.: A-LRWS-H006 Federal Permit No.: KS0093629

Nearest city to facility: Clifton, KS

This is a permit renewal for an existing facility for 4,800 head (1,920 animal units) of swine.

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

Compliance Schedule: None

Name and Address of Applicant	Legal Description	Receiving Water
Miller-Wise Dairy c/o Matt Wise 30288 N.W. Arkansas Road Garnett, KS 66032	SW/4 of Section 1, T20S, R17E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No.: A-MCAN-M003

This is a renewal permit for an existing facility for a maximum of 150 head (210 animal units) of mature dairy cattle.

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

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and which have received manure or wastewater within the previous five years.

Compliance Schedule: A 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
Davis Farms c/o Gary Foster 1037 Hwy. 39 Fort Scott, KS 66701	SW/4 of Section 5, T27S, R23E, Bourbon County	Marais des Cygnes River Basin

Kansas Permit No.: A-MCBB-M003

This is a renewal permit for an existing facility for a maximum of 200 head (280 animal units) of mature dairy cattle.

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

Compliance Schedule: A 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
Steve and Cheryl Baird 2022 County Road 11 Levant, KS 67743	SW/4 of Section 27, T7S, R35W, Thomas County	Upper Republican River Basin

Kansas Permit No.: A-URTH-B001

This is a new permit for a new facility for 950 head (475 animal units) of cattle weighing less than 700 pounds.

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

Permeability tests shall be conducted on the earthen wastewater retention structures. Should any structure not meet the permeability requirements, additional sealing will be required.

Dewatering equipment shall be obtained within six months after issuance of the permit.

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
Vincent Weber Route 3, Box 70 Fredonia, KS 66736	NW/4 of Section 33, T30S, R14E, Wilson County	Verdigris River Basin

Kansas Permit No.: A-VEWL-S029

This is a renewal permit for an existing facility with a revised animal unit and head count due to changes in the law or method of counting the total maximum capacity for a maximum of 500 head (200 animal units) of swine weighing greater than 55 pounds and a maximum of 200 head (20 animal units) of swine weighing 55 pounds or less.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which is less than the KDHE minimum requirements, however, it has been demonstrated over the past years, through good management, the pit can be maintained in a non-overflowing status and avoid water pollution problems.

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-02-040/048

Name and Address of Applicant	Waterway	Type of Discharge
Belleville, City of P.O. Box 280 Belleville, Kansas 66935	Salt Creek via unnamed tributary	Treated Domestic Wastewater

Kansas Permit No. M-LR03-0001 Federal Permit No. KS0027529
Legal: NE¼, S2, T3S, R3W, Republic Co.

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, dissolved oxygen and pH. Monitoring for effluent flow will also be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Cherryvale, City of 123 West Main Street Cherryvale, KS 67335	Verdigris River via Drum Creek	Treated Domestic Wastewater

Kansas Permit No. M-VE07-0002 Federal Permit No. KS0094803
Legal: SW¼, NE¼, S7, T32S, R17E, Montgomery Co.

Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment facility treating primarily

domestic wastewater. The proposed three-cell lagoon system will replace the current mechanical plant. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia and fecal coliform will also 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
Kingman, City of P.O. Box 168 Kingman, KS 67068	S. Fork Ninnescah River	Treated Domestic Wastewater
Kansas Permit No. M-AR52-0002		Federal Permit No. KS0095982
Legal: NE¼, S5, T28S, R7W, Kingman Co.		

Facility Description: The proposed action is to reissue a new permit for operation of a new wastewater treatment facility treating primarily domestic wastewater. The proposed mechanical plant will replace the current trickling filter. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, and pH. Monitoring for effluent flow will also be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Pittsburg, City of P.O. Box 688 Pittsburg, KS 66762	Neosho River via Spring River via Cow Creek	Treated Domestic Wastewater
Kansas Permit No. M-NE57-0001		Federal Permit No. KS0038954
Legal: NW¼, SE¼, S31, T30S, R25E, Crawford Co.		

Facility Description: The proposed action is to modify and reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The modifications include updated ammonia limits pursuant to current Kansas Water Quality Standards, updated schedule of compliance, addition of monitoring for nutrient requirements, removal of monitoring requirements for certain receiving stream parameters and update of the facility description. 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
City of Wichita c/o Public Works Department City Hall - Eighth Floor 455 N. Main Street Wichita, KS 67202	Arkansas River	Treated Groundwater
Facility Name: Brook Landfill Groundwater Remediation Project		
Kansas Permit No. I-AR94-PO83		Federal Permit No. KS0093874
Legal: NE¼, S36, T26S, R1W, Sedgwick Co.		

Facility Description: This facility is a municipal solid waste landfill permitted through KDHE's Bureau of Waste management (Permit #213). The proposed action is to reissue an existing permit for the discharge of treated groundwater. Groundwater is extracted from one well southeast of the landfill. The groundwater is directed to an air-stripping system for treatment of volatile organic compounds prior to discharge. The proposed permit includes limits for vinyl chloride, cis-1,2 dichloroethylene, trans-1,2 dichloroethylene, and pH. Monitoring for biochemical oxygen demand, total suspended solids, ammonia, alpha-terpineol, benzoic acid, p-cresol, total zinc, chloride, sulfate, chlordane and effluent flow will also be required. Monitoring for volatile and acid extractable compounds will also 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
E and E Specialties, Inc. 910 E. 29th Street Lawrence, KS 66046	Kansas River via Wakarusa River via Unnamed Tributary	Non Contact Cooling Water
Kansas Permit No. I-KS31-CO05		Federal Permit No. KS0091294
Facility Location: 910 E. 29th Street, Lawrence, KS 66046		

Facility Description: The proposed action is to reissue an existing permit for the discharge of non-contact cooling water. This facility designs and manufactures point-of-purchase displays. Additives-free municipal water is used in two processes: (1) once-through non-contact cooling of plastic molding machines, which is discharged through a pipe into a drainage ditch leading into the Haskell wetlands and eventually to the Wakarusa River (about 8000 gallons/day), and (2) cooling water is sprayed on plastic extrusions, collected in a trough, and recirculated until the water becomes too warm. The water (about 100 gallons/day) is discharged into the sanitary sewer. 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
N. R. Hamm Quarry, Inc. P.O. Box 17 Perry, Kansas 66073	Kansas River via Halfday Creek	Pit De-watering, Wash Water & Stormwater Runoff

Facility Name: Rollin Meadows Quarry #11
Kansas Permit No. I-KS72-PO20
Federal Permit No. KS0088978
Legal: NE¼, S14, T10S, R15E, Shawnee County.

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarrying operation with washing. The proposed permit includes limits for total suspended solids and pH. 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
Kansas Gas Service Co. ONEOK, Inc. 990 S.W. 70th Kingman, KS 67068	Arkansas River via S. Fork Ninnescah River via PVC Pipeline	Treated Groundwater
Facility Name: MCMC Calista Compressor Station		
Kansas Permit No. I-AR96-PO01		Federal Permit No. KS0087823
Legal: SW¼, S6, T28S, R8W, Kingman Co.		

Facility Description: This facility provides compression of natural gas. The proposed action is to issue a new permit for the discharge of treated groundwater. Six recovery wells (#1, #2, #3, #3D #4 and #18) manifold into the treatment system which was installed as a part of a remediation project designed to provide containment for a plume generated from a closed lagoon. The treatment system consists of a sequestering chemical metering pump, an oil/water separator, two skid mounted air strippers operating in parallel, a pre-filter to protect the carbon units, two liquid phase carbon absorbers, and two vapor phase carbon absorbers. Nalco 1389 is used to prevent fouling of the air strippers. The proposed permit includes limits for benzene, toluene, ethyl benzene, total xylenes, naphthalene, phenanthrene, and pH. Monitoring for effluent flow will also 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
Public Wholesale Water Supply District No. 18 430 Pennsylvania Holton, KS 66436	Banner Creek	Process Wastewater
Kansas Permit No. I-KS23-PO03		Federal Permit No. KS0096695

(continued)

Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment facility treating primarily process wastewater. This water treatment plant uses clarification and ultra-filtration to remove/reduce contaminants in the raw water. The clarifier underflow, filtration backwash, filtration concentrate and associated maintenance wastewaters are discharged to a two-cell wastewater treatment lagoon system. Expansion to a third cell is planned in the future. The proposed permit includes limits for total suspended solids and pH. Monitoring for total residual chlorine will also 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 May 4 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-88/999, KS-02-040/048) 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 anyone to 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, (620) 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,
(620) 431-2390

Application information and components of plans and specifications for all new and expansions of existing swine facilities are available 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. 027748

State of Kansas

Department of Agriculture

Notice of Hearing on Proposed Permanent Quarantine

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

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

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

The proposed quarantine order is as follows:

BEFORE THE SECRETARY OF AGRICULTURE, TOPEKA, KANSAS PURPLE LOOSESTRIFE QUARANTINE

On this _____ day of _____, 2002 the Secretary of the Kansas Department of Agriculture, pursuant to authority authorized by K.S.A. 2-2117, hereby determines that quarantine action is necessary to prevent the further introduction and spread of Purple Loosestrife into the State of Kansas and within the State of Kansas.

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

WHEREAS, the Kansas Department of Agriculture has determined that Purple Loosestrife, is a plant pest as defined in K.S.A. 2-2113.

WHEREAS, the Kansas Department of Agriculture has located established populations of non-cultivated Purple Loosestrife in Kansas and public agencies in Kansas are

currently committing resources to control populations of Purple Loosestrife in environmentally sensitive areas on public lands.

WHEREAS, Purple Loosestrife may reproduce, spread, and survive in Kansas.

WHEREAS, twenty-eight other states have taken regulatory action to limit the introduction and/or spread of Purple Loosestrife in Kansas.

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

THE SECRETARY DOES THEREFORE ORDER THAT:

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

DEFINITIONS

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

REGULATED AREAS

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

REGULATED ARTICLES

For the purposes of this quarantine, "Purple Loosestrife" shall mean all species and hybrids of *Lythrum* except *Lythrum alatum* and *Lythrum californicum*. Purple Loosestrife plants or parts of plants capable of growing or propagation are prohibited. Forage, hay or any other commodity containing Purple Loosestrife plants or parts of plants shall be subject to the restrictions of this quarantine.

EFFECTIVE DATE OF QUARANTINE

This Order of Quarantine shall become effective January 1, 2003, and shall remain in effect until rescinded or modified by further order of the Secretary.

VIOLATION OF THIS QUARANTINE

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

Dated and signed this _____ day of _____, 2002.

Jamie Clover Adams, Secretary of Agriculture

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 027711

State of Kansas

Board of Education

Request for Applications for Supplemental Education Services

Pursuant to Section 1116 of P.L. 107-110, *No Child Left Behind Act of 2001*, notification is given that the Kansas State Department of Education is accepting applications for supplemental education services providers. Section 1116 defines supplemental education services as tutoring in addition to the instruction provided during the school day. Schools on Title I school improvement status for two consecutive years are required by Section 1116 to provide supplemental education services for eligible children.

All providers must meet the following criteria:

- Have a demonstrated record of effectiveness in increasing student academic achievement;
- Be capable of providing supplemental education services that are tied to the local education agency curricula and state academic standards; and
- Be financially sound.

Supplemental education services must meet the following requirements:

- Be research-based;
- Be specifically designed to increase the academic achievement of eligible children on the academic assessments required under Section 1111 of *No Child Left Behind Act*; and
- Be tied to local curricula and state academic standards to attain proficiency.

Providers shall submit a record of demonstrated effectiveness in increasing academic proficiency in math and reading. Providers shall be required to do the following:

- Provide parents of children receiving supplemental services with information on the progress of their children in a format and language that the parents can understand;
- Ensure that all instruction is consistent with the local education agency curricula and is aligned with the state content standards;
- Meet all federal, state and local health, safety and civil rights laws; and
- Ensure that all instruction and content is secular, neutral and nonideological.

The Kansas State Department of Education is seeking applications from providers of supplemental education services. Applications will be accepted until May 31. If interested in applying, contact Judi Miller at the Kansas State Department of Education, (785) 296-5081.

Andy Tompkins
Commissioner of Education

Doc. No. 027737

State of Kansas

Board of Education

Notice of Hearing on Proposed
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, June 11, in the board room of the State Education Building, 120 S.E. 10th Ave., Topeka, to consider proposed amendments to teacher licensure regulations numbered S.B.R. 91-1-200, 91-1-201, 91-1-202, 91-1-203, 91-1-204, 91-1-205 and 91-1-207; and proposed new regulations numbered 91-1-212, 91-1-213 and 91-1-214.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted to the secretary of the State Board of Education at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the State Board of Education.

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 Lanny Gaston at (785) 296-3906 or TDD (785) 296-8172.

A copy of each of the proposed regulations and its economic impact statement may be obtained by contacting the secretary of the State Board of Education at the address above prior to the date of the hearing.

The following is a summary of each of the amended and proposed new licensure regulations, along with a summary of the economic impact of each regulation:

S.B.R. 91-1-200. This regulation provides definition of terms. This regulation is intended to clarify terms used throughout the remaining substantive regulations. It is being amended to provide additional definitions and clarify existing ones.

No economic impact is anticipated for the State Board of Education or school districts, individuals, other governmental agencies or private businesses.

S.B.R. 91-1-201. This regulation establishes the types of licenses to be issued by the State Board and the age or grade levels for which each license is valid. This regulation replaces regulations that established the kinds of certificates issued by the State Board. It is being amended to reflect changes that create a unified early childhood level, birth through grade three, and to adjust the level for other licenses. No economic impact is anticipated for the State Board of Education or school districts, individuals, other governmental agencies or private businesses.

S.B.R. 91-1-202. This regulation establishes the endorsements that may be attached to a license. The endorsements on a license specify the teaching fields in which the license holder is qualified. It is being amended to provide clarification of early childhood level endorse-

ments and to adjust other endorsements. No economic impact is anticipated for the State Board of Education or school districts or for private businesses.

The proposed amendment to the early childhood level could extend the length of time required to complete an early childhood unified education program for up to two years. Therefore, individuals would incur the added cost of additional years of study to complete an early childhood program. Each added year of study would cost on average an additional \$10,400 in tuition, books, room and board.

To implement unified early childhood programs, institutions may be required to employ additional faculty. Average yearly salary for an instructor would be \$35,583. At this point, however, no institution has indicated this program will require additional faculty.

S.B.R. 91-1-203. This regulation establishes the requirements for issuance of an initial license. This regulation is being amended to clarify the requirements for obtaining the various licenses. No substantial changes in the requirements are being proposed. No economic impact is anticipated for the State Board of Education or school districts, individuals, other governmental agencies or private businesses.

S.B.R. 91-1-204. This regulation establishes the requirements for licensure of out-of-state and foreign applicants. The requirements for licensure of out-of-state and foreign applicants are being amended to increase portability of professional licenses from out-of-state. Amendments provide options for out-of-state applicants to come into Kansas at the professional license level. No economic impact is anticipated for the State Board of Education or school districts, individuals, other governmental agencies or private businesses. However, this regulation is intended to increase the supply of qualified teachers available for employment in Kansas schools.

S.B.R. 91-1-205. This regulation establishes renewal requirements for all types of licenses. The license renewal requirements established in this regulation are being amended to clarify the requirements for renewal of the various licenses and to clarify and adjust options for renewal of expired licenses. No economic impact is anticipated for the State Board of Education or school districts, individuals, other governmental agencies or private businesses.

S.B.R. 91-1-207. This regulation provides for renewal of certificates issued prior to July 1, 2003, the effective date of new licensure regulations. The regulation provides for the transition from the prior certification system under the former regulations to the licensure system established by these regulations. An amendment is being made to clarify the regulation. No economic impact is anticipated for the State Board of Education or school districts, individuals, other governmental agencies or private businesses.

S.B.R. 91-1-212. This regulation provides for restricted teaching and district leadership licenses with an implementation date of July 1, 2002. The provisions of this regulation also are contained as a part of 91-1-203. However, 91-1-203 will not become effective until July 1, 2003. This regulation is being adopted to provide for an earlier implementation of restricted teaching and district leader-

ship licenses than is provided for in 91-1-203. This proposed regulation makes no changes in the requirements established in 91-1-203. It will expire on June 30, 2003, when 91-1-203 becomes effective and provides for these types of licenses. No economic impact is anticipated for the State Board of Education, school districts, other governmental agencies or private businesses. For individuals, the procedures are substantially the same as under the prior certification regulation. Therefore, no economic impact is anticipated for individuals. However, this regulation is intended to increase the supply of qualified teachers available for employment in Kansas schools.

S.B.R. 91-1-213. This regulation provides for vocational-technical certificates. This regulation establishes standardized requirements for certifying teachers employed in approved vocational programs. This regulation would replace numerous vocational certification regulations that are being revoked effective June 30, 2003. No economic impact is anticipated for the State Board of Education, school districts, other governmental agencies or private businesses. For individuals, the procedures are substantially the same as under the prior certification regulation. Therefore, no economic impact is anticipated for individuals.

S.B.R. 91-1-214. This regulation establishes a criminal history records check requirement for persons making application for an initial license or for renewal of an expired license. The criminal history records check will be conducted through a KBI/FBI fingerprint process. This regulation is intended to prevent persons convicted of felonies or any crimes against children from obtaining a Kansas teaching or school administration license. No economic impact is anticipated for school districts, other governmental agencies or private businesses.

The State Board will incur some minimal costs in implementing this regulation. These costs will include increased postage, additional clerical time and cost of supplies such as return envelopes. Total annual costs should not exceed \$5,000. Each applicant will be required to pay the fee for the criminal records history check in addition to the licensure application fee. The fee for the criminal history records check is determined by the KBI and currently is \$44.

The full text of each of the amended and proposed new regulations follows:

91-1-200. Definition of terms. (a) "Accomplished teaching license" means a license issued to an individual who has successfully completed an advanced performance assessment designated by the state board for the purpose of identifying accomplished teaching, or who has achieved national board certification.

(b) "Accredited experience" means teaching experience gained, under contract, in a school accredited by the state board or a comparable agency in another state while the teacher holds an endorsement valid for the specific assignment. A minimum of 90 consecutive days of substitute teaching in the endorsement area of academic preparation and in the same teaching position shall constitute accredited experience. Other substitute teaching experiences shall not constitute accredited experience.

(c) "All levels" means early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(d) "Approved program" means a teacher education program approved by the state board.

(e) "Conditional license" means the initial license that an individual holds to begin practice while preparing for the professional license.

(f) "Content assessment" means an assessment designated by the state board to measure subject matter knowledge for an endorsement.

(g) "Deficiency plan" means a detailed schedule of instruction from an approved program that, if completed, will qualify an individual for full endorsement in a subject. The individual who is to receive the instruction and a representative of the institution at which the instruction is to be given shall sign each deficiency plan.

(h) "Duplication of a license" means the issuance of a license to replace a license that is lost or destroyed.

(i) "Emergency substitute teaching license" means a license issued to an individual that allows access to practice as a substitute teacher as defined by S.B.R. 91-31-19(b).

(j) "Endorsement" means the legend printed on each license that identifies the subject in which an individual has specialization.

(k) "Exchange license" means a two-year license issued under the exchange license agreement.

(l) "Institutional verification" means acknowledgment that an individual has successfully completed a program within an accredited unit.

(m) "Licensure" means the granting of access to practice teaching, administration, or school services in Kansas public schools.

(n) "Local education agency (LEA)" means any governmental agency authorized or required by state law to provide education to children, including each unified school district, special education cooperative, school district interlocal, state school, and school institution.

(o) "Mentor" means a teacher or administrator who holds a professional license assigned by an LEA to provide support, modeling, and conferencing to a beginning professional.

(p) "Official transcript" means a student record that includes grades and credit hours earned and that is affixed with the official seal of the college and the signature of the registrar.

(q) "One year of teaching experience" means accredited experience that constitutes one-half time or more in one school year, while under contract.

(r) "Pedagogical assessment" means an assessment designated by the state board to measure teaching knowledge.

(s) "Performance assessment" means an assessment designated by the state board to measure an individual's ability to implement the knowledge and skills of a teacher, administrator, or school services provider.

(t) "Prekindergarten" means a program for children three and four years old.

(u) "Professional license" means a license issued to an individual based on successful completion of a per-

(continued)

formance assessment and maintained by professional development.

(†) (v) "Provisional school specialist endorsement license" means a license issued to an individual that allows access to practice as a school specialist while the individual is in the process of completing requirements for the school specialist license.

(†) (w) "Provisional teaching endorsement license" means a license issued to an individual that allows access to practice in an endorsement area while the individual is in the process of completing requirements for that endorsement.

(†) (x) "Recent credit or recent experience" means credit or experience earned during the six-year period immediately preceding the filing of an application.

(†) (y) "Restricted district leadership license" means a license that allows an individual limited access to practice in a district administrative role under a special arrangement among the individual, a Kansas teacher education institution, and an LEA.

(†) (z) "Restricted teacher license" means a license that allows an individual limited access to practice under a special arrangement among the individual, a Kansas teacher education institution, and an LEA.

(†) (aa) "Standards board" means the teaching and school administration professional standards advisory board.

(†) (bb) "State board" means the state board of education.

(†) (cc) "Subject" means a specific teaching area within a general instructional field.

(†) (dd) "Substitute teaching license" means a license issued to an individual that allows access to practice as a substitute as defined in S.B.R. 91-1-19(b).

(†) (ee) "Teacher education institution" means a college or university that has an accredited administrative unit for the purpose of preparing teachers.

(†) (ff) "Valid credit" and "credit" mean a semester hour of credit earned in, or validated by, a college or university that is on the accredited list maintained by the state board.

(†) (gg) "Visiting scholar teaching license" means a license that allows an individual who has documented exceptional talent or outstanding distinction in a particular subject area temporary, limited access to practice.

This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended P-_____.)

91-1-201. Type of licensure. (a) The following types of licenses shall be issued by the state board:

- (1) Accomplished teaching license;
- (2) conditional licenses, including the following:
 - (A) Conditional school leadership license;
 - (B) Conditional school specialist license; and
 - (C) conditional teaching license;
- (3) emergency substitute teaching license;
- (4) exchange school specialist license;
- (5) exchange teaching license;
- (6) foreign exchange teaching license;
- (7) professional licenses, including the following:

- (A) Professional school leadership license;
- (B) professional school specialist license; and
- (C) professional teaching license;
- (8) provisional school specialist endorsement license;
- (9) provisional teaching endorsement license;
- (10) restricted district leadership license;
- (11) restricted teaching license;
- (12) substitute teaching license; and
- (13) visiting scholar teaching license.

(b) (1) Each conditional license shall be valid for two years from the date of issuance.

(2) A conditional teaching license may be issued for one or more of the following levels:

(A) ~~Infancy through~~ Early childhood (birth through grade 3);

(B) early childhood through late childhood (~~prekindergarten kindergarten~~ through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(3) Each conditional school leadership license ~~and each conditional school specialist license~~ shall be issued for all levels.

(4) Each conditional school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.

(c)(1) Each professional license shall be valid for five years from on the date of issuance. Each license shall expire on the license holder's fifth birthdate following issuance of the license.

(2) A professional teaching license may be issued for one or more of the following levels:

(A) ~~Infancy through~~ Early childhood (birth through grade 3);

(B) early childhood through late childhood (~~prekindergarten kindergarten~~ through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(3) Each professional school leadership license ~~and each professional school specialist license~~ shall be issued for all levels.

(4) Each professional school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.

(d) (1) Each accomplished teaching license shall be valid for 10 years from the date of issuance.

(2) An accomplished teaching license may be issued for one or more of the following levels:

(A) ~~Infancy through~~ Early childhood (birth through grade 3);

(B) early childhood through late childhood (~~prekindergarten kindergarten~~ through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(3) Each professional school leadership license and each professional school specialist license shall be issued for all levels.

(4) Each professional school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.

(d) (1) Each accomplished teaching license shall be valid for 10 years from the date of issuance.

(2) An accomplished teaching license may be issued for one or more of the following levels:

(A) ~~Infancy through~~ Early childhood (birth through grade 3);

(B) early childhood through late childhood (~~prekindergarten kindergarten~~ through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(e) Each substitute teaching license shall be valid for ~~five years from~~ on the date of issuance and shall be issued for all levels. Each substitute license shall expire on the license holder's fifth birthdate following issuance of the license.

(f) Each emergency substitute teaching license shall be valid through June 30 of the school year for which it is issued and shall be issued for all levels.

(g) Each visiting scholar teaching license shall be valid through June 30 of the school year for which it is issued and shall be issued for ~~all levels~~ the level corresponding with the teaching assignment.

(h)(1) Each exchange license shall be valid for two years from the date of issuance.

(2) An exchange teaching license may be issued for one or more of the following levels:

(A) ~~Infancy through~~ Early childhood (birth through grade 3);

(B) early childhood through late childhood (~~prekindergarten kindergarten~~ through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(3) Each exchange school specialist license shall be issued for ~~all levels~~ the level that corresponds with the approved program completed by the applicant.

(i) Each foreign exchange teaching license shall be valid through June 30 of the school year for which it is issued and shall be valid for ~~all levels~~ the level corresponding with the teaching assignment.

(j) (1) Each restricted teaching license shall be valid for three years from the date of issuance.

(2) A restricted teaching certificate may be issued for one or more of the following levels:

(A) ~~Infancy through~~ Early childhood (birth through grade 3);

(B) early childhood through late childhood (~~prekindergarten kindergarten~~ through grade 6);

(C) late childhood through early adolescence (grades 5 through 8);

(D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(k) (1) Each restricted district leadership license shall be valid for three years from the date of issuance.

(2) A restricted district leadership certificate shall be issued for all levels.

(l) Each provisional teaching endorsement license shall be valid for two years from the date of issuance.

(1) A provisional teaching endorsement license may be issued for one or more of the following levels:

(A) ~~Infancy through early childhood (birth through grade 3);~~

~~(B) Early childhood through late childhood (prekindergarten kindergarten through grade 6);~~

~~(C) (B) late childhood through early adolescence (grades 5 through 8);~~

~~(D) (C) early adolescence through late adolescence and adulthood (grades 6 through 12); or~~

~~(E) (D) early childhood through late adolescence and adulthood (prekindergarten through grade 12).~~

(2) This license shall only be issued at the level for which the applicant holds a conditional or professional teaching license.

(m) (1) Each provisional school specialist license shall be valid for two years from the date of issuance.

(2) A provisional school specialist endorsement license shall be issued for all levels.

(n) (1) A nonrenewable license shall be issued to each applicant who meets all other requirements for a conditional license except the assessments and who verifies that the applicant will be employed if the license is issued.

(2) Each nonrenewable license shall be valid only through June 30 of the school year for which the license is issued.

~~(n) (o)~~ This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended P-_____.)

91-1-202. Endorsements. (a) Each license issued by the state board shall include one or more endorsements.

(b) ~~The endorsement~~ Endorsements available for teaching at the ~~infancy through~~ early childhood license level (birth through grade 3) shall be ~~infancy through~~ as follows:

(1) Early childhood generalist unified;

(2) deaf or hard-of-hearing;

(3) visually impaired; and

(4) school psychologist.

(c) Endorsements available for teaching at the early childhood through late childhood license level (~~prekindergarten kindergarten~~ through grade 6) shall be as follows:

(continued)

(1) Adaptive special education with an emphasis in one or more of the following areas:

- (A) Behavioral or emotional disabilities;
- (B) learning disabilities;
- (C) mental retardation; or
- (D) physical or other health disabilities;
- (2) early childhood through late childhood generalist;
- (3) English for speakers of other languages (ESOL);
- (4) functional special education with an emphasis in

one or more of the following areas:

- (A) Autism;
- (B) behavioral or emotional disabilities;
- (C) mental retardation;
- (D) physical or other health disabilities; or
- (E) severe or multiple disabilities; and
- (5) gifted.

(d) Endorsements available for teaching at the late childhood through early adolescence license level (grades 5 through 8) shall be as follows:

(1) Adaptive special education with an emphasis in one or more of the following areas:

- (A) Behavioral or emotional disabilities;
- (B) learning disabilities;
- (C) mental retardation; or
- (D) physical or other health disabilities;
- (2) English for speakers of other languages (ESOL);
- (3) English language arts;
- (4) functional special education with an emphasis in

one or more of the following areas:

- (A) Autism;
- (B) behavioral or emotional disabilities;
- (C) mental retardation;
- (D) physical or other health disabilities; or
- (E) severe or multiple disabilities;
- (5) gifted;
- (6) history (comprehensive);
- (7) mathematics; and
- ~~(7) (8) science;~~
- ~~(8) social studies with an emphasis in one or more of~~

the following areas:

- (A) Economics;
- (B) geography; or
- (C) sociology; and
- (9) ~~United States history and government, and world history.~~

(e) Endorsements available for teaching at the early adolescence through late adolescence and adulthood license level (grades 6 through 12) shall be as follows:

(1) Adaptive special education with an emphasis in one or more of the following areas:

- (A) Behavioral or emotional disabilities;
- (B) learning disabilities;
- (C) mental retardation; or
- (D) physical or other health disabilities;
- (2) agriculture;
- (3) biology;
- (4) business;
- (5) chemistry;
- (6) communication technology;
- (7) earth and space science;
- (8) English for speakers of other languages (ESOL);
- (9) English language arts;

(10) family and consumer science;

(11) functional special education with an emphasis in one or more of the following areas:

- (A) Autism;
- (B) behavioral or emotional disabilities;
- (C) mental retardation;
- (D) physical or other health disabilities; or
- (E) severe or multiple disabilities;
- (12) gifted;
- (13) journalism;
- (14) mathematics;
- (15) physics;
- (16) power, energy, and transportation technology;
- (17) production technology;
- (18) psychology;
- (19) social studies with an emphasis in one or more of

the following areas:

- (A) Economics;
- (B) geography; or
- (C) sociology;
- (20) speech and theatre;
- (21) technology education; and
- (22) United States history and government, and world history.

(f) Endorsements available for teaching at the early childhood through late adolescence and adulthood level (prekindergarten through grade 12) shall be as follows:

(1) Adaptive special education with an emphasis in one or more of the following areas:

- (A) Behavioral or emotional disabilities;
- (B) learning disabilities;
- (C) mental retardation; or
- (D) physical or other health disabilities;
- (2) art;
- (3) deaf and/or hard-of-hearing;
- (4) English for speakers of other languages (ESOL);
- (5) foreign language;
- (6) functional special education with an emphasis in

one or more of the following areas:

- (A) Autism;
- (B) behavioral or emotional disabilities;
- (C) mental retardation;
- (D) physical or other health disabilities; or
- (E) severe or multiple disabilities;
- (7) gifted;
- (8) health;
- (9) instrumental music;
- (10) music;
- (11) physical education;
- (12) visually impaired; and
- (13) vocal music.

(g) Endorsements available for school leadership at all levels shall be as follows:

- (1) Building leadership;
- (2) district leadership; and
- (3) program leadership.

(h) Endorsements available for school specialist fields at all levels shall be as follows:

- (1) Library media specialist;
- (2) reading specialist;
- (3) school counselor; and
- (4) school psychologist.

(i) Endorsements available for the foreign exchange teaching license shall be issued in the content area and valid only for the local education agency approved by the commissioner.

(j) Endorsements available for the restricted teaching license shall be issued in the content area and valid only for the local education agency approved by the state board.

~~(k) Endorsements available for the provisional teaching endorsement license at the infancy through early childhood license level (birth through grade 3) shall be infancy through early childhood generalist.~~

(4) Endorsements available for provisional teaching endorsement license at the early childhood through late childhood license level (~~prekindergarten~~ kindergarten through grade 6) shall be as follows:

(1) Adaptive special education with an emphasis in one or more of the following areas:

- (A) Behavioral or emotional disabilities;
- (B) learning disabilities;
- (C) mental retardation; or
- (D) physical or other health disabilities;

(2) English for speakers of other languages (ESOL);

(3) functional special education with an emphasis in one or more of the following areas:

- (A) Autism;
- (B) behavioral or emotional disabilities;
- (C) mental retardation;
- (D) physical or other health disabilities; or
- (E) severe or multiple disabilities; and
- (4) gifted.

~~(m)~~ (1) Endorsements available for the provisional teaching endorsement license at the late childhood through early adolescence license level (grades 5 through 8) shall be as follows:

(1) Adapted special education with an emphasis in one or more of the following areas:

- (A) Behavioral or emotional disabilities;
- (B) learning disabilities;
- (C) mental retardation; or
- (D) physical or other health disabilities;
- (2) English for speakers of other languages (ESOL);
- (3) English language arts;
- (4) functional special education with an emphasis in one or more of the following areas:

- (A) Autism;
- (B) behavioral or emotional disabilities;
- (C) mental retardation;
- (D) physical or other health disabilities; or
- (E) severe or multiple disabilities;
- (5) gifted;
- (6) history (comprehensive);
- (7) mathematics; and
- ~~(7) (8) science;~~
- ~~(8) social studies with an emphasis in one or more of the following areas:~~

- ~~(A) Economics;~~
- ~~(B) geography; or~~
- ~~(C) sociology; and~~
- ~~(9) United States history and government, and world history.~~

~~(n)~~ (m) Endorsements available for the provisional teaching endorsement license at the early adolescence through late adolescence and adulthood license level (grades 6 through 12) shall be as follows:

(1) Adaptive special education with an emphasis in one or more of the following areas:

- (A) Behavioral or emotional disabilities;
- (B) learning disabilities;
- (C) mental retardation; or
- (D) physical or other health disabilities;

- (2) agriculture;
- (3) biology;
- (4) business;
- (5) chemistry;
- (6) communication technology;
- (7) earth and space science;
- (8) English for speakers of other languages (ESOL);
- (9) English language arts;
- (10) family and consumer science;
- (11) functional special education with an emphasis in one or more of the following areas:

(A) Autism;

(B) behavioral or emotional disabilities;

(C) mental retardation;

(D) physical or other health disabilities; or

(E) severe or multiple disabilities;

(12) gifted;

(13) journalism;

(14) mathematics;

(15) physics;

(16) power, energy, and transportation technology;

(17) production technology;

(18) psychology;

(19) social studies with an emphasis in one or more of the following areas:

- (A) Economics;
- (B) geography; or
- (C) sociology;
- (20) speech and theatre;
- (21) technology education; and
- (22) United States history and government, and world history.

~~(o)~~ (n) Endorsements available for the provisional teaching endorsement license at the early childhood through late adolescence and adulthood level (prekindergarten through grade 12) shall be as follows:

(1) Adaptive special education with an emphasis in one or more of the following areas:

- (A) Behavioral or emotional disabilities;
- (B) learning disabilities;
- (C) mental retardation; or
- (D) physical or other health disabilities;

- (2) art;
- (3) deaf or hard-of-hearing;
- (4) English for speakers of other languages (ESOL);
- (5) foreign language;
- (6) functional special education with an emphasis in one or more of the following areas:

- (A) Autism;
- (B) behavioral or emotional disabilities;
- (C) mental retardation;

(continued)

- (D) physical or other health disabilities; or
- (E) severe or multiple disabilities;
- (7) gifted;
- (8) health;
- (9) instrumental music;
- (10) music;
- (11) physical education;
- (12) visually impaired; and
- (13) vocal music.

~~(p)~~ (o) Endorsements available for provisional school specialist endorsement license at all levels shall be as follows:

- (1) Library media specialist;
- (2) reading specialist; and
- (3) school counselor.

(p) Each applicant for a license with an adaptive or functional special education endorsement, or a gifted, visually impaired, or deaf or hard-of-hearing endorsement, shall have successfully completed one of the following:

- (1) A state-approved program to teach general education students; or
- (2) a professional education component that allows students to acquire the following:
 - (A) Knowledge of human development and learning;
 - (B) knowledge of general education foundations;
 - (C) knowledge of interpersonal relations and cultural influences;
 - (D) knowledge of teaching methodology; and
 - (E) the ability to apply the acquired knowledge to teach nonexceptional students.

(q) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended P-_____.)

91-1-203. Licensure requirements. (a) Conditional licenses.

(1) Each applicant for a conditional teaching license shall submit to the state board the following:

- (A) An official transcript verifying the granting of a bachelor's degree;
- (B) verification from an accredited institution by the unit head or designee of completion of a teacher education program;
- (C) verification of successful completion of a pedagogical assessment as determined by the state board;
- (D) verification of successful completion of an endorsement content assessment as determined by the state board;
- (E) verification of a minimum 2.50 cumulative GPA;
- (F) ~~verification of the applicant's teaching performance aptitude by the unit head or designee of the applicant's teacher education institution;~~
- (G) an application for conditional license; and
- ~~(H)~~ (G) the licensure fee.

(2) Each applicant for a conditional school leadership license shall submit to the state board the following:

- (A) An official transcript verifying the granting of a graduate degree;
- (B) verification from an accredited institution by the unit head or designee of completion of a graduate level school leadership program;

(C) verification of a minimum 3.25 cumulative GPA in graduate coursework;

(D) verification of successful completion of a school leadership assessment as determined by the state board;

~~(E) verification of the applicant's school leadership performance aptitude by the unit head or designee of the applicant's institution.~~

~~(F)~~ an application for conditional school leadership license;

~~(G)~~ (F) the licensure fee; and

~~(H)~~ (G) verification of three years of experience in a state-accredited school while holding a professional teaching license, a professional school specialist license, or a professional clinical license, a professional leadership license, or a full vocational-technical certificate.

(3) Each applicant for a conditional school specialist license shall submit to the state board the following:

(A) An official transcript verifying the granting of a graduate degree;

(B) verification from an accredited institution by the unit head or designee of completion of a graduate level school specialist program;

(C) verification of a minimum 3.25 cumulative GPA in graduate coursework;

~~(D) verification of the applicant's school specialist performance aptitude by the unit head or designee of the applicant's teacher education institution;~~

~~(E)~~ if application is made for a library media specialist endorsement, school counselor endorsement, or reading specialist endorsement, a currently valid professional teaching license;

~~(F)~~ (E) verification of successful completion of a school specialist assessment as determined by the state board;

~~(G)~~ (F) an application for conditional school specialist license; and

~~(H)~~ (G) the licensure fee.

(b) Professional licenses.

(1) Each applicant for an initial professional teaching license shall submit to the state board the following:

(A) Verification of successful completion in a state-accredited school of the teaching performance assessment prescribed by the state board;

(B) an application for professional teacher license; and

(C) the licensure fee.

(2) Each applicant for an initial professional school leadership license shall submit to the state board the following:

(A) Verification of successful completion in a state-accredited school of the school leadership performance assessment prescribed by the state board;

(B) an application for professional school leadership license; and

(C) the licensure fee.

(3) Each applicant for an initial professional school specialist license shall submit to the state board the following:

(A) Verification of successful completion of the school specialist performance assessment prescribed by the state board;

(B) an application for professional school specialist license; and

(C) the licensure fee.

(c) Accomplished teaching licenses. Each applicant for an initial accomplished teaching license shall submit to the state board the following:

(1) ~~(A) Verification of successful completion of the teaching performance assessment prescribed by the state board; or~~

~~(B) Verification of achieving national board certification issued by the national board of for professional teaching standards; and~~

(2) verification of a currently valid Kansas professional teaching license;

(3) an application for an accomplished teaching license; and

(4) the licensure fee.

(d) Substitute teaching license. Each applicant for an initial substitute teaching license shall submit to the state board the following:

(1) ~~Verification of completion of the requirements for a conditional teaching license. An official transcript from an accredited institution verifying the granting of a bachelor's degree;~~

~~(2) verification from an accredited institution of completion of an approved teacher education program;~~

~~(3) an application for substitute teaching license; and~~

~~(4) the licensure fee.~~

(e) Emergency substitute teaching license. Each applicant for an emergency substitute teaching license shall submit to the state board the following:

(1) An official transcript verifying the completion of at least 60 semester hours of general education coursework, professional education coursework, or a combination of these types of coursework;

(2) an application for emergency substitute teaching license; and

(3) the licensure fee.

(f) Visiting scholar teaching license.

(1) Each applicant for a visiting scholar teaching license shall submit to the state board the following:

(A) An application for a visiting scholar teaching license and the appropriate fee;

(B) written verification from an administrator of an accredited or approved local education agency that the applicant will be employed if the license is issued; and

(C) documentation of exceptional talent or outstanding distinction in one or more subjects or fields.

(2) Upon receipt of an application for a visiting scholar teaching license, the following requirements shall be met:

(A) The application and documentation submitted shall be reviewed by the commissioner of education or the commissioner's designee. As deemed necessary, other steps shall be taken by the commissioner of education or the commissioner's designee to determine the applicant's qualifications to be issued a visiting scholar teaching license.

(B) A recommendation to the state board shall be made by the commissioner of education or the commissioner's designee on whether this license should be issued to the applicant.

(3) The decision of whether a visiting scholar teaching license should be issued to any applicant shall be made by the state board.

(g) Foreign exchange teaching license. Each applicant for a foreign exchange teaching license shall submit to the state board the following:

(1) An application for a foreign exchange teaching license and the appropriate fee;

~~(2) verification from the employing or employment from the local education agency of its participation in the foreign exchange teacher program, including the teaching assignment; and~~

~~(3) verification of holding a currently valid teaching license in the applicant's home country participation in the foreign exchange teaching program.~~

(h) Restricted teaching license.

(1) Each applicant for a restricted teaching license shall submit to the state board the following:

(A) An application for a restricted teaching license and the appropriate fee;

(B) an official transcript or transcripts verifying completion of an undergraduate or graduate degree in the content area in which the restricted license is sought;

(C) verification of a minimum 2.50 cumulative grade point average; and

(D) documentation of the following:

(i) The local education agency has exhausted reasonable attempts to locate and hire a licensed person for the position which the applicant is to fill;

(ii) the local education agency will employ the applicant if the license is issued;

(iii) the local education agency will assign a licensed teacher with three or more years of experience to serve as a mentor for the applicant; and

(iv) the local education agency has collaborated with a Kansas teacher education institution regarding the program the applicant will pursue to obtain full licensure, and it will provide accommodations to the applicant, including release time, in order to work with the mentor teacher and to complete coursework needed for full licensure; and

(E) a statement from the licensing officer of a Kansas teacher education institution attesting to the following:

(i) The applicant has on file a written plan that will qualify the applicant for full licensure in the content area for which the restricted certificate is sought;

(ii) the plan for program completion can be completed in not more than three years and contains a specific designation of the coursework that is to be completed each year;

(iii) the program provided to the applicant will meet the institution's approved program standards;

(iv) the institution will ~~support~~ provide the applicant; with on-site, support at the employing local education agency, including supervision of the applicant's student teaching experience; and

(v) the institution has collaborated with the employing local education agency concerning the applicant's program.

(2) Each local education agency that employs a person holding a restricted teaching license shall submit to the commissioner of education a progress report by before July 1 of each year during the effective period of the re-

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stricted license. This progress report shall include the following:

(A) Verification that the applicant has attained passing scores on content assessment required by the state board of education by the end of the second year;

(B) verification from the chief administrative officer of the employing local education agency attesting to the following information:

(i) The applicant's contract will be renewed; and

(ii) the local education agency will continue to assign an experienced mentor teacher to the applicant and provide accommodations to the applicant to work with the mentor teacher and to complete the applicant's plan for full licensure;

(C) a statement from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) The applicant has made appropriate progress toward completion of the applicant's plan to qualify for full certification; and

(ii) the institution will continue to support the applicant, on-site, as necessary; and

(D) an official transcript verifying that the applicant has attained at least a 2.50 GPA in those courses specified in the applicant's plan for full licensure.

(i) Restricted district leadership license.

(1) Each applicant for a restricted district leadership license shall submit to the state board the following:

(A) An application, with appropriate fees, for the restricted district leadership license;

(B) verification of three years of accredited teaching experience under an appropriate valid professional license or five years of related leadership experience;

(C) an official transcript verifying that the applicant holds a graduate degree;

(D) verification of a minimum 3.25 cumulative GPA in graduate coursework;

(E) verification from the chief administrative officer or the president of the board of education of an accredited or approved local education agency attesting to the following:

(i) The local education agency has exhausted reasonable attempts to locate and hire a licensed person for the position that the applicant is to fill;

(ii) the local education agency will employ the candidate if the restricted district leadership license is issued;

(iii) the local education agency has collaborated with a Kansas teacher education institution regarding the candidate;

(iv) the local education agency has an agreement with an experienced district administrator holding a similar assignment to serve as a mentor for the candidate; and

(v) the local education agency will provide release time for the candidate to work with the administrator mentor and to work on progress toward program completion; and

(F) verification from the licensing officer at a Kansas teacher education institution attesting to the following:

(i) The institution will provide a program for the candidate that leads to the conditional license in district leadership that can be completed within a three-year time limit;

(ii) the applicant has on file a plan for program completion for the restricted district leadership license with a specific timeline detailing coursework to be completed successfully each year;

(iii) the institution will provide a program equivalent to the institution's approved program, but may choose to modify the delivery model;

(iv) the institution is collaborating with the school district providing employment; and

(v) the institution will support provide the candidate with on-site support.

(2) Each local education agency that employs a person holding a restricted district leadership license shall submit to the commissioner of education a progress report by before July 1 of each year during the effective period of the restricted license. This progress report shall include the following:

(A) Verification of completion of a school leadership assessment prescribed by the state board by the end of the second year;

(B) a statement from the chief administrative officer of the employing local education agency attesting to the following:

(i) The local education agency will offer an additional year of employment to the candidate; and

(ii) the local education agency will continue to assign a mentor and provide release time;

(C) verification from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) Normal progress has been made by the candidate on the deficiency plan for the restricted district leadership license;

(ii) an official transcript verifying the candidate has maintained a 3.25 GPA on program courses; and

(iii) the institution will continue to support provide the candidate with on-site support.

(j) Provisional teaching endorsement license.

(1) Each applicant shall hold a currently valid conditional or professional license at any level and shall submit to the state board the following:

(A) Verification of completion of at least 50 percent of an approved teacher education program in the requested endorsement field;

(B) a deficiency plan to complete the approved program requirements from the licensing officer of a teacher education institution;

(C) verification of employment and assignment to teach in the provisional endorsement area;

(D) an application for a provisional endorsement teaching license; and

(E) the licensure fee.

(2) Each applicant for a provisional teaching endorsement license for adaptive, functional, or gifted special education shall hold a currently valid conditional or professional license and shall submit to the state board the following:

(A) Verification of completion of coursework in the areas of methodology and the characteristics of exceptional children and special education, and completion of a practicum in the specific special education field;

(B) a deficiency plan to complete the approved program requirements for the licensing officer of a teacher education institution;

(C) verification of employment and the assignment to teach in the provisional endorsement area;

(D) an application for a provisional endorsement teaching license; and

(E) the licensure fee.

(k) Provisional school specialist endorsement license. Each applicant shall hold a currently valid professional license as described in S.B.R. 91-1-201 (a)(7) and shall submit to the state board the following:

(1) Verification of completion of 50 percent of an approved school specialist program;

(2) a deficiency plan for completion of the approved school specialist program from the licensing officer at a teacher education institution;

(3) verification of employment and assignment in the school specialty endorsement area for which licensure is sought;

(4) for a provisional school counselor endorsement license, verification from the employing local education agency that a person holding a professional school counselor specialist license will be assigned to supervise the applicant during the provisional licensure period;

(5) an application for a provisional school specialist license; and

(6) the licensure fee.

(l) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended P-_____.)

91-1-204. Licensure of out-of-state and foreign applicants. (a) Notwithstanding any other licensure rule and regulation, any person who meets the requirements of this rule and regulation may be issued a license by the state board.

(b) Exchange teaching or school specialist license. Any applicant for an initial Kansas teaching or school specialist license who holds a valid teaching or school specialist license with one or more full endorsements issued by a state that has been approved by the state board for exchange licenses may be issued a two-year license, if the applicant's endorsements are based on completion of a state-approved program in that state.

(c)(1) Any person who holds a valid teaching, school leadership, or school specialist license issued by another state may apply for either a conditional or a professional license.

(2) To obtain a conditional teaching license, each applicant specified in paragraph (c) (1) shall submit the following:

(A) An official transcript verifying the granting of a bachelor's degree;

(B) verification from the unit head or designee of an accredited institution that the applicant has completed a state-approved teacher education program;

(C) verification of successful completion of a pedagogical assessment prescribed by the state board or evidence of successful completion of a pedagogical assessment in the state in which the applicant holds the professional a license;

(D) verification of successful completion of an endorsement content assessment prescribed by the state board or evidence of successful completion of an endorsement content assessment in the state in which the applicant holds a license;

(E) verification of a minimum cumulative ~~2.75~~ 2.50 GPA;

(F) ~~verification of the applicant's teaching aptitude by the unit head or designee of the applicant's teacher education institution;~~

~~(G)~~ an application for a Kansas license; and

~~(H)~~ (G) the licensure fee.

(3) To obtain a professional license, each applicant specified in paragraph (c) (1) shall submit the following:

(A) An official transcript verifying the granting of a bachelor's degree;

(B) verification from the unit head or designee of an accredited institution that the applicant has completed a state approved teacher education program;

(C) a copy of the applicant's currently valid out-of-state professional license;

(D) (i) Evidence of successful completion of pedagogical, content, and performance assessments prescribed by the state board or evidence of successful completion of the three assessments in the state in which the applicant holds the professional license; or

(ii) verification of at least three years of recent accredited experience under a professional license;

(E) verification of a minimum cumulative ~~2.75~~ 2.50 GPA;

(F) verification of at least one year of recent accredited experience or at least eight semester hours of recent credit;

(G) an application for a Kansas license; and

~~(G)~~ (H) the licensure fee.

(4) To obtain a conditional school leadership license, an out-of-state applicant shall meet the requirements of S.B.R. 91-1-203 (a) (2) (A) through ~~(H)~~ (G).

(5) To obtain a conditional school specialist license, an out-of-state applicant shall meet the requirements of S.B.R. 91-1-203 (a) (3) (A) through ~~(H)~~ (G).

(d)(1) Any person who holds a valid professional teaching license in another state and has earned national board certification issued by the national board ~~of for professional teaching standards may apply for a professional an accomplished teaching license, which shall be valid for as long as the national board certificate is valid.~~

(2) To obtain ~~a professional an accomplished teaching license~~, each applicant specified in paragraph (d) (1) shall submit the following:

(A) Evidence of current national board certification;

(B) verification of a valid professional teaching license issued by another state;

(C) an application for a ~~professional an accomplished teaching license~~; and

(D) the licensure fee.

(e) Any person who has completed an education program from a foreign institution outside of the United States may receive a conditional license if, in addition to meeting the requirements for the conditional license as

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stated in S.B.R. 91-1-203, that person submits the following:

(1) An official credential evaluation by a credential evaluator approved by the state board; and

(2) if the person's primary language is not English, verification of passing scores on an English proficiency examination prescribed by the state board.

(f) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended P-_____.)

91-1-205. Licensure renewal requirements. (a) Conditional licenses.

(1) Any person, within five years of the date the person was first issued the conditional license, may apply for renewal of the initial conditional license by submitting an application for renewal of the conditional license and the licensure fee.

(2) Any person who does not renew the initial conditional license within five years of the date the conditional license was issued shall not be allowed to renew the conditional license. This person may obtain another conditional license but shall meet the requirements in S.B.R. 91-1-203 (a) that apply to the license sought. Assessments required by S.B.R. 91-1-203 (a) shall have been taken not more than one year before the date of application for the conditional license.

(b) Professional and substitute licenses. Any person may renew a professional license by submitting the following to the state board:

(1) An application for renewal;

(2) the licensure fee; and

(3) verification that the person, within the term of the professional license being renewed, meets any of the following requirements:

(A) Has completed all components of the national board for professional teaching standards assessment for board certification;

(B) has been granted national board certification;

(C) (i) Has earned a minimum of 120 professional development points under an approved individual development plan filed with a local professional development council if the applicant holds an advanced degree; or

(ii) has earned a minimum of 160 professional development points under an approved individual development plan filed with a local professional development council, including at least 80 points for college credit, if the applicant does not hold an advanced degree; or

(D) has completed a minimum of eight credit hours in an approved program or completed an approved program.

(c) Accomplished teaching licenses.

(1) Any person may renew an accomplished teaching license by submitting to the state board the following:

~~(1) (A) Verification of successful completion of the teaching performance assessment since the issuance of the most recent accomplished teaching license; or~~

~~(B) (A) Verification of achieving renewal of national board certification since the issuance of the most recent accomplished teaching license;~~

~~(2) (B) an application for accomplished teaching license; and~~

~~(3) (C) the licensure fee.~~

(2) If a person fails to renew the national board certificate, the person may apply for a professional license by meeting the renewal requirement for a professional license specified in paragraph (b)(3)(C) or (D) above.

(d) Substitute teaching license. Any person may renew a substitute teaching license by submitting to the state board the following:

(1) Verification that the person has earned, within the last five years, a minimum of 100 professional development points under an approved individual development plan filed with a local professional development council;

(2) an application for a substitute teaching license; and

(3) the licensure fee.

(e) Provisional teaching endorsement license. An individual may renew a provisional teaching endorsement license one time by submitting to the state board the following:

(1) Verification of completion of at least 50 percent of the deficiency plan;

(2) verification of continued employment and assignment to teach in the provisional endorsement area;

(3) an application for provisional endorsement teaching license; and

(4) the licensure fee.

(f) Provisional school specialist endorsement license. An individual may renew a provisional school specialist endorsement license by submitting to the state board the following:

(1) Verification of completion of at least 50 percent of the deficiency plan;

(2) verification of continued employment and assignment as a school specialist;

(3) an application for provisional school specialist endorsement license; and

(4) the licensure fee.

(g) Any applicant for renewal of a license may fulfill the renewal requirements by meeting the following conditions:

(1) Is employed by an accredited teacher education institution; and

(2) provides verification from the dean or head of the education department that the experiences the applicant has acquired in the areas of research, curriculum development, staff development, or in-service education are equivalent to the stated professional development point requirements for renewal of licensure as provided in these regulations for the license that the applicant holds.

(h) Any person who fails to renew the professional license or substitute license may apply for a subsequent professional or substitute license by meeting the following requirements:

(1) If the person's license expired fewer than five years preceding the date on which application is made, the person shall perform the following:

(A) Submit an application for a license and the licensure fee; and

(B) meet the requirements of subsection (b) of this rule and regulation.

(2) If the person's license expired five or more, but fewer than 10 years preceding the date on which appli-

cation is made, the person shall submit to the state board the following:

(A) An application for a license and the licensure fee; and

(B) verification of ~~successful completion of the assessment or assessments specified in S.B.R. 91-1-203 that apply to the license sought. The assessments required by S.B.R. 91-1-203 (a) shall have been taken not more than one year before the date of application for the professional license.~~

~~(3) If a person's license has been expired for 10 or more years preceding the date on which application is made, the person shall be eligible to obtain only a conditional license. This person shall submit to the state board the following:~~

~~(A) An application for a conditional license and the licensure fee; and~~

~~(B) verification of successful completion of the assessment or assessments specified in S.B.R. 91-1-203 that apply to the license sought. The assessments required by S.B.R. 91-1-203 (a) shall have been taken not more than one year before the date of application for the professional license one of the following:~~

~~(i) Having met the requirements of paragraph (b) (3) of this rule and regulation; or~~

~~(ii) having at least three years of recent, out-of-state accredited experience under a professional license.~~

~~(3) If a person seeks a professional license based upon recent, out-of-state accredited experience, the person shall be issued the license if verification of the recent experience is provided. The license shall be valid through the remaining validity period of the out-of-state professional license or for five years from the date of issuance, whichever is less.~~

~~(g) (i) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended P-_____.)~~

91-1-207. Renewal of certificates issued before July 1, 2003. (a) Each applicant renewing a valid certificate issued before July 1, 2003 shall renew that certificate based on the renewal requirements in effect at the time of the issuance of the certificate.

(b) Upon renewal of a certificate issued before July 1, 2003, each person holding an advanced degree conferred before July 1, 2003, may be granted two renewals of a five-year certificate or professional license if the person has completed three years of accredited, recent experience during the term of the most recent certificate or professional license.

(c) Upon renewal of a certificate issued before July 1, 2003, the applicant shall be issued the professional appropriate license with content endorsements obtained before July 1, 2003.

(d) This regulation shall be effective on and after July 1, 2003. (Authorized by and implementing Article 6, Section 2(a) of Kansas Constitution; effective July 1, 2003; amended P-_____.)

91-1-212. Restricted licenses. (a) An individual may apply for a restricted teaching license or a restricted district leadership license.

(b) Each restricted teaching license shall be valid for three years from the date of issuance and shall be issued for one or more of the following levels:

(1) Early childhood (birth through grade 3);

(2) early childhood through late childhood (kindergarten through grade 6);

(3) late childhood through early adolescence (grades 5 through 8);

(4) early adolescence through late adolescence and adulthood (grades 6 through 12); or

(5) early childhood through late adolescence and adulthood (prekindergarten through grade 12).

(c) Each restricted district leadership license shall be valid for three years from the date of issuance and shall be issued for all levels.

(d) Restricted teaching license.

(1) Each applicant for a restricted teaching license shall submit to the state board the following:

(A) An application for a restricted teaching license and the appropriate fee;

(B) an official transcript or transcripts verifying completion of an undergraduate or graduate degree in the content area in which the restricted license is sought;

(C) verification of a minimum 2.50 cumulative grade point average;

(D) documentation of the following:

(i) The local education agency has exhausted reasonable attempts to locate and hire a licensed person for the position which the applicant is to fill;

(ii) the local education agency will employ the applicant if the license is issued;

(iii) the local education agency will assign a licensed teacher with three or more years of experience to serve as a mentor for the applicant; and

(iv) the local education agency has collaborated with a Kansas teacher education institution regarding the program the applicant will pursue to obtain full licensure, and the agency will provide accommodations to the applicant; including release time, in order to work with the mentor teacher and to complete coursework needed for full licensure; and

(E) a statement from the licensing officer of a Kansas teacher education institution attesting to the following:

(i) The applicant has on file a written plan that will qualify the applicant for full licensure in the content area for which the restricted certificate is sought;

(ii) the plan for program completion can be completed in not more than three years and contains a specific designation of the coursework that is to be completed each year;

(iii) the program provided to the applicant will meet the institution's approved program standards;

(iv) the institution will provide the applicant with on-site support at the employing local education agency, including supervision of the applicant's internship; and

(v) the institution has collaborated with the employing local education agency concerning the applicant's program.

(2) Each local education agency that employs a person holding a restricted teaching license shall submit to the commissioner of education a progress report before July

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1 of each year during the effective period of the restricted license. This progress report shall include the following:

(A) Verification that the applicant has attained passing scores on content assessment required by the state board of education by the end of the second year;

(B) verification from the chief administrative officer of the employing local education agency attesting to the following information:

(i) The applicant's contract will be renewed; and

(ii) the local education agency will continue to assign an experienced mentor teacher to the applicant and provide accommodations to the applicant to work with the mentor teacher and to complete the applicant's plan for full licensure;

(C) a statement from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) The applicant has made appropriate progress toward completion of the applicant's plan to qualify for full certification; and

(ii) the institution will continue to provide the applicant with on-site support, as necessary; and

(D) an official transcript verifying that the applicant has attained at least a 2.50 GPA in those courses specified in the applicant's plan for full licensure.

(e) Restricted district leadership license.

(1) Each applicant for a restricted district leadership license shall submit to the state board the following:

(A) An application, with appropriate fees, for the restricted district leadership license;

(B) verification of either three years of accredited teaching experience under an appropriate valid professional license or five years of related leadership experience;

(C) an official transcript verifying that the applicant holds a graduate degree;

(D) verification of a minimum 3.25 cumulative GPA in graduate coursework;

(E) verification from the chief administrative officer or the president of the board of education of an accredited or approved local education agency attesting to the following:

(i) The local education agency has exhausted reasonable attempts to locate and hire a licensed person for the position that the applicant is to fill;

(ii) the local education agency will employ the candidate if the restricted district leadership license is issued;

(iii) the local education agency has collaborated with a Kansas teacher education institution regarding the candidate;

(iv) the local education agency has an agreement with an experienced district administrator holding a similar assignment to serve as a mentor for the candidate; and

(v) the local education agency will provide release time for the candidate to work with the administrator mentor and to work on progress toward program completion; and

(F) verification from the licensing officer at a Kansas teacher education institution attesting to the following:

(i) The institution will provide a program for the candidate that leads to the conditional license in district leadership that can be completed within a three-year time limit;

(ii) the applicant has on file a plan for program completion for the restricted district leadership license with a specific timeline detailing coursework to be completed successfully each year;

(iii) the institution will provide a program equivalent to the institution's approved program, but may choose to modify the delivery model;

(iv) the institution is collaborating with the school district providing employment; and

(v) the institution will provide the candidate with on-site support.

(2) Each local education agency that employs a person holding a restricted district leadership license shall submit to the commissioner of education a progress report before July 1 of each year during the effective period of the restricted license. This progress report shall include the following:

(A) Verification of completion of a school leadership assessment prescribed by the state board by the end of the second year;

(B) a statement from the chief administrative officer of the employing local education agency attesting to the following:

(i) The local education agency will offer an additional year of employment to the candidate; and

(ii) the local education agency will continue to assign a mentor and provide release time;

(C) verification from the licensing officer of the applicant's teacher education institution attesting to the following:

(i) Normal progress has been made by the candidate of the deficiency plan for the restricted district leadership license;

(ii) an official transcript verifies that the candidate has maintained a 3.25 GPA in program courses; and

(iii) the institution will continue to provide the candidate with on-site support.

(f) This regulation shall expire on June 30, 2003. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-1-213. Vocational-technical certificates. (a)

Any individual may apply for a restricted vocational-technical certificate or a full vocational-technical certificate.

(b) Restricted vocational-technical certificate.

(1) Each restricted vocational-technical certificate shall be valid for three years from the date of issue and shall be valid for instruction in grades 6 through 12. The restricted vocational-technical certificate shall be nonrenewable.

(2) A restricted vocational-technical certificate shall be valid for instruction in approved vocational programs for day trade, personal and public service areas, health occupations, specialized occupational home economics, and vocational special needs.

(c) Each applicant for a restricted vocational-technical certificate shall submit the following to the state board:

(1) Verification that a local education agency will employ the applicant in an approved vocational program if the certificate is issued;

(2) verification of at least 4,000 hours of occupational work experience in the content area in which the certificate is sought;

(3) documentation of the following:

(A) Successful completion of a recognized competency exam or an appropriate occupational license if instructing in approved vocational programs for day trades, personal and public service areas, or health occupations;

(B) a written plan to qualify for full certification during the term of the restricted vocational-technical certificate. The plan shall be based upon completion of the requirements of a training program for a full vocational-technical certificate; and

(C) verification from the employing local education agency that it has assigned a certified or licensed teacher with at least three years of experience to serve as a mentor for the applicant;

(4) an application for a restricted vocational-technical certificate; and

(5) the certificate fee.

(d) To qualify for a full vocational-technical certificate, each individual holding a restricted vocational-technical certificate shall meet the requirements for a full vocational-technical certificate during the three years that the restricted certificate is valid.

(e) Full vocational-technical certificate.

(1) Each full vocational-technical certificate shall be valid for five years from the date of issuance and shall be valid for instruction in grades 6 through 12.

(2) A full vocational-technical certificate shall be valid for instruction in approved vocational programs for day trade, personal and public service areas, health occupations, specialized occupational home economics, and vocational special needs.

(3) Each applicant for a full vocational-technical certificate shall submit the following to the state board:

(A) An application for a full vocational-technical certificate and the appropriate fee;

(B) documentation of successful completion of the training program for vocational-technical certification;

(C) verification of successful completion of two years of teaching experience in an approved vocational-technical program; and

(D) verification of attendance at three or more professional conferences related to the content area within the three-year period immediately before the date of application.

(f) Each applicant for a full vocational-technical certificate shall have successfully completed a training program of at least 18 semester credit hours or the equivalent professional development points approved through a local professional development council. The training program shall provide instruction in the following areas:

(1) Foundations of vocational-technical education and its impact on the content specialty, including the importance of vocational-technical education in today's society;

(2) development and use of curricula within the vocational or technical program, including the ability to adapt and modify curricula to provide developmentally appropriate experiences for all students;

(3) instruction of students with special needs;

(4) importance of workplace experience and integration of supervised experience into the curriculum;

(5) school improvement process;

(6) classroom management techniques;

(7) development of effective teaching methods, including the use of instructional strategies that encourage development of cognitive skills, including decision making, critical thinking, and problem solving with regard to vocational-technical issues and problems;

(8) utilization of technology as an instructional tool within the program area; and

(9) utilization of authentic assessment techniques.

(g) Any person may renew a full vocational-technical certificate by submitting the following to the state board:

(1) An application for renewal and the required fee; and

(2) (A) Verification that the person, within the term of the full vocational-technical certificate, has earned a minimum of 160 professional development points under an approved individual development plan filed with a local professional development council. The individual development plan shall include attendance at professional conferences in the vocational-technical field; or

(B) if the applicant holds an advanced degree, verification that the person, within the term of the full vocational-technical certificate, has earned a minimum of 120 professional development points under an approved individual development plan filed with a local professional development council. The individual development plan shall include attendance at professional conferences in the vocational-technical field. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

91-1-214. Criminal history records check. (a)

Each person making initial application for a Kansas certificate or license or for renewal of an expired certificate or license shall submit, at the time of application, a complete set of legible fingerprints of the person taken by a qualified law enforcement agency. Fingerprints submitted pursuant to this regulation shall be released by the department of education to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation.

(b) Each applicant shall pay the appropriate fee for the criminal history records check, to be determined on an annual basis.

(c) In addition to any other requirements established by regulation for the issuance of any certificate or license specified in subsection (a), the submittal of fingerprints shall be a prerequisite to the issuance of any certificate or license by the state board. Any person making application who does not comply with the provisions of this regulation shall not be issued a certificate or license. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P-_____.)

Andy Tompkins
Commissioner of Education

Doc. No. 027706

State of Kansas

Secretary of State

Certification of New State Laws

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

Ron Thornburgh Secretary of State

(Published in the Kansas Register April 4, 2002.)

HOUSE BILL No. 2629

AN ACT relating to the security of the department of administration computer and telecommunication infrastructure space; concerning fingerprinting of certain personnel.

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

Section 1. As the infrastructure provider for information technology for the state of Kansas, the department of administration must insure the highest level of information security and privacy in order to protect law enforcement, state agencies and the citizens of Kansas. Toward this ob-

jective, the department of administration shall require as a condition of employment that individuals who have unescorted physical access to the data center, telecommunications facilities and other security sensitive areas as designated by the secretary of administration be fingerprinted, and such fingerprints shall be submitted to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such individuals and obtaining records of criminal arrests and convictions.

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

(Published in the Kansas Register April 4, 2002.)

HOUSE BILL No. 2623

AN ACT concerning crimes, criminal procedure and punishment; relating to forgery; sentencing; amending K.S.A. 2001 Supp. 21-4704 and repealing the existing section; also repealing K.S.A. 2001 Supp. 21-4704a.

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

Section 1. K.S.A. 2001 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Table with 10 columns (Category A-H) and 10 rows (Severity Level I-X). Each cell contains numerical values representing sentencing ranges. A legend below the table defines symbols for 'Presumptive Imprisonment' and 'Presumptive Nonprison Sentence'.

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sen-

tence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer or K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567 and, subsection (c)(3) of K.S.A. 21-3412 (b)(3) of K.S.A. 21-3412a, and subsections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (c)(3) of K.S.A. 21-3412 (b)(3) of K.S.A. 21-3412a and subsections (b)(2) and (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

(j) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term. Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (1) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (2) at the time of the conviction under subsection (1) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government. The provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

Sec. 2. K.S.A. 2001 Supp. 21-4704 and 21-4704a are hereby repealed.

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

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2001 Supplement to the *Kansas Administrative Regulations*.

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1-5-19b	Amended	V. 20, p. 730
1-5-19c	Amended	V. 20, p. 730
1-5-20	Amended	V. 20, p. 731
1-16-18	Amended	V. 21, p. 146
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
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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
4-25-2		
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4-25-18	New	V. 21, p. 232-235

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-25-4	Amended	V. 20, p. 294

AGENCY 7: SECRETARY OF STATE

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7-17-24	New	V. 20, p. 1524-1528
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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		
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7-41-13	New	V. 20, p. 1021-1023

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9-7-19	New	V. 21, p. 265
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
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16-7-9	Revoked	V. 20, p. 1920

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17-11-21	Amended	V. 21, p. 18
17-16-2	Amended	V. 21, p. 19
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17-23-6	Amended	V. 21, p. 21
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17-23-9	Amended	V. 21, p. 22
17-23-11	Amended	V. 21, p. 23
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17-23-15	Revoked	V. 21, p. 26
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17-24-3	New	V. 21, p. 212

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20-10-2	Revoked	V. 20, p. 1921
20-11-1	Revoked	V. 20, p. 1921
20-11-2	Revoked	V. 20, p. 1921
20-13-2	Revoked	V. 20, p. 1921
20-13-3	Revoked	V. 20, p. 1921

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22-24-1 through		
22-24-18	New	V. 21, p. 147-150

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23-8-27	Revoked	V. 20, p. 1061

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT (By Department of Agriculture)

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25-3-16	Revoked	V. 21, p. 236
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25-4-4	Revoked	V. 21, p. 236
25-5-1	Revoked	V. 21, p. 236

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26-11-3	New (T)	V. 20, p. 1895

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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
28-15-36	Amended	V. 20, p. 728
28-15-36a	Amended	V. 20, p. 728
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28-16-28e	Amended	V. 20, p. 1264-1270
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28-16-57	Revoked	V. 20, p. 322
28-16-58	Amended	V. 20, p. 1279
28-16-60	Amended	V. 20, p. 1280
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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
28-29-18	Revoked	V. 21, p. 310
28-29-29	Amended	V. 21, p. 310
28-29-2201	New	V. 21, p. 310
28-34-1a	Amended	V. 20, p. 1755
28-34-6a	Amended	V. 20, p. 106
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28-34-21	Revoked	V. 20, p. 323
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28-34-28	Revoked	V. 20, p. 323
28-34-30	Revoked	V. 20, p. 323
28-34-32b	Amended	V. 20, p. 107
28-34-50	Amended	V. 20, p. 453
28-34-51	Amended	V. 20, p. 454
28-34-52	Revoked	V. 20, p. 455
28-34-52a	New	V. 20, p. 455
28-34-52b	New	V. 20, p. 455
28-34-53	Amended	V. 20, p. 456
28-34-54	Amended	V. 20, p. 456
28-34-55	Revoked	V. 20, p. 457
28-34-55a	New	V. 20, p. 457
28-34-56	Revoked	V. 20, p. 457
28-34-56a	New	V. 20, p. 457
28-34-57	Amended	V. 20, p. 457
28-34-58	Revoked	V. 20, p. 458
28-34-58a	New	V. 20, p. 458
28-34-59	Revoked	V. 20, p. 459
28-34-59a	New	V. 20, p. 459
28-34-60	Revoked	V. 20, p. 459
28-34-60a	New	V. 20, p. 459
28-34-61	Revoked	V. 20, p. 460
28-34-61a	New	V. 20, p. 460
28-34-62a	Amended	V. 20, p. 460
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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
28-39-144	Amended	V. 20, p. 1756
28-39-155	Amended	V. 20, p. 1758
28-39-410	Revoked	V. 20, p. 323
28-55-3	Amended	V. 21, p. 311
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30-5-76	Amended	V. 20, p. 1846
30-5-92	Amended	V. 20, p. 1029
30-5-94	Amended	V. 20, p. 1030
30-5-100	Amended	V. 20, p. 1846
30-5-108	Amended	V. 20, p. 491
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30-13-26	Revoked	V. 21, p. 331
30-64-20	Amended	V. 21, p. 80
30-64-22	Amended	V. 21, p. 80
30-64-23	Amended	V. 21, p. 80
30-64-30	Amended	V. 21, p. 81
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40-1-42	Amended	V. 20, p. 723
40-1-43	Amended	V. 20, p. 723
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40-1-48	New	V. 20, p. 1868
40-3-29	Revoked	V. 20, p. 946
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40-4-41	Amended	V. 20, p. 946
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40-5-106	Revoked	V. 20, p. 1161
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44-5-114	Revoked	V. 21, p. 309
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44-7-106	Revoked	V. 21, p. 309
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44-7-109	Revoked	V. 21, p. 309
44-7-112	Revoked	V. 21, p. 309
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44-8-114	Revoked	V. 21, p. 309
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44-11-112	Revoked	V. 21, p. 336

44-11-113	Amended	V. 21, p. 336
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44-11-123	Amended	V. 21, p. 337
44-11-124	Revoked	V. 21, p. 337
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44-11-130	Amended	V. 21, p. 338
44-11-131	Amended	V. 21, p. 339
44-11-132	Amended	V. 21, p. 339
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44-12-310	Amended	V. 21, p. 119
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44-12-314	Amended	V. 21, p. 119
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44-12-801	Amended	V. 21, p. 123
44-12-902	Amended	V. 21, p. 123
44-12-1002	Amended	V. 21, p. 123
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44-13-401	Amended	V. 21, p. 154
44-13-401a	Revoked	V. 21, p. 154
44-13-402	Amended	V. 21, p. 154
44-13-403	Amended	V. 21, p. 155
44-13-404	Amended	V. 21, p. 156
44-13-405a	Amended	V. 21, p. 157
44-13-406	Amended	V. 21, p. 158
44-13-408	Amended	V. 21, p. 158
44-13-409	Amended	V. 21, p. 158
44-13-501	Amended	V. 21, p. 158
44-13-502a	Amended	V. 21, p. 158
44-13-506	through	
44-13-509	Amended	V. 21, p. 158, 159
44-13-601	Amended	V. 21, p. 159
44-13-603	Amended	V. 21, p. 159
44-13-610	Amended	V. 21, p. 159
44-13-701	through	
44-13-704	Amended	V. 21, p. 159, 160
44-13-705	Revoked	V. 21, p. 161

44-13-706	Amended	V. 21, p. 161
44-13-707	Amended	V. 21, p. 161
44-14-101	Revoked	V. 21, p. 83
44-14-102	Revoked	V. 21, p. 83
44-14-201	Revoked	V. 21, p. 83
44-14-202	Revoked	V. 21, p. 83
44-14-301	through	
44-14-318	Revoked	V. 21, p. 83
44-15-101	Amended	V. 21, p. 84
44-15-101a	Amended	V. 21, p. 84
44-15-102	Amended	V. 21, p. 85
44-15-201	Amended	V. 21, p. 86
44-16-102	Amended	V. 21, p. 86
44-16-103	Revoked	V. 21, p. 86
44-16-104	Revoked	V. 21, p. 86
44-16-105	Amended	V. 21, p. 86
44-16-106	Revoked	V. 21, p. 86
44-16-107	Revoked	V. 21, p. 86
44-16-108	Revoked	V. 21, p. 86

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 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 20, p. 1755

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
60-11-116	Amended	V. 21, p. 316
60-11-119	Amended	V. 20, p. 451
60-12-106	Amended	V. 20, p. 1522
60-13-101	Amended	V. 20, p. 451
60-13-103	Amended	V. 21, p. 316
60-13-110	Amended	V. 21, p. 317
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
65-4-3	Amended	V. 21, p. 183
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
68-1-1e	Revoked	V. 21, p. 308
68-1-3	Revoked	V. 21, p. 308

68-2-5	Amended	V. 21, p. 308
68-9-1	Amended	V. 21, p. 308
68-9-2	New	V. 20, p. 1020

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
74-5-404a	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
82-3-111	Amended	V. 21, p. 43
82-3-120	Amended	V. 21, p. 44
82-3-120a	Revoked	V. 21, p. 45
82-3-123	Amended	V. 21, p. 45
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
82-3-304	Amended	V. 21, p. 45
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. 21, p. 117
82-3-400	Amended	V. 21, p. 383
82-3-401	Amended	V. 21, p. 383
82-3-401a	Revoked	V. 21, p. 384
82-3-401b	Revoked	V. 21, p. 384
82-3-402	through	
82-3-410	Amended	V. 21, p. 384-389
82-3-411	New	V. 21, p. 389
82-3-412	New	V. 21, p. 390
82-4-3	Amended (T)	V. 20, p. 1723
82-4-3	Amended	V. 20, p. 1868
82-4-26a	New (T)	V. 20, p. 1723
82-4-26a	New	V. 20, p. 1869

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 20, p. 1825

(continued)

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-70a	Amended	V. 20, p. 1894
91-1-146a through 91-1-146e	Revoked	V. 21, p. 178
91-1-206	Amended	V. 21, p. 178
91-1-215 through 91-1-219	New	V. 21, p. 178-180
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
92-1-1	Revoked	V. 21, p. 332
92-1-2	Revoked	V. 21, p. 332
92-1-3	Revoked	V. 21, p. 332
92-5-4	Revoked	V. 21, p. 312
92-5-5 through 92-5-10	Amended	V. 21, p. 312, 313
92-5-11	Revoked	V. 21, p. 313
92-5-12	Amended	V. 21, p. 313
92-5-13	Amended	V. 21, p. 313
92-8-20	Revoked	V. 21, p. 332
92-9-1	Amended	V. 21, p. 332
92-9-3	Amended	V. 21, p. 332
92-9-4	Amended	V. 21, p. 332
92-9-5	Amended	V. 21, p. 332
92-9-7	Revoked	V. 21, p. 332
92-9-8	Revoked	V. 20, p. 1124
92-11-1 through 92-11-16	Revoked	V. 21, p. 332, 333
92-12-66	Revoked	V. 20, p. 1124
92-12-66a	New	V. 20, p. 1124
92-12a-1 through 92-12a-23	Revoked	V. 21, p. 333, 334
92-14-4 through 92-14-9	Amended	V. 21, p. 334, 335
92-15-3	Amended	V. 21, p. 335
92-15-4	Amended	V. 21, p. 335
92-15-6	Amended	V. 20, p. 1126
92-15-8	Amended	V. 21, p. 335
92-17-1 through 92-17-6	Amended	V. 21, p. 313, 314
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
92-23-10	Amended	V. 21, p. 180
92-23-15	Amended	V. 21, p. 180
92-23-16	Amended	V. 21, p. 180
92-23-17 through 92-23-23	New	V. 21, p. 181

92-23-25	New	V. 21, p. 181
92-23-30	New	V. 21, p. 181
92-23-31	New	V. 21, p. 182
92-23-38	Amended	V. 21, p. 182
92-23-38a	Amended	V. 21, p. 182
92-23-40	Amended	V. 21, p. 182
92-24-9 through 92-24-15	Amended	V. 21, p. 314, 315
92-24-18	Amended	V. 21, p. 315
92-24-22	Amended	V. 21, p. 316
92-24-23	Amended	V. 20, p. 1895
92-24-24	Amended	V. 21, p. 316
92-25-1	Amended	V. 20, p. 1130
92-51-33	Revoked	V. 20, p. 1130
92-51-40	Revoked (T)	V. 20, p. 1580
92-51-40	Revoked	V. 20, p. 1895
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 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-8-8	Revoked	V. 21, p. 12
99-8-9	Revoked	V. 21, p. 12
99-9-1	Revoked	V. 21, p. 12
99-10-1	Revoked	V. 21, p. 12
99-25-1	Amended	V. 21, p. 12
99-25-3	Amended	V. 21, p. 13
99-25-4	Amended	V. 21, p. 13
99-25-6	Amended	V. 21, p. 13
99-25-7	Amended	V. 21, p. 13
99-25-9	Amended	V. 21, p. 14
99-26-1	Amended	V. 21, p. 14
99-27-2 through 99-27-5	Amended	V. 21, p. 14, 15
99-30-2 through 99-30-6	Amended	V. 21, p. 15, 16
99-31-2 through 99-31-6	Amended	V. 21, p. 16
99-40-1	Revoked	V. 21, p. 16
99-40-3	Amended	V. 21, p. 17
99-40-21 through 99-40-47	Revoked	V. 21, p. 17
99-40-100	Revoked	V. 21, p. 17
99-40-101	Revoked	V. 21, p. 18
99-40-104	Revoked	V. 21, p. 18
99-40-105	Revoked	V. 21, p. 18

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-15-1	Amended	V. 20, p. 1093
100-27-1	Amended	V. 21, p. 307
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
100-60-4	Revoked	V. 20, p. 778
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked	V. 20, p. 779
100-60-8 through 100-60-15	Revoked	V. 20, p. 779

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 20, p. 1897
102-1-10	Revoked	V. 20, p. 1898
102-1-10a	New	V. 20, p. 1898
102-1-19	New	V. 20, p. 572
102-1-20	New	V. 20, p. 1900
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
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
111-2-131	New	V. 20, p. 1778
111-2-132	New	V. 20, p. 1901
111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
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
111-4-1874		
through		
111-4-1877	New	V. 20, p. 1779-1781
111-4-1877	Amended	V. 20, p. 1902
111-4-1878		
through		
111-4-1885	New	V. 20, p. 1902-1906
111-4-1886		
through		
111-4-1889	New	V. 21, p. 183-185
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
111-7-171		
through		
111-7-175	New	V. 20, p. 1782, 1783
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
111-9-113	Amended	V. 21, p. 186

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
112-10-3	Amended	V. 20, p. 1728
112-10-6	Amended	V. 20, p. 1728
112-11-20	Amended	V. 20, p. 945
112-17-4	Amended	V. 20, p. 1729
112-18-11	Amended	V. 20, p. 1922

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
115-9-4	Amended	V. 21, p. 177
115-11-1	Amended	V. 21, p. 177
115-11-2	Amended	V. 21, p. 177
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
115-21-1	Amended	V. 20, p. 1803
115-21-2	Amended	V. 20, p. 1804
115-21-3	Revoked	V. 20, p. 1804
115-21-4	New	V. 20, p. 1804
115-22-1	New	V. 20, p. 1804

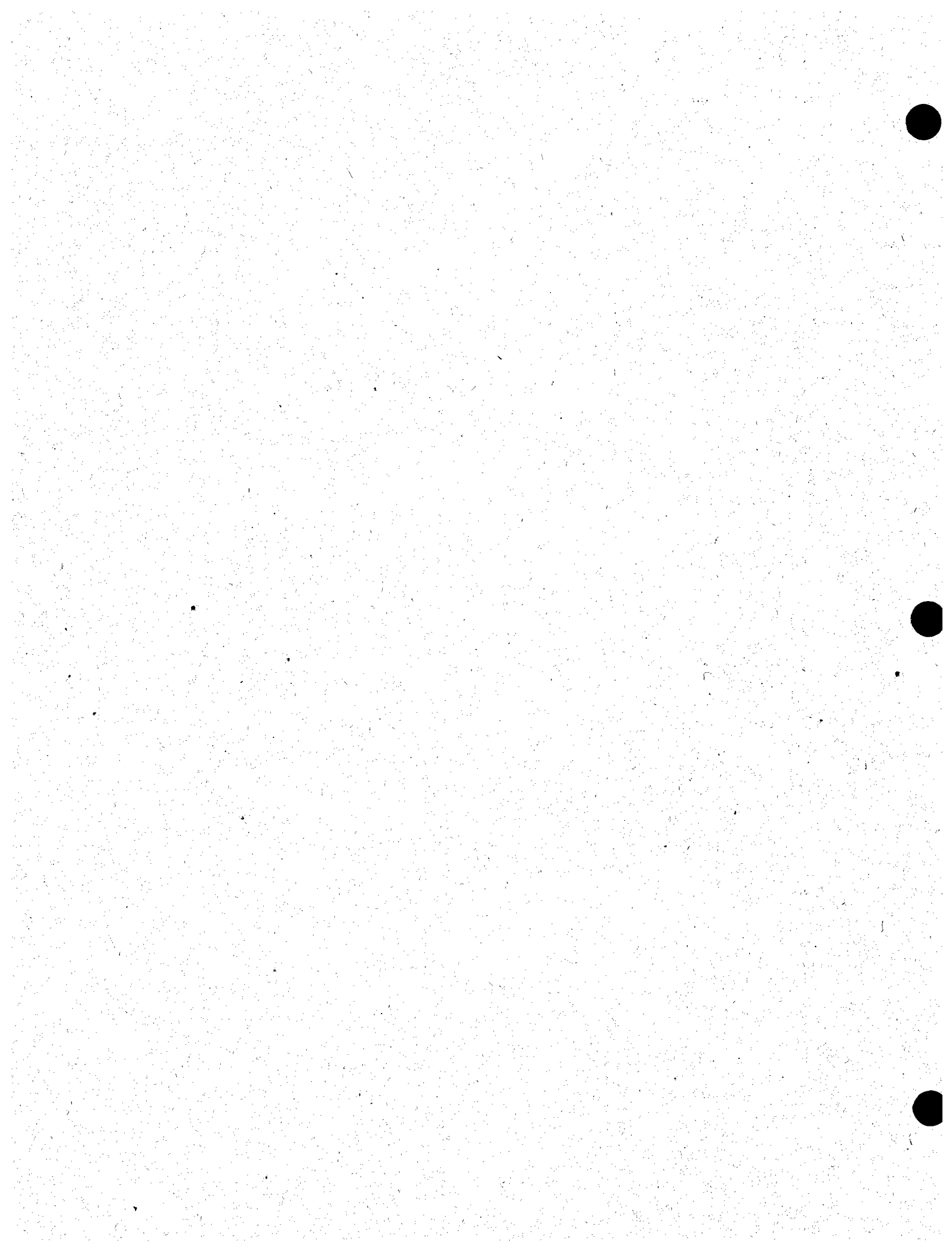
AGENCY 117: REAL ESTATE APPRAISAL BOARD

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

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
125-1-1		
through		
125-1-9	New	V. 20, p. 1891-1893



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