



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

State Fair Board

Notice of Meetings

The Kansas State Fair Board will meet at 10:30 a.m. Wednesday, March 9, at the Cottonwood Court meeting room, Kansas State Fairgrounds, 2000 N. Poplar, Hutchinson. The Fair Board Building Committee will meet at 9 a.m. March 9 at the same location. For more information, call (620) 669-3600.

Robba Moran
President

Doc. No. 031690

State of Kansas

Office of Judicial Administration

Notice of Available Grant Funding

The Access to Justice Fund, administered by the Kansas Supreme Court, is intended as a source of grant funds for the operating expenses of programs that provide access to the Kansas civil justice system. Its purpose is to support programs that provide persons, who otherwise may not be able to afford such services, with increased access to legal assistance for pro se litigation, legal counsel for civil and domestic matters, as well as other legal advice and dispute resolution services.

Applications for grant funds are due May 30. Grant application packets may be requested by contacting Art Thompson, Office of Judicial Administration, Room 337, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612, (785) 291-3748.

Ronald M. Keefover
Education-Information Officer

Doc. No. 031669

State of Kansas

Kansas, Inc.

Notice of Meeting

The Kansas, Inc. Board of Directors will meet at 10 a.m. Wednesday, March 9, at the Kansas, Inc. office, Suite 100, 632 S.W. Van Buren, Topeka. The meeting is open to the public. For more information, call (785) 296-1460.

Jerry Lonergan
President

Doc. No. 031691

State of Kansas

Persian Gulf War Veterans
Health Initiative Board

Notice of Meeting

The Persian Gulf War Veterans Health Initiative Board, under the guidance of the Kansas Commission on Veterans Affairs (KCVA), will meet by teleconference at 10 a.m. Saturday, March 12. The teleconference base will be in the KCVA conference room, seventh floor, Jayhawk Tower, 700 S.W. Jackson, Topeka.

Nonboard members may observe and participate from the KCVA office or from locations of called board members if feasible. Nonboard members will not be called separately on the conference call.

For more information, to advise of attendance or to gain access to Jayhawk Tower for the hearing, contact Brigitte Hayes at (785) 296-3976 prior to the close of business March 11.

George S. Webb
KCVA Executive Director

Doc. No. 031685

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**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 changes have occurred in the following pharmacy networks in the state of Kansas:

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

Pharmacy Name	City	Effective Date
Target Pharmacy	Wichita	10/01/2004
Walgreens	Pittsburg	10/22/2004
Wesley Outpatient Pharmacy	Wichita	10/20/2004
Osco Drug	Overland Park	10/28/2004
Lansing Pharmacy	Lansing	11/18/2004
Reed Pharmacy	Larned	11/18/2004
Wichita County Pharmacy	Leoti	11/23/2004
Kansas City Cancer Centers PHA	Overland Park	11/23/2004

In addition, Humana, Inc., Pharmacy Network has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
Satanta District Hospital Phmcy.	Satanta	11/18/2004
Grant County PBA Drug Co.	Ulysses	11/18/2004

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

Pharmacy Name	City	Effective Date
Lafene Health Center Pharmacy	Manhattan	12/09/2004

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
Downs Pharmacy	Downs	12/08/2004
Winfield Pharmacy	Winfield	12/23/2004

Preferred Plus of Kansas/Preferred Health Systems Insurance Company Pharmacy Network has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City
Cedar Creek Pharmach	Desoto
Mathis Drug Store	Girard
Lafene Health Center Pharmacy	Manhattan
Richardson's Pharmacy	Wichita
Broadway Pharmacy	Wichita
Jim's Pharmacy	Salina
Lincoln County Pharmacy	Lincoln
LMS America	Overland Park
Wittmer Drug Store	Phillipsburg

In addition, Preferred Plus of Kansas/Preferred Health Systems Insurance Company Pharmacy Network has notified the department of the following deletions to its pharmacy network:

Pharmacy Name	City
Cheyenne Pharmacy	St. Francis
King Pharmacy	Lawrence
Miller Pharmacy	Kansas City
Cummings Pharmacy	Wichita
Cummings Pharmacy	Wichita
Cummings Pharmacy	Wichita

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

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 031686

**State of Kansas
Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

03/14/2005	08154	Doors, Frames and Hardware
03/14/2005	08160	Communications Equipment — Two-Way
03/17/2005	08149	State of Kansas Wireless Local Area Network (WLAN)
03/22/2005	08157	Radio Tower Engineering Services
03/22/2005	08158	Furnish and Install Radio Equipment Shelters
03/22/2005	08161	Printing Services and Commencement Programs
03/23/2005	08155	Multimedia Campaign for Investor Education Program
03/28/2005	08164	Food Warehousing and Delivery Service
03/29/2005	08163	Acquire and Evaluate Data Related to Tourist Traffic Flow
03/31/2005	08167	Travel Market Regional Analysis Services
04/01/2005	08152	Single User ID and Password Sign-on System

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process or to obtain the following bid documents, call (785) 296-8899:

03/24/2005	A-9960	Re-roof ECK Stadium Ticket Office Building
03/31/2005	A-9856	Armory Building Renovation—Kansas Army National Guard
03/31/2005	A-9857	Armory Building Renovation—Kansas Army National Guard
03/31/2005	A-9858	Armory Building Renovation—Kansas Army National Guard

Chris Howe
Director of Purchases

Doc. No. 031687

State of Kansas

Secretary of State**Code Mortgage Rate for March**

Pursuant to the provisions of K.S.A. 2004 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of March 1, 2005 through March 31, 2005, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 031679

State of Kansas

Secretary of State**Usury Rate for March**

Pursuant to the provisions of K.S.A. 2004 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 March 1, 2005 through March 31, 2005, is 7.07 percent.

Ron Thornburgh
Secretary of State

Doc. No. 031678

State of Kansas

Secretary of State**Executive Appointments**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, which is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

State Representative, 71st District

Charles Roth, 3 Crestview Drive, Salina, 67401. Succeeds Carol E. Beggs, deceased.

Kiowa County Sheriff

Galen Marble, 915 S. Cherry, Greensburg, 67054. Succeeds Ray Stegman, resigned.

Sumner County Attorney

Shawn R. DeJarnett, 1003 N. Washington, Wellington, 67152. Succeeds William Mott, resigned.

Pratt County Treasurer

Socorro Acosta, 1017 Larimer, Pratt, 67124. Succeeds Donna Shelite, resigned.

State Board of Accountancy

Adley E. Johnson, 5742 E. Magnolia Road, Salina, 67401. Term expires July 31, 2007. Reappointed.

Patricia A. O'Sullivan, 8241 Greenbriar Court, Wichita, 67226. Term expires July 31, 2007. Succeeds Lois D. Loucks.

Rodney G. Van Norden, 1703 Grandview Drive East, Garden City, 67846. Term expires July 31, 2007. Succeeds Timothy W. Mitchell.

Secretary of Administration

Duane A. Goossen, Suite 500, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Howard Fricke.

Kansas Agricultural Remediation Board

Larry S. Shivers, Chair, 636 E. Shipton Road D, Salina, 67401. Term expires June 30, 2008. Reappointed.

Athletic Commission

Dr. Mark S. Balderston, 6722 Red Oak Drive, Shawnee Mission, 66217. Term expires June 30, 2007.

Ronald W. Holt, 2718 N. Terrace, Wichita, 67220. Term expires June 30, 2007.

Dan Pratt, 16561 Meadowlark, Bonner Springs, 66012. Term expires June 30, 2008.

State Banking Board

Andrew L. Bias, 3921 Pine Knot Court, Wichita, 67208. Term expires March 15, 2007. Succeeds Jane A. Bateman.

James G. O'Sullivan, 12608 Cambridge Road, Shawnee Mission, 66209. Term expires March 15, 2007. Succeeds Steve A. McSpadden.

Richard D. Rucker, 1644 P Road, Eureka, 67045. Term expires March 15, 2007. Reappointed.

Kansas Bioscience Authority

Dr. Victoria Franchetti Haynes, 22010 Turner, Chapel Hill, NC 27517. Term expires March 15, 2008.

Sandra Lawrence, 2809 W. 117th St., Leawood, 66211. Term expires March 15, 2008.

Central Interstate Low-Level Radioactive Waste Commission

Ronald F. Hammerschmidt, Alternate Commissioner, 5857 S.W. 25th St., Topeka, 66614. Serves at the pleasure of the Governor.

Joseph F. Harkins, Commissioner, 1713 Troon Lane, Lawrence, 66047. Serves at the pleasure of the Governor. Succeeds James J. O'Connell.

State Civil Service Board

Dr. Patricia K. Pressman, 4115 S.W. Eagle Point Road, Topeka, 66610. Term expires March 15, 2007. Succeeds Dick Pratt.

Secretary of Commerce

Howard R. Fricke, Suite 100, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds John E. Moore.

State Corporation Commission

Michael C. Moffett, 1105 Oak Tree Drive, Lawrence, 66049. Term expires March 15, 2008. Succeeds John R. Wine.

Kansas Commission on Disability Concerns

Jamie Lane, Senate President's Office, Room 359-E, State Capitol, Topeka, 66612. Appointed by the President of the Senate.

Governmental Ethics Commission

Barbara J. Barnard, 2124 S.E. 38th Circle, Topeka, 66609. Term expires January 31, 2007. Reappointed.

Dale Pike, 1507 Jefferson, Great Bend, 67530. Reappointed by the President of the Senate.

**Kansas State Historical Society
Executive Director**

Jennie A. Chinn, Kansas History Center, 6425 S.W. 6th, Topeka, 66615. Serves at the pleasure of the Governor. Succeeds Terry Marmet.

**Kansas, Inc.
Board of Directors**

Rep. Tom Burroughs, 3131 S. 73rd Terrace, Kansas City, KS 66106. Reappointed by the House Minority Leader.

Sen. Laura Kelly, 234 S. Greenwood, Topeka, 66606. Appointed by the Senate Minority Leader.

**Law Enforcement Officers' Memorial
Advisory Committee**

Sheriff John M. Calhoun, 10350 Sedgwick Road, Atchison, 66002. Serves at the pleasure of the Governor.

Kansas State Librarian

Christie P. Brandau, Room 343-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Marc Galbraith.

Liquefied Petroleum Gas Advisory Board

Roxie A. Baer, P.O. Box 837, Clay Center, 67432. Term expires January 14, 2008.

Charles L. Coggins, 813 Pats Drive, Garden City, 67846. Term expires January 8, 2007.

Rep. Doug Gatewood, P.O. Box 306, Columbus, 66725. Term expires January 8, 2007.

Earl W. Gruver, 10617 W. 57th, Shawnee Mission, 66203. Term expires January 8, 2007.

James R. Jones, 1233 E. Hulse, McPherson, 67460. Term expires January 14, 2008.

Earl G. Mueller, 705 S. Coble St., Marion, 66861. Term expires January 8, 2007.

Greg Noll, 16218 Scott Road, Winchester, 66097. Term expires January 14, 2008.

Sue Peachey, 470 S.W. 30th St., Pratt, 67124. Term expires January 14, 2008.

Brian G. Winkler, Route 1, Box C-80, Corning, 66417. Term expires January 8, 2007.

State Long-Term Care Ombudsman

Kathy J. Greenlee, 2035 Alabama St., Lawrence, 66046. Term expires January 15, 2008. Succeeds Patricia Hurley.

Kansas Lottery Commission

Joni J. Franklin-Breitenbach, 329 S. Glendale, Wichita, 67218. Term expires March 15, 2007. Succeeds Craig Robinson.

Kansas Parole Board

Robert Sanders, 4326 S.E. Oakwood St., Topeka, 66609. Term expires January 15, 2008. Succeeds Larry D. Woodward.

Pooled Money Investment Board

Norman B. Dawson, 1412 Jeanne Court, Leavenworth, 66048. Term expires March 15, 2008. Reappointed.

Eric J. Worner, 3300 W. 50th Terrace, Shawnee Mission, 66205. Term expires March 15, 2008. Succeeds William L. Yager.

Kansas Public Employees Relations Board

Keith A. Lawing, 1504 N. Woodland, Wichita, 67203. Term expires March 15, 2006. Succeeds Melissa A. Wangemann, resigned.

Kansas Real Estate Appraisal Board

Philip Loren Bowman, 1818 W. 18th, Apt. A-94, Wichita, 67203. Term expires June 30, 2007. Succeeds Jerry Capps.

Timothy J. Keller, 1701 Tennessee, Lawrence, 66044. Term expires June 30, 2007. Succeeds Ronald D. Aul.

Mike McKenna, HC 1, Box 53, Jennings, 67643. Term expires June 30, 2005. Succeeds Donna Hutcheson, resigned.

**Small Business Assistance Program
Compliance Advisory Panel**

Gary T. Mason, 4245 Ironwood, Wichita, 67226. Term expires June 30, 2006. Reappointed.

Vernon R. Silvers, 2108 Fairdale Court, Salina, 67401. Term expires June 30, 2006. Succeeds Carl E. Kurt.

University of Kansas Hospital Authority

Betty T. Keim, 2212 Drury Lane, Shawnee Mission, 66208. Term expires March 15, 2008. Reappointed.

John B. Payne, 12116 Wenonga Road, Shawnee Mission, 66209. Term expires March 15, 2008. Reappointed.

Unmarked Burial Sites Preservation Board

Ginger A. Barr, 9421 S.W. Hoch Road, Auburn, 66402. Term expires July 15, 2005. Reappointed.

Ron T. McCoy, 1724 E. Wilman Court, Emporia, 66801. Term expires July 15, 2007. Reappointed.

Harold W. Reed, 3825 E. Stimmel Road, Salina, 67401. Term expires July 15, 2007. Reappointed.

Director, Kansas Water Office

Tracy D. Streeter, 901 S. Kansas Ave., Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Joseph Harkins.

Ron Thornburgh
Secretary of State

Doc. No. 031620

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
March 4	Judicial Performance	9:30 a.m.	Room 259
March 11	Administrative Procedure	9:30 a.m.	Room 259
March 11	Legal Forms	9:30 a.m.	Room 275
March 18	PIK Civil	9:30 a.m.	Room 259
March 25	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259
March 25	Appellate Procedure	9:30 a.m.	Room 275
April 1	Judicial Performance	9:30 a.m.	Room 259
April 8	Legal Forms	9:30 a.m.	Room 259
April 15	Probate Law	9:30 a.m.	Room 259
April 15	PIK Civil	9:30 a.m.	Room 275
April 22	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259
April 22	Appellate Procedure	9:30 a.m.	Room 275

Hon. Donald L. Allegrucci
Chair

Doc. No. 031677

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced February 17-23 by the 2005 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at www.kslegislature.org.

House Bills

HB 2480, An act making and concerning appropriations for the fiscal year ending June 30, 2005, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2481, An act making and concerning appropriations for the fiscal years ending June 30, 2005, June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2482, An act making and concerning appropriations for the fiscal years ending June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2004 Supp. 2-223, 55-193, 75-2319, 75-6702, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Appropriations.

HB 2483, An act concerning insurance; requiring certain insurance policies to provide for designation of third parties to receive notices; amending K.S.A. 40-278, 40-2,121, 40-2,122, 40-410 and 40-411 and K.S.A. 2004 Supp. 40-276a and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2484, An act concerning license or occupation fees, charges and taxes; prohibiting the imposition thereof on certain persons; amending

K.S.A. 12-1617 and 19-2233 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2485, An act concerning notaries public; prohibiting certain acts and providing penalties and remedies for violations, by Committee on Federal and State Affairs.

HB 2486, An act concerning lotteries; providing for the operation of video lottery terminals at certain locations; amending K.S.A. 74-8702, 74-8704, 74-8710 and 74-8718 and K.S.A. 2004 Supp. 74-8711 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2487, An act concerning the Kansas civil service act; relating to the pay plan for the classified service thereunder; annulling and removing authority for a certain executive directive relating to in-grade pay increases at the discretion of appointing authorities, by Committee on Appropriations.

HB 2488, An act relating to property taxation; providing authority for boards of county commissioners to abate or provide credit against property taxes levied upon property destroyed by disaster, by Committee on Taxation.

HB 2489, An act concerning adult basic education programs; relating to tax levy authority of governing bodies of technical colleges and school boards; amending K.S.A. 72-4523 and K.S.A. 2004 Supp. 72-4470a and repealing the existing sections, by Committee on Taxation.

HB 2490, An act concerning taxation; relating to city and county retailers' sales tax; classes of cities; amending K.S.A. 12-195b and K.S.A. 2004 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 12-188 and 12-194, by Committee on Taxation.

HB 2491, An act concerning docket fees; relating to compensation for certain judicial personnel; amending K.S.A. 75-3120f and 75-3120h and K.S.A. 2004 Supp. 20-367, 21-4619, 22-2410, 28-172a, 60-2001, 61-2704, 61-4001, 75-3120g and 75-3120k and repealing the existing sections; also repealing K.S.A. 2003 Supp. 21-4619 as amended by section 59 of the 2004 session laws of Kansas, by Committee on Appropriations.

HB 2492, An act concerning school districts; relating to the consolidation thereof, by Select Committee on School Finance.

HB 2493, An act relating to schools; concerning school finance; increasing base state aid per pupil; increasing funding for special education; eliminating transportation, correlation and low enrollment weighting; eliminating local option budgets; amending K.S.A. 72-979 and 72-6410 and K.S.A. 2004 Supp. 72-978 and 72-6407 and repealing the existing sections; also repealing K.S.A. 72-6411, 72-6412, 72-6433, 72-6433b, 72-6435, 72-6441, 72-6442, 72-6443 and 72-6444 and K.S.A. 2004 Supp. 72-6425 and 72-6434, by Select Committee on School Finance.

HB 2494, An act concerning property taxation; relating to exemption for certain residential housing for elderly persons; amending K.S.A. 2004 Supp. 79-201 and 79-201b and repealing the existing sections, by Committee on Taxation.

HB 2495, An act concerning smoking; enacting the Kansas public smoking ban act; prohibiting certain acts and providing penalties for violations; repealing K.S.A. 21-4009 through 21-4014, by Committee on Federal and State Affairs.

HB 2496, An act concerning the occupational therapy practice act; definitions; amending K.S.A. 65-5402 and repealing the existing section, by Committee on Appropriations.

HB 2497, An act concerning restrictions on persons maintaining or residing, working or volunteering at child care facilities or family day care homes; amending K.S.A. 65-516 and repealing the existing section, by Committee on Appropriations.

HB 2498, An act concerning school districts; relating to certain employee benefits; relating to the investment of certain moneys; amending K.S.A. 72-8414 and repealing the existing section, by Select Committee on School Finance.

HB 2499, An act concerning courts; prescribing and fixing certain surcharges; establishing the judicial branch surcharge fund, by Committee on Appropriations.

HB 2500, An act relating to consumer protection; concerning refunds, by Committee on Federal and State Affairs.

HB 2501, An act concerning property taxation; relating to school district ad valorem tax levy and exemption therefrom; amending K.S.A. 2004 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Taxation.

House Concurrent Resolutions

HCR 5013, A concurrent resolution concerning endorsement of the participation of Taiwan in the World Health Organization.

HCR 5014, A concurrent resolution urging the United States Congress to enact a multi-year reauthorization of federal-aid highway, public transit, safety and motor carrier programs.

House Resolutions

HR 6020, A resolution advising the Compliance Review Committee for the Streamlined Sales and Use Tax (SST) Agreement that the state of Kansas is not substantially compliant with the SST Agreement.

Senate Bills

SB 269, An act concerning real estate brokers and salespersons; relating to licensure; relating to escrow accounts; relating to prohibited acts; amending K.S.A. 2004 Supp. 58-3039, 58-3062, 58-3077 and 58-3013 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 270, An act making and concerning appropriations for the fiscal years ending June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2004 Supp. 2-223, 55-193, 75-2319, 75-6702, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

SB 271, An act concerning real estate brokers and sales persons; relating to fees; amending K.S.A. 2004 Supp. 58-3035 and 58-3063 and repealing the existing sections, by Committee on Ways and Means.

SB 272, An act making and concerning appropriations for the fiscal year ending June 30, 2005, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 273, An act making and concerning appropriations for the fiscal years ending June 30, 2005, June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 274, An act concerning alcoholic liquor; amending K.S.A. 41-308b and 41-310 and K.S.A. 2004 Supp. 41-719 and 41-2645 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 275, An act concerning the secretary of state; relating to fees for certain publications provided by the secretary of state; amending K.S.A. 2004 Supp. 45-107, 75-436, 77-430 and 77-431 and repealing the existing sections, by Committee on Ways and Means.

SB 276, An act concerning real estate appraisers; relating to licensure; amending K.S.A. 58-4109 and repealing the existing section, by Committee on Ways and Means.

SB 277, An act concerning school districts; relating to defined terms; relating to preschool-aged at-risk pupils; amending K.S.A. 2004 Supp. 72-6407 and repealing the existing section, by Committee on Ways and Means.

SB 278, An act relating to the division of vehicles; concerning records thereof; amending K.S.A. 2004 Supp. 74-2012 and repealing the existing section, by Committee on Federal and State Affairs.

SB 279, An act concerning retirement and pensions; relating to certain employees of educational institutions under management of state board of regents; death and disability benefits; amending K.S.A. 74-4927a and repealing the existing section, by Committee on Ways and Means.

SB 280, An act concerning income taxation; relating to credits; renewable energy facilities and community wind energy facilities, by Committee on Ways and Means.

Senate Concurrent Resolutions

SCR 1608, A concurrent resolution memorializing the Congress of the United States to designate a national holiday in honor of Cesar Chavez.

Senate Resolutions

SR 1821, A resolution in memory of Sheriff Matthew H. "Matt" Samuels.

SR 1822, A resolution expressing our appreciation of cub scouting upon its 75th anniversary.

SR 1823, A resolution designating February 23 as Rotary Day.

Doc. No. 031668

State of Kansas

Department of Transportation

Notice of Property Sale

The Kansas Secretary of Transportation is offering for sale in Norton County, Kansas, real property and improvements described as follows:

407 Archer St., Norton, Kansas (Tr. 31)—4-bedroom, 1-bath residence with detached garage. Sold in "as is" condition. \$24,000 or best reasonable offer.

For additional information, contact the Bureau of Right of Way at (877) 461-6817.

The Kansas Department of Transportation ensures the acceptance of any offer pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

Deb Miller
Secretary of Transportation

Doc. No. 031688

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. March 16 and then publicly opened:

District One—Northeast

Johnson - 435-46 K-7451-03—Advance purchase of steel fabrication for I-435, bridge construction. (Federal Funds)

Lyon - 56 U-1992-01—18th Street and Graphic Arts Road in the city of Emporia, intersection improvement. (Federal Funds)

Lyon - 99-56 K-9440-01—K-99 bridge over the Kansas Turnpike Authority, 7.1 miles north & east of the junction of I-35, bridge deck. (State Funds)

Lyon - 99-56 K-9627-01—K-99 bridge over the Kansas Turnpike Authority, 4.6 miles north of the junction of I-35, bridge deck. (State Funds)

Riley - 77-81 K-9192-01—U.S. 77 bridge 6 miles north of the south junction of K- 82, bridge removal. (State Funds)

Wyandotte - 32-105 K-9563-01—K-32 bridges approximately 2 miles east of the K-7 interchange, overlay. (State Funds)

Wyandotte - 24-105 K-9569-01—U.S. 24 westbound ramp to Minnesota Avenue, bridge repair. (State Funds)

Wyandotte - 70-105 K-9570-01—I-70, Intercity Viaduct bridges, bridge repair. (State Funds)

Wyandotte - 105 N-0284-01—Gibbs Road from 51st Street to I-635 in Kansas City, 0.5 mile, grading and surfacing. (Federal Funds)

District Two—Northcentral

Dickinson - 70-21 K-9577-01—I-70 bridges over Jeep Road, 2.6 miles east of K-15, bridge overlay. (State Funds)

(continued)

Geary - 70-31 K-8255-01—I-70 interchange Exit 298 at Junction City, interchange improvement. (State Funds)

Marion - 57 C-3983-01—County road 2.5 miles west and 1 mile north of Marion, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

District Three—Northwest

Sherman - 91 C-4001-01—County road 3.5 miles west of Goodland, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Trego - 283-98 K-6803-01—U.S. 283 from the Ness-Trego county line north 10 miles, grading, bridge and surfacing. (Federal Funds)

Trego - 283-98 K-6804-01—U.S. 283, 10 miles north of the Ness-Trego county line north to the south I-70 ramps, 11.9 miles, grading, bridge and surfacing. (Federal Funds)

District Four—Southeast

Allen - 54-1 K-9802-01—U.S. 54 from the 4-lane divided highway east to the Allen-Bourbon county line 11.8 miles, overlay. (State Funds)

Allen-Bourbon - 106 K-9830-01—K-31 from the east junction of K-7 east to the junction of U.S. 69; K-239 from the junction of U.S. 69 east to the Kansas-Missouri state line, 12.7 miles, overlay. (State Funds)

Crawford-Cherokee - 69-106 K-9832-01—U.S. 69, 0.3 mile north of the south junction of U.S. 160 north to the junction of U.S. 400; U.S. 69 from U.S. 400 north to the north junction of U.S. 69B; U.S. 69 from the south junction of U.S. 69 north to the north junction of U.S. 69, 20.8 miles, overlay. (State Funds)

District - 106 KA-0135-01—Various locations in District Four, 103.3 miles, milling. (State Funds)

District Five—Southcentral

Butler - 8 C-3857-01—County road 1.3 miles north of Rose Hill to the Butler-Sedgwick county line, 1 mile, grading and surfacing. (Federal Funds)

Butler - 8 K-9594-01—El Dorado State Park bridge, bridge overlay. (State Funds)

District - 106 KA-0158-01—Various routes in District Five, 117.8 miles, milling. (State Funds)

Harvey - 40 C-3975-01—County road from the southwest corner of Halstead south 6 miles, surfacing. (Federal Funds)

Pawnee - 183-73 K-9593-01—U.S. 183 Pawnee River bridge, 11.9 miles north of U.S. 56, bridge overlay. (State Funds)

Sedgwick - 54-87 K-9587-01—U.S. 54 westbound Kellogg Road bridge over Washington Street, bridge overlay. (State Funds)

Sedgwick - 54-87 K-9588-01—U.S. 54 bridges over Ridge Road, bridge overlay. (State Funds)

District Six—Southwest

Stevens - 56-95 K-6400-01—U.S. 56 from the Morton-Stevens county line east to the west city limits of Hugoton, 11.4 miles, grading and surfacing. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial con-

dition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid.

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

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

Deb Miller
Secretary of Transportation

Doc. No. 031660

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. Frontier El Dorado Refinery 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.

Frontier El Dorado Refinery, El Dorado, owns and operates a refinery located at 1401 S. Douglas Road, El Dorado.

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 a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Ralph Walden, (785) 296-1583, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ralph Walden, 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 before the close of business April 4.

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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business April 4 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA'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 Harriet Jones, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031680

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. Regency Gas Services — Hugoton #1 has applied for a Class I operating permit renewal 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.

Regency Gas Services — Hugoton #1, Lakin, owns and operates a compressor station located at Section 27, Township 27 South, Range 34 West, Haskell County.

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 a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Amer N. Safadi, (785) 296-1993, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Amer N. Safadi, 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 before the close of business March 21.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business March 21 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA'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 Harriet Jones, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031672

State of Kansas

Kansas State University—Salina

Notice to Bidders

Kansas State University—Salina is selling four C-150 Cessna Aircraft (1966-1974-1975-1976). For aircraft details, pricing/pictures/viewing and bid sheets, see the Kansas State University Web site at <http://www.sal.ksu.edu/campusoffices/business/bid-items/index.html>.

Jackie D. Robison
Procurement Officer

Doc. No. 031659

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the state of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-05-028/031

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
June and Phyllis Talkington Route 1, Box 17 Matfield Green, KS 66862	SW/4 of Section 17, T22S, R08E, Chase County	Neosho River Basin

Kansas Permit No. A-NECS-S009

This is a renewal permit for an existing facility for 1,500 head (600 animal units) of swine weighing more than 55 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
Sunflower Pork Michael L. Croucher, Manager Westphalia, KS 66093	SW/4 of Section 03, T21S, R19E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCCF-S010

This is a renewal permit for a swine facility for 9,600 head (960 animal units) of swine weighing 55 pounds or less.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Farms, Inc. Dunn Nursery # 127 2801 Hurliman Road Guymon, OK 73942	SE/4 of Section 06, T32S, R40W, Morton County	Cimarron River Basin

Kansas Permit No. A-CIMT-H008 Federal Permit No. KS0097683

This is a renewal and modified permit for an existing facility. The modification is the change from permitting the average capacity (9,600 head/960 animal units) to permitting the maximum capacity (10,800 head/1,080 animal units) of swine weighing 55 pounds or less each. There is no actual increase in the number of head in the facility and no change to its operation or waste system components.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Farms, Inc. Farm #259 (James) 2801 Hurliman Road Guymon, OK 73942	SW/4 of Section 24, T33S, R39W, Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-H005 Federal Permit No. KS0092703

This is a modified permit for an existing facility for 10,800 head (4,320 animal units) of swine. The permit modification is the removal of the evaporative pond, which was not completed. There is no change to the maximum capacity of the facility and no construction is being proposed.

Public Notice No. KS-05-022

Name and Address of Applicant	Waterway	Type of Discharge
Denison, City of P.O. Box 125 Denison, KS 66419	Delaware River via North Cedar Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS11-OO01 Federal Permit No. KS0094463

Legal: NW¹/₄, SE¹/₄, NW¹/₄, S3, T8S, R16E, Jackson County

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

Public Notice No. KS-PT-05-0012

Name and Address of Applicant	Receiving Facility	Type of Discharge
Stephen Hayes Hayes Company, Inc. 235 N. Shefford Wichita, KS 67212	Park City MWWTP	Process Wastewater

Kansas Permit No. P-LA19-OO01

Facility Location: 7700 N. Hayes Drive, Park City, Kansas

Facility Description: The proposed action is to modify an existing pretreatment permit for this facility to add another outfall. This facility manufactures various types of metal lawn and garden products, such as shepherd hooks, trellis and plant stands. This facility is subject to the Metal Finishing Standard, since it has two, five-stage conversion coating (phosphating) operations. Parts are phosphated before they are painted. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH. Monitoring of the effluent flow also is required on a daily basis. The permit limits are pursuant to state and federal pretreatment requirements.

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 April Romero 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 April 2 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-05-028/031, KS-05-022, KS-PT-05-002) and name of applicant/application as listed when preparing comments.

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

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

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

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

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

Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (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 facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

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.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031681

State of Kansas

Social and Rehabilitation Services

Permanent Administrative Regulations

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-81u. General hospital groups under the diagnosis-related group (DRG) reimbursement system. (a) Each general hospital participating in the Kansas medicaid/medikan program shall be assigned by the Kansas department of social and rehabilitation services to one of four groups. Each general hospital shall be annually notified by the department in writing of the hospital's group assignment.

(1) Each general hospital assigned to group one shall meet either of the following criteria:

(A) Be located within a metropolitan statistical area within the state of Kansas and have at least 200 general hospital inpatient beds; or

(B) be located within the state of Kansas and within 10 miles of a general hospital meeting the criteria specified in paragraph (a)(1)(A).

(2) Each general hospital assigned to group two shall meet one of the following criteria:

(A) Be located within a metropolitan statistical area in the state of Kansas and have fewer than 200 general hospital inpatient beds;

(B) be located outside of a metropolitan statistical area in the state of Kansas or its border cities and have at least 100 general hospital inpatient beds; or

(C) be located within the state of Kansas and within 10 miles of a general hospital meeting the criteria specified in paragraph (a)(2)(A) or (B).

(3) Each general hospital assigned to group four shall be located outside of the state of Kansas.

(4) A general hospital shall be assigned to group three if it does not meet the criteria specified in paragraphs (a)(1), (a)(2), and (a)(3) above.

(5) A general hospital shall be assigned to group one if it meets the criteria for assignment to both group one and group two.

(b) General hospital group assignments shall be re-determined annually by the department based upon the criteria in subsection (a). (Authorized by and implementing K.S.A. 39-708c; effective July 1, 1989; amended Dec. 29, 1995; amended, T-30-1-2-03, Jan. 2, 2003; amended April 18, 2003; amended March 18, 2005.)

Gary J. Daniels
Secretary of Social and
Rehabilitation Services

Doc. No. 031682

State of Kansas

Social and Rehabilitation Services

Request for Comments

The Department of Social and Rehabilitation Services' Department of Mental Health, as the state mental health authority, annually receives \$303,000 in federal funds from the Center for Mental Health Services to provide Projects for Assistance in Transition from Homelessness (PATH). The Department of Mental Health announces that its intended use of the grant is to effectively outreach, engage and serve those individuals who are seriously mentally ill and homeless (or at imminent risk of homelessness).

Written comments regarding the intended use of PATH funds may be directed to Christy McMurphy, SRS-MH, 10th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570. For more information, contact Christy McMurphy at (785) 368-6246.

Gary J. Daniels
Acting Secretary of Social
and Rehabilitation Services

Doc. No. 031673

State of Kansas

Department of Education

Permanent Administrative
Regulations

Article 15.—SCHOOL CONDUCT RULES

91-15-1. Policies or rules governing employees' and students' conduct. (a) The board of education of each unified school district shall adopt policies or rules that govern the conduct of the employees and students of the school district and that include procedures for enforcement of the policies or rules.

(b) Before adopting the policies or rules, each board of education shall submit the policies or rules to legal counsel for review.

(c) After the adoption of the policies or rules, the clerk of the board of education shall maintain the policies or rules in the permanent files of the school district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, E-70-2, Oct. 15, 1969; amended, E-70-11, Dec. 22, 1969; effective Jan. 1, 1971; amended March 18, 2005.)

Article 35.—EDUCATIONAL EXCELLENCE
GRANT PROGRAM

91-35-1 through 91-35-4. (Authorized by and implementing K.S.A. 1990 Supp. 72-9903; effective Aug. 5, 1991; revoked March 18, 2005.)

Andy Tompkins
Commissioner of Education

Doc. No. 031689

State of Kansas

Social and Rehabilitation Services

Notice of Hearing

The Department of Social and Rehabilitation Services will conduct a federally-required public hearing on the federal block grants SRS receives. The hearing will be at 9 a.m. Tuesday, April 19, in the House Appropriations Committee, Room 514-S, State Capitol, 300 S.W. 10th Ave., Topeka. The following federal block grants will be heard: Low Income Home Energy Assistance Program Block Grant (LIEAP), Social Services Block Grant (SSBG), Community Mental Health Services Block Grant (CMHS BG), Substance Abuse Prevention and Treatment Block Grant (SAPT BG), and the Program for Assistance in the Transition from Homelessness Block Grant (PATH BG).

Gary J. Daniels
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 031683

State of Kansas

Animal Health Department

Temporary Administrative
Regulations

Article 2.—BOVINE BRUCELLOSIS

9-2-32. Brucellosis: uniform methods and rules. The provisions of "brucellosis eradication: uniform methods and rules," approved by the United States department of agriculture, animal and plant health inspection service, veterinary services, as the minimum standards for achieving and maintaining certified and validated herds and certified and validated area status, effective February 1, 1998, are hereby adopted by reference, except for the definition of "official vaccinate (adult)" in chapter 1, part 1. (Authorized by K.S.A. 47-610 and 47-657; implementing K.S.A. 47-608, 47-610, and 47-657; effective, T-85-10, April 11, 1984; effective, T-86-11, May 1, 1985; effective May 1, 1986; amended Jan. 23, 1998; amended, T-9-2-18-05, Feb. 18, 2005.)

Article 11.—TUBERCULOSIS

9-11-10. Tuberculosis: uniform methods and rules. "Bovine tuberculosis eradication: uniform methods and rules," adopted and approved by the United States department of agriculture, animal and plant health inspection service, veterinary services, effective January 1, 2005, is hereby adopted by reference. (Authorized by K.S.A. 47-610 and 47-631; implementing K.S.A. 47-608, 47-610 and 47-631; effective, T-86-11, May 1, 1985; effective May 1, 1986; amended Jan. 23, 1998; amended, T-9-2-18-05, Feb. 18, 2005.)

George Teagarden
Kansas Livestock Commissioner

Doc. No. 031670

**State of Kansas
Criminal Justice Recodification,
Rehabilitation and Reconciliation Committee**

Notice of Meeting

The Kansas Criminal Justice Recodification, Rehabilitation and Reconciliation Committee will meet at noon Friday, March 4, in Room 241-N, State Capitol, 300 S.W. 10th Ave., Topeka. The meeting is open to the public. For more information, call Connie Burns at (785) 296-7655 or Cheryl Kingfisher at (785) 228-2079.

Rep. Ward Loyd
Chairman

Doc. No. 031676

**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 2-28-05 through 3-6-05

Term	Rate
1-89 days	2.54%
3 months	2.59%
6 months	2.85%
1 year	3.16%
18 months	3.38%
2 years	3.49%

Derl S. Treff
Director of Investments

Doc. No. 031667

**State of Kansas
Department of Transportation**

**Temporary Administrative
Regulations**

**Article 41.—PUBLIC SAFETY COMMUNICATION
SYSTEM AND REVOLVING FUND**

36-41-1. Definitions. For the purposes of this article, the following words and phrases shall be defined as specified in this regulation: (a) "Access lease agreement" means a contract between the secretary and any one of the following that permits and confirms the purpose and terms of access to the department's communication system equipment and any other agreed-upon conditions:

- (1) An authorized governmental entity;
- (2) an authorized nongovernmental entity; or
- (3) an authorized public safety agency.

(b) "Act" means L. 2004, Ch. 17, Secs. 1 through 6, and amendments thereto.

(c) "Applicant" means any of the following:

- (1) A governmental entity filing an application under the act with the secretary for an access lease agreement;
- (2) a nongovernmental entity filing an application under the act with the secretary for an access lease agreement; or

(3) a public safety agency filing an application under the act with the secretary for an access lease agreement or an equipment lease agreement.

(d) "Authorized governmental entity" means a governmental entity whose application for an access lease agreement has been approved by the secretary. This term shall not include public safety agencies.

(e) "Authorized nongovernmental entity" means a nongovernmental entity whose application for an access lease agreement has been approved by the secretary.

(f) "Authorized public safety agency" means a public safety agency whose application for an access lease agreement or equipment lease agreement has been approved by the secretary.

(g) "Communication system equipment access" means the acquisition, construction, enhancement, installation, improvement, maintenance, repair, rehabilitation, relocation, security, or extension of any equipment necessary to use, implement, support, and maintain the department's communication system.

(h) "Equipment lease agreement" means a contract between an authorized public safety agency and the secretary that confirms the purpose and terms of the lease of communication system equipment from the department and any other agreed-upon conditions.

(i) "Prevailing rate" means the amount of money that the secretary determines shall be charged for the communication system equipment access sought by an authorized nongovernmental entity, as specified in an access lease agreement. (Authorized by L. 2004, Ch. 17, § 4; implementing L. 2004, Ch. 17, § 2; effective, T-36-2-18-05, Feb. 18, 2005.)

36-41-2. Application and supporting documents.

(a) Any governmental entity, nongovernmental entity, or public safety agency may submit an application for an access lease agreement under the act to the secretary for consideration for approval at any time. Any public safety agency may submit an application for an equipment lease agreement under the act to the secretary for consideration for approval at any time.

(b) Each applicant shall submit the following application documents for the secretary's review and consideration for approval:

- (1) A completed application for an access lease agreement or an equipment lease agreement, on a form furnished by the department;
- (2) a detailed statement that establishes the need for the requested access to communication system equipment or the leasing of communication system equipment;
- (3) documentation that provides sufficient detail regarding the need for access to communication system equipment to enable the secretary to determine the following:
 - (A) The exact nature of the requested access or equipment, or both;
 - (B) the applicable estimated costs for the access or equipment, or both; and
 - (C) the proposed lease period; and
- (4) financial information regarding the applicant's revenues and expenditures for the three calendar years im-

(continued)

mediately preceding the date of the application that establishes to the secretary's satisfaction that the applicant has the capability to satisfy its financial obligations under the requested lease agreement. (Authorized by L. 2004, Ch. 17, § 4; implementing L. 2004, Ch. 17, § 2; effective, T-36-2-18-05, Feb. 18, 2005.)

36-41-3. Access lease agreement and equipment lease agreement: restrictions and requirements. (a) No access lease agreement shall permit interference with or impair the existing use of the department's communication system equipment by any governmental entity, any nongovernmental entity, or any public safety agency.

(b) The initial term of each access lease agreement shall not exceed five years. An access lease agreement may be renewed by the secretary after its initial term for a maximum of four five-year periods.

(c) The rate charged to an authorized governmental entity or an authorized public safety agency for communication system equipment access and the rate charged to an authorized public safety agency for the lease of communication system equipment shall be the actual incremental costs of the administration, equipment, installation, and maintenance attributable to the specific lease activity, as determined by the secretary. The lease agreement shall specifically detail the actual incremental costs upon which the rate is based.

(d) The term of each equipment lease agreement shall not exceed the service life of the equipment or 10 years, whichever is less. (Authorized by L. 2004, Ch. 17, § 4; implementing L. 2004, Ch. 17, § 2; effective, T-36-2-18-05, Feb. 18, 2005.)

36-41-4. Interest rate and service fees. (a) Each equipment lease agreement payment shall include an interest component based on the amortized balance of the cost of the equipment, in accordance with the amortization schedule incorporated in the equipment lease agreement. The interest rate for each equipment lease agreement shall be the published rate in effect on the effective date of the agreement, as that rate is established and published by the secretary on the first day of each month. This rate shall be consistent with the provisions of K.S.A. 10-1009 and amendments thereto.

(b) Any access lease agreement with an authorized governmental entity or an authorized public safety agency and any equipment lease agreement with an authorized public safety agency may include fees for services provided by the department related to the applicable lease agreement, which shall be detailed in the agreement. (Authorized by L. 2004, Ch. 17, § 4; implementing L. 2004, Ch. 17, § 2; effective, T-36-2-18-05, Feb. 18, 2005.)

36-41-5. Prevailing rates. (a) The rate charged to any authorized nongovernmental entity pursuant to an access lease agreement shall be the prevailing rate in effect on the effective date of the access lease agreement. This rate may include fees determined reasonable by the secretary for services provided by the department related to the access lease agreement.

(b) The prevailing rate to be charged to an authorized nongovernmental entity for communication system equipment access shall be established for the access lo-

cation sought by that entity for the communication system equipment access. The prevailing rate shall be calculated using the average of rates for similar access and any services related to the access charged by entities other than the entity seeking access and the department, within a 40-mile radius of the location for which access is sought. A good faith effort shall be made by the secretary to secure estimates for the service and access from at least three entities. If estimates from three entities can not be secured within the 40-mile radius, then the radius shall be expanded by the secretary in 10-mile increments until three estimates are received. (Authorized by L. 2004, Ch. 17, § 4; implementing L. 2004, Ch. 17, § 2; effective, T-36-2-18-05, Feb. 18, 2005.)

Deb Miller
Secretary of Transportation

Doc. No. 031671

State of Kansas

Secretary of State

Certification of New State Laws

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register March 3, 2005.)

SENATE BILL No. 23

AN ACT concerning sales tax on isolated or occasional sales of motor vehicles; relating to base of computation; verification; sales tax refunds; motor vehicle certificate of title; amending K.S.A. 79-3604 and K.S.A. 2004 Supp. 8-135 and 79-3603 and repealing the existing sections.

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

Section 1. K.S.A. 2004 Supp. 8-135 is hereby amended to read as follows: 8-135. (a) Upon the transfer of ownership of any vehicle registered under this act, the registration of the vehicle and the right to use any license plate thereon shall expire and thereafter there shall be no transfer of any registration, and the license plate shall be removed by the owner thereof. Except as provided in K.S.A. 8-172, and amendments thereto, and 8-1,147, and amendments thereto, it shall be unlawful for any person, other than the person to whom the license plate was originally issued, to have possession thereof. When the ownership of a registered vehicle is transferred, the original owner of the license plate may register another vehicle under the same number, upon application and payment of a fee of \$1.50, if such other vehicle does not require a higher license fee. If a higher license fee is required, then the transfer may be made upon the payment of the transfer fee of \$1.50 and the difference between the fee originally paid and that due for the new vehicle.

(b) Subject to the provisions of subsection (a) of K.S.A. 8-198, and amendments thereto, upon the transfer or sale of any vehicle by any person or dealer, or upon any transfer in accordance with K.S.A. 2004 Supp. 59-3511, and amendments thereto, the new owner thereof, within 30 days, inclusive of weekends and holidays, from date of such transfer shall make application to the division for registration or reregistration of the vehicle, but no person shall operate the vehicle on any highway in this state during the thirty-day period without having applied for and obtained temporary registration from

the county treasurer or from a dealer. After the expiration of the thirty-day period, it shall be unlawful for the owner or any other person to operate such vehicle upon the highways of this state unless the vehicle has been registered as provided in this act. For failure to make application for registration as provided in this section, a penalty of \$2 shall be added to other fees. When a person has a current motorcycle or passenger vehicle registration and license plate, including any registration decal affixed thereto, for a vehicle and has sold or otherwise disposed of the vehicle and has acquired another motorcycle or passenger vehicle and intends to transfer the registration and the license plate to the motorcycle or passenger vehicle acquired, but has not yet had the registration transferred in the office of the county treasurer, such person may operate the motorcycle or passenger vehicle acquired for a period of not to exceed 30 days by displaying the license plate on the rear of the vehicle acquired. If the acquired vehicle is a new vehicle such person also must carry the assigned certificate of title or manufacturer's statement of origin when operating the acquired vehicle, except that a dealer may operate such vehicle by displaying such dealer's dealer license plate.

(c) Certificate of title: No vehicle required to be registered shall be registered or any license plate or registration decal issued therefor, unless the applicant for registration shall present satisfactory evidence of ownership and apply for an original certificate of title for such vehicle. The following paragraphs of this subsection shall apply to the issuance of a certificate of title for a nonhighway vehicle, salvage vehicle or rebuilt salvage vehicle, as defined in K.S.A. 8-197, and amendments thereto, except to the extent such paragraphs are made inapplicable by or are inconsistent with K.S.A. 8-198, and amendments thereto, and to any electronic certificate of title, except to the extent such paragraphs are made inapplicable by or are inconsistent with K.S.A. 2004 Supp. 8-135d, and amendments thereto, or with rules and regulations adopted pursuant to K.S.A. 2004 Supp. 8-135d, and amendments thereto.

The provisions of paragraphs (1) through (14) shall apply to any certificate of title issued prior to January 1, 2003, which indicates that there is a lien or encumbrance on such vehicle.

(1) An application for certificate of title shall be made by the owner or the owner's agent upon a form furnished by the division and shall state all liens or encumbrances thereon, and such other information as the division may require. Notwithstanding any other provision of this section, no certificate of title shall be issued for a vehicle having any unreleased lien or encumbrance thereon, unless the transfer of such vehicle has been consented to in writing by the holder of the lien or encumbrance. Such consent shall be in a form approved by the division. In the case of members of the armed forces of the United States while the United States is engaged at war with any foreign nation and for a period of six months next following the cessation of hostilities, such application may be signed by the owner's spouse, parents, brother or sister. The county treasurer shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and if satisfied that the applicant is the lawful owner of such vehicle, or otherwise entitled to have the same registered in such applicant's name, shall so notify the division, who shall issue an appropriate certificate of title. The certificate of title shall be in a form approved by the division, and shall contain a statement of any liens or encumbrances which the application shows, and such other information as the division determines.

(2) The certificate of title shall contain upon the reverse side a form for assignment of title to be executed by the owner. This assignment shall contain a statement of all liens or encumbrances on the vehicle at the time of assignment. The certificate of title shall also contain on the reverse side blank spaces so that an abstract of mileage as to each owner will be available. The seller at the time of each sale shall insert *and certify* the mileage *and the purchase price* on the form filed for application or reassignment of title, and the division shall insert such mileage on the certificate of title when issued to purchaser or assignee. The signature of the purchaser or assignee is required on the form filed for application or reassignment

of title, acknowledging the odometer *and purchase price* certification made by the seller, except that vehicles which are 10 model years or older and trucks with a gross vehicle weight of more than 16,000 pounds shall be exempt from the mileage acknowledgment requirement of the purchaser or assignee. Such title shall indicate whether the vehicle for which it is issued has been titled previously as a non-highway vehicle or salvage vehicle. In addition, the reverse side shall contain two forms for reassignment by a dealer, stating the liens or encumbrances thereon. The first form of reassignment shall be used only when a dealer sells the vehicle to another dealer. The second form of reassignment shall be used by a dealer when selling the vehicle to another dealer or the ultimate owner of the vehicle. The reassignment by a dealer shall be used only where the dealer resells the vehicle, and during the time that the vehicle remains in the dealer's possession for resale, the certificate of title shall be dormant. When the ownership of any vehicle passes by operation of law, or repossession upon default of a lease, security agreement, or executory sales contract, the person owning such vehicle, upon furnishing satisfactory proof to the county treasurer of such ownership, may procure a certificate of title to the vehicle. When a vehicle is registered in another state and is repossessed in another state, the owner of such vehicle shall not be entitled to obtain a valid Kansas title or registration, except that when a vehicle is registered in another state, but is financed originally by a financial institution chartered in the state of Kansas or when a financial institution chartered in Kansas purchases a pool of motor vehicle loans from the resolution trust corporation or a federal regulatory agency, and the vehicle is repossessed in another state, such Kansas financial institution shall be entitled to obtain a valid Kansas title or registration. In addition to any other fee required for the issuance of a certificate of title, any applicant obtaining a certificate of title for a repossessed vehicle shall pay a fee of \$3.

(3) Dealers shall execute, upon delivery to the purchaser of every new vehicle, a manufacturer's statement of origin stating the liens and encumbrances thereon. Such statement of origin shall be delivered to the purchaser at the time of delivery of the vehicle or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays. The agreement of the parties shall be executed on a form approved by the division. In the event delivery of title cannot be made personally, the seller may deliver the manufacturer's statement of origin by restricted mail to the address of purchaser shown on the purchase agreement. The manufacturer's statement of origin may include an attachment containing assignment of such statement of origin on forms approved by the division. Upon the presentation to the division of a manufacturer's statement of origin, by a manufacturer or dealer for a new vehicle, sold in this state, a certificate of title shall be issued if there is also an application for registration, except that no application for registration shall be required for a travel trailer used for living quarters and not operated on the highways.

(4) The fee for each original certificate of title shall be \$10 in addition to the fee for registration of such vehicle, trailer or semitrailer. The certificate of title shall be good for the life of the vehicle, trailer or semitrailer while owned or held by the original holder of the certificate of title.

(5) Upon sale and delivery to the purchaser of every vehicle subject to a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, the dealer or secured party may complete a notice of security interest and when so completed, the purchaser shall execute the notice, in a form prescribed by the division, describing the vehicle and showing the name and address of the secured party and of the debtor and other information the division requires. The dealer or secured party, within 20 days of the sale and delivery, may mail or deliver the notice of security interest, together with a fee of \$2.50, to the division. The notice of security interest shall be retained by the division until it receives an application for a certificate of title to

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the vehicle and a certificate of title is issued. The certificate of title shall indicate any security interest in the vehicle. Upon issuance of the certificate of title, the division shall mail or deliver confirmation of the receipt of the notice of security interest, the date the certificate of title is issued and the security interest indicated, to the secured party at the address shown on the notice of security interest. The proper completion and timely mailing or delivery of a notice of security interest by a dealer or secured party shall perfect a security interest in the vehicle described on the date of such mailing or delivery. The county treasurers shall mail a copy of the title application to the Kansas lienholder. Each county treasurer shall charge the Kansas lienholder a \$1.50 service fee for processing and mailing a copy of the title application to the Kansas lienholder.

(6) It shall be unlawful for any person to operate in this state a vehicle required to be registered under this act, or to transfer the title to any such vehicle to any person or dealer, unless a certificate of title has been issued as herein provided. In the event of a sale or transfer of ownership of a vehicle for which a certificate of title has been issued, which certificate of title is in the possession of the transferor at the time of delivery of the vehicle, the holder of such certificate of title shall endorse on the same an assignment thereof, with warranty of title in a form prescribed by the division and printed thereon and the transferor shall deliver the same to the buyer at the time of delivery of the vehicle or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays, after the time of delivery. The agreement of the parties shall be executed on a form provided by the division. The requirements of this paragraph concerning delivery of an assigned title are satisfied if the transferor mails to the transferee by restricted mail the assigned certificate of title within the 30 days, and if the transferor is a dealer, as defined by K.S.A. 8-2401, and amendments thereto, such transferor shall be deemed to have possession of the certificate of title if the transferor has made application therefor to the division. The buyer shall then present such assigned certificate of title to the division at the time of making application for registration of such vehicle. A new certificate of title shall be issued to the buyer, upon payment of the fee of \$10. If such vehicle is sold to a resident of another state or country, the dealer or person making the sale shall notify the division of the sale and the division shall make notation thereof in the records of the division. When a person acquires a security agreement on a vehicle subsequent to the issuance of the original title on such vehicle, such person shall require the holder of the certificate of title to surrender the same and sign an application for a mortgage title in form prescribed by the division. Upon such surrender such person shall immediately deliver the certificate of title, application, and a fee of \$10 to the division. Upon receipt thereof, the division shall issue a new certificate of title showing the liens or encumbrances so created, but not more than two liens or encumbrances may be shown upon a title. When a prior lienholder's name is removed from the title, there must be satisfactory evidence presented to the division that the lien or encumbrance has been paid. When the indebtedness to a lienholder, whose name is shown upon a title, is paid in full, such lienholder within 10 days after written demand by restricted mail, shall furnish to the holder of the title a release of lien or execute such a release in the space provided on the title. For failure to comply with such a demand the lienholder shall be liable to the holder of the title for \$100 and also shall be liable for any loss caused to the holder by such failure. When the indebtedness to a lienholder, whose name is shown upon a title, is collected in full, such lienholder, within 30 days, shall furnish notice to the holder of title that such indebtedness has been paid in full and that such title may be presented to the lienholder at any time for release of lien.

(7) It shall be unlawful for any person to buy or sell in this state any vehicle required to be registered, unless, at the time of delivery thereof or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays, after the time of delivery, there shall pass between the parties a certificate of title with an as-

ignment thereof. The sale of a vehicle required to be registered under the laws of this state, without assignment of the certificate of title, is fraudulent and void, unless the parties shall agree that the certificate of title with assignment thereof shall pass between them at a time other than the time of delivery, but within 30 days thereof. The requirements of this paragraph concerning delivery of an assigned title shall be satisfied if ~~(ii)~~ (A) the seller mails to the purchaser by restricted mail the assigned certificate of title within 30 days, or ~~(iii)~~ (B) if the transferor is a dealer, as defined by K.S.A. 8-2401, and amendments thereto, such seller shall be deemed to have possession of the certificate of title if such seller has made application therefor to the division, or ~~(iii)~~ (C) if the transferor is a dealer and has assigned a title pursuant to paragraph (9) of this subsection (c).

(8) In cases of sales under the order of a court of a vehicle required to be registered under this act, the officer conducting such sale shall issue to the purchaser a certificate naming the purchaser and reciting the facts of the sale, which certificate shall be prima facie evidence of the ownership of such purchaser for the purpose of obtaining a certificate of title to such motor vehicle and for registering the same. Any such purchaser shall be allowed 30 days, inclusive of weekends and holidays, from the date of sale to make application to the division for a certificate of title and for the registering of such motor vehicle.

(9) Any dealer who has acquired a vehicle, the title for which was issued under the laws of and in a state other than the state of Kansas, shall not be required to obtain a Kansas certificate of title therefor during the time such vehicle remains in such dealer's possession and at such dealer's place of business for the purpose of sale. The purchaser or transferee shall present the assigned title to the division of vehicles when making application for a certificate of title as provided in subsection (c)(1).

(10) Motor vehicles may be held and titled in transfer-on-death form.

(11) Notwithstanding the provisions of this act with respect to time requirements for delivery of a certificate of title, or manufacturer's statement of origin, as applicable, any person who chooses to reaffirm the sale in writing on a form approved by the division which advises them of their rights pursuant to paragraph (7) of subsection (c) and who has received and accepted assignment of the certificate of title or manufacturer's statement of origin for the vehicle in issue may not thereafter void or set aside the transaction with respect to the vehicle for the reason that a certificate of title or manufacturer's statement of origin was not timely delivered, and in such instances the sale of a vehicle shall not be deemed to be fraudulent and void for that reason alone.

(12) The owner of any vehicle assigning a certificate of title in accordance with the provisions of this section may file with the division a form indicating that such owner has assigned such certificate of title. Such forms shall be furnished by the division and shall contain such information as the division may require. Any owner filing a form as provided in this paragraph shall pay a fee of \$10. The filing of such form shall be prima facie evidence that such certificate of title was assigned and shall create a rebuttable presumption. If the assignee of a certificate of title fails to make application for registration, an owner assigning such title and filing the form in accordance with the provisions of this paragraph shall not be held liable for damages resulting from the operation of such vehicle.

(13) Application for a certificate of title on a boat trailer with a gross weight over 2,000 pounds shall be made by the owner or the owner's agent upon a form to be furnished by the division and shall contain such information as the division shall determine necessary. The division may waive any information requested on the form if it is not available. The application together with a bill of sale for the boat trailer shall be accepted as prima facie evidence that the applicant is the owner of the boat trailer, provided that a Kansas title for such trailer has not previously been issued. If the application and bill of sale are used to obtain a certificate of title for a boat trailer under this paragraph, the certificate of title shall not be issued until an

inspection in accordance with subsection (a) of K.S.A. 8-116a, and amendments thereto, has been completed.

(14) In addition to the two forms for reassignment under paragraph (2) of subsection (c), a dealer may attach one additional reassignment form to a certificate of title. The director of vehicles shall prescribe and furnish such reassignment forms. The reassignment form shall be used by a dealer when selling the vehicle to another dealer or the ultimate owner of the vehicle only when the two reassignment forms under paragraph (2) of subsection (c) have already been used. The fee for a reassignment form shall be \$6.50. A dealer may purchase reassignment forms in multiples of five upon making proper application and the payment of required fees.

(15) A first stage manufacturer, as defined in K.S.A. 8-2401, and amendments thereto, who manufactures a motor vehicle in this state, and who sells such motor vehicles to dealers located in a foreign country, may execute a manufacturers statement of origin to the division of vehicles for the purpose of obtaining an export certificate of title. The motor vehicle issued an export certificate of title shall not be required to be registered in this state. An export certificate of title shall not be used to register such vehicle in the United States.

Sec. 2. K.S.A. 2004 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3%. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) (1) the gross receipts from intrastate telephone or telegraph services; (2) the gross receipts received from the sale of interstate telephone or telegraph services, which (A) originate within this state and terminate outside the state and are billed to a customer's telephone number or account in this state; or (B) originate outside this state and terminate within this state and are billed to a customer's telephone number or account in this state except that the sale of interstate telephone or telegraph service does not include: (A) Any interstate incoming or outgoing wide area telephone service or wide area transmission type service which entitles the subscriber to make or receive an unlimited number of communications to or from persons having telephone service in a specified area which is outside the state in which the station provided this service is located; (B) any interstate private communications service to the persons contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between exchanges; (C) any value-added nonvoice service in which computer processing applications are used to act on the form, content, code or protocol of the information to be transmitted; (D) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (E) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001; and (3) the gross receipts from the provision of services taxable under this subsection which are billed on a combined basis with nontaxable services, shall be accounted for and the tax remitted as follows: The taxable portion of the selling price of those combined services shall include only those charges for taxable services if the selling price for the taxable services can be readily distinguishable in the retailer's books and records from the selling price for the nontaxable services. Otherwise, the gross receipts from the sale of both taxable and nontaxable services billed on a combined basis shall be deemed attrib-

utable to the taxable services included therein. Within 90 days of billing taxable services on a combined basis with nontaxable services, the retailer shall enter into a written agreement with the secretary identifying the methodology to be used in determining the taxable portion of the selling price of those combined services. The burden of proving that any receipt or charge is not taxable shall be upon the retailer. Upon request from the customer, the retailer shall disclose to the customer the selling price for the taxable services included in the selling price for the taxable and nontaxable services billed on a combined basis;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(continued)

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 *et seq.*, and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. ~~The base for computing the tax shall be the stated selling price of the motor vehicle or trailer or the value pursuant to subsections (a), (b)(1) and (b)(2) of K.S.A. 79-5105, and amendments thereto, whichever amount is higher. The actual selling price shall be the base for computing the tax on the isolated or occasional sale of wrecked or damaged vehicles. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to subsections (a), (b)(1) and (b)(2) of K.S.A. 79-5105, and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been~~

paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of tax paid as provided by this act. All such refunds shall be paid from the sales tax refund fund, upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 *et seq.*, and amendments thereto, or of any municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility; and

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services, mobile telecommunication services, beeper services and other similar services. On and after August 1, 2002, the provisions of the federal mobile telecommunications sourcing act as in effect on January 1, 2002, shall be applicable to all sales of mobile telecommunication services taxable pursuant to this subsection. The secretary of revenue is hereby authorized and directed to perform any act deemed necessary to properly implement such provisions;

(u) the gross receipts received from the sale of prepaid calling service as defined in K.S.A. 2004 Supp. 79-3673, and amendments thereto; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701, *et seq.*, and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 *et seq.*, and amendments thereto, shall be exempt from taxes imposed pursuant to this section.

Sec. 3. K.S.A. 79-3604 is hereby amended to read as follows: 79-3604. The tax levied under the Kansas retailers' sales tax act shall be paid by the consumer or user to the retailer and it shall be the duty of each and every retailer in this state to collect from the consumer or user, the full amount of the tax imposed or an amount equal as nearly as possible or practicable to the average equivalent thereof. Such tax shall be a debt from the consumer or user to the retailer, when so added to the original purchase price, and shall be recoverable at law in the same manner as other debts, except that the tax levied on isolated or occasional sales of motor vehicles or trailers within the state and upon the sales of taxable tangible personal property or services when the director shall determine the same to be necessary as hereinafter provided shall be paid and collected as herein provided for.

The tax on such isolated or occasional sales shall be paid to the director of taxation by the purchaser of the motor vehicle or trailer or to the county treasurer upon application for certificate of registration or ownership. *The purchaser shall sign and present to the county treasurer or director of taxation a statement specifying the*

true and correct selling price of the motor vehicle or trailer and containing a warning to the purchaser of the consequences of making false statements or information or presenting falsified documents related thereto. Such statement shall be in a form promulgated by the director of taxation. If payment is made to the director of taxation, the director shall issue a receipt therefor. If the sales tax is not paid to the director of taxation, the county treasurer ~~shall~~, upon application for certificate of registration or ownership, *shall* collect such sales tax payment from the applicant ~~and, in addition thereto,~~ *The county treasurer shall charge the applicant a collection service fee of \$.50, and shall give the applicant a receipt showing the tax and fee paid in full. The county treasurer shall transmit monthly all such sales tax moneys collected to the director of taxation and shall place the fees collected in the special fund provided in K.S.A. 8-145 and amendments thereto, to be used for the purpose of paying necessary extra help and expenses.*

Whenever the director of taxation ~~shall determine~~ *determines* that in the retail sale of any tangible personal property or services because of the nature of the operation of the business including the turnover of independent contractors, the lack of a place of business in which to display a registration certificate or keep records, the lack of adequate records or because such retailers are minors or transients there is a likelihood that the state will lose tax funds due to the difficulty of policing such business operations, it shall be the duty of the vendor to such person to collect the full amount of the tax imposed by this act and to make a return and payment of the tax to the director of taxation in like manner as that provided for the making of returns and the payment of taxes by retailers under the provisions of this act. The director shall notify the vendor or vendors to such retailer of the duty to collect and make a return and payment of the tax.

In the event the full amount of the tax provided by this act is not paid to the retailer by the consumer or user, the director of taxation may proceed directly against the consumer or user to collect the full amount of the tax due on the retail sale.

Sec. 4. K.S.A. 79-3604 and K.S.A. 2004 Supp. 8-135 and 79-3603 are hereby repealed.

Sec. 5. 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 2003 Volumes and 2004 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-9-4	Amended	V. 23, p. 718
1-45-18	Amended (T)	V. 23, p. 424
1-45-18	Amended	V. 23, p. 1044
1-45-19	Amended (T)	V. 23, p. 424
1-45-19	Amended	V. 23, p. 1044
1-45-20	Amended (T)	V. 23, p. 424
1-45-20	Amended	V. 23, p. 1045
1-45-23	Amended (T)	V. 23, p. 425
1-45-23	Amended	V. 23, p. 1045
1-45-24	Amended (T)	V. 23, p. 425
1-45-24	Amended	V. 23, p. 1045

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-8-14a	Amended (T)	V. 23, p. 900
4-8-14a	Amended	V. 23, p. 1102

4-8-27			
through			
4-8-37	Amended	V. 23, p. 1102, 1103	
4-8-39	Amended	V. 23, p. 1103	
4-8-40	Amended (T)	V. 23, p. 901	
4-8-40	Amended	V. 23, p. 1103	
4-8-42	Amended	V. 23, p. 1103	
4-11-2	Amended	V. 23, p. 895	
4-11-3	Amended	V. 23, p. 895	
4-11-6	Revoked	V. 23, p. 896	
4-11-7	Revoked	V. 23, p. 896	
4-11-8	Amended	V. 23, p. 896	
4-11-9	Amended	V. 23, p. 896	
4-11-14	Amended	V. 23, p. 896	
4-25-16	Amended (T)	V. 22, p. 2176	
4-25-16	Amended	V. 23, p. 95	
4-28-1	New (T)	V. 23, p. 1597	
4-28-2	New (T)	V. 23, p. 1597	
4-28-1			
through			
4-28-7	New	V. 24, p. 145, 146	

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-3-4e	Amended (T)	V. 23, p. 1284
5-3-4e	Amended	V. 23, p. 1580
5-3-5o	New	V. 23, p. 1130
5-3-29	New (T)	V. 23, p. 1284
5-3-29	New	V. 23, p. 1580
5-17-1		
through		
5-17-18	New	V. 23, p. 1131-1137
5-22-1	Amended	V. 23, p. 1534

5-22-4b	New	V. 23, p. 1536
5-22-4c	New	V. 23, p. 1536
5-22-4d	New	V. 23, p. 1537
5-22-6	Amended	V. 23, p. 1634
5-22-7	Amended	V. 23, p. 1537
5-22-8	Amended	V. 23, p. 1538
5-22-9	Amended	V. 23, p. 1538
5-22-10	New	V. 23, p. 1635
5-22-13	New	V. 23, p. 1636
5-22-14	New	V. 23, p. 1636
5-22-15	New	V. 23, p. 1637
5-22-17	New	V. 23, p. 1539
5-23-1	Amended	V. 23, p. 181
5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-24-1	Amended	V. 23, p. 65
5-24-2	Amended	V. 23, p. 65
5-24-3	Amended	V. 23, p. 66
5-24-4	Amended	V. 23, p. 68
5-24-6	Amended	V. 23, p. 68
5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-18-1	Revoked	V. 23, p. 1366
7-18-2	Revoked	V. 23, p. 1366
7-18-3	Revoked	V. 23, p. 1366
7-27-1	Amended	V. 23, p. 1366
7-29-2	Amended	V. 23, p. 1366
7-34-2	New (T)	V. 24, p. 42

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-2-32	Amended (T)	V. 24, p. 272
9-11-10	Amended (T)	V. 24, p. 272

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-22-1	New	V. 24, p. 245

(continued)

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 11-11-1 through 11-11-7 with action 'New' and register 'V. 24, p. 242-244'.

AGENCY 16: ATTORNEY GENERAL

Table with 3 columns: Reg. No., Action, Register. Rows include 16-1-7 through 16-6-1 with various actions like 'Amended', 'New', and registers like 'V. 24, p. 95'.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Rows include 22-1-2 and 22-1-7 with actions 'Amended' and 'New' and register 'V. 23, p. 978'.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Large table with 3 columns: Reg. No., Action, Register. Contains numerous rows for regulations 28-1-2 through 28-15a-76 with various actions and registers.

Table with 3 columns: Reg. No., Action, Register. Contains regulations 28-15a-80 through 28-36-120 with various actions and registers.

(By Department of Agriculture)

Table with 3 columns: Reg. No., Action, Register. Contains regulations 28-36-1 through 28-36-120 with actions 'Revoked' and registers 'V. 24, p. 146'.

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with 3 columns: Reg. No., Action, Register. Contains regulations 30-4-50 through 30-46-15 with various actions and registers.

Table with 3 columns: Reg. No., Action, Register. Rows include 30-46-16 and 30-46-17 with actions 'Amended' and registers 'V. 23, p. 978'.

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Table with 3 columns: Reg. No., Action, Register. Rows include 36-41-1 through 36-41-5 with action 'New (T)' and register 'V. 24, p. 273, 274'.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Contains regulations 40-1-48 through 40-3-53 with various actions and registers.

AGENCY 44: DEPARTMENT OF CORRECTIONS

Table with 3 columns: Reg. No., Action, Register. Contains regulations 44-5-115 through 44-12-601 with various actions and registers.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with 3 columns: Reg. No., Action, Register. Contains regulations 63-1-4 through 63-6-1 with actions 'Amended' and registers 'V. 23, p. 1533'.

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Table with 3 columns: Reg. No., Action, Register. Contains regulations 65-4-3 through 65-8-5 with various actions and registers.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with 3 columns: Reg. No., Action, Register. Contains regulations 66-6-4 through 66-14-5 with various actions and registers.

AGENCY 68: BOARD OF PHARMACY

Table with 3 columns: Reg. No., Action, Register. Contains regulations 68-1-3a and 68-7-20 with actions 'Amended' and 'New' and registers 'V. 23, p. 1739'.

AGENCY 69: BOARD OF COSMETOLOGY

Table with 3 columns: Reg. No., Action, Register. Contains regulation 69-1-4 with action 'Amended (T)' and register 'V. 24, p. 14'.

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Table with 3 columns: Reg. No., Action, Register. Contains regulation 70-5-1 with action 'Amended' and register 'V. 23, p. 360'.

AGENCY 71: KANSAS DENTAL BOARD

Table with 3 columns: Reg. No., Action, Register. Contains regulations 71-1-1 through 71-2-4 with various actions and registers.

71-2-5	Amended	V. 23, p. 717
71-2-6	Revoked	V. 23, p. 718
71-2-7	Amended	V. 23, p. 718
71-2-9	Revoked	V. 23, p. 151
71-2-11	Amended	V. 23, p. 1286
71-2-12	Revoked	V. 23, p. 151
71-3-2	Amended	V. 23, p. 1286
71-3-4	Amended	V. 23, p. 1286
71-3-5	Revoked	V. 23, p. 151
71-3-9	New	V. 23, p. 1286
71-4-1	Amended	V. 23, p. 151
71-4-3	Revoked	V. 23, p. 152
71-6-1	Amended	V. 23, p. 383
71-6-5	Amended	V. 23, p. 718
71-7-1	New	V. 23, p. 152

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 23, p. 426
82-3-108	Amended	V. 23, p. 1739
82-3-123	Amended	V. 23, p. 1740
82-3-123a	Amended	V. 23, p. 1740
82-3-138	Amended	V. 23, p. 1741
82-3-208	Amended	V. 23, p. 1741
82-3-301	Revoked	V. 23, p. 1742
82-3-304	Amended	V. 23, p. 1742
82-3-312	Amended	V. 23, p. 1742
82-3-314	New	V. 23, p. 1743
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431
82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433
82-3-700		
through		
82-3-704	Amended (T)	V. 23, p. 152-155
82-3-700		
through		
82-3-704	Amended	V. 23, p. 538-541
82-3-705		
through		
82-3-710	New (T)	V. 23, p. 155-158
82-3-705		
through		
82-3-710	New	V. 23, p. 541-544
82-3-1005	Amended	V. 23, p. 1743
82-4-3	Amended (T)	V. 24, p. 97
82-4-3a		
through		
82-4-3m	New (T)	V. 24, p. 97-122

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-16-5b	New	V. 23, p. 1595
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-26-1		
through		
88-26-16	New	V. 23, p. 1487-1491
88-27-1	New	V. 23, p. 1491
88-27-2	New	V. 23, p. 1492

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-68a		
through		
91-1-68e	Revoked	V. 23, p. 1111
91-1-230	New	V. 23, p. 1106
91-1-231	New	V. 23, p. 1107
91-1-232	New	V. 23, p. 1108
91-1-235	New	V. 23, p. 1108
91-1-236	New	V. 23, p. 1109
91-8-2	Revoked	V. 23, p. 1493
91-8-15	Revoked	V. 23, p. 1493

91-8-16	Revoked	V. 23, p. 1493
91-8-17	Revoked	V. 23, p. 1493
91-8-19	Revoked	V. 23, p. 1493
91-8-26	Revoked	V. 23, p. 1493
91-8-30		
through		
91-8-33	Revoked	V. 23, p. 1493
91-9-11	Revoked	V. 23, p. 1493
91-15-1	Amended	V. 24, p. 272
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-25-1a	Revoked	V. 23, p. 1493
91-25-1c	Revoked	V. 23, p. 1493
91-25-2	Revoked	V. 23, p. 1493
91-25-3a	Revoked	V. 23, p. 1493
91-25-4a	Revoked	V. 23, p. 1493
91-25-17	Revoked	V. 23, p. 1493
91-25-18	Revoked	V. 23, p. 1493
91-25-19	Revoked	V. 23, p. 1493
91-35-1		
through		
91-35-4	Revoked	V. 24, p. 272

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-26-4	Amended	V. 23, p. 1533

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-21	Amended (T)	V. 23, p. 896
94-2-21	Amended	V. 23, p. 1375

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 23, p. 580
100-11-1	Amended	V. 23, p. 1042
100-28a-1	Amended	V. 23, p. 1558
100-29-7	Amended	V. 23, p. 1558
100-49-4	Amended	V. 23, p. 1148
100-54-4	Amended (T)	V. 23, p. 383
100-54-4	Amended	V. 23, p. 1042
100-55-4	Amended (T)	V. 23, p. 383
100-55-4	Amended	V. 23, p. 1042
100-69-5	Amended	V. 23, p. 1558
100-72-8	New	V. 24, p. 14
100-72-9	New	V. 23, p. 1558

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-8	Amended	V. 23, p. 1137
102-3-7a	Amended	V. 23, p. 1139
102-4-3a	Amended	V. 23, p. 1141
102-4-4a	Amended	V. 23, p. 1143
102-4-7a	Amended	V. 23, p. 1144
102-5-4a	Amended	V. 23, p. 1145
102-5-7a	Amended	V. 23, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 23, p. 1189
108-1-4	Amended	V. 23, p. 823

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1		
through		
110-8-6	Revoked	V. 23, p. 1595
110-8-8		
through		
110-8-11	Revoked	V. 23, p. 1595
110-10-1	New	V. 23, p. 180

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be

found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151		
through		
111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-2-160	New	V. 23, p. 1655
111-2-161	New	V. 23, p. 1655
111-2-162	New	V. 23, p. 1655
111-2-163	New	V. 24, p. 15
111-2-164	New	V. 24, p. 199
111-3-13	Amended	V. 23, p. 1433
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095		
through		
111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116		
through		
111-4-2125	New	V. 23, p. 311-318
111-4-2126		
through		
111-4-2146	New	V. 23, p. 459-471
111-4-2147		
through		
111-4-2160	New	V. 23, p. 901-909
111-4-2161		
through		
111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074
111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177		
through		
111-4-2180	New	V. 23, p. 1169-1171
111-4-2181		
through		
111-4-2185	New	V. 23, p. 1343-1346
111-4-2186		
through		
111-4-2195	New	V. 23, p. 1434-1438
111-4-2196		
through		
111-4-2205	New	V. 23, p. 1655-1659
111-4-2206		
through		
111-4-2213	New	V. 24, p. 15-22
111-4-2214		
through		
111-4-2227	New	V. 24, p. 199-207
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-5-116		
through		
111-5-120	New	V. 24, p. 208, 209
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
111-6-26	New	V. 24, p. 23
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473

(continued)

111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910
111-1-1 through		
111-11-11	New	V. 23, p. 911-914
111-11-1	Amended	V. 23, p. 1077
111-12-1	New	V. 23, p. 914

**AGENCY 112: RACING AND GAMING
COMMISSION**

Reg. No.	Action	Register
112-10-3	Amended	V. 23, p. 93
112-10-5	Amended	V. 23, p. 1073
112-10-6	Amended	V. 23, p. 1073
112-10-6a	New	V. 23, p. 1074
112-10-13	New	V. 23, p. 495
112-13-2	Amended	V. 23, p. 94

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

Reg. No.	Action	Register
115-2-1	Amended	V. 24, p. 147
115-2-2	Amended	V. 23, p. 1581
115-2-3	Amended	V. 23, p. 1581
115-2-3a	New	V. 23, p. 1582
115-3-2	Amended	V. 24, p. 148
115-4-6	Amended	V. 24, p. 148
115-4-6a	New	V. 24, p. 151
115-4-11	Amended	V. 24, p. 151
115-4-14	New	V. 23, p. 1583
115-5-1	Amended	V. 24, p. 152
115-7-1	Amended	V. 23, p. 1584
115-7-2	Amended	V. 24, p. 153
115-9-4	Amended	V. 24, p. 153
115-11-2	Amended	V. 24, p. 153

115-15-1	Amended	V. 24, p. 154
115-15-2	Amended	V. 24, p. 155
115-18-1	Amended	V. 24, p. 156
115-18-7	Amended	V. 24, p. 159
115-18-10	Amended	V. 23, p. 1043
115-18-14	Amended	V. 23, p. 1585
115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-2	Amended	V. 23, p. 1407
117-3-2	Amended	V. 23, p. 1408
117-4-2	Amended	V. 23, p. 1408
117-6-3	Amended	V. 24, p. 77
117-7-1	Amended	V. 24, p. 78
117-8-1	Amended	V. 24, p. 78
117-9-1	Amended	V. 23, p. 150

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