



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 25, No. 10 March 9, 2006 Pages 233-264

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State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced February 23-March 1 by the 2006 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 2983, An act concerning sales taxation; relating to countywide retailers' sales tax; Johnson county; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2984, An act prohibiting certain persons from registering as lobbyists; amending K.S.A. 2005 Supp. 46-265 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2985, An act creating the crime of trafficking in counterfeit drugs; providing penalties therefor, by Committee on Appropriations.

HB 2986, An act concerning school districts; relating to school finance; amending K.S.A. 2005 Supp. 72-6407, 72-6410, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6421, 72-6434, 72-6442b, 72-8204c, 72-8814, 72-9509, 79-2926 and 79-2927a and repealing the existing sections, by Select Committee on School Finance.

HB 2987, An act concerning taxation; authorizing counties to impose an excise tax on removal and severance of aggregate; amending K.S.A. 2005 Supp. 12-194 and 19-101a and repealing the existing sections, by Committee on Taxation.

HB 2988, An act enacting the Kansas cancer act; creating the Kansas comprehensive cancer center and prescribing powers, duties and functions therefor; establishing an executive advisory board, the Kansas umbilical cord blood bank and the midwest cancer alliance; providing for

annual reports; prohibiting certain expenditures, by Committee on Appropriations.

HB 2989, An act enacting the teacher-firefighter-police housing development act; By Committee on Federal and State Affairs.

HB 2990, An act enacting the healthy workplace act; relating to abusive work environments; prohibiting certain acts and providing certain remedies for violations, by Committee on Federal and State Affairs.

HB 2991, An act concerning fire protection; exempting certain buildings from certain fire protection statutes or rules and regulations enforced by the state fire marshal, by Committee on Appropriations.

HB 2992, An act concerning crime stoppers; establishing an advisory council; imposing certain fees; providing for certain grants, by Committee on Federal and State Affairs.

House Concurrent Resolutions

HCR 5040, A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning eminent domain.

Senate Bills

SB 578, An act concerning animals; imposing limitations on ownership and possession of certain animals; requiring registration; providing criminal penalties, by Committee on Ways and Means.

SB 579, An act authorizing the state board of regents to convey certain real estate, by Committee on Ways and Means.

Senate Resolutions

SR 1815, A resolution congratulating and commending the Kansas recipients of the 2005 Milkin Family Foundation Educator Awards.

SR 1816, A resolution congratulating and commending the Hospira manufacturing facility at McPherson.

SR 1817, A resolution congratulating and commending the Willing Workers Society.

SR 1818, A resolution encouraging school districts to consider school uniforms or dress codes.

SR 1819, A resolution regarding motion pictures.

Doc. No. 032936

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State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of Negotiations for
Engineering and Architectural Services**

Notice is hereby given of the commencement of negotiations for "on-call" mechanical-electrical-plumbing engineering services and "on-call" architectural services for restricted (small) projects for the state of Kansas, Juvenile Justice Authority. One engineering firm and one architectural firm will be selected. Contracts will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Larry Oppitz, (785) 368-7193.

To be considered, five bound proposals of the following should be provided: a letter of interest, a copy of the firm's certificate of insurance, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Also required is one CD with one PDF file of the same information. Proposals should be concise and follow the 2006 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, (785) 296-5796. Submittals should be received at Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, by Phyllis Fast before noon March 24.

D. Keith Meyers
Director, Division of
Facilities Management

Doc. No. 032939

State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of Negotiations
for Architectural Services**

Notice is hereby given of the commencement of negotiations for "on-call" architectural services for restricted (small) projects for the Department of Social and Rehabilitation Services. Three firms will be selected, one for each of the following groups:

Group 1

Larned State Hospital, Larned
(and other SRS facilities as needed)

Group 2

Kansas Neurological Institute, Topeka
Rainbow Mental Health Facility, Kansas City
(and other SRS facilities as needed)

Group 3

Osawatomie State Hospital, Osawatomie
Parsons State Hospital and Training Center, Parsons
(and other SRS facilities as needed)

Please indicate which group or groups you are submitting a proposal for. Contracts will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Gary LaShell, (785) 296-3771.

To be considered, five bound proposals of the following should be provided: a letter of interest, a copy of the firm's certificate of insurance, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Also required is one CD with one PDF file of the same information. Proposals should be concise and follow the 2006 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, (785) 296-5796. Submittals should be received at Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, by Phyllis Fast before noon March 24.

D. Keith Meyers
Director, Division of
Facilities Management

Doc. No. 032938

State of Kansas

Department of Revenue

Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for February 2006. Copies may be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

- P-2006-002 Tax base for Kansas projects; steel building components.
P-2006-003 Compacting and bailing equipment.

Opinion Letters

- O-2006-002 Sales taxability of GAP (Guaranteed Auto Protection) charges.

Final Written Determinations

No new publications

Revenue Rulings

No new publications

Notices

No new publications

Memorandums

No new publications

Property Valuation Division Directives

No new publications

Q&A's

No new publications

Information Guides

No new publications

Joan Wagnon
Secretary of Revenue

Doc. No. 032942

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$4,627,799.06 in the underground petroleum storage tank release trust fund and \$1,279,970.79 in the aboveground petroleum storage tank release trust fund at February 28, 2006.

Duane Goossen
Secretary of Administration

Doc. No. 032952

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 Eisenhower State Office Building, fourth floor, west wing, until 2 p.m. March 15 and then publicly opened:

District One — Northeast

Jackson—16-43 K-9631-01 — K-16 over North Cedar Creek drainage, 5.4 miles southeast of the junction of K-116, culvert construction. (State Funds)

Johnson—46 C-3966-01 - Lexington Avenue from the county line to K-10, 4.2 miles, grading and surfacing. (Federal Funds)

Marshall—58 C-4184-01 — County road, 1.2 miles east of Winifred, 0.4 mile, grading, bridge and surfacing. (Federal Funds)

Osage—56-70 KA-0163-01 — U.S. 56, 110 Mile Creek bridge, 2 miles west of the junction of U.S. 75, bridge overlay. (State Funds)

Wabaunsee—18-99 K-9626-01 — K-18, Kansas River drainage bridge, 0.8 mile east of the Riley-Wabaunsee county line, bridge deck. (State Funds)

District Two — Northcentral

Geary—18-31 K-6795-01 — K-18 north of the east junction of I-70 northeast to the Geary-Riley county line, 2.7 miles, grading, bridge and surfacing. (Federal Funds)

Jewell—28-45 K-9635-01 — K-28, 5 miles east of the junction of K-14, culvert construction. (State Funds)

Jewell—28-45 K-9660-01 — K-28 over the Buffalo Creek drainage, 5.9 miles east of the south junction of K-14, bridge replacement. (Federal Funds)

Morris—4-64 K-9659-01 — K-4 bridges over Parkers Creek and Parkers Creek drainage, bridge replacement. (Federal Funds)

Morris—4-64 K-9634-01 — K-4 over Munkers Creek drainage, culvert construction. (State Funds)

Morris—4-64 KA-0207-01 — K-4 culvert, 0.8 mile north of K-149, culvert construction. (State Funds)

Republic—148-79 K-9636-01 — Four K-148 culverts 3.7 and 2.7 miles west of the junction of U.S. 81 and 2.1 miles and 8.8 miles east of the junction of U.S. 81, culvert construction. (State Funds)

District Three — Northwest

Cheyenne—12 C-4101-01 — County road, 0.5 mile north and 0.5 mile west of St. Francis, 0.1 mile, grading and bridge. (Federal Funds)

District Four — Southeast

Bourbon—65-6 K-9640-01 — K-65, Little Osage River drainage, culvert construction. (State Funds)

Miami—61 C-3987-01 — County road 0.9 mile north and 3.5 miles west of New Lancaster, 0.2 mile, grading, bridge and Surfacing. (Federal Funds)

Neosho—39-67 K-7433-02 — Cherry Street to Walnut Street on Grant Avenue and Walnut Street east to K-39 in Chanute, surfacing. (State Funds)

Miami—61 U-2010-01 — Baptiste Drive from Silver Street east to U.S. 169 in Paola, 2.2 miles, grading and surfacing. (Federal Funds)

District Five — Southcentral

Barton—5 C-4125-01 — County road 1.2 miles west and 3 miles north of Beaver, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Cowley—77 K-9180-01 - Intersection of U.S. 77B and Kansas Avenue in Arkansas City, 0.1 mile, grading and surfacing. (State Funds)

Kingman—54-48 K-7340-02 — U.S. 54, from east of the junction of K-17 west 6.4 miles, overlay. (Federal Funds)

District Six — Southwest

Seward—54-88 U-1982-01 — U.S. 54 (Pancake Boulevard) and Kansas (Main Street) in Liberal, intersection improvement. (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 condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

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

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

Deb Miller
Secretary of Transportation

Doc. No. 032929

(Published in the Kansas Register March 9, 2006.)

City of Lenexa, Kansas

Notice to Bidders

Sealed bids for **87th Street Parkway, Quivira Road to Pflumm Road & Quivira Road, 85th Street to 87th Street Parkway**, will be accepted by the city of Lenexa, Kansas, at the Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 10:30 a.m. March 21, 2006, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Planning Department customer service staff in sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk, and marked "Bid for: 87th Street Parkway, Quivira Road to Pflumm Road & Quivira Road, 85th Street to 87th Street Parkway."

Copies of plans, specifications, bidding documents and other contract documents are on file at Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above upon payment of \$150, which amount is non-refundable.

In lieu of picking up plans and specifications at Lenexa City Hall, bidders may download plans and specs free of charge from the city of Lenexa's Web site at <http://www.ci.lenexa.ks.us/publicworks/index.html>.

Note: Davis-Bacon wage rates apply to this project.

Contractors should read and be fully familiar with all contract documents, including addenda, before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with the bid:

- a. Bid Form.
- b. 5% Bid Security—Bid Bond, Cashier's Check or Certified Check (see below).

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on an acceptable bank, made payable to city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid, which shall be retained by city of Lenexa until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within 21 days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the performance bond, maintenance bond and statutory bond, each in an amount equal to 100 percent of

the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided in the notice of award, the city may annul the notice of award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 10 a.m. March 14 in the executive conference room on the main level of the Lenexa City Hall.

Mary Sue Fry, City Clerk
City of Lenexa, Kansas

Doc. No. 032890

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2006-2008 by adding the following projects:

Project RE-0429-05, Research on Advanced Vehicle Technology, Kansas University Transportation Research Institute.

Project RE-0430-05, Research and Development of Rural Transportation Infrastructure, Kansas State University.

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

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

The comment period regarding the STIP amendment will conclude April 10.

Deb Miller
Secretary of Transportation

Doc. No. 032944

State of Kansas

Office of Judicial Administration

Supreme Court Docket

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

Monday, March 13, 2006

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
92,662 State of Kansas, Appellee, v. Gilbert Goodson, Appellant.	Phillip D. Kline, Atty. Gen. John G. Sauer, County Atty. Matthew J. Edge, Kansas Appellate Defender	Ford
94,021 In the Matter of the Appeal of Professional Engineering Consultants from an Order of the Division of Taxation on Denial of Certain Income Tax Credits.	Michael D. Burrichter Mark A. Burghart	Tax Appeal
93,465 State of Kansas, Appellee, v. John P. Kirkpatrick, Appellant.	Phillip D. Kline, Atty. Gen. Matt J. Maloney, Asst. Sedgwick County Atty. Matthew J. Edge, Kansas Appellate Defender	Sedgwick
92,018 State of Kansas, Appellee, v. Russell A. Potts, Appellant.	Phillip D. Kline, Atty. Gen. Matt J. Maloney, Asst. Sedgwick County Atty. Patrick H. Dunn, Kansas Appellate Defender	Sedgwick Petition for Review

1:30 p.m.

94,380 MBNA America Bank, Appellant, v. Loretta K. Credit, Appellee.	Jason J. Lundt Loretta A. Credit, Pro Se	Butler
94,897 In the Matter of the Acquisition of Property by Eminent Domain, the City of Roeland Park, Appellee, v. Jasan Trust, et al., Appellants.	W. Joseph Hatley Marcus G. Abbott	Johnson
94,719 State of Kansas, <i>ex rel.</i> , Topeka Police Department, Appellee, v. \$895.00 US Currency, Appellant.	Robert D. Hecht, District Atty. Reid T. Nelson, Capital Appellate Defender	Shawnee
92,870 State of Kansas, Appellee, v. Lynwood M. Baker, Appellant.	Phillip D. Kline, Atty. Gen. Kristi L. Barton, Asst. Sedgwick County Atty. Heather R. Cessna, Kansas Appellate Defender	Sedgwick

Tuesday, March 14, 2006

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
92,853 State of Kansas, Appellant, v. Joey R. Elliott, Appellee.	Phillip D. Kline, Atty. Gen. Paul J. Morrison, District Atty. Michelle A. Davis, Kansas Appellate Defender	Johnson Petition for Review
93,575 State of Kansas, Appellee, v. Sheldon K. Nash, Appellant.	Phillip D. Kline, Atty. Gen. Paul J. Morrison, District Atty. Stephen B. Chapman	Johnson

94,707
Shari Perry, Appellant,
v.
Board of County Commissioners of Franklin County,
et al., Appellees.

Mark L. Bennett, Jr.
Carl A. Gallagher

Franklin

94,451
PMA Group and Aeroflex, Appellants,
v.
Deah Trotter, Appellee.

Dwight D. Fischer
Troy H. Gott

Sedgwick

1:30 p.m.

94,869
Kau-Kau Take Home No. 1, Inc.
and Peggy Schoenhofer, Appellants,
v.
City of Wichita, Appellee.

Joseph R. Borich III
Douglas J. Moshier, Asst. City Atty.

Sedgwick

91,954
Lawrence Lane, Appellant,
v.
Mesler Roofing, et al., Appellees.

James L. Wisler
Timothy G. Lutz

Work Comp.
Petition for Review

95,193
Board of County Commissioners of
Leavenworth County, Appellee,
v.
Richard L. Whitson and Linda L. Whitson, Appellants.

David C. Van Parys
Gregory A. Lee

Leavenworth

Wednesday, March 15, 2006

9:00 a.m.

Case No. / Case Name

Attorneys

Jurisdiction

94,781
Winnebago Tribe of Nebraska, et al., Plaintiffs,
v.
Phill Kline, Atty. General, et al., Defendants.

Thomas E. Wright
John Michael Hale

Certified Question

93,013
Matthew Patrick Sall, et al., Appellants,
v.
T's, Inc., d/b/a/ Smiley's Golf Complex, Appellee.

Bryson R. Cloon
Patrick G. Copley

Johnson
Petition for Review

94,265
Bonnie Jean Brungardt Scott, Appellee,
v.
Christopher Hughes, Appellant.

Scott J. Mann
Lyndon W. Vix

Barton

94,620
Virginia Dickerson, et al., Appellants,
v.
Joel N. Schroeder, M.D., et al., Appellees.

Michael L. Hodges
Steve A. Schwarm

Wyandotte

1:30 p.m.

95,688
In the Matter of Douglas Dean Eastepp, Respondent.

Janith A. Davis, Deputy Discip. Admin.
Bruce C. Harrington
Douglas Dean Eastepp, Pro Se

Original

Bar Docket No. 12876
In the Matter of Cheryl D. Myers, Respondent.

Stanton A. Hazlett, Discip. Admin.
Cheryl D. Myers, Pro Se

Show Cause

Thursday, March 16, 2006

**Summary Disposition of Sentencing Appeals - No Oral Argument
Pursuant to Supreme Court Rule 7.041(a)**

94,655	State v. Joe Hunter	94,849	State v. Angela D. Kistler	95,009	State v. Melinda Demoret
94,722	State v. Lloyd R. Drake, Jr.	94,982	State v. John Lee Pevy III	95,035	State v. Aaron J. Stricker
94,833	State v. Gaylen D. Clark	94,985	State v. Vernon Thomas		

Carol G. Green
Clerk of the Appellate Courts

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of February 2006 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

Ag Ads, Inc., Lost Springs, KS.
 Childtime, Inc., Kansas City, KS.
 Doall Wichita Company, Wichita, KS.
 Finish Carpentry Inc., Wichita, KS.
 Gentry, Ltd., Wichita, KS.
 Guthrie Steaming and Tank Service, Inc., Great Bend, KS.
 Heetco, Inc.-Kansas, Lawrence, KS.
 Kansas West, LLP, Dexter, KS.
 Liberal Woman's Club, Liberal, KS.
 M & V Floor Covering, Inc., Hays, KS.
 Macomber Meat Processing, Inc., Atchison, KS.
 Mikesell Motors, Inc., Belleville, KS.
 Mortgage Consultants, Inc., Overland Park, KS.
 O. K. Johnson Electric Co., Inc., Topeka, KS.
 Paul's Auto Repair, Inc., Partridge, KS.
 Payne Oil Company, Inc., Salina, KS.
 Pig Producers I, L.P., Shelby, NE.
 Rickel, Inc., Prairie Village, KS.
 South Shore Homes Association, Inc., Vassar, KS.
 Stilwell Elementary Parent Teacher Organization, Inc., Stilwell, KS.
 Superior Plumbing, Inc., Olathe, KS.
 T & T Dent, Inc., Hutchinson, KS.
 The International Society of Zooculturists, Liberal, KS.
 V & L Miller Inc., Hutchinson, KS.
 Wichita Mothers of Twins Club, Wichita, KS.
 Winchester Meat Processing, Inc., Winchester, KS.
 3-C-Ranch, Inc., Burdick, KS.

Foreign Corporations

Bayport, Inc., Independence, KS.
 Benchmark Indian Management Inc., Wichita, KS.
 Christa Furs, Inc., St. Louis, MO.
 Employeematters Insurance Agency, Inc., Mountain View, CA.
 Encore Retirement Centers, Inc., White Plains, NY.
 Frederick's of Hollywood Stores, Inc., Hollywood, CA.
 Home Depot U.S.A., Inc., Atlanta, GA.
 Jack and Jill of America, Incorporated, Washington, DC.
 Reliable Money Order, Inc., Milwaukee, WI.
 Retail Fuels Marketing, LLC, Tulsa, OK.
 Roy's Aerial Spraying, Inc., Superior, NE.
 School Management Specialists, Inc., Ouray, CO.
 T. E. Woods Construction, Inc., Blue Springs, MO.
 Whitaker Electrical Solutions Inc., Odessa, TX.

Ron Thornburgh
 Secretary of State

Doc. No. 032953

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veteran's Affairs will host a telephonic meeting at 1 p.m. Friday, March 17. The public is invited to attend at one of the following locations: KCVA central office, Suite 701, Jayhawk Tower, 700 S.W. Jackson, Topeka; conference room, Eisenhower Administration Building, Kansas Soldiers' Home, 714 Sheridan, Fort Dodge; and MacArthur Room, Timmerman Administration Building, Kansas Veterans' Home, 1220 WWII Memorial Drive, Winfield. For more information, call (785) 296-3976.

George Webb
 Executive Director

Doc. No. 032945

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services announces the release of a request for proposals by the Division of Health Care Policy-Mental Health to provide school-based violence prevention programs. Programs and services including best practices for reducing school violence are requested. Programs must be school based and involve mental health providers.

Vendors interested in receiving a request for proposal should contact Pam Raiman at SRS-Health Care Policy, 10th Floor North, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-7272.

Gary J. Daniels
 Secretary of Social and
 Rehabilitation Services

Doc. No. 032954

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 3-6-06 through 3-12-06

Term	Rate
1-89 days	4.51%
3 months	4.58%
6 months	4.76%
1 year	4.76%
18 months	4.76%
2 years	4.73%

Derl S. Treff
 Director of Investments

Doc. No. 032935

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment has received a permit modification request to expand the city of Coffeyville's construction and demolition landfill currently operating under KDHE Permit 603. The Coffeyville construction and demolition landfill is located on Sycamore Street, north of Coffeyville, in the Northwest Quarter of Section 25, Township 34 South, Range 16 East. Only construction and demolition wastes, as defined by Kansas statutes, would be allowed for disposal into the landfill. The landfill expansion area would be about 28.7 acres, increasing the landfill's permitted disposal area to 48.7 acres. With an estimated capacity of 747,000 cubic yards, the construction and demolition landfill's estimated life is about 55 years.

The Montgomery County Commissioners have certified that the application described herein is consistent with the county's solid waste management plan and local land use restrictions or zoning. KDHE has reviewed the application and found it to be in conformance with state solid waste statutes and regulations.

KDHE is providing public notice of its intent to approve the city of Coffeyville's proposed landfill expansion. However, a final decision to approve the expansion has not been made, and KDHE will consider information gathered during the public comment period before making a final decision. A copy of the administrative record, which includes the permit application, engineering drawings, draft permit and other information with respect to this permit action, will be available for public review March 10-April 13 during normal business hours at the following locations:

Kansas Department of Health and Environment
Bureau of Waste Management
1500 W. 7th St.
Chanute, 66720
Contact: Charles Bowers
(620) 431-2390

City Engineer's Office
Coffeyville City Hall
7th and Walnut
Coffeyville 67337
Contact: Scott Massman, R.L.S.
(620) 252-6127

Additionally, the application form is available for public viewing on the Internet at <http://www.kdheks.gov/waste>. Anyone wishing to comment on the proposed facility should submit written statements by 5 p.m. April 13 to Charles Bowers of KDHE at the address listed above, by facsimile to (620) 431-1211, or by e-mail to cbowers@kdhe.state.ks.us. Comments postmarked by April 13 and received within one week thereafter also will be considered.

After consideration of all the written comments received during the public notice period, KDHE will make a final decision on whether to issue the permit modifi-

cation. Notice of the decision will be given to the applicant, to anyone who submitted written comments during the comment period, and to those who requested notice of the final permit decision.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 032949

State of Kansas

Real Estate Appraisal Board

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, May 9, in the lower level conference room at 1100 S.W. Wanamaker Road, Topeka, to consider the adoption of K.A.R. 117-8-1.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, 1100 S.W. Wanamaker Road, Suite 104, Topeka, 66604. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sally Pritchett at (785) 271-3373 or cheryl.magathan@kreab.state.ks.us.

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

117-8-1. Uniform standards of professional appraisal practice. This regulation is being amended, with an effective date of July 1, 2006, so that the board can adopt the 2006 edition of Uniform Standards of Professional Appraisal Practice (USPAP) by reference with the exception of standards 6, 7, 8, 9 and 10, and the advisory opinions, which are on pages 111 through 220.

Copies of the regulation and its economic impact statement may be obtained by contacting the Kansas Real Estate Appraisal Board at the address above, (785) 271-3373, fax (785) 271-3370, e-mail: cheryl.magathan@kreab.state.ks.us, or by visiting the board's Web site at <http://www.kansas.gov/kreab>.

Sally Pritchett
Executive Director

Doc. No. 032937

State of Kansas

Department of Health
and Environment

Notice of Hearing

A public hearing to discuss the Final FY 2005/Draft FY 2006 Priority System and Project Priority List and the Final FY 2005/Draft FY 2006 Intended Use Plan will be held at 10 a.m. Wednesday, April 12, in the Azure Room, fourth floor, Curtis State Office Building, 1000 S.W. Jackson, Topeka.

The Kansas Department of Health and Environment, Bureau of Water has updated these documents for public comment. Comments on the Priority List and the Intended Use Plan can be presented orally or in writing at the hearing or may be e-mailed prior to the hearing. Written comments should be addressed to Rodney R. Geisler, P.E., Chief, Municipal Programs Section, Bureau of Water, Kansas Department of Health and Environment, Suite 420, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612-1367, or by e-mail to rgeisler@kdhe.state.ks.us. Comments by e-mail are welcome and preferred.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 032943

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Air and Radiation, will conduct a public hearing at 10 a.m. Tuesday, May 16, in Room 530 of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed air quality regulation **K.A.R. 28-19-350** relating to prevention of significant deterioration (PSD) of air quality.

Amendments to this regulation align it with the requirements of federal new source review reform requirements for major stationary air emission sources. The amendments change how historical or baseline emissions are determined, change the method for determining whether a source modification will increase emissions, and provide optional applicability tests for sources.

Both the permit applicant and the agency currently make the emissions calculations, and both the applicant and the agency will remain responsible for doing so under the amendments. The applicant will be responsible for and bear the costs of presenting the information necessary to support the optional applicability test. The agency will be responsible for and bear the costs of making the applicability determination. The agency does not expect implementation of this regulation to significantly increase costs or to adversely affect the agency, taxpayers or stakeholders.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. All in-

terested parties may submit written comments prior to 5 p.m. on the day of the hearing to Ralph Walden, Kansas Department of Health and Environment, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612, by fax to (785) 296-7455, or by e-mail to rwalden@kdhe.state.ks.us. The proposed regulation can be accessed on the KDHE Web site at <http://www.kdhe.state.ks.us>. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearings. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed amendments and the economic impact and environmental benefit statements may be obtained by contacting Linda Vandevord, Bureau of Air and Radiation, at (785) 296-6423 or lvandevo@kdhe.state.ks.us. Questions pertaining to these proposed amendments should be directed to Ralph Walden.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Ralph Walden.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 032940

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas/Federal Water
Pollution Control Permits and Applications

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, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-06-043/047
Application(s) for New or Expansion of Existing
Swine Facilities

Name and Address
of Applicant

Jeff Dohrman/Double D Hogs, Inc.
2425 4th Road
Bushton, KS 67427

Owner of Property Where
Facility Will Be Located

Double D Hogs, Inc.
2425 4th Road
Bushton, KS 67427

Legal Description
NW/4 of Section 34 &
NE/4 of Section 33,
T17S, R10W,
Ellsworth County
Kansas Permit No. A-AREW-S001

This is an application for a permit for expansion of an existing swine facility. The expansion consists of one previously approved but not constructed hoop building and one additional hoop building (bringing the total number of hoop buildings to eight). The total maximum capacity will increase from 2,900 head (920 animal units) to 3,090 head (921 animal units) of swine. No changes to the operation of the facility or the waste control system are proposed. A new or modified permit will not be issued without additional public notice.

Name and Address of Applicant
L'Ecuyer Farms, Inc.
Thomas and Joseph L'Ecuyer
1020 22nd Road
Morrowville, KS 66958

Receiving Water
Lower Arkansas River Basin

Owner of Property Where Facility Will Be Located
Thomas L'Ecuyer
1020 22nd Road
Morrowville, KS 66958

Legal Description
NW/4 of Section 09,
T02S, R02E,
Washington County
Kansas Permit No. A-BBWS-S056

This is an application for a new permit for the construction of a new swine facility consisting of two enclosed swine finishing buildings with concrete pits underneath. The maximum capacity will be 2,400 head (960 animal units) of swine weighing more than 55 pounds each. A new or modified permit will not be issued without additional public notice.

Name and Address of Applicant
3MK Pork, LLC
2069 Prairie Road
Washington, KS 66968

Receiving Water
Big Blue River Basin

Owner of Property Where Facility Will Be Located
3MK Pork, LLC
2069 Prairie Road
Washington, KS 66968

Legal Description
SW/4 of Section 17,
T02S, R03E,
Washington County
Kansas Permit No. A-BBWS-H002

This is an application for a permit for modification at an existing swine facility for 8,000 head (3,200 animal units) of swine to add a composting unit for disposing of dead swine. A new or modified permit will not be issued without additional public notice.

Name and Address of Applicant
Samuel Zook
945 2700 Ave.
Abilene, KS 67410

Receiving Water
Big Blue River Basin
Federal Permit No. KS0089681

Owner of Property Where Facility Will Be Located
D. Denise and Samuel Zook
945 2700 Ave.
Abilene, KS 67410

Legal Description
SW/4 of Section 21,
T12S, R02E,
Dickinson County
Kansas Permit No. A-SHDK-S012

This is an application for a permit for the expansion of an existing swine facility. A new or modified permit will not be issued without additional public notice. The application is for a maximum of 125 head [12.5 animal units (a.u.)] of swine weighing less than 55 pounds and 650 head (260 a.u.) of swine weighing 55 pounds or more, for a total of 775 head (272.5 a.u.).

Name and Address of Applicant
Robert K. Krehbiel
K.K. Farms
7102 E. 95th, Box 525
Buhler, KS 67522

Receiving Water
Smoky Hill River Basin

Owner of Property Where Facility Will Be Located
Robert K. Krehbiel
7102 E. 95th, Box 525
Buhler, KS 67522

Legal Description
SE/4 of Section 01,
T22S, R05W,
Reno County

Kansas Permit No. A-LARN-H002

Receiving Water
Little Arkansas River Basin

Federal Permit No. KS0098680

This is an application for modification of an existing permit for an expanding facility for 2,400 head (960 animal units) of swine greater than 55 pounds and 3,000 head (300 animal units) of swine 55 pounds or less. The expansion consists of replacing four of the existing swine buildings with one new building. The proposed expansion will not change the facility animal capacity. The 3,000 head (300 animal units) of swine 55 pounds or less are part of the existing operation and are being included in the facility animal capacity due to a change in the law or method of counting swine. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-06-048/056
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant
3MK Pork, LLC
Dale Keesecker
2069 Prairie Road
Washington, KS 66968

Legal Description
SW/4 of Section 17,
T02S, R03E,
Washington County

Receiving Water
Big Blue River Basin

Kansas Permit No. A-BBWS-H002

Federal Permit No. KS0089681

This is a modification to an existing facility for 8,000 head (3,200 animal units) of swine. The facility has added a concrete composting unit for disposing of dead swine. The compost unit is located within the drainage area of the existing wastewater runoff controls.

Name and Address of Applicant
Samuel Zook
945 2700 Ave.
Abilene, KS 67410

Legal Description
SW/4 of Section 21,
T12S, R02E,
Dickinson County

Receiving Water
Smoky Hill River Basin

Kansas Permit No. A-SHDK-S012

This is a renewal permit for an existing and expanding facility. Proposed operational changes will result in 125 head [12.5 animal units (a.u.)] of swine weighing less than 55 pounds and 650 head (260 a.u.) of swine weighing 55 pounds or more, for a total of 775 head (272.5 a.u.).

Name and Address of Applicant
K.K. Farms
Robert K. Krehbiel
7102 E. 95th, Box 525
Buhler, KS 67522

Legal Description
SE/4 of Section 01,
T22S, R05W, Reno
County

Receiving Water
Little Arkansas River Basin

Kansas Permit No. A-LARN-H002

Federal Permit No. KS0098680

This is a modification of an existing permit for an expanding facility for 2,400 head (960 animal units) of swine greater than 55 pounds and 3,000 head (300 animal units) of swine 55 pounds or less. The expansion consists of replacing four of the existing swine buildings with one new building. The proposed expansion will not change the facility animal capacity. The 3,000 head (300 animal units) of swine 55 pounds or less are part of the existing operation and are being included in the facility animal capacity due to a change in the law or method of counting swine.

Name and Address of Applicant
DBK, LLC
Donald Reith
1743 10th Road
Linn, KS 66953

Legal Description
SW/4 of Section 11,
T04S, R03E,
Washington County

Receiving Water
Big Blue River Basin

Kansas Permit No. A-BBWS-S054

This is a new permit for a new facility for 2,498 head (999.2 animal units) of swine weighing more than 55 pounds each. The facilities will consist of two enclosed swine buildings. Wastes will be collected in concrete pits under the buildings for use on agricultural land.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Syracuse Commission Company, Inc. Steve Schneider Box 129 Syracuse, KS 67878	SW/4 of Section 07, T24S, R40W, Hamilton County	Upper Arkansas River Basin

Kansas Permit No. A-UAHM-B002

This is a renewal permit for an existing public livestock market with a modification to include proposed pen construction within the facility footprint and runoff control area. Due to a change in Kansas law regarding the method for calculating permitted animal units (a.u.) for public livestock auctions, the facility is being downsized from an average capacity of 1,350 a.u. to 658 a.u.

Name and Address of Applicant	Legal Description	Receiving Water
Rock Creek Finishing Farms, LLC 13075 Brush Creek Road Westmoreland, KS 66549	SE/4 of Section 28, T08S, R09E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-H001 Federal Permit No. KS0091260

This is a renewal permit for modification of an existing facility for a maximum of 4,980 head (1,992 animal units) of swine greater than 55 pounds. The swine facility consists of one building with shallow pits that are drained using a pull-plug system. The facility has proposed to build two more buildings of the same size. This is a modification of a previously approved proposal to build three more buildings of the same size. The modified proposal does not change the maximum animal capacity of the facility.

Name and Address of Applicant	Legal Description	Receiving Water
Seibert Feeders Gary Seibert Route 1, Box 37 Macksville, KS 67557	E/2 of Section 02, T23S, R15W, Pawnee County	Upper Arkansas River Basin

Kansas Permit No. A-UAPN-C005 Federal Permit No. KS0098540

This is a permit modification for the expansion of an existing facility. When completed the facility will have capacity for 4,950 head (2,475 animal units) of beef cattle weighing less than 700 pounds. A new rectangular earthen wastewater retention structure will be built to control runoff from 39 acres of drainage area.

Name and Address of Applicant	Legal Description	Receiving Water
Apple-A-Day Foods 1969 200th Road Sabetha, KS 66534	SE/4 of Section 30, T01S, R14E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S012

This is a modified permit for an expanding facility for 400 head (160 animal units, AU) of swine weighing more than 55 pounds, 120 head (168 AU) of mature dairy cattle, 50 head (50 AU) of cattle weighing more than 700 pounds, 100 head (50 AU) of cattle weighing 700 pounds or less, and 50 sheep (5 AU), for a total animal capacity of 433 AU. The expansion consists of adding a wastewater retention structure, a freestall flushing system and sedimentation channels to the existing facility, with no change in animal capacity.

Name and Address of Applicant	Legal Description	Receiving Water
Eichman Brothers, Inc. 13075 Brush Creek Road Westmoreland, KS 66549	SE/4 of Section 28, T08S, R09E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S021

This is a permit application for re-approval of design plans for expansion of the facility animal capacity by 3,000 head (300 animal units) of swine weighing 55 pounds or less. Upon completion of the expansion, the facility animal capacity will be 600 head (240 animal units) of swine greater than 55 pounds and 4,800 head (480 animal units) of swine 55 pounds or less, for a total capacity of 720 animal units.

The proposed expansion consists of adding an enclosed nursery building for an additional 3,000 head (300 animal units) of swine 55 pounds or less. The expansion was previously approved but not constructed within the allotted time frame.

Public Notice No. KS-06-027/034

Name and Address of Applicant	Waterway	Type of Discharge
Central Paving P.O. Box 369 Benton, KS 67017	Towanda Reservoir via Whitewater River via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-WA14-PO01 Federal Permit No. KS0096237
 Legal: SW¼, S17, T26S, R4E, Butler County
 Facility Name: Towanda Quarry

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry and crushing operation with some washing. Wash water is recycled in two settling ponds and only discharges to Outfall 001 after a heavy rain. Pit dewatering and stormwater runoff also is directed to settling ponds, which only discharge through Outfall 002. The proposed permit includes limits for total suspended solids and pH and monitoring for sulfates. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Garden City, City of P.O. Box 499 Garden City, KS 67846	Arkansas River	Treated Domestic and Industrial Wastewater

Kansas Permit No. M-UA14-OO01 Federal Permit No. KS0038962
 Primary Outfall: SE¼, S21, T24S, R32W, Finney County
 Alternative Outfall: NW¼, S24, T24S, R32W, Finney County

Facility Description: The proposed action is to reissue a permit for an existing facility treating primarily domestic wastewater. This facility is a mechanical treatment plant consisting of a mechanical screen, an aerated grit removal chamber, CMAS basins, final clarifiers, aerobic sludge digesters, sludge holding tank, a belt filter press, gravity belt thickener and UV disinfection. This facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The permittee has split the effluent flow with part of it continuing to the current outfall and up to 80 percent of the discharge being rerouted to a point about 3.5 miles upstream of the current outfall to an unnamed tributary to the Arkansas River or to the Wheatland Electric Co-operative Sunflower Electric Generation Station for cooling water. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, nitrate + nitrite and pH. Monitoring for nitrite, nitrate, total Kjeldahl nitrogen, total nitrogen, total phosphorus, sulfates, chlorides, sulfate, total recoverable boron, total recoverable selenium and effluent flow also will be required. The permit also requires the permittee to perform a chronic whole effluent toxicity test annually and a priority pollutant scan once during the term of this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Independence, City of 120 N. 6th St. Independence, KS 67301	Verdigris River	Treated Domestic Wastewater

Kansas Permit No. M-VE23-OO02 Federal Permit No. KS0095486
 Legal Description: SW¼, S29, T32S, R16E, Montgomery County
 Facility Description: The proposed action is to reissue a permit for an existing facility treating primarily domestic wastewater. This facility is a mechanical treatment plant consisting of an activated sludge

process with two basins with internal clarifiers utilizing the MLE (Modified Luttzid-Ettinger) biological nutrient removal process, with UV disinfection of the effluent. A three-cell peak-flow holding basin receives high rate influent flows from rain events. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. Aerated sludge storage to belt-press dewatering and onsite storage of biosolids is provided. Biosolids are land applied. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring of total phosphorus, total Kjeldahl nitrogen, nitrate, nitrite, total nitrogen and effluent flow also will be required. Contained in the permit is a requirement for the permittee to perform a chronic whole effluent toxicity test annually and a priority pollutant scan once during the term of the permit.

Name and Address of Applicant	Waterway	Type of Discharge
Maple Hill, City of P.O. Box 215 Maple Hill, KS 66507	Mill Creek via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-KS39-OO01	Federal Permit No. KS0046426	
Legal Description: NE¼, NE¼, NW¼, S19, T11S, R13E, Wabaunsee County		

Facility Description: The proposed action is to reissue a permit for an existing facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and fecal coliform. Monitoring for ammonia 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.

Name and Address of Applicant	Waterway	Type of Discharge
Mulberry Limestone Company 325 N. 260th St. Mulberry, KS 66756	Second Nicolson Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff
Kansas Permit No. I-MC27-PO04	Federal Permit No. KS0095991	
Legal: SE¼, S2, T29S, R25E, Crawford County		

Facility Name: Mulberry Quarry
Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry and crushing operation with no washing. Outfalls 001, 002 and 003 consist of pit dewatering and stormwater runoff. Included in the permit is generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Nickerson, City of P.O. Box 52 Nickerson, KS 67561	Arkansas River	Treated Domestic Wastewater
Kansas Permit No. M-AR66-OO02	Federal Permit No. KS0098132	
Legal Description: SW¼, SW¼, S14, T22S, R7W, Reno County		

Facility Description: The proposed action is to issue a new permit for a new facility treating primarily domestic wastewater, consisting of a three-cell lagoon wastewater stabilization system. The city has requested and KDHE is hereby public noticing its intent to grant a variance to allow this wastewater treatment facility to be constructed with less than the 10 feet of separation distance from the bottom of the lagoon to the top of the groundwater table and without conducting the full site investigation as provided in K.A.R. 28-16-161(a) and 163(b). The variance requires the city to provide a double HDPE liner with leak detection systems in the first two cells and a single HDPE liner in the final cell plus a groundwater monitoring well as specified in K.A.R. 28-16-171. The final cell will not receive raw untreated wastewater. Public comment on the variance will be received

in the same manner as comments on the proposed permit as explained at the end of this public notice. The proposed permit includes limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform, chlorides, pH and influent flow at the facility also will be required. Additionally, the permit requires monitoring of the groundwater for chlorides, nitrate, pH and conductivity. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. The schedule of compliance also requires that the permittee submit the final design document for the facility by November 1, 2006, and complete construction of the facility and achieve compliance with the permit limits by December 1, 2007. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Norton, City of 301 E. Washington St. Norton, KS 67654	Republican River via Prairie Dog Creek	Treated Domestic Wastewater
Kansas Permit No. M-UR16-OO03	Federal Permit No. KS0097730	
Legal Description: NW¼, SE¼, SE¼, S35, T2S, R23W, Norton County		

Facility Description: The proposed action is to issue a new permit for a new facility treating primarily domestic wastewater. This facility will replace an existing facility permitted under Kansas Permit No. M-UR16-OO01. The new facility will consist of an air-activated sludge plant with two aeration basins, two final clarifiers, two sludge digesters, nutrient removal and UV disinfection. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for dissolved oxygen, total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Oberlin, City of 1 Morgan Drive Oberlin, KS 67749	Sappa Creek	Treated Domestic Wastewater
Kansas Permit No. M-UR17-OO02	Federal Permit No. KS0098655	
Legal Description: NE¼, S12, T3S, R29W, Decatur County		

Facility Description: The proposed action is to issue a new permit for a new wastewater treatment facility treating primarily domestic wastewater. This three-cell lagoon facility will replace the existing mechanical plant servicing the city of Oberlin. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring of ammonia and fecal coliform 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 technology based.

Public Notice No. KS-ND-06-006/007

Name and Address of Applicant	Legal Location	Type of Discharge
Butler County Commission c/o Director of Public Works 205 W. Central El Dorado, KS 67042	NE¼, NE¼, NW¼, S9, T26S, R5E, Butler County	Nonoverflowing
Kansas Permit No. M-WA09-ND08	Federal Permit No. KSJ000233	
Facility Name: Butler County S.D. #8		

Facility Description: The proposed action is to reissue an existing permit for operation of a nonoverflowing lagoon wastewater treatment facility treating primarily domestic wastewater. This facility is within approximately 500 feet of a city of El Dorado sewage lift station. Included in this permit is a schedule of compliance requiring the permittee to provide KDHE with a feasibility study, cost estimate and proposed schedule for connecting the collection system for this

(continued)

lagoon system to the city of El Dorado's lift station and properly abandoning the lagoon wastewater treatment facility. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
Ron and Alice Bemis 23313 S. U.S. Highway 75 Lyndon, KS 66451	SW, S19, T16S, R16E Osage County	Nonoverflowing

Kansas Permit No. C-MC21-NO01 Federal Permit No. KSJ000200
Facility Name: Crossroads RV Park

Facility Description: The proposed action is to modify an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility treating primarily domestic wastewater. The modification consists of a change in ownership and a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Persons wishing to comment on the draft documents 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 considered in the decision making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section 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 documents or application notices received on or before April 8 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-06-043/056 KS-06-027/034, KS-ND-06-006/007) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdhe.state.ks.us/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 032948

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:

03/20/2006	09224	Lubricants, Automotive
03/21/2006	09230	Construct Entrance Road
03/21/2006	09233	Rotary Mowers, Tractor Powered
03/21/2006	09234	Stacking Chairs and Tables
03/23/2006	09207	Wheel Tractor with Boom Mounted Slope Mowers
03/23/2006	09242	Gel Permeation Chromatography System
03/24/2006	09087	Credit Card Acceptance Program
03/24/2006	09245	Case Binding Services
03/24/2006	09251	Washers, High Pressure
03/28/2006	09220	Telecommunications Study (TS) Services
03/30/2006	09243	Testing Services — Scoring General Education Development (GED)
04/03/2006	09232	Curriculum — Career Development Technician Competencies
04/25/2006	09176	Licensed Video Programming

The above-referenced bid documents may 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>

Chris Howe
Director of Purchases

Doc. No. 032951

State of Kansas

Governmental Ethics Commission

Opinion No. 2006-06

Written February 16, 2006, to Joann E. Corpstein, Chief Counsel, Kansas Department on Aging, Topeka.

This opinion is in response to your letter dated December 8, 2005, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws, K.S.A. 46-215 *et seq.* We note at the outset that the Commission's jurisdiction concerning your request is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion. Your letter contained three questions. We have already answered two of those questions in Opinion 2006-03.

Factual Statement:

We understand that you are asking for this opinion in your capacity as Chief Counsel for the Department on Aging (KDOA). You state that as the sponsor of the Governor's Conference on Aging in May 2006, KDOA would like to solicit a wide variety of entities to be sponsors at

the conference. You explain that KDOA performs administrative responsibilities for the payment and enforcement of certain Medicaid long-term care programs on behalf of the Division of Health Policy and Finance. KDOA's responsibilities include calculating and paying reimbursement rates and imposing certain federal enforcement remedies such as civil money penalties against hospital-based long-term care units. Hospital-based long-term care units are licensed and inspected by the Kansas Department of Health and Environment, not by KDOA; however, you have explained that KDOA sends surveyors to make compliance visits to these care units to determine their compliance with Federal Medicaid regulations. Additionally, KDOA has discretion in determining whether to impose enforcement remedies for noncompliance and the amount of civil money penalties assessed.

Question:

Do KDOA's administrative responsibilities to calculate payment and impose enforcement remedies against Medicaid hospital-based long-term care programs on behalf of the Division of Health Policy and Finance constitute "regulating" for purposes of K.S.A. 46-237(c)?

Opinion:

K.S.A. 46-237(c) states as follows:

No person licensed, inspected or *regulated* by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency. (Emphasis added.)

The term "regulated" is not defined in the conflict of interest statutes. Webster's Third New International Dictionary defines "regulate" as "to govern or direct according to rule. . . to bring under the control of law. . . to fix the time, amount, degree or rate of . . ." West's Legal Thesaurus and Dictionary defines "regulate" as "To adjust or control by rule, method, or principle . . ." Synonyms listed for "regulate" include the following: direct, govern, manage, supervise, handle, rectify, correct, standardize, coordinate, police, monitor, guide, oversee, discipline. West's Legal Thesaurus and Dictionary 642-643 (1985). Another legal thesaurus defines "regulate" as "adjust, manage," and provides the following synonyms: administer, conduct, control, determine, direct, discipline, govern, guide, handle, oversee, police. Burton's Legal Thesaurus, Third Edition, 455 (1998).

We found no Kansas cases that define the term "regulated" as used in K.S.A. 46-237(c) or in other instances similar to those addressed by that statute. A similar phrase, "regulates any business," in the South Carolina State Ethics Act was interpreted to mean that a governmental agency "regulates any business," if the agency has authority to promulgate rules or regulations or *administer legislatively enacted rules and regulations* that govern or direct the entry into a business or the conditions for remaining in that business, or that direct the manner in which the business may be conducted. South Carolina Coastal Council v. South Carolina State Ethics Com'n., 410 S.E.2d 245, 306 (1991) (Emphasis added.)

You have indicated that KDOA's responsibilities regarding certain Medicaid long-term care programs includes calculating and paying reimbursement rates and imposing certain Federal enforcement remedies, including civil money penalties, against hospital-based long-term care units. Although KDOA has no authority to promulgate requirements and regulations regarding Medicaid programs and reimbursement rates, KDOA is the entity responsible for administering and enforcing the laws and regulations established by the federal government. You have explained that KDOA surveyors determine whether the programs are in compliance with those federal laws and regulations, and that KDOA has discretion in determining whether to impose enforcement remedies for noncompliance and in determining the amount of civil money penalties to be assessed. KDOA's responsibilities include management, supervision, monitoring and discipline in administering the federal requirements for Medicaid long-term care programs on behalf of the Division of Health Policy and Finance. We opine that the administrative activities carried out by KDOA on behalf of the Division of Health Policy and Finance constitute regulating Medicaid hospital-based long-term care programs for purposes of K.S.A. 46-237(c).

Opinion No. 2006-07

Written February 16, 2006, to Milack Talia, President, NeoDems PAC, Merriam.

This opinion is in response to your letter dated January 20, 2006, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your questions is limited to the application of K.S.A. 25-4142 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement:

We understand that you are asking for this opinion in your capacity as president/chairperson of the political committee, NeoDems. You will be a candidate for the office of state representative this year, and you would like to continue in your position with NeoDems. You state that you will set up a campaign committee and bank accounts for your campaign for state representative separate and independent of the NeoDems. You will not coordinate your campaign activities or communications with NeoDems, and you will not represent your campaign and the NeoDems at the same time or raise money for both at the same time.

Question:

Is it permissible under the Campaign Finance Act for you to remain as president/chairperson for the political committee, NeoDems, while you are a candidate for state representative?

Opinion:

We find nothing in the Campaign Finance Act to prohibit a person from serving as the chairperson of a political committee while the person is a candidate for state

(continued)

representative. The Campaign Finance Act contains different requirements regarding the solicitation, reporting and use of funds by political committees and candidates. See K.S.A. 25-4153, K.S.A. 25-4153a and K.S.A. 25-4157a. As long as you comply with the laws applicable to a political committee and a candidate, and keep all funds and solicitations for the political committee separate from your campaign for state representative, you may continue to serve as chairperson for NeoDems political committee while you are a candidate for state representative.

Opinion No. 2006-08

Written February 16, 2006, to Richard A. Boeckman, Barton County Counselor/Administrator, Great Bend.

This opinion is in response to your letter dated February 1, 2006, requesting an opinion from the Kansas Governmental Ethics Commission concerning local conflict of interest laws, K.S.A. 75-4301a *et seq.* We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 75-4301a *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement:

You request this opinion in your capacity as Barton County Counselor/Administrator. You explain that you have been the Barton County Counselor since 1990, and effective January 1, 2006, you became a county employee with the responsibilities of both County Administrator and Counselor. You are aware of other counties where the county administrator also serves as county counselor. A taxpayer has expressed concern to the Barton County Commissioners about whether you can legally hold both positions.

Question:

Do the local level ethics laws prohibit you from serving as both county administrator and county counselor for Barton County?

Opinion:

As a county employee, you are governed by the local level conflict of interest laws, K.S.A. 75-4301a through K.S.A. 75-4306. There are no provisions in any of those statutes that address serving in two different positions within a county or that would prohibit you from serving as both county administrator and county counselor for Barton County.

Opinion No. 2006-09

Written February 16, 2006, to Patrick Wilbur, Lawrence.

This opinion is in response to your letter received by email on February 6, 2006, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your questions is limited to the application of K.S.A. 25-4142 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement:

We understand that you are asking for this opinion in your capacity as candidate for Kansas Insurance Commissioner. You recently received a campaign donation

from a personal trust. The check was signed by one of the trustees. Your questions concern receiving campaign contributions during the legislative session.

Question:

1. May a candidate for Kansas Insurance Commissioner accept a campaign contribution from a personal trust during the legislative session?

2. If the contribution may not be accepted during the legislative session, may the candidate hold the check until the end of the legislative session?

Opinion:

K.S.A. 25-4153a states:

(a) No registered lobbyist, political committee or person, other than an individual, shall make a contribution after January 1 of each year and prior to adjournment sine die of the regular session of the legislature or at any other time in which the legislature is in session to a:

- (1) Legislator;
- (2) candidate for membership in the legislature;
- (3) state officer elected on a statewide basis;
- (4) candidate for state officer elected on a statewide basis;

...
(b) No legislator, officer, candidate or committee described in paragraphs (1) through (6) of subsection (a) shall accept or solicit any contribution as defined by K.S.A. 25-4143 and amendments thereto, from any registered lobbyist, political committee or person, other than an individual, during such period of time described in subsection (a). (Emphasis added.)

K.S.A. 25-4153a prohibits a candidate for state office elected on a statewide basis from soliciting or accepting a campaign contribution during the legislative session from any person, other than an individual. K.S.A. 25-4143(j) defines "person" as "any individual, committee, corporation, partnership, trust, organization or association. (Emphasis added.) This Commission determined in Opinion No. 1997-32 that based on this definition, "individual" means a "natural person" as opposed to an "artificial person."

When interpreting a statute, the intent of the Legislature governs and the Legislature is presumed to have expressed its intent through the words used. When those words are plain and unambiguous, we must interpret the statute according to the intention of the Legislature as expressed, rather than determine what the law should or should not be. *Mitchell v. Liberty Mut. Ins. Co.*, 271 Kan. 684, 694-5 (2001).

The statutes that we are interpreting here are plain and unambiguous. K.S.A. 25-4143(j) differentiates between a "person" that is an individual and a "person" that is a trust. K.S.A. 25-4153a provides that the only contributions that may be solicited or accepted during the legislative session are contributions from an individual; and contributions by any other person, including a trust, are prohibited. Therefore, you may not accept a contribution from any trust during the legislative session.

In response to your second question, you may not hold a check from a person who is not an individual until sine die adjournment of the legislative session. The check should be returned immediately to the donor.

Sabrina K. Standifer
Chairwoman

Doc. No. 032909

(Published in the Kansas Register March 9, 2006.)

Summary Notice of Sale
City of Salina, Kansas
\$1,800,000*
General Obligation Temporary Notes
Series 2006-1
\$2,200,000*
General Obligation Internal Improvement Bonds
Series 2006-A
(General obligations payable from
unlimited ad valorem taxes)

Principal Amount*	Maturity October 1
\$110,000	2007
110,000	2008
110,000	2009
110,000	2010
110,000	2011
110,000	2012
110,000	2013
110,000	2014
110,000	2015
110,000	2016
110,000	2017
110,000	2018
110,000	2019
110,000	2020
110,000	2021
110,000	2022
110,000	2023
110,000	2024
110,000	2025
110,000	2026

Bids

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$1,800,000* of General Obligation Temporary Notes, Series 2006-1, and \$2,200,000* of General Obligation Internal Improvement Bonds, Series 2006-A, of the city of Salina, Kansas, will be received (1) in the case of sealed and facsimile bids, by the city clerk at the address and fax number hereinafter set forth, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system, until 1:30 p.m. local time for the notes and until 2 p.m. local time for the bonds, on Monday, March 20, 2006, at which time such bids will be publicly read. No bid will be considered of (a) less than 99.25 percent of the principal amount of the notes and accrued interest to the date of delivery, and (b) less than 100.00 percent of the principal amount of the bonds and accrued interest to the date of delivery.

Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated April 1, 2006, and will become due on August 1, 2009. The notes will bear interest from the dated date at a rate to be determined when the notes are sold. The interest on the notes will be payable semiannually on February 1 and August 1, beginning February 1, 2007. The Kansas State Treasurer, Topeka, Kansas, will be the note paying agent and note registrar for the notes.

Bonds Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated April 1, 2006, and will become due annually on October 1 in the years as follows:

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on April 1 and October 1 in each year, beginning October 1, 2006. The Kansas State Treasurer, Topeka, Kansas, will be the bond paying agent and bond registrar for the bonds.

Redemption Prior to Maturity

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

Good Faith Deposit

A good faith deposit is not required for bids on the notes. Each bid for the bonds must be accompanied by a good faith deposit in the form of a certified or cashier's check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds, payable to the order of the city.

Delivery

The city will pay for preparing the notes and the bonds. The city will deliver the notes and bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about April 6, 2006.

Assessed Valuation and Bonded Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations is \$402,191,655. The total general obligation indebtedness of the city as of the date of the notes and bonds, including the notes and bonds being sold, is \$41,568,402.

Approval of Bonds

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

(continued)

be delivered to the successful bidder when the notes/bonds are delivered.

Additional Information

Additional copies of this notice of sale, official bid forms or further information may be obtained from the undersigned or from George K. Baum & Company, 4801 Main St., Kansas City, MO 64112, (816) 474-1100, the city's financial advisor.

Dated February 6, 2006.

City of Salina, Kansas
Lieu Ann Elsey
City Clerk
City/County Building
Room 206
300 W. Ash
Salina, KS 67402-0736
(785) 309-5735
Fax (785) 309-5738

* Preliminary; subject to change.

Doc. No. 032950

State of Kansas

State Conservation Commission

Permanent Administrative Regulations

Article 3.—WATERSHED DAM CONSTRUCTION PROGRAM

11-3-1. Definitions. (a) "Appurtenant works" means the following:

- (1) The primary spillway;
- (2) other conduits through a dam;
- (3) valves;
- (4) the auxiliary spillway;
- (5) the service spillway;
- (6) the stilling basin;
- (7) any constructed outlet channel;
- (8) all dikes and berms designed and constructed to protect a dam;
- (9) drains; and
- (10) all other features constructed to protect or operate a dam.

(b) "Breach" means a gap or an opening in an embankment or auxiliary spillway that results in the complete loss of reservoir storage.

(c) "Breach analysis" means an analysis performed by a licensed professional engineer to determine the areas that would be inundated if a dam failed.

(d) "Chief engineer" means the chief engineer, division of water resources, department of agriculture.

(e) "Commission" means the state conservation commission.

(f) "Decommissioning" means the removal of a dam, the appurtenant works, and the embankment.

(g) "Detention dam" means a single-purpose dam designed for the temporary storage of floodwaters and for the controlled release of those floodwaters.

(h) "District" means a watershed district, drainage district, or any other special-purpose district that has been organized and incorporated according to appropriate

statutes and has the power to levy taxes and the power of eminent domain.

(i) "Embankment" means a dam's principal barrier made of earth or rock fill or a combination of earth and rock fill.

(j) "General plan" means a preliminary engineering report describing the characteristics of the project area, and the nature and methods of dealing with the soil and water problems within the project area. The general plan shall include maps, descriptions, and other data as necessary for the location, identification, and establishment of the scope of the work to be undertaken and any other relevant data and information that the chief engineer may require.

(k) "Grade stabilization dam" means a structure designed to control the erosion of a watercourse.

(l) "Hazard" means any situation that creates the potential for adverse consequences that may include loss of life, property damage, and any other adverse impact.

(m) "Inundation area" means the area below a dam that would be inundated with water as determined by conducting a breach analysis.

(n) "Operation and maintenance" means the actions or upkeep, or both, necessary for a dam to continue to function properly, including the following:

- (1) Woody vegetation control;
- (2) grass seeding;
- (3) burrowing animal control;
- (4) the repair of minor erosion, cracks, animal burrows, and minor settling;
- (5) the care of pipes, piezometers, drains, valves, gates, and other mechanical devices;
- (6) the replenishment and proper placement of riprap;
- (7) the removal of debris from spillways; and
- (8) any other actions necessary for upkeep.

(o) "Permit" means the formal document issued by the chief engineer or other issuing agency to the district authorizing the construction or rehabilitation of a project.

(p) "Project" means the construction or rehabilitation of a detention dam or grade stabilization dam.

(q) "Rehabilitation" means any work, except work required due to inadequate operation and maintenance, to extend the service life of a dam and to meet the applicable safety and performance standards.

(r) "Structure condition report worksheet" means a current physical assessment of a rehabilitation project on a form prescribed by the commission. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006.)

11-3-2. Application for construction. (a) Any organized watershed district, drainage district, or other special-purpose district interested in state assistance may apply for state cost-share assistance funds appropriated for the construction of detention dams and grade stabilization dams. Each application for state assistance shall be submitted on a form supplied by the commission. All applications shall be due at the commission office on or before April 1 to be included in the evaluation process for possible funding during the next fiscal year.

(b) Each district submitting an application shall employ or acquire the services of a person knowledgeable of watershed dam construction administrative procedures, who shall be known as the contracting officer for the proposed site.

(c) Each recipient of state cost-share assistance for construction shall submit an inundation area map before the final payment is made. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended March 24, 2006.)

11-3-3. Permit to construct or rehabilitate. Before the allocation of funds to any project and before any district advertises for bids, the district shall submit the following to the commission:

(a) A copy of the permit to construct or rehabilitate, as issued by the chief engineer; and

(b) an updated general plan. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006.)

11-3-4. Allocation of funds. (a) An evaluation of applications shall be made by the commission to determine the priority ranking for all proposed projects. In addition, an amount that is contingent on appropriations shall be determined for projects in each district and other dams as authorized by the legislature.

(b) The maximum cost-share level for construction or rehabilitation costs, including engineering and inspection costs, shall be 80 percent. The maximum annual assistance per structure or district shall be \$120,000, except when uncommitted funds are available after all eligible structures have been funded. These uncommitted funds may be used to provide additional cost-sharing above the maximum limit. Assistance funds shall not be used for easements or administrative costs, except on rehabilitation projects if the commission determines that easements within the inundation area are the most cost-effective alternative.

(c) The standard bidding procedures of the department of administration shall be used in the bidding process for approved applications for state assistance.

(d) Adequate accounting and fiscal records shall be maintained by the district to reflect the receipts and expenditures of all funds of the project.

(e) The district shall submit project documents and relevant information as required by the commission.

(f) The district shall construct or cause the project to be constructed to final completion in accordance with the plans and specifications approved by the chief engineer. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended March 24, 2006.)

11-3-5. Contract. (a) Each contract shall be a fund-obligating document and shall include the contractual provisions required by the commission and the state.

(b) Any contract not completed by the end of the fiscal year in which appropriation was made may be extended upon written request. (Authorized by K.S.A. 2-1904, K.S.A. 2004 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2004 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended March 24, 2006.)

11-3-6. Partial payments. Partial payments of appropriated funds shall be made to the district no more often than once each month. Each partial payment shall be requested on a form furnished by the commission. All partial payments shall be documented by construction or rehabilitation progress reports. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006.)

11-3-7. Notification of completion. (a) The district shall notify the commission and the chief engineer when the district's approved project is complete and ready for final inspection.

(b) The notification to the commission shall include the following:

(1) The date of completion of the project; and

(2) an itemized list of all costs of the following:

(A) Construction or rehabilitation; and

(B) engineering inspections and geological investigations.

(c) The district shall submit a request for final payment of state funds for the project on a form provided by the commission, after the issuance of the certificate of completion by the chief engineer. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006.)

11-3-8. Alterations to project plan. Each alteration of or change order regarding any original construction or rehabilitation plan shall require the prior approval of the chief engineer and notification to the commission. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006.)

11-3-9. Supplemental application procedures. Each supplemental request of funds for costs of construction or rehabilitation and engineering costs exceeding the approved funding shall be submitted on a form supplied by the commission. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended March 24, 2006.)

11-3-10. Inspection. The district shall conduct an annual operation and maintenance inspection of each completed new or rehabilitated state-funded structure and shall file an inspection report on a form provided by the commission. The district shall submit a copy of the

(continued)

inspection report to the commission and chief engineer. The district shall implement corrective maintenance or repair when needed. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006.)

11-3-11. Application for rehabilitation. (a) Any organized watershed district, drainage district, other special-purpose district, or other dam owner as authorized by the legislature that is interested in state assistance may apply for state cost-share assistance funds appropriated for the rehabilitation of detention dams and grade stabilization dams. Each application for state assistance shall be submitted on a form supplied by the commission.

(b) Each applicant shall submit a letter of intent to the commission by July 1 for a specific rehabilitation project to be considered for funding in the next fiscal year. The letter of intent shall include the following:

- (1) A preliminary rehabilitation design;
- (2) a preliminary cost estimate for the rehabilitation;
- (3) a cost estimate for a breach analysis;
- (4) the hazard classification; and
- (5) the structure condition report worksheet.

The chief engineer shall be notified upon commission receipt of all rehabilitation applications.

(c) At the beginning of each fiscal year, each applicant shall be notified of the applicant's priority ranking by the commission. Each applicant with a priority ranking high enough to be selected for possible funding shall complete the detailed design, total cost, and financial assistance funding requirements using forms prescribed by the commission.

(d) The components eligible for financial assistance for the dam and appurtenant works, inundation area delinication, or inundation area easements shall include the following:

- (1) The engineering fees;
- (2) the construction or repair of embankments;
- (3) excavation;
- (4) metal, concrete, and other components;
- (5) breach of a dam;
- (6) establishment of permanent vegetation;
- (7) fencing;
- (8) riprap or filter material;
- (9) decommissioning;
- (10) upgrade of a spillway;
- (11) acquisition of inundation area easements;
- (12) inundation area mapping; and
- (13) any other components that the commission deems necessary.

(e) Each request for financial assistance for any rehabilitation required because of deficient operation and maintenance shall receive the lowest priority for funding. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective March 24, 2006.)

11-3-12. Application for financial assistance for inundation area mapping. (a) Any organized watershed district, drainage district, other special-purpose district,

or other dam owner authorized by the legislature may apply for state financial assistance for inundation area mapping. Each application shall be submitted on a form prescribed by the commission.

(b) Each application for financial assistance for inundation area mapping within a district shall include the following:

- (1) The identification of each person whose services will be employed to complete the map;
- (2) an acknowledgement that the services specified in paragraph (b) (1) will be conducted by a licensed professional engineer; and
- (3) a summary of how the district will use the inundation area map to encourage the prevention of future inundation area development.

(c) Prioritization for funding shall include consideration of the following factors:

- (1) The applicant's plan for using the dam inundation map to encourage prevention of future inundation area development;
- (2) the amount of funding provided by the district for each inundation area mapping application;
- (3) any application that includes a strategic inundation area mapping plan. The plan shall include the district's prioritized mapping completion timelines to address inundation area mapping for all dams in the district; and
- (4) other relevant criteria identified by the commission that mitigate hazards associated with watershed dams. (Authorized by K.S.A. 2-1904, K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective March 24, 2006.)

Greg A. Foley
Executive Director

Doc. No. 032941

State of Kansas

Department of Revenue

Permanent Administrative Regulations

Article 12.—INCOME TAX

92-12-4. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-32,109; effective Jan. 1, 1968; amended May 1, 1982; amended May 10, 2002; revoked March 24, 2006.)

92-12-4a. Resident individual. (a) As used in this regulation, the term "Kansas resident" shall have the same meaning as that assigned to the term "resident individual" in K.S.A. 79-32,109, and amendments thereto.

(b) This subsection shall apply in determining whether a natural person is a "resident individual," as the term is defined in K.S.A. 79-32,109 and amendments thereto, on the basis that the person's domicile is within Kansas.

(1) Subject to the further conditions and requirements in this subsection, "domicile" shall mean that place in which a person's habitation is fixed, without any present intention of removal, and to which, whenever absent, that person intends to return.

(2) Each person shall have only one domicile at any particular time. Once shown to exist, a domicile shall be presumed to continue until the contrary is shown. The absence of any intention to abandon an existing domicile shall be considered to be equivalent to the intention to retain the domicile.

(A) A person who leaves that person's domicile to go into another jurisdiction for temporary purposes shall not be considered to have lost the domicile. The mere intention to acquire a new domicile, without the fact of physical removal, shall not change a person's domicile, and the fact of physical removal from a person's domicile, without the intention to remain absent, shall not change that person's domicile.

(B) If a person whose domicile is in Kansas is absent from Kansas for more than six months of the tax year, that person shall not be presumed to have lost that domicile. If a person leaves this state to accept a job assignment in another jurisdiction, that person shall not be presumed to have lost that person's domicile in this state.

(C) A person who is temporarily employed within this state shall not be deemed to have acquired a domicile in this state if, during that period, the person maintains that person's domicile outside of the state of Kansas.

(3) A person shall be considered to have established that person's domicile in Kansas on the date that the person arrives in the state for other than temporary or transitory purposes. A person shall be considered to have abandoned that person's domicile on the date that the person leaves the state without any intention to return to Kansas.

(4) Any citizen of a foreign country may acquire a domicile for Kansas tax purposes without surrendering that person's rights as a citizen of that country.

(5) Except for a person who is covered by the provisions of the soldiers' and sailors' civil relief act of 1940, 50 U.S.C. app. § 574, as amended by the servicemembers civil relief act, public law 108-189, there shall be a presumption that the place where a person's family is domiciled is that person's domicile. The domicile of a person who is married shall be the same as the person's spouse unless there is affirmative evidence to the contrary, the husband and wife are legally separated, or the marriage has been dissolved. When a person has made a home at any place with the intention of remaining there indefinitely and the person neither lives at the home in which the person's family lives nor intends to do so, then that person shall be deemed to have established a domicile separate from that person's family.

(6) If a minor child is not emancipated, the domicile of the child's parents shall be the domicile of the child. The domicile of the parent who has legal custody of the child shall be the domicile of the child.

(7) The following factors may be considered in determining whether or not a person's domicile is in this state for the tax years in question, although none of these factors shall, by itself, be a determinant of a person's domicile:

(A) The percentage of time that the person is physically present within the state of Kansas and the percentage of time that the person is physically present in each jurisdiction other than the state of Kansas;

(B) the location of the person's domicile for prior years;
(C) the location at which the person votes or is registered to vote, except that casting an illegal vote shall not establish a domicile for income tax purposes;

(D) the person's status as a student;

(E) the location of services performed by the person in the course of employment;

(F) the classification of the person's employment as temporary or permanent;

(G) the change in the person's living quarters;

(H) the person's ownership of other real property;

(I) the jurisdiction in which the person has been issued a valid driver's license;

(J) the jurisdiction from which any motor vehicle registration was issued to the person and the actual physical location of the person's vehicle or vehicles;

(K) the purchase of any resident fishing or hunting licenses by the person;

(L) the filing by the person of a Kansas tax return, report, or application as a Kansas resident or a nonresident individual;

(M) the fulfillment or failure to fulfill by the person of the tax obligations required of a Kansas resident;

(N) the address where personal mail is received by that person and not subsequently forwarded;

(O) the location of the jurisdiction from which any unemployment compensation benefits are received by the person;

(P) the location of any school that the person or the person's spouse attends and whether resident or nonresident tuition was charged, as well as the location of the school attended by any of the person's children who are in grades K-12;

(Q) the representations made to any insurance company concerning the person's residence and on which any insurance policies are issued;

(R) the location where the person, the person's spouse, or the person's minor children regularly participate in sporting events, group activities, or public performances; and

(S) any other fact relevant to the determination of that person's domicile.

(8) The following factors shall not be considered in determining whether or not a person is domiciled in Kansas:

(A) The location of any organization to which the person makes charitable contributions; and

(B) the location of any charitable organization for which the person serves as a board member, committee member, or other volunteer.

(c) This subsection shall apply in determining whether a natural person is a "resident individual," as the term is defined in K.S.A. 79-32,109 and amendments thereto, based on the presumption that a natural person who spends, in the aggregate, more than six months of the taxable year within the state of Kansas is a resident individual in the absence of proof to the contrary.

(1) In counting the number of days spent in Kansas, the person shall be treated as present in Kansas on each day that the person is physically present in Kansas at any time during that day.

(continued)

(2) The length of time that a person spends in Kansas during a taxable year shall not be used to determine whether the person is a resident individual if that person is deemed not to be a resident of Kansas under the soldiers' and sailors' relief act of 1940, 50 U.S.C. app. § 574, as amended by the servicemembers civil relief act, public law 108-189.

(3) The presumption that a person who spends, in the aggregate, more than six months of the taxable year within the state of Kansas is a resident individual in the absence of proof to the contrary shall be deemed to be rebutted if the person is temporarily employed within this state but maintains that person's domicile outside of the state of Kansas.

(d) Each natural person who is deemed not to be a resident of Kansas using criteria established under other statutes, regulations, or policies regarding residency shall nonetheless be deemed a resident individual if the person meets the conditions and requirements established by this regulation.

(e)(1) Each Kansas resident who moves at any time during the tax year to another jurisdiction without any intention to return to Kansas shall be considered a part-year Kansas resident for that tax year.

(2) Each person whose domicile is outside of Kansas, but who moves that person's domicile to Kansas at any time during the tax year, shall be deemed to be a part-year Kansas resident. (Authorized by K.S.A. 2005 Supp. 75-5155 and K.S.A. 79-3236; implementing K.S.A. 79-32,109; effective March 24, 2006.)

92-12-5. (Authorized by K.S.A. 79-3236, K.S.A. 1967 Supp. 79-32,109; effective Jan. 1, 1968; revoked March 24, 2006.)

92-12-120. Definition of qualified taxpayer. A "qualified taxpayer," as defined in K.S.A. 79-32,211(b)(4) and amendments thereto, shall not be considered to be a "community service organization," as defined in K.S.A. 79-32,195(d) and amendments thereto. (Authorized by K.S.A. 2004 Supp. 75-5155; implementing K.S.A. 2004 Supp. 79-32,211; effective March 24, 2006.)

92-12-121. Incurred qualified expenditures. Before a qualified taxpayer may qualify for a credit allowed under K.S.A. 79-32,211, and amendments thereto, both of the following conditions shall have been met: (a) The qualified taxpayer has incurred "qualified expenditures," as defined in K.S.A. 79-32,211(b) and amendments thereto, for the restoration and preservation of a qualified historic structure; and

(b) either the qualified expenditures have been paid in full or the qualified taxpayer has entered into a legal document that outlines the scope of the restoration and preservation work and identifies the date by which the qualified expenditures are to be paid in full by the qualified taxpayer. (Authorized by K.S.A. 2005 Supp. 75-5155; implementing K.S.A. 2005 Supp. 79-32,211; effective March 24, 2006.)

92-12-130. Amount of tax credit. For each employer that has established a "small employer health benefit plan" or made any contributions to the "health savings account" of an "eligible employee," as these terms

are defined in K.S.A. 40-2239 and amendments thereto, after December 31, 2004, the amount of tax credit allowed shall be the following: (a) For the first 12 months of the employer's participation, the lesser of the following:

(1) \$70 per month for each eligible employee; or

(2) the actual amount paid by the employer per month for each eligible employee;

(b) for the second 12 months of the employer's participation, the lesser of the following:

(1) \$50 per month for each eligible employee; or

(2) the actual amount paid by the employer per month for each eligible employee; and

(c) for the third 12 months of the employer's participation, the lesser of the following:

(1) \$35 per month for each eligible employee; or

(2) the actual amount paid by the employer for each month per eligible employee. (Authorized by and implementing K.S.A. 40-2246, as amended by L. 2005, ch. 118, §4; effective March 24, 2006.)

Article 19.—KANSAS RETAILERS' SALES TAX

92-19-22a. Admissions. (a) Definitions. For purposes of taxing the receipts received from the sale of admissions, the following definitions shall apply:

(1) "Admission" shall mean a right or privilege that allows a person access to, seating in, or use of a place of entertainment, amusement, or recreation. The person who gains admission may have a right to observe something or to participate in an activity.

(2) "Receipts from sales of admissions" shall mean the consideration received from charges paid for admission, including any charges for seating accommodation. This term shall include ticket charges, season ticket charges, gate charges, surcharges, cover charges, sky box charges, reserved seat charges, seating preference charges, and all other similar charges.

(3) "Place" shall mean any area with an exterior boundary that is defined by walls or fences, or in any other manner that allows the area to be readily recognized and distinguished from the adjoining or surrounding property. This term shall include buildings, fenced enclosures, and areas delimited by posted signs or flags.

(4) "Place of amusement, entertainment, or recreation" shall mean any place where a show, sporting event, or exhibition takes place. This term shall include auditoriums; racetracks; street fairs; festival sites; historic sites; sites of athletic events or musical performances; dance halls; skating rinks; rodeo grounds; exhibition sites, including antique and flea markets, gun shows, boat shows, home shows, and similar exhibition events for retailers, manufacturers, or others; theaters; planetariums; zoos; bars; restaurants; museums; art galleries; lecture sites; fairgrounds; carnival sites; fishing lakes; skeet ranges; and all other similar venues.

(5) "Recreation" shall mean any diversion that restores or refreshes strength and spirit. This term shall include both active and passive pursuits, including watching baseball and visiting an art gallery or museum.

(b) Admission charges that shall be subject to sales tax shall include charges for the following:

(1) Admission to places of amusement, entertainment, or recreation;

(2) admission to athletic events, lectures, plays, concerts, and other forms of entertainment sponsored by public or private elementary or secondary schools or by public or private educational institutions in Kansas;

(3) admission to any state, county, district, or local fair in Kansas;

(4) admission to private parks, campgrounds, and other recreation areas;

(5) admission gained by tickets that are bartered or given by a promoter or another party for services or something else of value; and

(6) sightseeing rides or tours on buses, aircraft, boats, trains, or other forms of transportation. If a ride or tour is advertised or otherwise held out as being primarily for sightseeing or entertainment, the charge shall be considered to be for a recreational activity rather than for a transportation service.

(c) Admissions and charges that shall not be subject to sales tax shall include the following:

(1) Free admissions;

(2) charges for instructional seminars required to meet professional continuing education requirements;

(3) charges paid to nonprofit groups for admission to an event operated within the isolated or occasional sale limitations;

(4) charges for admission to any cultural and historical event that occurs once every three years;

(5) charges paid to nonprofit homeowners associations by members for use and maintenance of the association's recreational facilities, if membership is limited to a specified development, subdivision, or area and the facility is operated for the benefit of the property owners or their tenants;

(6) charges for instruction lessons conducted at a facility, if the charges are exclusively for the instruction lessons and include the use of the facility only during the period of time that the lessons take place;

(7) charges for admission to federal, state, city, or county parks, campgrounds, and recreation areas; and

(8) charges for church camps and religious retreats that are being operated exclusively for religious purposes and are exempt under K.S.A. 79-3606, and amendments thereto.

(d) If admission charges to a place in Kansas are taxable, Kansas sales tax shall be collected and remitted regardless of whether the admission ticket is sold within or without the state of Kansas.

(e) If a person or organization acquires the sole right to use a facility or the right to all of the admissions to any place for one or more occasions, the amount paid for the right shall not be subject to sales tax as an admission. The transaction shall be treated as a rental of real property. However, any admission charge made by the person or organization that acquired the right to use the facility shall be taxable.

(f) Each retailer shall report the sale of an admission ticket during the reporting period in which the ticket is sold. No sales tax refund or credit shall be allowed for nonuse of a ticket or other admission charge, unless the selling price of the ticket is also refunded.

(g)(1) An exemption for gas, fuel, or electricity shall not be allowed if the gas, fuel, or electricity is utilized for heating, cooling, or lighting a building or other area where admission is gained.

(2) An exemption shall not be allowed for water, cleaning supplies, toilet supplies, sanitary supplies, and other consumables and supplies used to furnish and maintain a building or other area where admission is gained so that the building or other area is fit for public occupancy as a place of entertainment. These exemptions shall not be allowed regardless of whether the business that owns the building or other area where admission is gained meets either of the following conditions:

(A) Rents or leases the building or premises as real property for use by the lessee; or

(B) charges taxable admission to consumers to enter and use the building or other property. (Authorized by K.S.A. 2005 Supp. 75-5155 and K.S.A. 2005 Supp. 79-3618; implementing K.S.A. 2005 Supp. 79-3602, K.S.A. 2005 Supp. 79-3603, and K.S.A. 2005 Supp. 79-3606; effective Dec. 13, 2002; amended March 24, 2006.)

Article 51.—TITLES AND REGISTRATION

92-51-41. Permanent registration of city, county, community college, and technical college vehicles. (a) The fee for permanent registration of the following vehicles shall be \$7.00:

(1) Each motor vehicle, trailer, or semitrailer that meets the following conditions:

(A) Is owned or leased by any city, county, township, or school district, or by any agency or instrumentality of a city, county, or township;

(B) is used exclusively for governmental or school district purposes; and

(C) is not otherwise exempt from registration; and

(2) each truck tractor, trailer, or semitrailer that meets the following conditions:

(A) Is leased by a community college or technical college;

(B) is used exclusively for a truck driver training program; and

(C) is not otherwise exempt from registration.

(b) Each annual report filed with the division that identifies vehicles required to be permanently registered shall be submitted on a form approved by the director. (Authorized by and implementing K.S.A. 2004 Supp. 8-1,134, as amended by L. 2005, Ch. 62, § 1; effective, T-88-63, Dec. 30, 1987; amended May 1, 1988; amended Jan. 3, 2003; amended March 24, 2006.)

92-51-41a. Vehicles used as unmarked law enforcement vehicles; registration. (a) Each vehicle that is owned or leased by a governmental entity and that is used as an unmarked law enforcement vehicle shall be registered annually in accordance with K.S.A. 8-134, and amendments thereto, for property tax exemption purposes, as a vehicle of a political or taxing subdivision. The governmental entity that owns or leases that vehicle shall pay the registration fees for the alphanumeric plates issued for the vehicle.

(b) For purposes of this regulation, "governmental entity" means any of the following:

(1) The state of Kansas;

(2) any city, county, agency, or instrumentality of the state of Kansas; or

(3) any federal agency. (Authorized by and implementing K.S.A. 2004 Supp. 8-134; effective March 24, 2006.)

Joan Wagon
Secretary of Revenue

Doc. No. 032946

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
Regulations

Article 35.—RADIATION

28-35-178b. General license; certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.

(a)(1) Subject to the provisions of subsections (b) and (c) of this regulation, each person shall be deemed to have been issued a general license to acquire, possess, use, and transfer radioactive material that is contained in any device designed, manufactured, and used for one or more of the following purposes:

(A) Detecting, measuring, gauging, or controlling thickness, density, level interface location, radiation leakage, or qualitative or quantitative chemical composition; or

(B) producing light or an ionized atmosphere.

(2) The general license specified in paragraph (1) of this subsection shall apply only to radioactive material contained in any device that has been manufactured and labeled by a manufacturer in accordance with the specifications of a specific license issued to that manufacturer by the secretary, the U.S. nuclear regulatory commission, or an agreement state.

(3) The general license specified in paragraph (1) of this subsection shall not apply to radioactive material in any device containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, or 37 MBq (1 mCi) of americium-241 or any other transuranic element, based on the activity indicated on the label.

(4) Each device shall have been received from one of the specific licensees described in paragraph (a)(2) of this regulation or through a transfer made under paragraph (b)(9) of this regulation.

(b) Each person who acquires, receives, possesses, uses, or transfers radioactive material in a device pursuant to the general license specified in subsection (a) of this regulation shall comply with all of the following requirements:

(1) Each person subject to this subsection shall ensure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained and shall comply with all instructions and precautions provided by these labels.

(2) Each person subject to this subsection shall ensure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at any other intervals specified in any manufacturer's label affixed to the device, except as follows:

(A) The person shall not be required to test devices containing only krypton for leakage of radioactive material.

(B) The person shall not be required to test, for any purpose, any device containing only tritium, not more

than 100 microcuries of other beta-emitting or gamma-emitting material, or 10 microcuries of alpha-emitting material or any device held in storage in the original shipping container before initial installation.

(3) Each person subject to this subsection shall ensure that the tests required by paragraph (b)(2) and other operations involving testing, installation, servicing, and removal from installation of the radioactive material, its shielding, or containment, are performed in compliance with one of the following:

(A) In accordance with instructions provided on labels affixed to the device; or

(B) by a person holding a specific license issued under this part or equivalent regulations of NRC or an agreement state to perform the tests and other operations.

(4)(A) Each person subject to this subsection shall maintain records showing compliance with the requirements of paragraphs (b)(2) and (b)(3). The records shall show the results of each test. The records also shall show the dates of the testing, installation, servicing, or removal from installation of the radioactive material, its shielding, or containment and the name of each person performing one or more of these tests and other operations.

(B) Each person shall maintain records of tests for leakage of radioactive material required by paragraph (b)(2) for three years after the next required leak test is performed or until the sealed source is transferred or disposed of. Each person shall maintain records of tests of the on-off mechanism and indicator, as required by paragraph (b)(2), for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of. Each person shall maintain the records required by paragraph (b)(3) for three years from the date of the recorded event or until the device is transferred or disposed of.

(5) Upon a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie or more removable radioactive material, each person subject to this subsection shall take the following actions:

(A) Immediately suspend operation of the device until either of the following conditions is met:

(i) The device has been repaired by the manufacturer or other person holding a specific license issued under this part or equivalent regulations of NRC or an agreement state to repair the device; or

(ii) the device is transferred to a person authorized by a specific license to receive the radioactive material contained in the device;

(B) within 30 days, furnish to the secretary a report containing a brief description of the event and the remedial action taken; and

(C) within 30 days, if contamination of the premises or the environs is likely, furnish to the secretary a plan for ensuring that the premises and environs are acceptable for unrestricted use. The criteria for unrestricted use specified in K.A.R. 28-35-205 may be applicable, as determined by the secretary.

(6) A person subject to this subsection shall not abandon the device.

(7) A person shall not export any device containing radioactive byproduct material except in accordance with 10 CFR part 110.

(8) (A) Each person shall transfer or dispose of any device containing radioactive byproduct material only by export as provided in paragraph (b)(7) of this regulation, by transfer to another general licensee as authorized in paragraph (b)(9) of this regulation, or to a person authorized to receive the device by a specific license issued under this part or equivalent regulations of NRC or an agreement state.

(B) Each person shall furnish a report to the department within 30 days after the export of the device or the transfer of the device to a specific licensee. The report shall contain the following information:

(i) The identification of the device by manufacturer's name, model number, and serial number;

(ii) the name, address, and license number of the person receiving the device; and

(iii) the date of the transfer.

(C) Each person shall obtain written department approval before transferring the device to any other specific licensee not specifically identified in paragraph (b)(8)(A) of this regulation.

(9) Any person subject to this subsection may transfer the device to another general licensee only if either of the following conditions is met:

(A) The device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of this regulation and any safety documents identified in any label affixed to the device and, within 30 days of the transfer, provide a written report to the secretary containing identification of the device by manufacturer's name, model number, and serial number; the name and address of the transferee; and the name, telephone number, and position of an individual who may be contacted by the secretary concerning the device.

(B) The device is held in storage in the original shipping container at its intended location of use before initial use by a general licensee.

(10) Each person subject to this subsection shall comply with the provisions of K.A.R. 28-35-228a and K.A.R. 28-35-229a relating to reports of radiation incidents, theft, or loss of licensed material, but shall be exempt from the other requirements of parts 4 and 10 of these regulations.

(11) Each person shall respond to all written requests from the department to provide information relating to the general license within 30 calendar days of the date of the request or on or before any other deadline specified in the request. If the person cannot provide the requested information within the allotted time, the person, within that same time period, shall request a longer period to supply the information by submitting a letter to the department and shall provide written justification as to why the person cannot comply.

(12) Each general licensee shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with the appropriate regulations and requirements. This appoint-

ment shall not relieve the general licensee of any of the licensee's responsibility in this regard.

(13)(A) Each person shall register, in accordance with paragraph (b)(13)(B) of this regulation, each device generally licensed as required by this regulation. Each address for a location of use, as described in paragraph (b)(13)(B)(iv) of this regulation, shall represent a separate general licensee and shall require a separate registration and fee.

(B) In registering each device, the general licensee shall furnish the following information and any other information specifically requested by the department:

(i) The name and mailing address of the general licensee;

(ii) information about each device as indicated on the label, including the manufacturer's name, the model number, the serial number, and the radioisotope and activity;

(iii) the name, title, and telephone number of the responsible person appointed as a representative of the general licensee under paragraph (b)(12) of this regulation;

(iv) the address or location at which each device is used or stored, or both. For each portable device, the general licensee shall provide the address of the primary place of storage;

(v) certification by the responsible representative of the general licensee that the information concerning each device has been verified through a physical inventory and a check of the label information; and

(vi) certification by the responsible representative of the general licensee that the person is aware of the requirements of the general license.

(14) Each person shall report any change in the mailing address for the location of use, including any change in the name of the general licensee, to the department within 30 days of the effective date of the change. For a portable device, a report of address change shall be required only for a change in the primary place of storage of the device.

(15) No person may store a device that is not in use for longer than two years. If any device with shutters is not being used, the shutters shall be locked in the closed position. The testing required by paragraph (b)(2) of this regulation shall not be required to be performed during the period of storage only. If the device is put back into service or transferred to another person and was not tested at the required test interval, the device shall be tested for leakage before use or transfer, and all shutters shall be tested before use. Each device kept in storage for future use shall be excluded from the two-year time limit if the general licensee performs quarterly physical inventories of the device while the device is in storage.

(c) Nothing in this regulation shall be deemed to authorize the manufacture or import of any device containing radioactive material.

(d) The general license specified in subsection (a) of this regulation shall be subject to the provisions of K.A.R. 28-35-184a and K.A.R. 28-35-184b. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Nov. 1, 1996; amended March 24, 2006.)

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 032947

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 2005 Supplement of the *Kansas Administrative Regulations*.

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1-1-1	Amended	V. 24, p. 848
1-2-9	Amended	V. 24, p. 849
1-2-25	Amended	V. 24, p. 849
1-2-25a	New	V. 24, p. 849
1-2-30	Revoked	V. 24, p. 849
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1-2-43a	New	V. 24, p. 849
1-2-44	Amended	V. 24, p. 849
1-2-46	Amended	V. 24, p. 849
1-2-74	Amended	V. 24, p. 850
1-2-84a	Revoked	V. 24, p. 850
1-2-84b	Revoked	V. 24, p. 850
1-2-97	Amended	V. 24, p. 850
1-3-2	Revoked	V. 24, p. 850
1-4-2	Amended	V. 24, p. 850
1-4-3	Amended	V. 24, p. 850
1-4-5	Amended	V. 24, p. 850
1-4-7	Amended	V. 24, p. 850
1-4-8	Amended	V. 24, p. 851
1-5-8	Amended	V. 24, p. 851
1-5-9	Amended	V. 24, p. 852
1-5-14	Amended	V. 24, p. 852
1-5-15	Amended	V. 24, p. 852
1-5-19c	Amended	V. 24, p. 853
1-5-20	Amended	V. 24, p. 853
1-5-24	Amended	V. 24, p. 853
1-5-30	Amended	V. 24, p. 855
1-6-2	Amended	V. 24, p. 855
1-6-8	Amended	V. 24, p. 855
1-6-27	Amended	V. 24, p. 856
1-6-29	Amended	V. 24, p. 856
1-6-32	Amended	V. 24, p. 857
1-7-3	Amended	V. 24, p. 858
1-7-10	Amended	V. 24, p. 858
1-7-11	Amended	V. 24, p. 858
1-7-12	Amended	V. 24, p. 859
1-8-2	Amended	V. 24, p. 859
1-8-3	Amended	V. 24, p. 859
1-8-4	Amended	V. 24, p. 859
1-8-5	Revoked	V. 24, p. 860
1-8-6	Amended	V. 24, p. 860
1-9-1	Amended	V. 24, p. 860
1-9-2	Amended	V. 24, p. 860
1-9-13	Amended	V. 24, p. 861
1-9-14	Amended	V. 24, p. 861
1-9-19	Amended	V. 24, p. 861
1-9-19a	Amended	V. 24, p. 862
1-9-20	Amended	V. 24, p. 863
1-9-23	Amended	V. 24, p. 863
1-9-27	Revoked	V. 24, p. 865
1-10-6	Revoked	V. 24, p. 865
1-10-7	Revoked	V. 24, p. 865
1-10-10	Revoked	V. 24, p. 865
1-10-11	Revoked	V. 24, p. 865
1-11-1	Amended	V. 24, p. 865
1-11-3	Revoked	V. 24, p. 865
1-12-1	Amended	V. 24, p. 865
1-12-2	Amended	V. 24, p. 865
1-13-1a	Amended	V. 24, p. 866
1-13-1b	New	V. 24, p. 866
1-14-8	Amended	V. 24, p. 866
1-14-11	Amended	V. 24, p. 868

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-8-14a	Amended (T)	V. 24, p. 958
4-8-27	Amended (T)	V. 24, p. 958

4-8-34	Amended (T)	V. 24, p. 958
4-15-7	Amended	V. 24, p. 550
4-15-8	Amended	V. 24, p. 550
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
5-16-1	Amended	V. 24, p. 1850
5-16-5	Amended	V. 24, p. 1850

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-34-2	New (T)	V. 24, p. 42
7-34-2	New	V. 24, p. 332
7-41-1	Amended	V. 24, p. 1244
7-41-14		
through		
7-41-33	New	V. 24, p. 1245-1249
7-42-1		
through		
7-42-5	New	V. 24, p. 1469, 1470
7-43-1		
through		
7-43-6	New	V. 24, p. 1829, 1830

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-2-32	Amended (T)	V. 24, p. 272
9-2-32	Amended	V. 24, p. 919
9-11-10	Amended (T)	V. 24, p. 272
9-11-10	Amended	V. 24, p. 919
9-18-1	Amended (T)	V. 24, p. 1144
9-18-1	Amended	V. 24, p. 1372
9-32-1		
through		
9-32-8	New (T)	V. 25, p. 46-48

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-22-1	Amended	V. 24, p. 962

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-11-1		
through		
11-11-7	Revoked	V. 24, p. 1798

AGENCY 14: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
14-14-12	Revoked	V. 24, p. 798

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-1-7	Amended	V. 24, p. 95
16-4-2	New	V. 24, p. 95
16-4-3	New	V. 24, p. 95
16-4-4	New	V. 24, p. 96
16-6-1	Amended	V. 24, p. 96
16-10-1	New (T)	V. 24, p. 1176
16-10-2	New (T)	V. 24, p. 1176
16-10-3	New (T)	V. 24, p. 1176
16-10-1	New	V. 24, p. 1690
16-10-2	New	V. 24, p. 1690
16-10-3	New	V. 24, p. 1691

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-39-144	New	V. 24, p. 1629
26-39-243	New	V. 24, p. 1631
26-39-278	New	V. 24, p. 1632
26-39-427	New	V. 24, p. 1632
26-39-438		
through		
26-39-441	New	V. 24, p. 1243

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-1400	New (T)	V. 24, p. 1142
28-4-1400	New	V. 24, p. 1531

28-16-28g	Amended	V. 24, p. 753
28-16-58	Amended	V. 24, p. 52
28-16-160		
through		
28-16-174	New	V. 24, p. 754-764
28-17-1	Amended	V. 24, p. 178
28-17-6	Amended	V. 24, p. 179
28-17-20	Amended	V. 24, p. 179
28-17-22	New	V. 24, p. 181
28-19-22	Revoked	V. 24, p. 1437
28-19-517	Amended	V. 24, p. 1437
28-19-542	Amended	v. 24, p. 1438
28-19-546	Amended	V. 24, p. 1438
28-19-561	Amended	V. 24, p. 1438
28-19-562	Amended	v. 24, p. 1439
28-19-563	Amended	v. 24, p. 1440
28-19-575		
through		
28-19-578	Revoked	V. 24, p. 1440
28-30-200		
through		
28-30-207	New	V. 24, p. 1470-1474
28-35-135	Revoked	V. 24, p. 1830
28-35-135a		
through		
28-35-135i	New	V. 24, p. 1830
28-35-135k		
through		
28-35-135y	New	V. 24, p. 1830
28-35-136	Revoked	V. 24, p. 1830
28-35-148	New	V. 24, p. 1830
28-35-154	Amended	V. 24, p. 1830
28-35-160	Amended	V. 24, p. 1830
28-35-162	Amended	V. 24, p. 1830
28-35-167	New	V. 24, p. 1830
28-35-168	New	V. 24, p. 1830
28-35-169	New	V. 24, p. 1830
28-35-175a	Amended	V. 24, p. 1830
28-35-176a	Amended	V. 24, p. 1830
28-35-177a	Amended	V. 24, p. 1830
28-35-178a	Amended	V. 24, p. 1830
28-35-178j	New	V. 24, p. 1830
28-35-180a	Amended	V. 24, p. 1830
28-35-180b	New	V. 24, p. 1830
28-35-181e	Amended	V. 24, p. 1830
28-35-181g	Amended	V. 24, p. 1830
28-35-181h	Amended	V. 24, p. 1830
28-35-181i	Amended	V. 24, p. 1830
28-35-181m	Amended	V. 24, p. 1830
28-35-181s	New	V. 24, p. 1830
28-35-184a	Amended	V. 24, p. 1830
28-35-184b	Amended	V. 24, p. 1830
28-35-185a	Amended	V. 24, p. 1830
28-35-193b	Revoked	V. 24, p. 1830
28-35-195a	Amended	V. 24, p. 1830
28-35-199a	Revoked	V. 24, p. 1830
28-35-204	New	V. 24, p. 1830
28-35-205	New	V. 24, p. 1830
28-35-205a	New	V. 24, p. 1830
28-35-205b	New	V. 24, p. 1830
28-35-206	New	V. 24, p. 1831
28-35-211c	Amended	V. 24, p. 1831
28-35-212a	Amended	V. 24, p. 1831
28-35-212b	Amended	V. 24, p. 1831
28-35-212d	Amended	V. 24, p. 1831
28-35-212e	Amended	V. 24, p. 1831
28-35-213b	Amended	V. 24, p. 1831
28-35-216a	Amended	V. 24, p. 1831
28-35-217a	Amended	V. 24, p. 1831
28-35-219a	Amended	V. 24, p. 1831
28-35-220a	Amended	V. 24, p. 1831
28-35-222a	Amended	V. 24, p. 1831
28-35-223a	Amended	V. 24, p. 1831
28-35-224a	Amended	V. 24, p. 1831
28-35-227d	Amended	V. 24, p. 1831
28-35-227f	Amended	V. 24, p. 1831
28-35-227g	Amended	V. 24, p. 1831
28-35-227h	Amended	V. 24, p. 1831
28-35-227j	Amended	V. 24, p. 1831
28-35-228a	Amended	V. 24, p. 1831
28-35-230a	Amended	V. 24, p. 1831
28-35-230b	Revoked	V. 24, p. 1831
28-35-230d	Amended	V. 24, p. 1831
28-35-231a	Amended	V. 24, p. 1831
28-35-231b	New	V. 24, p. 1831
28-35-231c	New	V. 24, p. 1831
28-35-241	Amended	V. 24, p. 1831
28-35-242	Amended	V. 24, p. 1831

Table with 3 columns: Reg. No., Action, Register. Contains regulations 28-35-242a through 28-70-3.

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with 3 columns: Reg. No., Action, Register. Contains regulations 30-5-64 and 30-5-81u.

Table with 3 columns: Reg. No., Action, Register. Contains regulations 30-10-1a through 30-10-23b.

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Table with 3 columns: Reg. No., Action, Register. Contains regulations 36-41-1 through 36-41-5.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Contains regulations 40-1-42 through 40-7-23.

AGENCY 49: DEPARTMENT OF LABOR

Table with 3 columns: Reg. No., Action, Register. Contains regulations 49-49-1 and 49-49-1a.

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Table with 3 columns: Reg. No., Action, Register. Contains regulations 51-2-5 and 51-9-7.

AGENCY 60: BOARD OF NURSING

Table with 3 columns: Reg. No., Action, Register. Contains regulations 60-3-106a through 60-17-111.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with 3 columns: Reg. No., Action, Register. Contains regulation 63-4-1.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with 3 columns: Reg. No., Action, Register. Contains regulations 66-6-4 and 66-8-4.

Table with 3 columns: Reg. No., Action, Register. Contains regulations 66-8-8 through 66-14-5.

AGENCY 68: BOARD OF PHARMACY

Table with 3 columns: Reg. No., Action, Register. Contains regulation 68-5-16.

AGENCY 69: BOARD OF COSMETOLOGY

Table with 3 columns: Reg. No., Action, Register. Contains regulations 69-1-4 and 69-1-4.

AGENCY 71: KANSAS DENTAL BOARD

Table with 3 columns: Reg. No., Action, Register. Contains regulations 71-2-2 through 71-8-9.

AGENCY 74: BOARD OF ACCOUNTANCY

Table with 3 columns: Reg. No., Action, Register. Contains regulations 74-4-1a through 74-11-15.

AGENCY 75: OFFICE OF THE STATE BANK COMMISSIONER—DIVISION OF CONSUMER AND MORTGAGE LENDING

Table with 3 columns: Reg. No., Action, Register. Contains regulations 75-6-30 through 75-6-35.

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Contains regulations 81-4-4 through 81-5-15.

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Contains regulations 82-4-3 through 82-4-3a.

AGENCY 86: REAL ESTATE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Contains regulations 86-3-29 and 86-3-29.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with 3 columns: Reg. No., Action, Register. Contains regulations 91-1-203 and 91-1-213.

(continued)

91-1-220	New	V. 24, p. 1181
91-1-221	New	V. 24, p. 1182
91-15-1	Amended	V. 24, p. 272
91-35-1		
through		
91-35-4	Revoked	V. 24, p. 272

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-113	New	V. 24, p. 423
92-19-49a	Revoked	V. 24, p. 798
92-19-49b	New	V. 24, p. 798
92-19-49c	New	V. 24, p. 799
92-19-49d	New	V. 24, p. 801
92-19-81	Amended	V. 24, p. 802
92-51-34a	Amended	V. 24, p. 423

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 24, p. 1264
99-25-9	Amended	V. 24, p. 1265
99-25-10	New	V. 24, p. 1265

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-15-2	Revoked	V. 24, p. 1113
100-15-4		
through		
100-15-7	New	V. 24, p. 1113, 1114
100-25-1		
through		
100-25-5	New (T)	V. 24, p. 1874-1877
100-25-1		
through		
100-25-5	New	V. 25, p. 213-216
100-26-1	Amended (T)	V. 24, p. 1877
100-26-1	Amended	V. 25, p. 217
100-26-2	New (T)	V. 24, p. 1877
100-26-2	New	V. 25, p. 217
100-26-3	New (T)	V. 24, p. 1878
100-26-3	New	V. 25, p. 217
100-28a-14	Amended	V. 24, p. 1114
100-28a-17	New	V. 24, p. 1114
100-28a-18	New	V. 24, p. 1115
100-54-1	Amended	V. 24, p. 1441
100-54-6	Amended	V. 24, p. 1441
100-54-8	Amended	V. 24, p. 1441
100-54-10	New	V. 24, p. 1442
100-54-11	New	V. 24, p. 1442
100-69-1	Amended	V. 24, p. 1346
100-69-2	Amended	V. 24, p. 1347
100-69-3	Amended	V. 24, p. 1347
100-69-4	Revoked	V. 24, p. 1347
100-69-6	Amended	V. 24, p. 1347
100-69-7	Amended	V. 24, p. 1347
100-69-8	Revoked	V. 24, p. 1347
100-69-9	Amended	V. 24, p. 1347
100-69-10	Amended	V. 24, p. 1348
100-69-11	Amended	V. 24, p. 1349
100-72-6	Amended	V. 24, p. 1115
100-73-1		
through		
100-73-6	New (T)	V. 24, p. 1142-1144
100-73-1		
through		
100-73-6	New	V. 24, p. 1443, 1444

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-5a	Amended	V. 25, p. 183
102-1-12	Amended	V. 25, p. 184
102-1-13	Amended	V. 24, p. 424
102-1-18	Amended	V. 24, p. 424
102-2-3	Amended	V. 24, p. 424
102-2-8	Amended	V. 24, p. 424
102-2-12	Amended	V. 24, p. 426
102-2-14	Amended	V. 24, p. 427
102-3-2	Amended	V. 24, p. 428
102-3-3a	Amended (T)	V. 24, p. 330
102-3-4a	Amended	V. 24, p. 1211
102-3-15	Amended	V. 24, p. 428
102-4-2	Amended	V. 24, p. 428
102-4-15	Amended	V. 24, p. 428
102-5-2	Amended	V. 24, p. 428
102-5-5	Amended	V. 25, p. 187

102-5-14	Amended	V. 24, p. 429
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AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 24, p. 1597
105-4-1	Amended	V. 25, p. 101
105-11-1	New (T)	V. 24, p. 1598
105-11-1	New	V. 25, p. 101

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 24, p. 1846
108-1-4	Amended	V. 25, p. 180

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-11-1	New	V. 24, p. 429
110-11-2	New	V. 24, p. 429
110-11-3	New	V. 24, p. 429
110-12-1		
through		
110-12-6	New	V. 24, p. 371
110-13-1		
through		
110-13-10	New	V. 24, p. 1209-1211

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. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. The following regulations were filed after January 1, 2006:

Reg. No.	Action	Register
111-4-2342		
through		
111-4-2349	New	V. 25, p. 217-221
111-6-1	Amended	V. 25, p. 222
111-11-1	Amended	V. 25, p. 223

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1a	Amended	V. 24, p. 1851
112-10-5	Amended	V. 24, p. 1263
112-11-20	Amended	V. 24, p. 1852

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 24, p. 1688
115-2-4	Amended	V. 24, p. 1689
115-3-2	Amended	V. 24, p. 148
115-4-2	Amended	V. 24, p. 420
115-4-4	Amended	V. 24, p. 421
115-4-4a	New	V. 24, p. 422
115-4-6	Amended	V. 24, p. 148
115-4-6a	New	V. 24, p. 151
115-4-11	Amended	V. 24, p. 151
115-4-13	Amended	V. 24, p. 422
115-5-1	Amended	V. 24, p. 152
115-5-4	New	V. 24, p. 752
115-7-2	Amended	V. 24, p. 153
115-9-4	Amended	V. 24, p. 153
115-9-9	New	V. 24, p. 1112
115-11-1	Amended	V. 24, p. 752
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. 24, p. 753
115-18-14	Amended	V. 24, p. 1689
115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160
115-21-1	Revoked	V. 24, p. 1690
115-21-2	Revoked	V. 24, p. 1690
115-21-4	Revoked	V. 24, p. 1690

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2a	New	V. 24, p. 1079
117-2-3	Amended (T)	V. 24, p. 1141
117-2-3	Amended	V. 24, p. 1595
117-3-2a	New	V. 24, p. 1079
117-3-3	Amended (T)	V. 24, p. 1141
117-3-3	Amended	V. 24, p. 1595
117-4-2a	New	V. 24, p. 1080
117-4-3	Amended (T)	V. 24, p. 1141
117-4-3	Amended	V. 24, p. 1595
117-5-2a	New	V. 24, p. 1080
117-6-3	Amended	V. 24, p. 77
117-7-1	Amended	V. 24, p. 78
117-8-1	Amended	V. 24, p. 78

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-5-10	Amended	V. 24, p. 1632

AGENCY 120: HEALTH CARE DATA GOVERNING BOARD

Reg. No.	Action	Register
120-1-1	Revoked (T)	V. 24, p. 1377
120-1-1	Revoked	V. 24, p. 1734
120-1-2	New (T)	V. 24, p. 1377
120-1-2	New	V. 24, p. 1734

AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
123-1-101	New	V. 24, p. 301
123-2-105	New	V. 24, p. 338
123-2-110	New	V. 24, p. 338
123-5-101	New	V. 24, p. 339
123-5-106	New	V. 24, p. 339
123-5-111	New	V. 24, p. 339
123-5-112	New	V. 24, p. 340
123-5-505	New	V. 24, p. 340
123-12-101		
through		
123-12-107	New	V. 24, p. 301, 302
123-12-201		
through		
123-12-210	New	V. 24, p. 302, 303
123-12-301		
through		
123-12-315	New	V. 24, p. 303-305
123-12-317	New	V. 24, p. 305
123-12-318	New	V. 24, p. 305
123-12-319	New	V. 24, p. 306
123-12-321		
through		
123-12-325	New	V. 24, p. 306
123-12-327	New	V. 24, p. 306
123-12-328	New	V. 24, p. 307
123-12-401	New	V. 24, p. 307
123-12-501		
through		
123-12-505	New	V. 24, p. 307, 308
123-12-505b	New	V. 24, p. 308
123-12-506	New	V. 24, p. 308
123-12-601	New	V. 24, p. 308
123-12-602	New	V. 24, p. 310
123-12-702	New	V. 24, p. 310
123-12-801	New	V. 24, p. 310
123-12-901	New	V. 24, p. 310
123-12-902	New	V. 24, p. 310
123-12-1001	New	V. 24, p. 311
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