



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, April 9, in the State Conservation Commission's conference room, Suite 500, 109 S.W. 9th, Topeka. Persons requiring special accommodations should contact the commission at (785) 296-3600 at least three business days prior to the meeting.

Greg A. Foley
Executive Director

Doc. No. 034250

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet at 10 a.m. Wednesday, April 4, at the Holiday Inn, 1602 Super Plaza (southwest of the intersection of U.S. Highway 61 and East 17th Ave.), Hutchinson.

Meeting information, including a site map, agenda and other materials, is posted on the Kansas Water Office Web page at www.kwo.org. Interested parties without Web access may call the Kansas Water Office at (888) 526-9283 to request meeting materials.

Anyone needing special accommodations at the meeting site is asked to contact the Kansas Water Office before the meeting.

Steve Irsik
Chairman

Doc. No. 034226

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 15-21 by the 2007 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 2583, An act concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of certain casino enterprises, electronic gambling machines, nonelectronic gambling devices and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 74-8702, 74-8710 and 74-8716 and K.S.A. 2006 Supp. 12-4516, 19-101a, 21-4619, 74-8711 and 79-4805 and repealing the existing sections; also By Committee on Federal and State Affairs.

HB 2584, An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliation by Kansas department of wildlife and parks; membership of certain officers and employees; employer and employee contributions, by Committee on Appropriations.

HB 2585, An act concerning sales taxation; relating to exemptions; Augusta lions clubs and Kiwanis club; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2586, An act authorizing the Kansas department of wildlife and parks to exceed established expenditure limitations for compliance with federal aid expenditure requirements, by Committee on Appropriations.

HB 2587, An act creating the wildlife and parks nonrestricted fund, by Committee on Appropriations.

HB 2588, An act concerning gaming; relating to the Kansas commission on expanded gaming, by Committee on Federal and State Affairs.

HB 2589, An act making and concerning appropriations for the fiscal year ending June 30, 2008; relating to postsecondary aid for vocational education; amending K.S.A. 2006 Supp. 72-4432 and repealing the existing section, by Committee on Appropriations.

HB 2590, An act concerning sales taxation; relating to definitions; exemptions; exemption certificates; errors in collection, relief of liability; jurisdiction and rate database; amending K.S.A. 2006 Supp. 79-3602, 79-3603, 79-3606, 79-3609, 79-3651, 79-3667, 79-3668, 79-3669 and 79-3673 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-3671 and 79-3691, by Committee on Taxation.

HB 2591, An act enacting the foundations of health reform act of 2007; amending K.S.A. 39-785 and 40-2215 and K.S.A. 2006 Supp. 39-709, 40-19c06, 40-2209, 40-3209, 75-6501 and 75-7408 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 39-709d, by Committee on Appropriations.

House Concurrent Resolutions

HCR 5022, A proposition to amend section 3c of article 15 of the constitution of the state of Kansas, relating to lotteries.

HCR 5023, A concurrent resolution establishing the Kansas commission on expanded gaming.

House Resolutions

HR 6014, A resolution congratulating and commending Larry Welch upon his retirement from the position of Director of the Kansas Bureau of Investigation.

HR 6015, A resolution setting forth a vision for the future of the health care system in Kansas.

Senate Bills

SB 383, An act concerning property taxation; relating to exemptions; amending K.S.A. 2006 Supp. 79-201z and repealing the existing section, by Committee on Ways and Means.

SB 384, An act concerning early childhood education services, by Committee on Ways and Means.

SB 385, An act concerning salaries and compensation for state officers and employees; making and concerning appropriations for the fiscal year ending June 30, 2008; amending K.S.A. 40-102, 46-137a and 46-137b and K.S.A. 2006 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and repealing the existing sections, by Committee on Ways and Means.

Senate Concurrent Resolutions

SCR 1611, A concurrent resolution urging the United States Secretary of Agriculture to permit the use of land in the conservation reserve enhancement program for agricultural purposes.

Senate Resolutions

SR 1842, A resolution congratulating and commending the St. John High School boys basketball team.

SR 1843, A resolution congratulating and commending Jason Pyle for his third state wrestling championship.

SR 1844, A resolution congratulating and commending Garfield Elementary School for being awarded the 2006 No Child Left Behind Blue Ribbon School Award.

SR 1845, A resolution congratulating and commending Sophia Evans for being named one of the top two youth volunteers in Kansas for 2007 in the 12th annual Prudential Spirit of Community Awards.

SR 1846, A resolution congratulating and commending Larry Welch upon his retirement from the position of Director of the Kansas Bureau of Investigation.

SR 1847, A resolution congratulating and commending the 2007 Kansas Master Teachers.

Doc. No. 034244

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:

- 04/10/2007 10301 DNA Collection Kit
- 04/10/2007 10320 Comprehensive Evaluation of Re-Entry Practice, Kansas Juvenile Justice System
- 04/10/2007 10323 X-Ray Diffractometer
- 04/10/2007 10290 Equipment Trailers, Tandem Axle, Tilt Top
- 04/10/2007 10333 Trucks with Utility Bodies
- 04/10/2007 10289 Crawler Tractor Dozer
- 04/12/2007 10336 Stainless Steel Slide Gate, Furnish and Install
- 04/13/2007 10335 Janitorial Services
- 04/16/2007 10313 Telecommunications Switching Services
- 04/16/2007 10319 Case Management System
- 04/16/2007 10324 Earth Electrical Resistivity Survey System
- 04/17/2007 10321 Linear Kneading Compactor
- 04/18/2007 10304 Janitorial Services
- 04/18/2007 10305 Janitorial Services
- 04/18/2007 10312 Health Assessments for Working Healthy Eligible Individuals
- 04/27/2007 10325 Educational Services Informal Child Caregiver Support
- 05/02/2007 10328 Electronic Death Registration System and Related Services (EDRS)
- 05/04/2007 10316 Printing and Mailing, Lottery Newsletter
- 05/18/2007 10306 Janitorial Services

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

<http://www.da.ks.gov/purch/>

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

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

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting www.da.ks.gov/fp/.

- 04/10/2007 A-010236 Department of Transportation—Tuckpoint/Waterproof Area Office/Shop, Pittsburg
- 04/19/2007 A-010349 Grubbs Hall Lecture Hall Remodel, Classrooms 107 and 109, Pittsburg State University

Chris Howe
Director of Purchases

Doc. No. 034270

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Services Office, Lawrence, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 864-3790 or fax (785) 864-3454 for additional information:

Tuesday, April 10, 2007
RFQ 52256

Video Presentation Equipment

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 034269

State of Kansas

University of Kansas

Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web sight at <http://www.purchasing.ku.edu/> for a complete list of all goods and services currently out for bid. For persons without Internet access, paper postings of all open bids may be reviewed at the Purchasing Services office, 1246 W. Campus Road, Room 7, Lawrence. Copies of current bids may be requested by contacting the Purchasing Services office at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at purchasing@ku.edu.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 034242

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 3-26-07 through 4-1-07

Term	Rate
1-89 days	5.25%
3 months	4.93%
6 months	5.01%
1 year	4.86%
18 months	4.74%
2 years	4.57%

Derl S. Treff
Director of Investments

Doc. No. 034243

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, 700 S.W. Harrison, fourth floor west wing, Topeka, until 1 p.m. April 18 and then publicly opened.

District One — Northeast

Douglas—10-23 KA-0830-01 — K-10 from the east city limits of Lawrence to the Douglas-Johnson county line, 8 miles, crack repair. (State Funds)

Johnson-Wyandotte—635-106 K-4890-04 — I-635 from the junction of I-35 north to the junction of U.S. 24, intelligent transportation system installation. (State Funds)

Leavenworth—52 C-3973-01 — Country road 1.5 miles west and 2 miles north of Tonganoxie, then north 2.5 miles, grading and surfacing. (Federal Funds)

Osage—70 C-4334-01 — County road 4.6 miles south and 4.5 miles west of Overbrook, 0.1 mile, grading and bridge. (Federal Funds)

Riley—81 K-8422-01 — Wildcat Creek Road from Eureka Drive south 0.5 mile, grading, bridge and surfacing. (Federal Funds)

Riley—24-81 KA-0846-01 — U.S. 24 from the east junction of U.S. 77 to K-13 and from K-13 to 3rd Street in Manhattan, 14.3 miles, seal. (State Funds)

Shawnee—89 C-4084-01 — Southwest Hodges Road over the Wakarusa River, 0.1 mile, grading and bridge. (Federal Funds)

Shawnee—4-89 KA-0829-01 — K-4 from the junction of I-70 south to Auburn Road, 1.9 miles, seal. (State Funds)

Wyandotte—435-105 K-8427-01 — I-435 and Donahoo Road in Kansas City, interchange construction. (Federal Funds)

Wyandotte—105 N-0285-01 — Donahoo Road over Conner Creek in Kansas City, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Wyandotte—105 N-0375-01 — I-70 and 57th Street in Kansas City, intersection improvement. (Federal Funds)

District Two — Northcentral

Chase-Marion—150-106 KA-0824-01 — K-150 from the junction of K-150/U.S. 77/U.S. 56 east to the Marion-Chase county line; K-150 from the Marion-Chase county line east to the junction of K-150/U.S.50, 16.3 miles, pavement marking. (Federal Funds)

Mitchell—181-62 K-9638-01 — K-181, Bacon Creek drainage, 0.9 mile north of the Lincoln-Mitchell county line, culvert construction (State Funds)

Marion—56-57 KA-0823-01 — U.S. 56 from the east junction of U.S. 56/K-15 east to the U.S. 56/U.S. 77/K-150 junction; U.S. 56 from the south city limits of Lincolnville north to the Marion-Dickinson county line, 22 miles, pavement marking. (Federal Funds)

District Three — Northwest

Decatur—36-20 K-9194-01 — U.S. 36/U.S. 83 junction east to Pennsylvania Avenue in Oberlin, 0.3 mile, intersection improvement. (State Funds)

Logan—55 C-4153-01 — K-25 through Russell Springs, 0.6 mile, surfacing. (Federal Funds)

District Four — Southeast

Franklin—59-30 K-7889-01 — U.S. 59 from I-35 north-east of Ottawa north to the Franklin-Douglas county line, 7.6 miles, grading and bridge. (Federal Funds)

Franklin—68-30 K-9794-01 — K-68 from B Street to E Street in Pomona, 0.3 mile, grading and surfacing. (State Funds)

Linn—69-54 K-7893-01 — U.S. 69 from north of the K-239 interchange north to 1 mile south of the new K-52 interchange, 3.2 miles, grading, bridge and surfacing. (Federal Funds)

Montgomery—63 KA-0822-01 — U.S. 400 from the Wilson/Montgomery county line east to the Montgomery/Labette county line; U.S. 169 at the south junction of U.S. 169/U.S. 160, 16.7 miles, pavement marking. (Federal Funds)

Wilson—400-103 KA-0827-01 — U.S. 400 from the Greenwood/Wilson county line east to the Wilson/Montgomery county line, 24.7 miles, pavement marking. (Federal Funds)

District Five — Southcentral

Barton—4-5 KA-0905-01 — K-4 from the Rush-Barton county line east to the Barton-Rice county line, 30.7 miles, crack repair. (State Funds)

Harper—44-39 K-9179-01 — K-44 from the K-2 junction east to Lawrence Avenue and K-44 from Pennsylvania Avenue east to Kansas Avenue, 0.1 mile, grading and surfacing. (State Funds)

Rice—14-80 KA-0906-01 — K-14 from the north city limits of Sterling north to the south city limits of Lyons, 7.7 miles, crack repair. (State Funds)

Sedgwick—254-87 K-8311-01 — K-254 at Hillside Street/45th Street, Oliver, and Woodlawn interchanges, lighting. (Federal Funds)

Sedgwick—135-87 K-9895-01 — I-135 northbound Canal Route, 2.3 miles, joint repair. (State Funds)

Sedgwick—54-87 KA-0795-01 — U.S. 54, 0.2 mile east of Hillside Avenue east to 0.3 mile east of Oliver Street in Wichita, 1.2 miles, pavement marking. (Federal Funds)

District Six — Southwest

Gray—50-35 K-8406-01 — Second Street to 5th Street on U.S. 50 in Cimarron, 0.2 mile, pavement reconstruction. (State Funds)

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

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

(continued)

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. 034256

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 2007-2010 by adding the following projects:

Project C-4192-01, Grading, Surfacing, Bridge Replacement and Seeding, 0.5 mile south and 1.5 miles east of Flush, Pottawatomie County

Project C-4293-01, Surfacing, 9.5 miles west of Scott City then 0.3 mile north, Scott County

Project K-8243-04, Utility Relocations for Reconstruction to 4-Lane, US-54 from Jct. RS-501 east to 1 mile east of Cairo Intersection, Pratt County

Project KA-0614-02, Scenic Byways Kiosks, Wetlands and Wildlife and Gypsum Hills Scenic Byway, Statewide

Project KA-0614-03, Scenic Byways Kiosks, Smokey Valley and Post Rock Scenic Byway, Statewide

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 30.

Deb Miller
Secretary of Transportation

Doc. No. 034257

State of Kansas

Department of Health and Environment

Notice 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-07-103/113 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Wea Creek Kennels Kenny and Billie Sloan 31760 Hedge Lane Paola, KS 66071	SW/4 of Section 22, T17S, R23E, Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-K001

This is a renewal permit for an existing facility with a maximum capacity for 300 dogs, 50 pigeons and 200 quail.

Name and Address of Applicant	Legal Description	Receiving Water
Pro Pork Doug Schwartz 2103 Liberty Road Morrowville, KS 66958	SW/4 of Section 13, T02S, R02E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S040

This is a renewal permit for an existing facility for 2,000 head (800 animal units) of swine weighing greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Nelson Hog Farms, LLC, Grower-Finisher Terry Nelson 1393 W. Grant Road Long Island, KS 67647	SW/4 of Section 33, T01S, R20W & NW/ 4 of Section 04, T02S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-S012

This is a new permit to remove a portion of the swine facilities from a permit for an existing facility and to modify and expand the separated swine facility. The capacity of the facility will be 1,800 head (180 animal units) of swine weighing 55 pounds. The "isowean" building is being removed from the permit for the Nelson Farms cattle facility.

Name and Address of Applicant	Legal Description	Receiving Water
Charles Ronnau 27155 Oregon Trail Road St. Marys, KS 66536	NE/4 of Section 09, T10S, R12E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S007

This is a renewal permit with an increase in animal units for an existing facility for a maximum capacity of 600 head (240 animal units) of swine weighing greater than 55 pounds. The increase in animal units is due to a correction of the permit to reflect the actual operation.

Name and Address of Applicant	Legal Description	Receiving Water
Todd Wiebe 14166 NW Purity Springs Road Burns, KS 66840	SW/4 of Section 20, T23S, R05E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-C015 Federal Permit No. KS0099040

This is a new permit for an existing, expanding facility for 1,600 head (1,600 animal units) of beef cattle weighing more than 700 pounds. Runoff from 9.9 acres of pens and extraneous area will drain to a new sedimentation channel and new wastewater retention structure. Freshwater runoff shall be diverted around the pens and wastewater storage structure. The existing pen area north of the starter pens will be abandoned and the south half of the starter pens will be seeded to grass. A noncontrolled pen area east of the diversion berm will be used less than 45 days in any 12-month period. Wastewater will be impounded for subsequent application to agricultural land for beneficial use. The wastewater storage capacity that is provided meets or exceeds KDHE minimum requirements.

Name and Address of Applicant	Legal Description	Receiving Water
National Genetic Technology Larry Dowd P.O. Box 129 Columbus, NE 68602-0129	NW/4 of Section 02, T04S, R04E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S033

This is a renewal permit for an existing facility for 800 head (320 animal units) of swine weighing greater than 55 pounds and 1,640 head (164 animal units) of swine weighing 55 pounds or less, for a total of 2,440 head (484 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Kadel Farms Feedlot Jim Kadel 3196 J Road Beloit, KS 67420	W/2 of Section 26, T07S, R07W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-B016

This is a renewal permit for an existing facility for 999 head (999 animal units) of cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Kerry Cromer Backgrounding Lot Kerry T. Cromer 70271 SW 10th Ave. Pratt, KS 67124	SE/4 of Section 09, T29S, R13W, Pratt County	Lower Arkansas River Basin

Kansas Permit No. A-ARPR-B001

This is a renewal permit for an existing facility for 975 head (975 animal units) of cattle weighing greater than 700 pounds and 1,000 head (400 animal units) of swine weighing greater than 55 pounds, for a total of 1,375 animal units of cattle and swine.

Name and Address of Applicant	Legal Description	Receiving Water
Keith and Donna Olson 278 S. 1000 Road Alta Vista, KS 66834-9407	SW/4 of Section 10, T14S, R08E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-M003

This is a renewal permit for an existing facility for 40 head [56 animal units (AU)] of dairy cattle and 20 head (10 AU) of replacement dairy heifers, for a total of 66 AU.

Name and Address of Applicant	Legal Description	Receiving Water
Valley Grove Farm Warren Wheeler 2904 Wellman Road Lawrence, KS 66044	NE/4 of Section 13, T11S, R19E, Jefferson County	Kansas River Basin

Kansas Permit No. A-KSJF-B005

This is a renewal permit for an existing facility that has changed from a dairy to a seasonal beef cattle operation with a maximum capacity for 100 animal units; 75 head (75 animal units) of cattle more than 700 pounds and 50 head (25 animal units) of cattle less than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Mueller Farms, Inc. Larry Mueller 2373 Shady Blvd. Hanover, KS 66945	NW/4 of Section 04, T02S, R05E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-B001

This is a renewal permit for an existing facility for 600 head (600 animal units) of beef cattle greater than 700 pounds each.

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 28 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-07-103/113) 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. 034262

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

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

Panhandle Eastern Pipeline-Louisburg Station, Houston, Texas, owns and operates Louisburg Compressor Station located at 29115 Metcalf Road, Miami County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business April 30.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business April 30 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this

notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 034254

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

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas' Department of Air Quality (DAQ) are soliciting comments regarding a proposed air quality operating permit. The DAQ and the KDHE are modifying Sinclair Transportation Company's Class I operating permit in accordance with the provisions of K.A.R. 28-19-513(d). The purpose of the Class I permit modification is to add an additional ethanol tank and to increase current ethanol throughput limits. The original Class I permit was issued on February 18, 2004.

Sinclair Transportation Company in Salt Lake City, Utah, owns and operates a petroleum bulk station and terminal facility located at 3401 Fairbanks Ave., Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Topeka, and at the DAQ, 619 Ann Ave., Kansas City, Kansas. To obtain or review the proposed permit and supporting documentation, contact Sherry Walker, (785) 296-1570, at the KDHE central office, or Amber Davis, (913) 573-6700, at the DAQ. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Amber Davis, DAQ, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit decision, written comments must be received before the close of business April 30.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, not later than the close of business April 30 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to

the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period follows the EPA's 45-day review period.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 034251

State of Kansas

Department of Health and Environment

Request for Comments

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

Cloud Ceramics of General Finance, Incorporated, 1716 Quail Road, Concordia, owns and operates a brick and clay products manufacturing facility located near Concordia.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Terry Tavener, (785) 296-1581, at the KDHE central office; and to review the proposed permit only, contact Stan Marshall, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Terry Tavener, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business April 30.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business April 30 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 034264

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment and the U.S. Environmental Protection Agency, Region VII, have received Resource Conservation and Recovery Act (RCRA) hazardous waste Part A and Part B permit renewal applications from Safety-Kleen Systems Inc., the operator, and the owner of the facility located at 1311 S. Anna, Wichita. The KDHE and the EPA are providing notice of their intent to renew a joint hazardous waste storage permit to the operator and owner of the facility. The facility obtained the initial hazardous waste storage permit in October 1990 and was assigned the EPA identification number KSD000809723.

In October 1985, the state of Kansas received final authorization from the EPA to implement its own hazardous waste management program in lieu of the federal program except for the portions covered by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The KDHE portion of the permit (Part I) will be issued under the authority of K.S.A. 65-3430 et seq. and K.A.R. 28-31-9, and the EPA portion of the permit (Part II) will be issued under the authority of Sections 3001(g), 3001(h), 3002 (b), 3004(d), 3004 (u) and (v), 3005 and 6001 of the RCRA.

(continued)

Part I of the permit will allow the owner/operator to store hazardous waste in containers and tanks destined for off-site management. The facility will store a total of 25,125 gallons of hazardous waste in four separate storage areas. The materials stored at the facility will include ignitable, corrosive, reactive, toxic and listed liquid or solid hazardous wastes. All four storage areas comply with 40 CFR Part 264 Subpart I, Subpart J, Subpart BB, Subpart CC and Part 270 requirements for container and tank storage areas. Emergency equipment is available at the facility and appropriate warning signs are posted on the perimeter fences. The EPA portion (Part II) of the joint permit will address the requirements of HSWA.

A copy of the administrative record, which includes the draft permit, the permit application and all information pertaining to this permit action, is available for public review through May 21 during normal business hours at the following locations:

Kansas Department of Health and Environment
Hazardous Waste Permits Section
1000 S.W. Jackson, Suite 320
Topeka, 66612
Contact: Mostafa Kamal
(785) 296-1609

U.S. Environmental Protection Agency
Region VII - RCAP Branch
901 N. 5th St.
Kansas City, KS 66101
Contact: Mary Grisolano
(913) 551-7657

Wichita Public Library
223 S. Main St.
Wichita, 67202
Contact: Cindy Bailey
(316) 261-8500

Anyone wishing to comment on the draft permit should submit written comments postmarked not later than May 21 to Mostafa Kamal (KDHE) or Mary Grisolano (EPA) at the addresses above.

A public hearing has not been scheduled; however, if written requests are received that indicate a significant degree of public interest in the draft permit, a public hearing will be scheduled. After consideration of all comments received, the KDHE secretary and the EPA director of the Air, RCRA and Toxic Division (ARTD) will make a final permit decision. Notice will be given to the applicant, to all persons who submitted written comments, to those who commented at the public hearing, and to those who requested notice of the final permit decision. If none of the comments received during the public comment period result in revisions to the draft permit, the permit will become effective immediately upon its issuance. If comments received during the public comment period result in revisions, the permit will become effective 30 days after service of notice of the final decision or at a later date, if a review is requested under 40 CFR 124.19.

Roderick L. Bremby
Secretary of Health
and Environment

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment, Bureau of Water, requests comments on a draft Clean Water Act Section 401 Water Quality Certification for Clean Water Act Section 404 Nationwide Permits issued by the U.S. Department of Army Corps of Engineers.

Persons wishing to comment on the Draft Section 401 Water Quality Certification must submit written comments (letter, e-mail or fax) by April 22. Direct comments or requests for additional information to the Kansas Department of Health and Environment, Bureau of Water - Watershed Management Section, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, or e-mail nps@kdhe.state.ks.us. For additional information or assistance, call (785) 296-4195.

The Kansas Department of Health and Environment has prepared a draft of the Clean Water Act Section 401 Water Quality Certification for Clean Water Act Section 404 Nationwide Permits issued by the U.S. Department of Army Corps of Engineers (USACE) for activities such as limited stream straightening, filling of small wetland areas, stabilizing small stretches of stream banks, constructing utility lines, etc., recognized as having potential impact on waters of the United States, i.e., water bodies including streams, wetlands and lakes. The Clean Water Act Section 401 Water Quality Certification is KDHE's stipulation of conditions and actions that persons using a Nationwide Section 404 permit will take to assure the permitted activity will be executed in a manner that will not result in a violation of Kansas Water Quality Standards. Section 404 Nationwide Permits are reviewed and reissued every five years.

The link to the Federal Register public notice describing the Nationwide Permit process, rules and regulations is: http://www.usace.army.mil/cw/cecwo/reg/nwp/nwp_2007_final.pdf. The Kansas City District USACE has issued a public notice describing its reissuance of all of the Section 404 Nationwide Permits, which can be viewed at: http://www.nwk.usace.army.mil/regulatory/2007nwps/Final_NWP_PN_19mar07.pdf. The Draft Section 401 Water Quality Certification of Section 404 Nationwide Permit Activities and attachments can be viewed at the KDHE Web site, www.kdheks.gov/nps/section401, or by contacting KDHE at the address and telephone number above.

The Draft Section 401 Water Quality Certification is based on the March 15, 2002, Section 404 Nationwide Permit Section 401 Water Quality Certification with the following additions:

- (1) Reference to Kansas Regional Conditions and a reference tabular summary of proposed Nationwide Permits.
- (2) Updated phone numbers and other contact information.
- (3) Updated citations to Kansas water quality standards.
- (4) For permitted activities occurring in certain waters of Kansas, a requirement for the permit holder to notify KDHE at the initiation of the permitted activity.

(5) Requirement to post construction operation and maintenance of water quality protection plans/water pollution control measures associated with the permitted activity.

(6) Added URLs for various reference materials.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 034263

(Published in the Kansas Register March 29, 2007.)

**Summary Notice of Bond Sale
Unified School District No. 512
Johnson County, Kansas
(Shawnee Mission)
\$69,000,000
General Obligation School Bonds
Series 2007-A**

Bids

Subject to the notice of bond sale dated March 12, 2007, and the preliminary official statement dated March 12, 2007, bids will be received by the manager of budget and finance of Unified School District No. 512, Johnson County, Kansas (the issuer), on behalf of the Board of Education at the school district office, 7235 Antioch, Overland Park, Kansas, until noon Monday, April 9, 2007, for the purchase of \$69,000,000 principal amount of General Obligation School Bonds, Series 2007-A. Bids will be received (1) in the case of sealed and facsimile bids, by Tim Rooney, manager of budget and finance, at the address and fax number hereafter set forth, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system. The school district and the school district's financial advisor shall not be responsible for any failure, misdirection, delay or error in the means of transmission selected by the bidder. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated April 15, 2007, and will become due on October 1 in the years as follows:

Maturity	Amount
10/01/08	\$ 500,000
10/01/09	2,270,000
10/01/10	2,425,000
10/01/11	1,680,000
10/01/12	2,400,000
10/01/13	2,855,000
10/01/14	2,735,000
10/01/15	2,955,000

10/01/16	3,130,000
10/01/17	3,400,000
10/01/18	3,570,000
10/01/19	3,750,000
10/01/20	3,935,000
10/01/21	4,130,000
10/01/22	4,340,000
10/01/23	4,555,000
10/01/24	4,760,000
10/01/25	4,975,000
10/01/26	5,200,000
10/01/27	5,435,000

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

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2008.

Paying Agent and Bond Registrar

UMB National Bank of America, Kansas City, Kansas.

Good Faith Deposit

Each bid for bonds must be accompanied by a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of such bonds.

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Bonded Indebtedness

The total assessed valuation of the taxable tangible property within the school district for the year 2006 is \$3,473,447,669. The total general obligation indebtedness of the school district as of the expected date of delivery of the bonds, including the bonds in the amount shown above, is \$271,495,000.

Approval of Bonds

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

Information

Additional information regarding the bonds may be obtained from George K. Baum & Company, 4801 Main St., Kansas City, MO 64112, (816) 474-1100, the school district's financial advisor.

Dated March 12, 2007.

Unified School District No. 512
Johnson County, Kansas
By Tim Rooney, Manager of Budget and Finance
7235 Antioch
Overland Park, KS 66204-1298
(913) 993-6200
Fax (913) 993-6231

Doc. No. 034253

State of Kansas

Department on Aging

**Request for Applications for
PEANE Special Project Grants**

The Kansas Department on Aging has two Special Project Grant opportunities for the Prevention of Elder Abuse, Neglect and Exploitation (PEANE). The grant period is from June 1, 2007 through May 31, 2008. Any Kansas public agency or private not-for-profit corporation registered with the office of the Secretary of State may apply for these funds.

Applications are now being accepted for proposals to address either education, training or research for the prevention of elder abuse, neglect, financial abuse or exploitation of older individuals. Only project proposals requesting \$7,000 or less will be considered.

Applications also are being accepted for proposals to develop or maintain a PEANE Multidisciplinary Team (M-Team). The M-Team would work in the local community to strengthen the advocacy role for older adults. Only project proposals requesting up to \$1,000 or less will be considered.

To request an application, contact Merlene Smith at (785) 368-7230 or (800) 432-3535. The completed application must be returned to the Kansas Department on Aging, 503 S. Kansas Ave., Topeka, 66603-3404, by 5 p.m. Monday, April 30.

Kathy Greenlee
Secretary of Aging

Doc. No. 034255

(Published in the Kansas Register March 29, 2007.)

**Summary Notice of Bond Sale
City of Mulvane, Kansas
\$245,960
General Obligation Bonds
Series A, 2007**

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated March 19, 2007, of the city of Mulvane, Kansas, bids to purchase the city's General Obligation Bonds, Series A, 2007, will be received at the office of the city clerk at City Hall, 211 N. 2nd, Mulvane, KS 67110, or by telefacsimile at (316) 777-4081, until 2 p.m. Monday, April 16, 2007. The bids will be considered by the governing body at its meeting at 7:30 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond, in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds are dated May 1, 2007, and will be issued as registered bonds in the denomination of \$5,000, or any integral multiple thereof, except for one bond in the denomination of \$5,960 maturing October 1, 2008. Interest on the bonds is payable semiannually on April 1 and October 1 of each year, beginning April 1, 2008. Principal of the bonds becomes due on October 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$10,960	2008
15,000	2009
15,000	2010
15,000	2011
15,000	2012
15,000	2013
15,000	2014
15,000	2015
15,000	2016
15,000	2017
20,000	2018
20,000	2019
20,000	2020
20,000	2021
20,000	2022

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

Book-Entry Bonds

The bonds will be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to the DTC on or about May 1, 2007.

Legal Opinion

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$35,385,721. As of May 1, 2007, the city's total outstanding general obligation debt (including the bonds) is \$11,571,153. The city's total indebtedness that is subject to debt limitation, as of May 1, 2007, is estimated to be \$5,682,970.67, which is 16.06 percent of the assessed valuation of the city.

Additional Information

For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, Jerry D. Rayl, M&I Marshall & Ilsley Bank, 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

City of Mulvane, Kansas
By Patty Gerwick, City Clerk
City Hall, 211 N. 2nd
Mulvane, KS 67110
(316) 777-1143
Fax (316) 777-4081

Doc. No. 032452

State of Kansas

Board of Pharmacy

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, June 13, at the Hayden Building, Conference Room, 212 W. 8th Ave., Topeka, to consider the amendment of K.A.R. 68-7-11 and K.A.R. 68-7-12 of the Kansas Pharmacy Board.

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 amendment of K.A.R. 68-7-11 and K.A.R. 68-7-12. All parties may submit written comments prior to the hearing to Debra Billingsley, executive secretary of the Kansas Pharmacy Board, Room 560, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231, or to pharmacy@pharmacy.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the amendment of the regulations 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 regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Pharmacy Board at the address above, (785) 296-4056. Handicapped parking is located on the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

A summary of the proposed regulations follows:

K.A.R. 68-7-11. Medical care facility pharmacy. This regulation identifies the requirements for pharmaceutical services within a medical care facility pharmacy and includes new inventory requirements for the outgoing and incoming pharmacist-in-charge.

K.A.R. 68-7-12. Responsibility of pharmacist-in-charge in other than a medical care facility pharmacy. This regulation identifies the responsibilities of each pharmacist-in-charge for premises having a pharmacy registration, other than a medical care facility pharmacy, and includes new inventory requirements for the outgoing and incoming pharmacist-in-charge.

Copies of the regulations and the economic impact statements may be obtained by contacting the Kansas Pharmacy Board at the address and phone number above or by accessing the board's Web site at <http://www.accesskansas.org/pharmacy/leg.html>.

Debra Billingsley
Executive Secretary

Doc. No. 034265

State of Kansas

Board of Education

Notice of Hearing on Proposed
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, June 12, in the board room of the State Education Building, 120 S.E. 10th Ave., Topeka, to consider proposed amendments to Teacher Licensure Regulations 91-1-201, 91-1-202, 91-1-203, 91-1-204 and 91-1-209, and new regulation 91-1-234. The amendments are being made upon the recommendation of the Professional Standards Advisory Board. A summary of the proposed regulations and their economic impact follows:

91-1-201. Types of licensure. A new restricted license for school specialists is added and a provisional license is made available at the early childhood level. The requirement to hold a license at the same level for which a new provisional license is sought is removed, as is the requirement to have an existing offer of employment to qualify for a one-year nonrenewable license. Each of these changes is designed to expand the pool of persons who qualify for a provisional or restricted license. These changes will have no economic impact on the State Board of Education, other governmental agencies or private businesses. More individuals will qualify for licensure and employment, and school districts will have more candidates to fill positions. No increased costs are expected.

91-1-202. Endorsements. The early childhood endorsements are added to this regulation so they are available with a provisional teaching license. Allowing a provisional license available for these early childhood levels will increase the number of persons who are qualified to teach at these levels. No direct economic impact is anticipated for school districts, the state board, private businesses or individuals.

91-1-203. Licensure requirements. Because this is a barrier to many experienced out-of-state teachers, the requirement for a minimum cumulative GPA for obtaining the initial conditional teaching license is removed. The foreign exchange teaching license requirements are amended by requiring a credential evaluation, limiting the license to a maximum of three years and clarifying that the teaching assignment must be in the content preparation area or native language of the license holder. The requirements for the new restricted school specialist license for school counselors and library media specialists are specified. This regulation will have no economic impact upon the state board, school districts, other governmental agencies or private businesses. Individuals seeking a foreign exchange license will have to pay about \$150 to obtain a credential evaluation of their foreign coursework and training.

91-1-204. Licensure of out-of-state and foreign applicants. The requirement for a minimum cumulative GPA for obtaining the initial conditional teaching license is removed. Provisions are added to accommodate the licensure of experienced school counselors from out-of-state who do not have classroom teaching experience. These

(continued)

amendments are designed to make an increased number of experienced out-of-state persons eligible for initial licensure in Kansas. These changes should not have an economic impact on the state board, school districts, other governmental agencies or private businesses.

91-1-209. Additional endorsements. Three new sections are being added to this regulation. The first provides for teachers holding a valid secondary license with one or more science endorsements to add an additional science endorsement by successfully completing the content assessment for the new science endorsement. The second section provides for a licensed teacher to add a middle-level endorsement by completing at least 15 credit hours in the content area, i.e., math, science, English language arts, history, etc., plus a middle-level pedagogy course *or* having recent experience in grades 6-8, and completing the content assessment. The third section provides for any teacher licensed at the secondary level to add a new secondary content endorsement when the teacher has completed 50 percent or more of the approved program in the new content area and has successfully completed the content area assessment. These changes allow currently licensed teachers to add additional endorsements by completing content assessments or additional coursework, without the necessity of completing another full teacher education program. The fee for an assessment ranges from \$110 to \$120, but the reduced cost of eliminating credit hour requirements for an individual (depending upon the institution of enrollment) will range from about \$1,350 to \$4,500.

91-1-234. Innovative or experimental programs. This new regulation provides a means for teacher education institutions to develop new, innovative programs or to utilize new approaches or methods to prepare teachers. Colleges and universities would have the option of planning and implementing new training programs under this regulation. The cost would depend upon the size and scope of the program contemplated by the institution. The state board would anticipate a minimum cost of \$25,000 for staff time. No other entity would incur expenses under this regulation.

A copy of each of the proposed regulations and its economic impact statement may be obtained by contacting the secretary of the State Board of Education, 120 S.E. 10th Ave., Topeka, 66612, prior to the date of the hearing or by e-mail to pplamann@ksde.org. The regulations also may be accessed online at conferences.ksde.org/regulatorycomments.

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

Any individual with a disability may request accommodation in order to participate in the public hearing and

may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Karen Watney at (785) 296-3906 or (785) 296-8172 (TDD).

Dale M. Dennis
Interim Commissioner of Education

Doc. No. 034246

State of Kansas
Department of Revenue
Permanent Administrative
Regulations

Article 19.—KANSAS RETAILERS' SALES TAX

92-19-16a. Gifts, premiums, prizes, coupons, and rebates. (a) Each sale of tangible personal property shall be taxable if made to a person who will use the property as a prize or premium or who will give the property away as a gift. Donors of articles of tangible personal property shall be regarded as the users or consumers of the property. If a retailer donates property that was originally acquired for resale, the retailer shall accrue tax on the cost it paid for the property when the retailer files its next sales tax return, unless the retailer donates the property to an entity that is exempt from taxation on its purchases under K.S.A. 79-3606, and amendments thereto, or has provided the retailer with a resale exemption certificate.

(b) If a retailer making a retail sale that is subject to tax gives a premium or prize along with the item being sold, the transaction shall be regarded as the sale of both items to the purchaser if delivery of the premium or prize does not depend on chance.

(c) If the award of a premium or prize by a retailer depends on chance, the retailer's acquisition of the premium or prize shall be subject to sales tax. The retailer shall pay the tax at the time of acquisition of the premium or prize or, if the item is removed from resale inventory, shall accrue tax on the item's cost on its sales tax return.

(d) If a retailer accepts a coupon for a taxable product and will later be reimbursed by a manufacturer or other party for the reduction in selling price, the total sales value, including the coupon amount, shall be subject to sales tax. If a retailer accepts a coupon and will not be reimbursed for the reduction in selling price, the reduction shall be considered a discount, and the taxable amount shall be the net amount paid by the customer after deducting the value of the coupon. If a retailer enhances the value of a manufacturer's coupon, the amount of the unreimbursed enhancement shall be treated as a discount that is not subject to sales tax.

(e) For purposes of this regulation, "rebate" shall mean a return of part of the amount paid for a product after the time of sale, which is commonly obtained by sending proof of purchase to the manufacturer. Like manufacturers' coupons, a manufacturer's rebate is a form of payment. Therefore, even if a manufacturer's rebate is assigned to a retailer at the time of sale, the rebate shall not reduce the amount that is subject to sales tax except for a manufacturer's rebate on a new motor vehicle that is as-

signed to the dealer at the time of sale as specified in K.A.R. 92-19-16b.

(f) Sales of gift certificates, meal cards, or other forms of credit that can be redeemed by the holder for the equivalent cash value shall not be subject to tax when sold. If the certificate or other form of credit is used as a cash equivalent to purchase taxable goods or services, the retailer who redeems the certificate or other form of credit shall charge sales tax on the selling price of the goods or services.

(g) Sales of coupon books and similar materials that entitle the holder to a discount or other price advantage on the purchase of goods or services shall be presumed to have value in addition to the coupons or discounts contained in them and shall be taxable as sales of tangible personal property, except when the sale of this type of book is by a nonprofit organization that treats the receipts from the sales as a donation. If a coupon is redeemed from a coupon book or other material sold at retail, the retailer who redeems the coupon shall charge sales tax in accordance with the requirements for sales made with coupons that are specified in subsection (d).

(h) If a nonprofit organization treats receipts from the providing of coupon books and similar materials as donations, the nonprofit organization shall be liable for paying sales tax when it purchases the coupon books or other materials that are provided to a donor when a donation is made, unless the organization is otherwise exempted from paying tax on its purchases. If a coupon is redeemed, the retailer who redeems the coupon shall charge sales tax in accordance with the requirements for sales made with coupons that are specified in subsection (d). (Authorized by K.S.A. 2006 Supp. 75-5155 and K.S.A. 2006 Supp. 79-3618; implementing K.S.A. 2006 Supp. 79-3602 and K.S.A. 2006 Supp. 79-3603; effective July 27, 2001; amended April 13, 2007.)

92-19-16b. Manufacturers' rebates for motor vehicles. (a) For purposes of this regulation, a "manufacturer's rebate" shall mean a manufacturer's return of part of the amount paid for a new motor vehicle after the time of sale.

(b) Pursuant to the definition of "sales or selling price" in K.S.A. 79-3602 and amendments thereto, the right to receive payment of a manufacturer's rebate on a new motor vehicle that a customer assigns to the motor vehicle dealer at the time of sale or lease shall reduce the selling price of the vehicle by the rebate amount if the dealer issues a customer invoice that clearly shows that the rebate amount has been applied to reduce the selling price of the vehicle.

(c) In order for the tax base to be reduced, the customer shall assign its right to the manufacturer's rebate to the dealer at the time of sale or lease. If a customer accepts a manufacturer's rebate as a cash payment or if the dealer applies the rebate as a cash payment from the customer, the rebate amount shall not reduce the selling price of the vehicle.

(d) Only manufacturers' rebates extended on purchases or leases of new motor vehicles shall qualify for exclusion from the selling price of a retailer's merchandise. Manufacturers' rebates extended on purchases or leases of boats, trailers, off-highway equipment, and other mer-

chandise shall be treated as a form of payment to the retailer as specified in K.A.R. 92-19-16a and shall not reduce the selling price of the merchandise even if the right to receive payment of the rebate is assigned to the retailer. (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, as amended by L. 2006, Ch. 202, Sec. 1, K.S.A. 2005 Supp. 79-3607, and K.S.A. 2005 Supp. 79-3609; effective April 13, 2007.)

92-19-55a. (Authorized by K.S.A. 2001 Supp. 79-3618; implementing K.S.A. 2001 Supp. 79-3602, K.S.A. 2001 Supp. 79-3603 as amended by L. 2002, ch. 89, sec. 1 and by L. 2002, ch. 185, sec. 6, K.S.A. 79-3604, K.S.A. 2001 Supp. 79-3606; effective Aug. 23, 2002; revoked April 13, 2007.)

92-19-81. Abatement of final tax liabilities. The requirements and procedures for abatement of final sales and compensating tax liabilities shall be those requirements and procedures specified in K.A.R. 92-12-66a. (Authorized by and implementing K.S.A. 2005 Supp. 75-5155 and K.S.A. 2005 Supp. 79-3618; effective Dec. 13, 2002; amended May 27, 2005; amended April 13, 2007.)

Article 21.—LOCAL RETAILERS' SALES TAX

92-21-7. (Authorized by K.S.A. 79-3618, K.S.A. 1971 Supp. 79-4425, 79-4426; effective, E-71-21, July 1, 1971; effective Jan. 1, 1972; revoked April 13, 2007.)

92-21-8. (Authorized by K.S.A. 12-189 as amended by L. 1987, Ch. 63, Sec. 2; implementing K.S.A. 12-189 as amended by L. 1987, Ch. 63, Sec. 2, K.S.A. 1986 Supp. 12-191; effective, E-71-21, July 1, 1971; effective Jan. 1, 1972; amended May 1, 1988; revoked April 13, 2007.)

92-21-10. (Authorized by K.S.A. 79-3618, K.S.A. 1971 Supp. 79-4425, 79-4426, K.S.A. 12-189 as amended by L. 1987, Ch. 63, Sec. 2; implementing K.S.A. 12-189 as amended by L. 1987, Ch. 63, Sec. 2, K.S.A. 1986 Supp. 12-191; effective, E-71-21, July 1, 1971; effective Jan. 1, 1972; amended May 1, 1988; revoked April 13, 2007.)

92-21-14. Place of business; sales from vehicle. If a retailer makes actual sales or deliveries from a vehicle in which a stock of goods is being carried for sale, the retailer's place of business shall be each place where a sale or delivery is made. The vehicle carrying the stock of goods for sale shall be deemed to be a portable place of business. (Authorized by K.S.A. 2005 Supp. 12-189, as amended by L. 2006, Ch. 191, Sec. 2 and by L. 2006, Ch. 204, Sec. 2, and K.S.A. 2005 Supp. 75-5155; implementing K.S.A. 2005 Supp. 12-189, as amended by L. 2006, Ch. 191, Sec. 2 and by L. 2006, Ch. 204, Sec. 2, K.S.A. 2005 Supp. 12-191; effective, E-71-21, July 1, 1971; effective Jan. 1, 1972; amended May 1, 1988; amended April 13, 2007.)

92-21-16. (Authorized by K.S.A. 79-3618, 79-3619, K.S.A. 1971 Supp. 79-4425, 79-4426; effective, E-71-21, July 1, 1971; effective Jan. 1, 1972; revoked April 13, 2007.)

92-21-17. (Authorized by K.S.A. 1985 Supp. 12-189; implementing K.S.A. 1985 Supp. 12-191; effective, E-71-21, July 1, 1971; effective Jan. 1, 1972; amended, E-77-1, Jan. 13, 1976; amended Feb. 15, 1977; amended May 1, 1987; revoked April 13, 2007.)

Joan Wagnon
Secretary of Revenue

Doc. No. 034261

State of Kansas

Department of Wildlife and Parks

Permanent Administrative
Regulations

Article 4.—BIG GAME

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

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Centerfire rifles that are not fully automatic and that fire a bullet larger than .23 inches in diameter, while using only soft point, hollow point, or other expanding bullets;

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

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

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

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

(3) Firearms season equipment authorized for elk:

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

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

(C) shotguns using only slugs of 12 gauge or larger.

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

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

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

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

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

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

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

(d) Accessory equipment.

(1) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-2 or K.A.R. 115-18-15 during a firearms deer or elk season shall wear clothing of a bright orange color having a predominant light wavelength of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange, or safety orange. This bright orange color shall be worn as follows:

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

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

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

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

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

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

(g) Horses and mules may be used while hunting big game, except that horses and mules shall not be used for herding or driving elk. (Authorized by K.S.A. 32-807 and K.S.A. 2005 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-937, K.S.A. 2005 Supp. 32-1002, and K.S.A. 32-1015; effective June 1, 2001; amended April 19, 2002; amended April 22, 2005; amended June 2, 2006; amended April 13, 2007.)

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

(1) Archery equipment.

(A) Each bow shall be hand-drawn.

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

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

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

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

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

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

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

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

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

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

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

(3) range-finding devices, if the system does not project visible light toward the target; and

(4) shotguns and muzzleloading shotguns not less than 20 gauge and using only size two shot through size nine shot.

(c) Legal accessory equipment for the taking of wild turkey during any wild turkey season shall consist of the following:

(1) Nonelectric calls, lures, and decoys, except live decoys; and

(2) blinds and stands.

(d) Each wild turkey permittee shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive wild turkey permit or game tag in possession while hunting.

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

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

(g) Dogs may be used while hunting turkey, but only during the fall turkey season. (Authorized by K.S.A. 32-807 and K.S.A. 2005 Supp. 32-969; implementing K.S.A. 32-807, K.S.A. 2005 Supp. 32-969, and K.S.A. 2005 Supp. 32-1002; effective April 22, 2005; amended April 13, 2007.)

J. Michael Hayden
Secretary of Wildlife
and Parks

Doc. No. 034245

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, April 12, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

Project No. 692—Maximum Principal Amount:

\$81,605.82. Owner/Operator: Darrin and Traci Molt.

Description: Acquisition of 40 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the Lender for Darrin and Traci Molt and is located at Section 5, Township 5 Grasshopper, Atchison County, Kansas, approximately .75 mile south of Horton on the west side of the road.

The bond, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

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

Stephen R. Weatherford
President

Doc. No. 034259

State of Kansas

Governmental Ethics Commission

Opinion No. 2007-06

Written March 21, 2007, to Peter Freund, Chief of Staff, House Majority Leader, Representative Ray Merrick, Topeka.

This opinion is in response to your letter dated March 1, 2007, 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 questions is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement:

We understand that you are asking for this opinion in your capacity as Chief of Staff for the House Majority Leader, Representative Ray Merrick. You ask for clarification regarding any limitations on lobbying by employees of state agencies, including purchasing meals for legislators. You ask whether state employees may attend legislative events where food and drink are served. You also inquire about the reporting requirements for lobbyists who provide hospitality to state employees and reporting requirements for state employees who receive the hospitality.

Questions:

1. May state employees of the executive branch lobby members of the State Legislature, and if so, are there limitations on such lobbying?
2. Are there reporting requirements for state employees of the executive branch who lobby members of the State Legislature?
3. May state employees of the executive branch attend legislative events and consume food and drinks served at those events?
4. What are the reporting requirements for lobbyists who provide food and drinks to state employees of the executive branch?
5. Are there reporting requirements for state employees who consume food and drinks provided by lobbyists?

Opinion:

In response to your first question, K.S.A. 46-232 provides limitations on lobbying by state employees as follows:

No state officer or employee shall engage in lobbying his own state agency, if he accepts compensation specifically attributable to such lobbying, other than that provided for the performance of his official duties. Nothing in this section shall prohibit a state officer or employee from lobbying without compensation other than that which he is entitled to receive for performance of his official duties.

According to the above statute, state employees may engage in lobbying as long as they do not receive compensation for that lobbying over and above their compensation for performing their official duties. There are no other statutory restrictions on lobbying by state employees of the executive branch.

Your second question asks about reporting requirements for state employees who lobby. K.S.A. 46-222, which defines "lobbyist," includes the following exception:

(b) Lobbyist shall not include: (1) Any state officer or employee engaged in carrying out the duties of their office . . . (Emphasis added.)

Likewise, K.S.A. 46-225, which defines "lobbying," contains an exception as follows:

(c) "Lobbying" does not include any expenditure from amounts appropriated by the legislature for official hospitality. (Emphasis added.)

While lobbyists are required to register and file certain reports, state employees are not considered lobbyists if they are performing their official duties, and, therefore, they are not required to register or file reports. Additionally, if a state employee uses money from their agency's budget that was appropriated by the Legislature for hospitality, those expenditures for hospitality are not considered lobbying. Therefore, in response to your second question, there are no reporting requirements for state employees who lobby members of the Legislature.

Your third question regarding state employees' consumption of food and beverages is addressed in K.S.A. 2006 Supp. 46-237a, which applies to all employees of the executive branch of state government, and states in pertinent part as follows:

(c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:

- (1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is 'widely attended' when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;
- (2) meals provided at public events in which the person is attending in an official capacity;
- (3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position; and
- (4) food such as soft drinks, coffee or snack foods not offered as part of a meal.

If a state employee attends a function where a meal is provided, the meal must be paid for by the employee or the employee's agency, unless one of the exceptions stated in subsections (1) through (3) apply. Only meals are prohibited by the above statute. Therefore, if the function includes snack foods and beverages, rather than a meal, exception (4) above would apply and the state employee may consume the food without reimbursing the provider.

Your fourth question concerns reporting by lobbyists who provide food and beverages to state employees of the executive branch. K.S.A. 46-269 (c) requires lobbyists to itemize expenditures in certain instances for food and beverages provided to legislators, members of the judicial branch and any employees of the legislative or judicial branch. There is no requirement for a lobbyist to report hospitality in the form of food and beverages provided

to an employee of the executive branch of state government.

The answer to your final question is that there are no reporting requirements for state employees of the executive branch who consume food and drinks provided by lobbyists.

Opinion No. 2007-07

Written March 21, 2007, to Michael Pirner, Campaign Manager for Senator Julia Lynn, Lenexa.

This opinion is in response to your letter received by e-mail on February 6, 2007, 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 Campaign Manager for Senator Julia Lynn, and as a person who maintains e-mail accounts and helps with mailings for other Kansas legislators. You indicate that in your e-mail lists for Senator Lynn, you keep a separate list for lobbyists so that you do not accidentally send them solicitation requests during the legislative session. You also maintain a website for Senator Lynn which includes information on how to donate to her campaign. Each week Senator Lynn e-mails a newsletter that contains legislation updates and information on her activities in the Legislature. Because this newsletter contains a link to the Senator's campaign website, you have not sent the newsletter to any lobbyists. However, you ask for clarification as to whether including the link constitutes a solicitation of contributions which cannot be sent to lobbyists during the legislative session.

Question:

1. May a legislator send an electronic newsletter that contains a link to the legislator's campaign website to a lobbyist during the legislative session?

2. Does any e-mail sent to a lobbyist, which includes a reference to a website containing information on how to make a contribution to a legislator's campaign, constitute solicitation of a contribution even if the e-mail does not include any reference to solicitation of a contribution?

Opinion:

K.S.A. 25-4153a, which limits solicitations of contributions during the legislative session, states as follows:

(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;
- (5) candidate committee of persons described in paragraphs (1) through (4); or

(6) political committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives.

(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).

K.S.A. 2006 Supp. 25-4143(e)(1) defines "contribution" as follows:

"Contribution" means: (A) any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees, or political committees;

(D) the payment, by a person, other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

Your questions depend on whether including a link or reference to a legislator's campaign website in an electronic newsletter or other e-mail message constitutes the soliciting of a contribution from the recipient. The Campaign Finance Act prohibits a legislator from soliciting campaign contributions from lobbyists, and any other person other than an individual, after January 1 and prior to adjournment sine die of the Legislature. The Campaign Finance Act does not directly address the use of e-mails and websites, and does not define the term "solicit."

"Solicit" is defined by *Webster's New World College Dictionary* as "to ask or seek earnestly or pleadingly; appeal to or for." (Third Edition, 1996, p. 1276) *Webster's Third New International Dictionary* defines "solicit" as "to endeavor to obtain by asking or pleading; to seek eagerly or actively." (1993, p. 2169). *Black's Law Dictionary* does not define "solicit" but gives the following definition for "solicitation:" "The act or an instance of requesting or seeking to obtain something; a request or petition." (8th Edition, 2004, p. 1427). These definitions all imply an overt action by a person in order to solicit a contribution.

The mere inclusion of a website link in an e-mail message does not by itself ask for a contribution, unless that website link contains words such as "contribute" or "donate." By "website link" we mean the words and symbols

(continued)

contained in the link, not what is contained in the website that is accessed after clicking on the link. Therefore, we opine that an e-mail message or electronic newsletter that includes a website link to a legislator's campaign, or to another website that provides information for making a contribution, does not solicit a contribution if the e-mail message or newsletter does not ask or encourage the recipient to make a contribution or to click on the link or visit the website to make a contribution, and the link itself does not include words such as "contribute" or "donate."

The response to both of your questions depends on the content of the electronic newsletter or e-mail message and the content of the website link. If the e-mail message, newsletter, or website link refers to making a contribution or invites the recipient to visit a website for the purpose of making a contribution, then it solicits a contribution and would be prohibited by K.S.A. 25-4153a (b) from being sent to a lobbyist, or any other person other than an individual after January 1 and prior to adjournment sine die of the Legislature. If the e-mail message or newsletter contains a website link that does not include words such as "donate" or "contribute," and the e-mail message or newsletter does not invite or encourage the recipient to visit the link for the purpose of making a contribution, then the e-mail message or newsletter is not a solicitation subject to the limitations of K.S.A. 25-4153a (b), and may be sent to anyone, including lobbyists during the legislative session.

Sabrina K. Standifer
Chairwoman

Doc. No. 034258

State of Kansas

Secretary of State

Certification of New State Laws

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register March 29, 2007.)

SENATE BILL No. 83

AN ACT concerning the employment security law; relating to contribution rates; eligibility for benefits; amending K.S.A. 2006 Supp. 44-703, 44-705 and 44-710a and repealing the existing sections.

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

Section 1. On the effective date of this act, K.S.A. 2006 Supp. 44-703 is hereby amended to read as follows: 44-703. As used in this act, unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid or payable by an employer during the calendar year.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three calendar years immediately preceding the computation date as hereinafter defined if the employer has been continuously subject to contributions during those three calendar years and has paid some

wages for employment during each of such years. In determining contribution rates for the calendar year, if an employer has not been continuously subject to contribution for the three calendar years immediately preceding the computation date but has paid wages subject to contributions during only the two calendar years immediately preceding the computation date, such employer's "average annual payroll" shall be the average of the payrolls for those two calendar years.

(3) "Total wages" means the total amount of wages paid or payable by an employer during the calendar year, including that part of remuneration in excess of the limitation prescribed as provided in subsection (o)(1) of this section.

(b) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that the base period in respect to combined wage claims means the base period as defined in the law of the paying state.

(1) If an individual lacks sufficient base period wages in order to establish a benefit year in the matter set forth above and satisfies the requirements of subsection (g) of K.S.A. 44-705 and subsection (hh) of K.S.A. 44-703, and amendments thereto, the claimant shall have an alternative base period substituted for the current base period so as not to prevent establishment of a valid claim. For the purposes of this subsection, "alternative base period" means the last four completed quarters immediately preceding the date the qualifying injury occurred. In the event the wages in the alternative base period have been used on a prior claim, then they shall be excluded from the new alternative base period.

(2) For the purposes of this chapter, the term "base period" includes the alternative base period.

(c) (1) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to such individual's unemployment.

(2) "Regular benefits" means benefits payable to an individual under this act or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

(d) "Benefit year" with respect to any individual, means the period beginning with the first day of the first week for which such individual files a valid claim for benefits, and such benefit year shall continue for one full year. In the case of a combined wage claim, the benefit year shall be the benefit year of the paying state. Following the termination of a benefit year, a subsequent benefit year shall commence on the first day of the first week with respect to which an individual next files a claim for benefits. When such filing occurs with respect to a week which overlaps the preceding benefit year, the subsequent benefit year shall commence on the first day immediately following the expiration date of the preceding benefit year. Any claim for benefits made in accordance with subsection (a) of K.S.A. 44-709, and amendments thereto, shall be deemed to be a "valid claim" for the purposes of this subsection if the individual has been paid wages for insured work as required under subsection (e) of K.S.A. 44-705 and amendments thereto. Whenever a week of unemployment overlaps two benefit years, such week shall, for the purpose of granting waiting-period credit or benefit payment with respect thereto, be deemed to be a week of unemployment within that benefit year in which the greater part of such week occurs.

(e) "Commissioner" or "secretary" means the secretary of labor.

(f) (1) "Contributions" means the money payments to the state employment security fund which are required to be made by employers on account of employment under K.S.A. 44-710, and amendments thereto, and voluntary payments made by employers pursuant to such statute.

(2) "Payments in lieu of contributions" means the money payments to the state employment security fund from employers which are required to make or which elect to make such payments under subsection (e) of K.S.A. 44-710 and amendments thereto.

(g) "Employing unit" means any individual or type of organization, including any partnership, association, limited liability company, agency or department of the state of Kansas and political subdivisions thereof, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign including nonprofit corporations, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representatives of a deceased person, which has in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the employment.

(h) "Employer" means:

(1) (A) Any employing unit for which agricultural labor as defined in subsection (w) of this section is performed and which during any calendar quarter in either the current or preceding calendar year paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor or for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

(B) For the purpose of this subsection (h)(1), any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader if:

(i) Such crew leader holds a valid certificate of registration under the federal migrant and seasonal agricultural workers protection act or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment or any other mechanized equipment, which is provided by such crew leader; and

(ii) such individual is not in the employment of such other person within the meaning of subsection (i) of this section.

(C) For the purpose of this subsection (h)(1), in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on the crew leader's own behalf or on behalf of such other person, for the service in agricultural labor performed for such other person.

(D) For the purposes of this subsection (h)(1) "crew leader" means an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other person;

(ii) pays, either on such individual's own behalf or on behalf of such other person, the individuals so furnished by such individual for the service in agricultural labor performed by them; and

(iii) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(2) (A) Any employing unit which: ~~(i)~~ for calendar year 2007 and each calendar year thereafter: (i) In any calendar quarter in either the current or preceding calendar year paid for service in employment wages of \$1,500 or more, ~~or~~ (ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or preceding calendar year, had in employment at least one individual, whether or not the same individual was in employment in each such day or (iii) elects to have an unemployment tax account established at the time of initial registration in accordance with subsection (c) of K.S.A. 44-711, and amendments thereto.

(B) Employment of individuals to perform domestic service or agricultural labor and wages paid for such service or labor shall not be considered in determining whether an employing unit meets the criteria of this subsection (h)(2).

(3) Any employing unit for which service is employment as defined in subsection (i)(3)(E) of this section.

(4) (A) Any employing unit, whether or not it is an employing unit under subsection (g) of this section, which acquires or in any manner succeeds to (i) substantially all of the employing enterprises, organization, trade or business, or (ii) substantially all the assets, of another employing unit which at the time of such acquisition was an employer subject to this act;

(B) any employing unit which is controlled substantially, either directly or indirectly by legally enforceable means or otherwise, by the same interest or interests, whether or not such interest or interests are an employing unit under subsection (g) of this section, which acquires or in any manner succeeds to a portion of an employer's annual payroll, which is less than 100% of such employer's annual payroll, and which intends to continue the acquired portion as a going business.

(5) Any employing unit which paid cash remuneration of \$1,000 or more in any calendar quarter in the current or preceding calendar year to individuals employed in domestic service as defined in subsection (aa) of this section.

(6) Any employing unit which having become an employer under this subsection (h) has not, under subsection (b) of K.S.A. 44-711, and amendments thereto, ceased to be an employer subject to this act.

(7) Any employing unit which has elected to become fully subject to this act in accordance with subsection (c) of K.S.A. 44-711 and amendments thereto.

(8) Any employing unit not an employer by reason of any other paragraph of this subsection (h), for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; or which, as a condition for approval of this act for full tax credit against the tax imposed by the federal unemployment tax act, is required, pursuant to such act, to be an "employer" under this act.

(9) Any employing unit described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income tax under section 501(a) of the code that had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(i) "Employment" means:

(1) Subject to the other provisions of this subsection, service, including service in interstate commerce, performed by

(A) Any active officer of a corporation; or

(continued)

(B) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

(C) any individual other than an individual who is an employee under subsection (i)(1)(A) or subsection (i)(1)(B) above who performs services for remuneration for any person:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for such individual's principal; or

(ii) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, a principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of subsection (i)(1)(D), the term "employment" shall include services described in paragraphs (i) and (ii) above only if:

(a) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(b) the individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(c) the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term "employment" shall include an individual's entire service within the United States, even though performed entirely outside this state if,

(A) The service is not localized in any state, and

(B) the individual is one of a class of employees who are required to travel outside this state in performance of their duties, and

(C) the individual's base of operations is in this state, or if there is no base of operations, then the place from which service is directed or controlled is in this state.

(3) The term "employment" shall also include:

(A) Services performed within this state but not covered by the provisions of subsection (i)(1) or subsection (i)(2) shall be deemed to be employment subject to this act if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(B) Services performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act only if the individual performing such services is a resident of this state and the secretary approved the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(C) Services covered by an arrangement pursuant to subsection (l) of K.S.A. 44-714, and amendments thereto, between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the secretary has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(D) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the secretary that: (i) Such individual has been and will continue to be free from control or direction over the performance of such services, both under the individual's contract of hire and in fact; and (ii) such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed.

(E) Service performed by an individual in the employ of this state or any instrumentality thereof, any political subdivision of this state or any instrumentality thereof, or in the employ of an Indian tribe, as defined pursuant to section 3306(u) of the federal unemployment tax act, any instrumentality of more than one of the foregoing or any instrumentality which is jointly owned by this state or a political subdivision thereof or Indian tribes and one or more other states or political subdivisions of this or other states, provided that such service is excluded from "employment" as defined in the federal unemployment tax act by reason of section 3306(c)(7) of that act and is not excluded from "employment" under subsection (i)(4)(A) of this section. For purposes of this section, the exclusions from employment in subsections (i)(4)(A) and (i)(4)(L) shall also be applicable to services performed in the employ of an Indian tribe.

(F) Service performed by an individual in the employ of a religious, charitable, educational or other organization which is excluded from the term "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c)(8) of that act, and is not excluded from employment under paragraphs (I) through (M) of subsection (i)(4).

(G) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States except in Canada, in the employ of an American employer (other than service which is deemed "employment" under the provisions of subsection (i)(2) or subsection (i)(3) or the parallel provisions of another state's law), if:

(i) The employer's principal place of business in the United States is located in this state; or

(ii) the employer has no place of business in the United States, but

(A) The employer is an individual who is a resident of this state; or

(B) the employer is a corporation which is organized under the laws of this state; or

(C) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) none of the criteria of paragraphs (i) and (ii) above of this subsection (i)(3)(G) are met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(H) An "American employer," for purposes of subsection (i)(3)(G), means a person who is:

(i) An individual who is a resident of the United States; or

(ii) a partnership if $\frac{2}{3}$ or more of the partners are residents of the United States; or

(iii) a trust, if all of the trustees are residents of the United States; or

(iv) a corporation organized under the laws of the United States or of any state.

(I) Notwithstanding subsection (i)(2) of this section, all service performed by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office, from which the operations of such vessel or aircraft operating within, or within and

without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(J) Notwithstanding any other provisions of this subsection (i), service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this act.

(K) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

(4) The term "employment" shall not include: (A) Service performed in the employ of an employer specified in subsection (h)(3) of this section if such service is performed by an individual in the exercise of duties:

- (i) As an elected official;
- (ii) as a member of a legislative body, or a member of the judiciary, of a state, political subdivision or of an Indian tribe;
- (iii) as a member of the state national guard or air national guard;
- (iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;
- (v) in a position which, under or pursuant to the laws of this state or tribal law, is designated as a major nontenured policymaking or advisory position or as a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week;

(B) service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(C) service performed by an individual in the employ of such individual's son, daughter or spouse, and service performed by a child under the age of 21 years in the employ of such individual's father or mother;

(D) service performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act, except that to the extent that the congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this state shall not be certified for any year by the federal security agency under section 3304(c) of the federal internal revenue code of 1986, the payments required of such instrumentalities with respect to such year shall be refunded by the secretary from the fund in the same manner and within the same period as is provided in subsection (f) of K.S.A. 44-717, and amendments thereto, with respect to contributions erroneously collected;

(E) service covered by an arrangement between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(F) service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(G) service performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(H) service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the federal internal revenue code of 1986 (other than an organization described in section 401(a) or under section 521 of such code) if the remuneration for such service is less than \$50. In construing the application of the term "employment," if services performed during ½ or more of any pay period by an individual for the person employing such individual constitute employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than ½ of any such pay period by an individual for the person employing such individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection (i)(4)(H) the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the individual by the person employing such individual. This subsection (i)(4)(H) shall not be applicable with respect to services with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(I) services performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(J) service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of such individual's ministry or by a member of a religious order in the exercise of duties required by such order;

(K) service performed in a facility conducted for the purpose of carrying out a program of:

- (i) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or
- (ii) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

(L) service performed as part of an employment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training;

(M) service performed by an inmate of a custodial or correctional institution;

(N) service performed, in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university;

(O) service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection (i)(4)(O) shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(P) service performed in the employ of a hospital licensed, certified or approved by the secretary of health and environment, if such service is performed by a patient of the hospital;

(continued)

(Q) services performed as a qualified real estate agent. As used in this subsection (i)(4)(Q) the term "qualified real estate agent" means any individual who is licensed by the Kansas real estate commission as a salesperson under the real estate brokers' and salespersons' license act and for whom:

(i) Substantially all of the remuneration, whether or not paid in cash, for the services performed by such individual as a real estate salesperson is directly related to sales or other output, including the performance of services, rather than to the number of hours worked; and

(ii) the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for state tax purposes;

(R) services performed for an employer by an extra in connection with any phase of motion picture or television production or television commercials for less than 14 days during any calendar year. As used in this subsection, the term "extra" means an individual who pantomimes in the background, adds atmosphere to the set and performs such actions without speaking and "employer" shall not include any employer which is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(S) services performed by an oil and gas contract pumper. As used in this subsection (i)(4)(S), "oil and gas contract pumper" means a person performing pumping and other services on one or more oil or gas leases, or on both oil and gas leases, relating to the operation and maintenance of such oil and gas leases, on a contractual basis for the operators of such oil and gas leases and "services" shall not include services performed for a governmental entity or any organization described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(T) service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is \$200 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if:

(i) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or

(ii) such individual was regularly employed, as determined under subparagraph (i), by such employer in the performance of such service during the preceding calendar quarter.

Such excluded service shall not include any services performed for an employer which is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(U) service which is performed by any person who is a member of a limited liability company and which is performed as a member or manager of that limited liability company; and

(V) services performed as a qualified direct seller. The term "direct seller" means any person if:

(i) Such person:

(a) is engaged in the trade or business of selling or soliciting the sale of consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise rather than in a permanent retail establishment; or

(b) is engaged in the trade or business of selling or soliciting the sale of consumer products in the home or otherwise than in a permanent retail establishment;

(ii) substantially all the remuneration whether or not paid in cash for the performance of the services described in subparagraph (i) is directly related to sales or other output including the performance of services rather than to the number of hours worked;

(iii) the services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee for federal and state tax purposes;

(iv) for purposes of this act, a sale or a sale resulting exclusively from a solicitation made by telephone, mail, or other telecommunications method, or other nonpersonal method does not satisfy the requirements of this subsection;

(W) service performed as an election official or election worker, if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000; and

(X) service performed by agricultural workers who are aliens admitted to the United States to perform labor pursuant to section 1101 (a)(15)(H)(ii)(a) of the immigration and nationality act.

(j) "Employment office" means any office operated by this state and maintained by the secretary of labor for the purpose of assisting persons to become employed.

(k) "Fund" means the employment security fund established by this act, to which all contributions and reimbursement payments required and from which all benefits provided under this act shall be paid and including all money received from the federal government as reimbursements pursuant to section 204 of the federal-state extended compensation act of 1970, and amendments thereto.

(l) "State" includes, in addition to the states of the United States of America, any dependency of the United States, the Commonwealth of Puerto Rico, the District of Columbia and the Virgin Islands.

(m) "Unemployment." An individual shall be deemed "unemployed" with respect to any week during which such individual performs no services and with respect to which no wages are payable to such individual, or with respect to any week of less than full-time work if the wages payable to such individual with respect to such week are less than such individual's weekly benefit amount.

(n) "Employment security administration fund" means the fund established by this act, from which administrative expenses under this act shall be paid.

(o) "Wages" means all compensation for services, including commissions, bonuses, back pay and the cash value of all remuneration, including benefits, paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, shall be estimated and determined in accordance with rules and regulations prescribed by the secretary. Compensation payable to an individual which has not been actually received by that individual within 21 days after the end of the pay period in which the compensation was earned shall be considered to have been paid on the 21st day after the end of that pay period. Effective January 1, 1986, gratuities, including tips received from persons other than the employing unit, shall be considered wages when reported in writing to the employer by the employee. Employees must furnish a written statement to the employer, reporting all tips received if they total \$20 or more for a calendar month whether the tips are received directly from a person other than the employer or are paid over to the employee by the employer. This includes amounts designated as tips by a customer who uses a credit

card to pay the bill. Notwithstanding the other provisions of this subsection (o), wages paid in back pay awards or settlements shall be allocated to the week or weeks and reported in the manner as specified in the award or agreement, or, in the absence of such specificity in the award or agreement, such wages shall be allocated to the week or weeks in which such wages, in the judgment of the secretary, would have been paid. The term "wages" shall not include:

(1) That part of the remuneration which has been paid in a calendar year to an individual by an employer or such employer's predecessor in excess of \$3,000 for all calendar years prior to 1972, \$4,200 for the calendar years 1972 to 1977, inclusive, \$6,000 for calendar years 1978 to 1982, inclusive, \$7,000 for the calendar year 1983, and \$8,000 with respect to employment during any calendar year following 1983, except that if the definition of the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of \$8,000 paid to an individual by an employer under the federal act during any calendar year, wages shall include remuneration paid in a calendar year to an individual by an employer subject to this act or such employer's predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this subsection (o)(1), the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) the amount of any payment (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of such employee's dependents under a plan or system established by an employer which makes provisions for employees generally, for a class or classes of employees or for such employees or a class or classes of employees and their dependents, on account of (A) sickness or accident disability, except in the case of any payment made to an employee or such employee's dependents, this subparagraph shall exclude from the term "wages" only payments which are received under a workers compensation law. Any third party which makes a payment included as wages by reason of this subparagraph (2)(A) shall be treated as the employer with respect to such wages, or (B) medical and hospitalization expenses in connection with sickness or accident disability, or (C) death;

(3) any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

(4) any payment made to, or on behalf of, an employee or such employee's beneficiary:

(A) From or to a trust described in section 401(a) of the federal internal revenue code of 1986 which is exempt from tax under section 501(a) of the federal internal revenue code of 1986 at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust;

(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a) of the federal internal revenue code of 1986;

(C) under a simplified employee pension as defined in section 408(k)(1) of the federal internal revenue code of 1986, other than any contribution described in section 408(k)(6) of the federal internal revenue code of 1986;

(D) under or to an annuity contract described in section 403(b) of the federal internal revenue code of 1986, other than a payment for the purchase of such contract which was made by

reason of a salary reduction agreement whether evidenced by a written instrument or otherwise;

(E) under or to an exempt governmental deferred compensation plan as defined in section 3121(v)(3) of the federal internal revenue code of 1986;

(F) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this subparagraph to take into account some portion or all of the increase in the cost of living, as determined by the secretary of labor, since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3(2)(B)(ii) of the federal employee retirement income security act of 1974; or

(G) under a cafeteria plan within the meaning of section 125 of the federal internal revenue code of 1986;

(5) the payment by an employing unit (without deduction from the remuneration of the employee) of the tax imposed upon an employee under section 3101 of the federal internal revenue code of 1986 with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(6) remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

(7) remuneration paid to or on behalf of an employee if and to the extent that at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 of the federal internal revenue code of 1986 relating to moving expenses;

(8) any payment or series of payments by an employer to an employee or any of such employee's dependents which is paid:

(A) Upon or after the termination of an employee's employment relationship because of (i) death or (ii) retirement for disability; and

(B) under a plan established by the employer which makes provisions for employees generally, a class or classes of employees or for such employees or a class or classes of employees and their dependents, other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated;

(9) remuneration for agricultural labor paid in any medium other than cash;

(10) any payment made, or benefit furnished, to or for the benefit of an employee if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 129 of the federal internal revenue code of 1986 which relates to dependent care assistance programs;

(11) the value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119 of the federal internal revenue code of 1986;

(12) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died;

(13) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 74(c), 117 or 132 of the federal internal revenue code of 1986;

(14) any payment made, or benefit furnished, to or for the benefit of an employee, if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under

(continued)

section 127 of the federal internal revenue code of 1986 relating to educational assistance to the employee; or

(15) any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 106(d) of the federal internal revenue code of 1986 relating to health savings accounts.

Nothing in any paragraph of subsection (o), other than paragraph (1), shall exclude from the term "wages": (1) Any employer contribution under a qualified cash or deferred arrangement, as defined in section 401(k) of the federal internal revenue code of 1986, to the extent that such contribution is not included in gross income by reason of section 402(a)(8) of the federal internal revenue code of 1986; or (2) any amount treated as an employer contribution under section 414(h)(2) of the federal internal revenue code of 1986.

Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this section as of the later of when the services are performed or when there is no substantial risk of forfeiture of the rights to such amount. Any amount taken into account as wages by reason of this paragraph, and the income attributable thereto, shall not thereafter be treated as wages for purposes of this section. For purposes of this paragraph, the term "nonqualified deferred compensation plan" means any plan or other arrangement for deferral of compensation other than a plan described in subsection (o)(4).

(p) "Week" means such period or periods of seven consecutive calendar days, as the secretary may by rules and regulations prescribe.

(q) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30 or December 31, or the equivalent thereof as the secretary may by rules and regulations prescribe.

(r) "Insured work" means employment for employers.

(s) "Approved training" means any vocational training course or course in basic education skills approved by the secretary or a person or persons designated by the secretary.

(t) "American vessel" or "American aircraft" means any vessel or aircraft documented or numbered or otherwise registered under the laws of the United States; and any vessel or aircraft which is neither documented or numbered or otherwise registered under the laws of the United States nor documented under the laws of any foreign country, if its crew performs service solely for one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(u) "Institution of higher education," for the purposes of this section, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized in this state to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(4) is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection (u), all colleges and universities in this state are institutions of higher education for purposes of this section, except that no college, university, junior college or other postsecondary school or institution which is operated by the federal government or any agency thereof shall be an institution of higher education for purposes of the employment security law.

(v) "Educational institution" means any institution of higher education, as defined in subsection (u) of this section, or any institution, except private for profit institutions, in which participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher and which is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school or to an Indian tribe in the operation of an educational institution. The courses of study or training which an educational institution offers may be academic, technical, trade or preparation for gainful employment in a recognized occupation.

(w) (1) "Agricultural labor" means any remunerated service:

(A) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife.

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operating, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(C) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section (15)(g) of the agricultural marketing act, as amended (46 Stat. 1500, sec. 3; 12 U.S.C. 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(D) (i) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than 1/2 of the commodity with respect to which such service is performed;

(ii) in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in paragraph (i) above of this subsection (w)(1)(D), but only if such operators produced more than 1/2 of the commodity with respect to which such service is performed;

(iii) the provisions of paragraphs (i) and (ii) above of this subsection (w)(1)(D) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(E) On a farm operated for profit if such service is not in the course of the employer's trade or business.

(2) "Agricultural labor" does not include service performed prior to January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the federal immigration and nationality act.

(3) As used in this subsection (w), the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(4) For the purpose of this section, if an employing unit does not maintain sufficient records to separate agricultural labor from other employment, all services performed during any pay period by an individual for the person employing such individual shall be deemed to be agricultural labor if services performed during ½ or more of such pay period constitute agricultural labor; but if the services performed during more than ½ of any such pay period by an individual for the person employing such individual do not constitute agricultural labor, then none of the services of such individual for such period shall be deemed to be agricultural labor. As used in this subsection (w), the term "pay period" means a period of not more than 31 consecutive days for which a payment of remuneration is ordinarily made to the individual by the person employing such individual.

(x) "Reimbursing employer" means any employer who makes payments in lieu of contributions to the employment security fund as provided in subsection (e) of K.S.A. 44-710 and amendments thereto.

(y) "Contributing employer" means any employer other than a reimbursing employer or rated governmental employer.

(z) "Wage combining plan" means a uniform national arrangement approved by the United States secretary of labor in consultation with the state unemployment compensation agencies and in which this state shall participate, whereby wages earned in one or more states are transferred to another state, called the "paying state," and combined with wages in the paying state, if any, for the payment of benefits under the laws of the paying state and as provided by an arrangement so approved by the United States secretary of labor.

(aa) "Domestic service" means any service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority, as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(bb) "Rated governmental employer" means any governmental entity which elects to make payments as provided by K.S.A. 44-710d and amendments thereto.

(cc) "Benefit cost payments" means payments made to the employment security fund by a governmental entity electing to become a rated governmental employer.

(dd) "Successor employer" means any employer, as described in subsection (h) of this section, which acquires or in any manner succeeds to (1) substantially all of the employing enterprises, organization, trade or business of another employer or (2) substantially all the assets of another employer.

(ee) "Predecessor employer" means an employer, as described in subsection (h) of this section, who has previously operated a business or portion of a business with employment to which another employer has succeeded.

(ff) "Lessor employing unit" means any independently established business entity which engages in the business of providing leased employees to a client lessee.

(gg) "Client lessee" means any individual, organization, partnership, corporation or other legal entity leasing employees from a lessor employing unit.

(hh) "Qualifying injury" means a personal injury by accident arising out of and in the course of employment within the coverage of the Kansas workers compensation act, K.S.A. 44-501 *et seq.*, and amendments thereto.

Sec. 2. On July 1, 2007, K.S.A. 2006 Supp. 44-705 is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-757 and amendments thereto, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

(a) The claimant has registered for work at and thereafter continued to report at an employment office in accordance with rules and regulations adopted by the secretary, except that, subject to the provisions of subsection (a) of K.S.A. 44-704 and amendments thereto, the secretary may adopt rules and regulations which waive or alter either or both of the requirements of this subsection (a).

(b) The claimant has made a claim for benefits with respect to such week in accordance with rules and regulations adopted by the secretary.

(c) The claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations for which the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits because of the claimant's enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974.

For the purposes of this subsection, an inmate of a custodial or correctional institution shall be deemed to be unavailable for work and not eligible to receive unemployment compensation while incarcerated.

(d) (1) *Except as provided further*, the claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has satisfied the requirement for a waiting period of one week under the shared work unemployment compensation program as provided in subsection (k)(4) of K.S.A. 44-757 and amendments thereto, which period of one week, in either case, occurs within the benefit year which includes the week for which the claimant is claiming benefits. No week shall be counted as a week of unemployment for the purposes of this subsection (d):

(1) (A) If benefits have been paid for such week;

(2) (B) if the individual fails to meet with the other eligibility requirements of this section; or

(3) (C) if an individual is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such state or of the United States finally determines that the claimant is not entitled to unemployment benefits under such other law, this subsection (d)(3) shall not apply.

(2) *The waiting week requirement of paragraph (1) shall not apply to new claims, filed on or after July 1, 2007, by claimants who become unemployed as a result of an employer terminating business operations within this state, declaring bankruptcy or initiating a work force reduction pursuant to public law 100-379, the federal worker adjustment and retraining notification act (29 U.S.C. 2101 through 2109), as amended. The secretary shall adopt rules and regulations to administer the provisions of this paragraph.*

(3) *A claimant shall become eligible to receive compensation for the waiting period of one week, pursuant to paragraph (1), upon completion of three weeks of unemployment consecutive to such waiting period.*

(e) For benefit years established on and after the effective date of this act, the claimant has been paid total wages for insured work in the claimant's base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's base period, except that the wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date on which such individual filed a valid initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has returned to work and subsequently earned wages for insured

(continued)

work in an amount equal to at least eight times the claimant's current weekly benefit amount.

(f) The claimant participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the secretary, unless the secretary determines that: (1) The individual has completed such services; or (2) there is justifiable cause for the claimant's failure to participate in such services.

(g) The claimant is returning to work after a qualifying injury and has been paid total wages for insured work in the claimant's alternative base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's alternative base period if:

(1) The claimant has filed for benefits within four weeks of being released to return to work by a licensed and practicing health care provider.

(2) The claimant files for benefits within 24 months of the date the qualifying injury occurred.

(3) The claimant attempted to return to work with the employer where the qualifying injury occurred, but the individual's regular work or comparable and suitable work was not available.

Sec. 3. On the effective date of this act, K.S.A. 2006 Supp. 44-710a is hereby amended to read as follows: 44-710a. (a) *Classification of employers by the secretary.* The term "employer" as used in this section refers to contributing employers. The secretary shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts with a view of fixing such contribution rates as will reflect such experience. If, as of the date such classification of employers is made, the secretary finds that any employing unit has failed to file any report required in connection therewith, or has filed a report which the secretary finds incorrect or insufficient, the secretary shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to the secretary at the time, and notify the employing unit thereof by mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report as the case may be, within 15 days after the mailing of such notice, the secretary shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increase but not to reduction on the basis of subsequently ascertained information. The secretary shall determine the contribution rate of each employer in accordance with the requirements of this section.

(1) *New employers.* (A) No employer will be eligible for a rate computation until there have been 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account.

(B) (i) *For the rate year 2007 and each rate year thereafter, each employer who is not eligible for a rate contribution shall pay contributions equal to 4% of wages paid during each calendar year with regard to employment except such employers engaged in the construction industry shall pay a rate equal to 6%.*

(ii) *For rate years prior to 2007, employers who are not eligible for a rate computation shall pay contributions at an assigned rate equal to the sum of 1% plus the greater of the average rate assigned in the preceding calendar year to all employers in such industry sector or the average rate assigned to all covered employers during the preceding calendar year, except that in no instance shall any such assigned rate be less than 2%. Employers engaged in more than one type of industrial activity shall be*

classified by principal activity. All rates assigned will remain in effect for a complete calendar year. If the sale or acquisition of a new establishment would require reclassification of the employer to a different industry sector, the employer would be promptly notified, and the contribution rate applicable to the new industry sector would become effective the following January 1.

(iii) For purposes of this subsection (a), employers shall be classified by industrial activity in accordance with standard procedures as set forth in rules and regulations adopted by the secretary.

(C) "Computation date" means June 30 of each calendar year with respect to rates of contribution applicable to the calendar year beginning with the following January 1. In arriving at contribution rates for each calendar year, contributions paid on or before July 31 following the computation date for employment occurring on or prior to the computation date shall be considered for each contributing employer who has been subject to this act for a sufficient period of time to have such employer's rate computed under this subsection (a).

(2) *Eligible employers.* (A) A reserve ratio shall be computed for each eligible employer by the following method: Total benefits charged to the employer's account for all past years shall be deducted from all contributions paid by such employer for all such years. The balance, positive or negative, shall be divided by the employer's average annual payroll, and the result shall constitute the employer reserve ratio.

(B) Negative account balance employers as defined in subsection (d) shall pay contributions at the rate of 5.4% for each calendar year.

(C) Eligible employers, other than negative account balance employers, who do not meet the average annual payroll requirements as stated in subsection (a)(2) of K.S.A. 44-703, and amendments thereto, will be issued the maximum rate indicated in subsection (a)(3)(C) of this section until such employer establishes a new period of 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account by resuming the payment of wages. Contribution rates effective for each calendar year thereafter shall be determined as prescribed below.

(D) As of each computation date, the total of the taxable wages paid during the 12-month period prior to the computation date by all employers eligible for rate computation, except negative account balance employers, shall be divided into 51 approximately equal parts designated in column A of schedule I as "rate groups," except, with regard to a year in which the taxable wage base changes. The taxable wages used in the calculation for such a year and the following year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during the entire twelve-month period prior to the computation date. The lowest numbered of such rate groups shall consist of the employers with the most favorable reserve ratios, as defined in this section, whose combined taxable wages paid are less than 1.96% of all taxable wages paid by all eligible employers. Each succeeding higher numbered rate group shall consist of employers with reserve ratios that are less favorable than those of employers in the preceding lower numbered rate groups and whose taxable wages when combined with the taxable wages of employers in all lower numbered rate groups equal the appropriate percentage of total taxable wages designated in column B of schedule I. Each eligible employer, other than a negative account balance employer, shall be assigned an experience factor designated under column C of schedule I in accordance with the rate group to which the employer is assigned on the basis of the employer's reserve ratio and taxable payroll. If an employer's taxable payroll falls into more than one rate group the employer shall be

assigned the experience factor of the lower numbered rate group. If one or more employers have reserve ratios identical to that of the last employer included in the next lower numbered rate group, all such employers shall be assigned the experience factor designated to such last employer, notwithstanding the position of their taxable payroll in column B of schedule I.

SCHEDULE I—Eligible Employers

Column A Rate group	Column B Cumulative taxable payroll	Column C Experience factor (Ratio to total wages)
1	Less than 1.96%	.025%
2	1.96% but less than 3.92	.04
3	3.92 but less than 5.88	.08
4	5.88 but less than 7.84	.12
5	7.84 but less than 9.80	.16
6	9.80 but less than 11.76	.20
7	11.76 but less than 13.72	.24
8	13.72 but less than 15.68	.28
9	15.68 but less than 17.64	.32
10	17.64 but less than 19.60	.36
11	19.60 but less than 21.56	.40
12	21.56 but less than 23.52	.44
13	23.52 but less than 25.48	.48
14	25.48 but less than 27.44	.52
15	27.44 but less than 29.40	.56
16	29.40 but less than 31.36	.60
17	31.36 but less than 33.32	.64
18	33.32 but less than 35.28	.68
19	35.28 but less than 37.24	.72
20	37.24 but less than 39.20	.76
21	39.20 but less than 41.16	.80
22	41.16 but less than 43.12	.84
23	43.12 but less than 45.08	.88
24	45.08 but less than 47.04	.92
25	47.04 but less than 49.00	.96
26	49.00 but less than 50.96	1.00
27	50.96 but less than 52.92	1.04
28	52.92 but less than 54.88	1.08
29	54.88 but less than 56.84	1.12
30	56.84 but less than 58.80	1.16
31	58.80 but less than 60.76	1.20
32	60.76 but less than 62.72	1.24
33	62.72 but less than 64.68	1.28
34	64.68 but less than 66.64	1.32
35	66.64 but less than 68.60	1.36
36	68.60 but less than 70.56	1.40
37	70.56 but less than 72.52	1.44
38	72.52 but less than 74.48	1.48
39	74.48 but less than 76.44	1.52
40	76.44 but less than 78.40	1.56
41	78.40 but less than 80.36	1.60
42	80.36 but less than 82.32	1.64
43	82.32 but less than 84.28	1.68
44	84.28 but less than 86.24	1.72
45	86.24 but less than 88.20	1.76
46	88.20 but less than 90.16	1.80
47	90.16 but less than 92.12	1.84
48	92.12 but less than 94.08	1.88
49	94.08 but less than 96.04	1.92
50	96.04 but less than 98.00	1.96
51	98.00 and over	2.00

(E) Negative account balance employers shall, in addition to paying the rate provided for in subsection (a)(2)(B) of this section, pay a surcharge based on the size of the employer's negative reserve ratio, the calculation which is provided for in subsection (a)(2) of this section. The amount of the surcharge shall be determined from column B of schedule II of this section. Each negative account balance employer who does not satisfy the requirements to have an average annual payroll, as defined by subsection (a)(2) of K.S.A. 44-703, and amendments thereto, shall be assigned a surcharge of 2%. Contribution payments made pursuant to this subsection (a)(2)(E) shall be credited to

the appropriate account of such negative account balance employer.

SCHEDULE II—Surcharge on Negative Accounts

Column A Negative Reserve Ratio	Column B Surcharge as a percent of taxable wages
Less than 2.0%	0.20%
2.0% but less than 4.0	.40
4.0 but less than 6.0	.60
6.0 but less than 8.0	.80
8.0 but less than 10.0	1.00
10.0 but less than 12.0	1.20
12.0 but less than 14.0	1.40
14.0 but less than 16.0	1.60
16.0 but less than 18.0	1.80
18.0 and over	2.00

(3) *Planned yield.* (A) The average required yield shall be determined from schedule III of this section, and the planned yield on total wages in column B of schedule III shall be determined by the reserve fund ratio in column A of schedule III. The reserve fund ratio shall be determined by dividing total assets in the employment security fund provided for in subsection (a) of K.S.A. 44-712, and amendments thereto, excluding all moneys credited to the account of this state pursuant to section 903 of the federal social security act, as amended, which have been appropriated by the state legislature, whether or not withdrawn from the trust fund, and excluding contributions not yet paid on July 31 by total payrolls for contributing employers for the preceding fiscal year which ended June 30.

SCHEDULE III—Fund Control Ratios to Total Wages

Column A Reserve Fund Ratio	Column B Planned Yield
4.500 and over	0.00
4.475 but less than 4.500	0.01
4.450 but less than 4.475	0.02
4.425 but less than 4.450	0.03
4.400 but less than 4.425	0.04
4.375 but less than 4.400	0.05
4.350 but less than 4.375	0.06
4.325 but less than 4.350	0.07
4.300 but less than 4.325	0.08
4.275 but less than 4.300	0.09
4.250 but less than 4.275	0.10
4.225 but less than 4.250	0.11
4.200 but less than 4.225	0.12
4.175 but less than 4.200	0.13
4.150 but less than 4.175	0.14
4.125 but less than 4.150	0.15
4.100 but less than 4.125	0.16
4.075 but less than 4.100	0.17
4.050 but less than 4.075	0.18
4.025 but less than 4.050	0.19
4.000 but less than 4.025	0.20
3.950 but less than 4.000	0.21
3.900 but less than 3.950	0.22
3.850 but less than 3.900	0.23
3.800 but less than 3.850	0.24
3.750 but less than 3.800	0.25
3.700 but less than 3.750	0.26
3.650 but less than 3.700	0.27
3.600 but less than 3.650	0.28
3.550 but less than 3.600	0.29
3.500 but less than 3.550	0.30
3.450 but less than 3.500	0.31
3.400 but less than 3.450	0.32
3.350 but less than 3.400	0.33
3.300 but less than 3.350	0.34
3.250 but less than 3.300	0.35
3.200 but less than 3.250	0.36
3.150 but less than 3.200	0.37

(continued)

3.100 but less than 3.150	0.38
3.050 but less than 3.100	0.39
3.000 but less than 3.050	0.40
2.950 but less than 3.000	0.41
2.900 but less than 2.950	0.42
2.850 but less than 2.900	0.43
2.800 but less than 2.850	0.44
2.750 but less than 2.800	0.45
2.700 but less than 2.750	0.46
2.650 but less than 2.700	0.47
2.600 but less than 2.650	0.48
2.550 but less than 2.600	0.49
2.500 but less than 2.550	0.50
2.450 but less than 2.500	0.51
2.400 but less than 2.450	0.52
2.350 but less than 2.400	0.53
2.300 but less than 2.350	0.54
2.250 but less than 2.300	0.55
2.200 but less than 2.250	0.56
2.150 but less than 2.200	0.57
2.100 but less than 2.150	0.58
2.050 but less than 2.100	0.59
2.000 but less than 2.050	0.60
1.975 but less than 2.000	0.61
1.950 but less than 1.975	0.62
1.925 but less than 1.950	0.63
1.900 but less than 1.925	0.64
1.875 but less than 1.900	0.65
1.850 but less than 1.875	0.66
1.825 but less than 1.850	0.67
1.800 but less than 1.825	0.68
1.775 but less than 1.800	0.69
1.750 but less than 1.775	0.70
1.725 but less than 1.750	0.71
1.700 but less than 1.725	0.72
1.675 but less than 1.700	0.73
1.650 but less than 1.675	0.74
1.625 but less than 1.650	0.75
1.600 but less than 1.625	0.76
1.575 but less than 1.600	0.77
1.550 but less than 1.575	0.78
1.525 but less than 1.550	0.79
1.500 but less than 1.525	0.80
1.475 but less than 1.500	0.81
1.450 but less than 1.475	0.82
1.425 but less than 1.450	0.83
1.400 but less than 1.425	0.84
1.375 but less than 1.400	0.85
1.350 but less than 1.375	0.86
1.325 but less than 1.350	0.87
1.300 but less than 1.325	0.88
1.275 but less than 1.300	0.89
1.250 but less than 1.275	0.90
1.225 but less than 1.250	0.91
1.200 but less than 1.225	0.92
1.175 but less than 1.200	0.93
1.150 but less than 1.175	0.94
1.125 but less than 1.150	0.95
1.100 but less than 1.125	0.96
1.075 but less than 1.100	0.97
1.050 but less than 1.075	0.98
1.025 but less than 1.050	0.99
1.000 but less than 1.025	1.00
0.900 but less than 1.000	1.01
0.800 but less than 0.900	1.02
0.700 but less than 0.800	1.03
0.600 but less than 0.700	1.04
0.500 but less than 0.600	1.05
0.400 but less than 0.500	1.06
0.300 but less than 0.400	1.07
0.200 but less than 0.300	1.08
0.100 but less than 0.200	1.09
Less than 0.100%	1.10

(B) *Adjustment to taxable wages.* The planned yield as a percent of total wages, as determined in this subsection (a)(3), shall

be adjusted to taxable wages by multiplying by the ratio of total wages to taxable wages for all contributing employers for the preceding fiscal year ending June 30, except, with regard to a year in which the taxable wage base changes. The taxable wages used in the calculation for such a year and the following year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during all of the preceding fiscal year ending June 30.

(C) *Effective rates.* (i) Except with regard to rates for negative account balance employers, employer contribution rates to be effective for the ensuing calendar year shall be computed by adjusting proportionately the experience factors from schedule I of this section to the required yield on taxable wages. For the purposes of this subsection (a)(3), all rates computed shall be rounded to the nearest .01% and for calendar year 1983 and ensuing calendar years, the maximum effective contribution rate shall not exceed 5.4%.

(ii) *For rate year 2007 and subsequent rate years, employers who are current in filing quarterly wage reports and in payment of all contributions due and owing, shall be issued a contribution rate based upon the following reduction: for rate groups 1 through 5, the rates would be reduced to 0.00%; for rate groups 6 through 28, the rates would be reduced by 50%; for rate groups 29 through 51, the rates would be reduced by 40%.*

(iii) *In order to be eligible for the reduced rates for rate year 2007, the employer must file all late reports and pay all contributions due and owing within a 30-day period following the date of mailing of the amended rate notice.*

(iv) *In order to be eligible for the reduced rates for rate year 2008 and subsequent rate years, employers must file all reports due and pay all contributions due and owing on or before January 31 of the applicable year, except that the reduced rates for otherwise eligible employers shall not be effective for any rate year if the average high cost multiple of the employment security trust fund balance falls below 1.2 as of the computation date of that year's rates. For the purposes of this provision, the average high cost multiple is the reserve fund ratio, as defined by subsection (a)(3)(A), divided by the average high benefit cost rate. The average high benefit cost rate shall be determined by averaging the three highest benefit cost rates over the last 20 years from the preceding fiscal year which ended June 30. The high benefit cost rate is defined by dividing total benefits paid in the fiscal year by total payrolls for covered employers in the fiscal year.*

(b) *Successor classification.* (1) (A) For the purposes of this subsection (b), whenever an employing unit, whether or not it is an "employing unit" within the meaning of subsection (g) of K.S.A. 44-703, and amendments thereto, becomes an employer pursuant to subsection (h)(4) of K.S.A. 44-703, and amendments thereto, or is an employer at the time of acquisition and meets the definition of a "successor employer" as defined by subsection (dd) of K.S.A. 44-703, and amendments thereto, and thereafter transfers its trade or business, or any portion thereof, to another employer and, at the time of the transfer, there is substantially common ownership, management or control of the two employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. These experience factors consist of all contributions paid, benefit experience and annual payrolls of the predecessor employer. The transfer of some or all of an employer's workforce to another employer shall be considered a transfer of trade or business when, as the result of such transfer, the transferring employer no longer performs trade or business with respect to the transferred workforce, and such trade or business is performed by the employer to whom the workforce is transferred.

(B) If, following a transfer of experience under subparagraph (A), the secretary determines that a substantial purpose of the transfer or business was to obtain a reduced liability for contributions, then the experience rating accounts of the em-

ployers involved shall be combined into a single account and a single rate assigned to such account.

(2) A successor employer as defined by subsection (h)(4) or subsection (dd) of K.S.A. 44-703, and amendments thereto, may receive the experience rating factors of the predecessor employer if an application is made to the secretary or the secretary's designee in writing within 120 days of the date of the transfer.

(3) Whenever an employing unit, whether or not it is an "employing unit" within the meaning of subsection (g) of K.S.A. 44-703, and amendments thereto, acquires or in any manner succeeds to a percentage of an employer's annual payroll which is less than 100% and intends to continue the acquired percentage as a going business, the employing unit may acquire the same percentage of the predecessor's experience factors if: (A) The predecessor employer and successor employing unit make an application in writing on the form prescribed by the secretary, (B) the application is submitted within 120 days of the date of the transfer, (C) the successor employing unit is or becomes an employer subject to this act immediately after the transfer, (D) the percentage of the experience rating factors transferred shall not be thereafter used in computing the contribution rate for the predecessor employer, and (E) the secretary finds that such transfer will not tend to defeat or obstruct the object and purposes of this act.

(4) (A) The rate of both employers in a full or partial successorship under paragraph (1) of this subsection shall be recalculated and made effective on the first day of the next calendar quarter following the date of transfer of trade or business.

(B) If a successor employer is determined to be qualified under paragraph (2) or (3) of this subsection to receive the experience rating factors of the predecessor employer, the rate assigned to the successor employer for the remainder of the contributions year shall be determined by the following:

(i) If the acquiring employing unit was an employer subject to this act prior to the date of the transfer, the rate of contribution shall be the same as the contribution rate of the acquiring employer on the date of the transfer.

(ii) If the acquiring employing unit was not an employer subject to this act prior to the date of the transfer, the successor employer shall have a newly computed rate for the remainder of the contribution year which shall be based on the transferred experience rating factors as they existed on the most recent computation date immediately preceding the date of acquisition. These experience rating factors consist of all contributions paid, benefit experience and annual payrolls.

(5) Whenever an employing unit is not an employer at the time it acquires the trade or business of an employer, the un-employment experience factors of the acquired business shall not be transferred to such employing unit if the secretary finds that such employing unit acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such employing unit shall be assigned the applicable industry rate for a "new employer" as described in subsection (a)(1) of this section. In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the secretary shall use objective factors which may include the cost of acquiring the business, whether the employer continued the business enterprise of the acquired business, how long such business enterprise was continued, or whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted prior to acquisition.

(6) Whenever an employer's account has been terminated as provided in subsections (d) and (e) of K.S.A. 44-711, and amendments thereto, and the employer continues with employment to liquidate the business operations, that employer shall continue to be an "employer" subject to the employment secu-

arity law as provided in subsection (h)(8) of K.S.A. 44-703 and amendments thereto. The rate of contribution from the date of transfer to the end of the then current calendar year shall be the same as the contribution rate prior to the date of the transfer. At the completion of the then current calendar year, the rate of contribution shall be that of a "new employer" as described in subsection (a)(1) of this section.

(7) No rate computation will be permitted an employing unit succeeding to the experience of another employing unit pursuant to this section for any period subsequent to such succession except in accordance with rules and regulations adopted by the secretary. Any such regulations shall be consistent with federal requirements for additional credit allowance in section 3303 of the federal internal revenue code of 1986, and consistent with the provisions of this act.

(c) *Voluntary contributions.* Notwithstanding any other provision of the employment security law, any employer may make voluntary payments for the purpose of reducing or maintaining a reduced rate in addition to the contributions required under this section. Such voluntary payments may be made only during the thirty-day period immediately following the date of mailing of experience rating notices for a calendar year. All such voluntary contribution payments shall be paid prior to the expiration of 120 days after the beginning of the year for which such rates are effective. The amount of voluntary contributions shall be credited to the employer's account as of the next preceding computation date and the employer's rate shall be computed accordingly, except that no employer's rate shall be reduced more than five rate groups as provided in schedule I of this section as the result of a voluntary payment. An employer not having a negative account balance may have such employer's rate reduced not more than five rate groups as provided in schedule I of this section as a result of a voluntary payment. An employer having a negative account balance may have such employer's rate reduced to that prescribed for rate group 51 of schedule I of this section by making a voluntary payment in the amount of such negative account balance or to that rate prescribed for rate groups 50 through 47 of schedule I of this section by making an additional voluntary payment that would increase such employer's reserve ratio to the lower limit required for such rate groups 50 through 47. Under no circumstances shall voluntary payments be refunded in whole or in part.

(d) As used in this section, "negative account balance employer" means an eligible employer whose total benefits charged to such employer's account for all past years have exceeded all contributions paid by such employer for all such years.

(e) The secretary of labor shall annually prepare and submit a certification as to the solvency and adequacy of the amount credited to the state of Kansas' account in the federal employment security trust fund to the governor and the employment security advisory council. The certification shall be submitted on or before December 1 of each calendar year and shall be for the 12-month period ending on June 30 of that calendar year. In arriving at the certification contributions paid on or before July 31 following the 12-month period ending date of June 30 shall be considered. Each certification shall be used to determine the need for any adjustment to schedule III in subsection (a)(3)(A) and to assist in preparing legislation to accomplish any such adjustment.

Sec. 4. On the effective date of this act, K.S.A. 2006 Supp. 44-703 and 44-710a are hereby repealed.

Sec. 5. On July 1, 2007, K.S.A. 2006 Supp. 44-705 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 29, 2007.)

(Published in the Kansas Register March 29, 2007.)

SENATE BILL No. 62

AN ACT restricting the prescribing, ordering, dispensing, administering, selling, supplying or giving certain amphetamine or sympathomimetic amine controlled substances; amending K.S.A. 65-2837a and repealing the existing section.

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

Section 1. K.S.A. 65-2837a is hereby amended to read as follows: 65-2837a. (a) It shall be unlawful for any person licensed to practice medicine and surgery to prescribe, order, dispense, administer, sell, supply or give or for a mid-level practitioner as defined in subsection (ii) of K.S.A. 65-1626 and amendments thereto to prescribe, administer, supply or give any amphetamine or sympathomimetic amine designated in schedule II, III or IV under the uniform controlled substances act, except as provided in this section. Failure to comply with this section by a licensee shall constitute unprofessional conduct under K.S.A. 65-2837 and amendments thereto.

(b) When any licensee prescribes, orders, dispenses, administers, sells, supplies or gives or when any mid-level practitioner as defined in subsection (ii) of K.S.A. 65-1626 and amendments thereto prescribes, administers, sells, supplies or gives any amphetamine or sympathomimetic amine designated in schedule II, III or IV under the uniform controlled substances act, the patient's medical record shall adequately document and the prescription order shall indicate in the licensee's or mid-level practitioner's own handwriting, the purpose for which the drug is being given. Such purpose shall be restricted to one or more of the following:

- (1) The treatment of narcolepsy.
- (2) The treatment of drug-induced brain dysfunction.
- (3) The treatment of hyperkinesia.
- (4) The differential diagnostic psychiatric evaluation of depression.

(5) The treatment of depression shown by adequate medical records and documentation to be unresponsive to other forms of treatment.

(6) The clinical investigation of the effects of such drugs or compounds, in which case, before the investigation is begun, the licensee shall, in addition to other requirements of applicable laws, apply for and obtain approval of the investigation from the board of healing arts.

(7) The treatment of obesity with controlled substances, as may be defined by rules and regulations adopted by the board of healing arts.

(8) The treatment of any other disorder or disease for which such drugs or compounds have been found to be safe and effective by competent scientific research which findings have been generally accepted by the scientific community, in which case, the licensee before prescribing, ordering, dispensing, administering, selling, supplying or giving the drug or compound for a particular condition, or the licensee before authorizing a mid-level practitioner to prescribe the drug or compound for a particular condition, shall obtain a determination from the board of healing arts that the drug or compound can be used for that particular condition.

Sec. 2. K.S.A. 65-2837a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

HOUSE BILL No. 2074

AN ACT concerning juveniles; relating to fingerprints and photographs; amending K.S.A. 2006 Supp. 38-2313 and repealing the existing section.

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

Section 1. K.S.A. 2006 Supp. 38-2313 is hereby amended to read as follows: 38-2313. (a) Fingerprints or photographs shall not be taken of any juvenile who is taken into custody for any purpose, except that:

(1) Fingerprints or photographs of a juvenile may be taken if authorized by a judge of the district court having jurisdiction;

(2) ~~after adjudication, fingerprints and photographs shall be taken of all juvenile offenders adjudicated because of commission of an offense which if committed by an adult would constitute the commission of a felony or any of the following misdemeanor violations: K.S.A. 21-3424, and amendments thereto; criminal restraint, when the victim is less than 18 years of age; subsection (a)(1) of K.S.A. 21-3503, and amendments thereto; indecent liberties with a child, K.S.A. 21-3507, and amendments thereto; adultery, when one of the parties involved is less than 18 years of age, K.S.A. 21-3508, and amendments thereto; lewd and lascivious behavior, subsection (b)(1) of K.S.A. 21-3513, and amendments thereto; promoting prostitution, when one of the parties involved is less than 18 years of age, K.S.A. 21-3517, and amendments thereto; sexual battery, and including an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, to commit a violation of any of the offenses specified in this subsection a juvenile's fingerprints shall be taken, and photographs of a juvenile may be taken, immediately upon taking the juvenile into custody or upon first appearance or in any event before final sentencing, before the court for an offense which, if committed by an adult, would constitute the commission of a felony, a class A or B misdemeanor or assault, as defined by K.S.A. 21-3408, and amendments thereto;~~

(3) fingerprints or photographs of a juvenile may be taken under K.S.A. 21-2501, and amendments thereto, if the juvenile has been: (A) Prosecuted as an adult pursuant to K.S.A. 2006 Supp. 38-2347, and amendments thereto; or (B) taken into custody for an offense described in subsection (n)(1) or (n)(2) of K.S.A. 2006 Supp. 38-2302, and amendments thereto; ~~and~~

(4) fingerprints or photographs ~~may~~ shall be taken of any juvenile admitted to a juvenile correctional facility; ~~and~~

(5) photographs may be taken of any juvenile placed in a juvenile detention facility. Photographs taken under this paragraph shall be used solely by the juvenile detention facility for the purposes of identification, security and protection and shall not be disseminated to any other person or agency except after an escape and necessary to assist in apprehension.

(b) Fingerprints and photographs taken under subsection (a)(1) or (a)(2) shall be kept readily distinguishable from those of persons of the age of majority. Fingerprints and photographs taken under subsections ~~(a)(2)~~, (a)(3) and (a)(4) may be kept in the same manner as those of persons of the age of majority.

(c) Fingerprints and photographs of a juvenile shall not be sent to a state or federal repository, except that:

(1) Fingerprints and photographs may be sent to ~~a~~ the state ~~or~~ and federal repository if authorized by a judge of the district court having jurisdiction; ~~and~~

(2) a juvenile's fingerprints shall, and photographs of a juvenile may, be sent to the state and federal repository if taken under subsection (a)(2) or (a)(4); and

(3) fingerprints or photographs taken under ~~subsections (a)(2); subsection (a)(3) and (a)(4)~~ shall be processed and disseminated in the same manner as those of persons of the age of majority.

(d) Fingerprints or photographs of a juvenile may be furnished to another juvenile justice agency, as defined by K.S.A. 2006 Supp. 38-2325, and amendments thereto, if the other agency has a legitimate need for the fingerprints or photographs.

(e) Any fingerprints or photographs of an alleged juvenile offender taken under the provisions of subsection (a)(2) of K.S.A. 38-1611, prior to its repeal, may be sent to a state or federal repository on or before December 31, 2006.

(f) Any law enforcement agency that willfully fails to submit any fingerprints or photographs required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

(g) The director of the Kansas bureau of investigation shall adopt any rules and regulations necessary to implement, administer and enforce the provisions of this section, including time limits within which fingerprints shall be sent to a state or federal repository when required by this section.

(h) Nothing in this section shall preclude the custodian of a juvenile from authorizing photographs or fingerprints of the juvenile to be used in any action under the Kansas parentage act.

Sec. 2. K.S.A. 2006 Supp. 38-2313 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 29, 2007.)

SENATE BILL No. 63

AN ACT concerning filling prescriptions; amending K.S.A. 2006 Supp. 65-1637 and repealing the existing section.

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

Section 1. K.S.A. 2006 Supp. 65-1637 is hereby amended to read as follows: 65-1637. In every store, shop or other place defined in this act as a "pharmacy" there shall be a pharmacist in charge and, except as otherwise provided by law, the compounding and dispensing of prescriptions shall be limited to pharmacists only. Except as otherwise provided by the pharmacy act of this state, when a pharmacist is not in attendance at a pharmacy, the premises shall be enclosed and secured. Prescription orders may be written, oral, telephonic or by electronic transmission unless prohibited by law. Blank forms for written prescription orders may have two signature lines. If there are two lines, one signature line shall state: "Dispense as written" and the other signature line shall state: "Brand exchange permissible." Prescriptions shall only be filled or refilled in accordance with the following requirements:

(a) All prescriptions shall be filled in strict conformity with any directions of the prescriber, except that a pharmacist who receives a prescription order for a brand name drug product may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:

(1) The prescriber, in the case of a prescription signed by the prescriber and written on a blank form containing two signature lines, signs the signature line following the statement "dispense as written," or

(2) the prescriber, in the case of a prescription signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" on the prescription, or

(3) the prescriber, in the case of a prescription other than one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated, or

(4) the federal food and drug administration has determined that a drug product of the same generic name is not bioequivalent to the prescribed brand name prescription medication.

(b) Prescription orders shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be dispensed by the pharmacist. This record, if telephoned by other than the physician shall bear the name of the person so telephoning. Nothing in this paragraph shall be construed as altering or affecting in any way laws of this state or any federal act requiring a written prescription order.

(c) (1) Except as provided in paragraph (2), no prescription shall be refilled unless authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filled by the pharmacist.

(2) A pharmacist may refill a prescription order issued on or after the effective date of this act for any prescription drug except a drug listed on schedule II of the uniform controlled substances act or a narcotic drug listed on any schedule of the uniform controlled substances act without the prescriber's authorization when all reasonable efforts to contact the prescriber have failed and when, in the ~~pharmacists'~~ pharmacist's professional judgment, continuation of the medication is necessary for the patient's health, safety and welfare. Such prescription refill shall only be in an amount judged by the pharmacist to be sufficient to maintain the patient until the prescriber can be contacted, but in no event shall a refill under this paragraph be more than a seven day supply or one package of the drug. However, if the prescriber states on a prescription that there shall be no emergency refilling of that prescription, then the pharmacist shall not dispense any emergency medication pursuant to that prescription. A pharmacist who refills a prescription order under this subsection (c)(2) shall contact the prescriber of the prescription order on the next business day subsequent to the refill or as soon thereafter as possible. No pharmacist shall be required to refill any prescription order under this subsection (c)(2). A prescriber shall not be subject to liability for any damages resulting from the refilling of a prescription order by a pharmacist under this subsection (c)(2) unless such damages are occasioned by the gross negligence or willful or wanton acts or omissions by the prescriber.

(d) If any prescription order contains a provision that the prescription may be refilled a specific number of times within or during any particular period, such prescription shall not be refilled except in strict conformity with such requirements.

(e) If a prescription order contains a statement that during any particular time the prescription may be refilled at will, there shall be no limitation as to the number of times that such prescription may be refilled except that it may not be refilled after the expiration of the time specified or one year after the prescription was originally issued, whichever occurs first, ~~except that a prescription may be refilled after such a one year period if in the opinion of the prescriber continued renewal of the prescription does not present a medical risk to the patient.~~

(f) Any pharmacist who exercises brand exchange and dispenses a less expensive drug product shall not charge the purchaser more than the regular and customary retail price for the dispensed drug.

Nothing contained in this section shall be construed as preventing a pharmacist from refusing to fill or refill any prescription if in the pharmacist's professional judgment and discretion such pharmacist is of the opinion that it should not be filled or refilled.

Sec. 2. K.S.A. 2006 Supp. 65-1637 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 29, 2007.)

SENATE BILL No. 164

AN ACT concerning economic development; relating to qualified industrial manufacturers; prescribing certain transfers; establishing the special qualified industrial manufacturer fund.

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

Section 1. The provisions of this act shall be known as and may be cited as the qualified industrial manufacturer act.

Sec. 2. For the purposes of this act:

(a) "Agreement" means an agreement entered into between the qualified industrial manufacturer and the secretary for benefits under this act.

(b) "Gross compensation" means gross wages and benefits paid to or on behalf of employees receiving wages.

(c) "Qualified industrial manufacturer" means a person, corporation, partnership or other entity engaged in the manufacturing of hydraulics in Reno county, Kansas, that satisfies conditions imposed by the secretary which shall include, among other conditions, that the person, corporation, partnership or other entity meet the requirements of subsection (a) of section 3, and amendments thereto, and anticipates paying at least \$12,500,000 in annual gross compensation to employees located in Kansas and anticipates maintaining such operation for a period of at least ten years.

(d) "Secretary" means the secretary of commerce.

Sec. 3. (a) A qualified industrial manufacturer may be eligible for a period of no more than ten calendar years to receive an amount, not to exceed \$2,000,000 in the aggregate, from the special qualified industrial manufacturer fund.

(b) A qualified industrial manufacturer may apply to the secretary to enter into an agreement for benefits under this act. The application shall include (1) evidence that the applicant is a qualified industrial manufacturer as defined in section 2, and amendments thereto, and (2) that the qualified industrial manufacturer agrees to make certain improvements to such manufacturer's plant located in Hutchinson, Kansas.

(c) Upon receipt of an application described in subsection (b), if the secretary finds that the application is from a qualified industrial manufacturer, the secretary may enter into an agreement with the qualified industrial manufacturer for benefits under this act. The agreement shall commit the secretary to request that for a period of no longer than ten years, at the discretion of the secretary, from the date of the executed agreement, an amount not to exceed \$2,000,000, from the special qualified industrial manufacturer fund created in subsection (d) and shall be transferred by the state treasurer to the qualified industrial manufacturer. The agreement shall set forth the terms and conditions under which the secretary shall direct the state treasurer to transfer revenues in the special qualified industrial manufacturer fund to the qualified industrial manufacturer. In the first three years of the agreement, 90% of the qualified industrial manufacturer's Kansas payroll withholding taxes shall be paid out. In the remaining seven years of the agreement, 40% of the qualified industrial manufacturer's Kansas payroll withholding taxes shall be paid out. In the event the qualified industrial manufacturer fails to comply with the terms and conditions set forth in the agreement, the agreement shall provide that the secretary may terminate the agreement, and the qualified industrial manufacturer shall not be entitled to further distributions from the special qualified industrial manufacturer fund.

(d) The state treasurer shall credit all revenue collected or received from withholding upon Kansas wages paid by a taxpayer which is a qualified industrial manufacturer, as certified by the secretary, to the special qualified industrial manufacturer fund, which fund is hereby created in the custody of the state treasurer, but which fund shall not be a part of the state treasury

or the state general fund. Distributions from the fund shall not be subject to appropriation. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the special qualified industrial manufacturer fund interest earnings based on: (1) The average daily balance of moneys in the special qualified industrial manufacturer fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month. The provisions of this section shall expire when all revenues that, pursuant to the agreement are to be paid to the qualified industrial manufacturer, have been distributed. Moneys credited to the special qualified industrial manufacturer fund in accordance with the foregoing provisions shall be distributed on the order of the secretary. The state treasurer shall make such distributions on such dates as mutually agreed to by the secretary and the state treasurer, serving as paying agent pursuant to the terms of the agreement. The total of all distributions under this section shall not exceed \$2,000,000.

(e) A qualified industrial manufacturer shall not be allowed to participate in the IMPACT act or program pursuant to K.S.A. 74-50,102 et seq., and amendments thereto. The secretary may include provisions in the agreement described in subsection (c) to limit or reduce the amount of eligible credits related to the provisions of this act, including, but not limited to, those allowed pursuant to K.S.A. 79-32,160a or 79-32,182b, and amendments thereto. Nothing in this subsection shall be construed to prohibit the qualified industrial manufacturer from receiving credits allowed by law for any investment not related to the provisions of this act.

(f) The agreement between the qualified industrial manufacturer and the secretary shall be entered into before any benefits may be provided under this act, and shall specify that should the qualified industrial manufacturer fail to comply with the terms set forth in the agreement, the secretary may terminate the agreement, and the qualified industrial manufacturer shall not be entitled to further distributions from the special qualified industrial manufacturer fund.

(g) Benefits authorized pursuant to this act shall not be used to provide for or to increase compensation packages, rewards, bonuses, pensions, enhanced retirement, stock options, buyouts or substantial severance pay or other financial benefits to any chief executive officer, chief financial officer or any officers of the company.

Sec. 4. (a) The secretary shall transmit annually to the governor, the standing committee on commerce of the senate, the standing committee on economic development and tourism of the house of representatives and the joint committee on economic development, or any successor committee, a report, based upon information received from each qualified industrial manufacturer for which benefits have been issued during the preceding year, describing the following: (1) The manner in which the purpose, as described in this act, has been carried out;

(2) an estimate of jobs created and jobs preserved by cash investments made in qualified industrial manufacturers; and

(3) an estimate of the multiplier effect on the Kansas economy of the cash investments made pursuant to this act.

(b) The secretary shall conduct an annual review of the activities undertaken pursuant to this act to ensure that benefits issued pursuant to this act are issued in compliance with the provisions of this act or rules and regulations adopted by the department with respect to this act.

(c) Any violation of the reporting requirements set forth in the agreement shall be grounds for loss of designation as a qualified industrial manufacturer under this section.

(d) If the secretary determines that a qualified industrial manufacturer is not in substantial compliance with the requirements of this act, the secretary, by written notice, shall inform the officers of the qualified industrial manufacturer that such

qualified industrial manufacturer shall lose its designation as a qualified industrial manufacturer unless such qualified industrial manufacturer corrects the deficiencies and is once again in compliance with the requirements for designation.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 29, 2007.)

SENATE BILL No. 191

AN ACT relating to wildlife; concerning big game and wild turkey violations; amending K.S.A. 2006 Supp. 32-1032 and repealing the existing section.

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

Section 1. K.S.A. 2006 Supp. 32-1032 is hereby amended to read as follows: 32-1032. (a) Violation of any provision of the wildlife and parks laws of this state or rules and regulations of the secretary relating to big game or wild turkey permits and game tags, taking big game or wild turkey during a closed season, taking big game or wild turkey in violation of subsections (a)(1), (2) or (7) of K.S.A. 32-1003, and amendments thereto, or taking big game or wild turkey in violation of subsection (a)(2) or (3) of K.S.A. 32-1004, and amendments thereto, or taking big game or wild turkey in violation of K.S.A. 32-1013, and amendments thereto, is a misdemeanor, subject to the provisions of subsection (b), punishable by a fine or by imprisonment in the county jail, or by both.

(1) Upon a first or second conviction for a violation of the wildlife and parks laws of this state or the rules and regulations of the secretary relating to this section, the violator shall not be fined less than \$500 nor more than \$1,000 or be imprisoned in the county jail for not more than six months, or both.

(2) Upon a third conviction for a violation of the wildlife and parks laws of this state or the rules and regulations of the secretary relating to this section, the violator shall not be fined less than \$1,000 and shall be imprisoned in the county jail for not less than 30 days. A third conviction shall be a class B nonperson misdemeanor.

(3) Upon a fourth conviction for a violation of the wildlife and parks laws of this state or the rules and regulations of the secretary relating to this section, the violator shall not be fined less than \$1,000 and shall be imprisoned in the county jail for not less than 60 days. A fourth conviction shall be a class A nonperson misdemeanor.

(4) Upon the fifth or subsequent convictions for a violation of the wildlife and parks laws of the state or the rules and regulations of the secretary relating to this section, the violator shall not be fined less than \$1,000 and shall be imprisoned in the county jail for not less than 90 days. A fifth or subsequent conviction shall be a class A nonperson misdemeanor.

Any conviction for a wildlife violation that occurs before July 1, 2005, shall not be considered for purposes of this subsection.

(b) (1) In addition to any other penalty prescribed by law, the unlawful intentional taking of a trophy big game animal shall be punishable by a fine of \$5,000.

(2) A trophy big game animal shall include any animal meeting the following criteria:

(A) An antlered whitetail deer having an inside spread measurement of at least 17 inches;

(B) an antlered mule deer having an inside spread measurement of at least 22 inches;

(C) an antlered elk having at least six points on one antler; or

(D) an antelope having at least one horn greater than 14 inches in length.

(3) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations that the secretary deems necessary to implement and define the terms of this section.

(c) In addition to any other penalty imposed by the convicting court, if a person is convicted of a violation of K.S.A. 32-1001, 32-1002, 32-1003, 32-1004 or 32-1013, and amendments thereto, that involves taking of a big game animal or wild turkey, or if a person is convicted of a violation of K.S.A. 32-1005, and amendments thereto, that involves commercialization of a big game animal or wild turkey:

(1) Upon the first such conviction, the court may order forfeiture of the person's hunting privileges for one year from the date of conviction and: (A) Revocation of the person's hunting license, unless such license is a lifetime hunting license; or (B) if the person possesses a lifetime hunting license, suspension of such license for one year from the date of conviction.

(2) Upon the second such conviction, the court shall order forfeiture of the person's hunting privileges for three years from the date of conviction and: (A) Revocation of the person's hunting license, unless such license is a lifetime hunting license; or (B) if the person possesses a lifetime hunting license, suspension of such license for three years from the date of conviction.

(3) Upon the third or a subsequent such conviction, the court shall order forfeiture of the person's hunting privileges for five years from the date of conviction and: (A) Revocation of the person's hunting license, unless such license is a lifetime hunting license; or (B) if the person possesses a lifetime hunting license, suspension of such license for five years from the date of conviction.

(d) If a person convicted of a violation described in subsection (c) has been issued a combination hunting and fishing license or a combination lifetime license, only the hunting portion of such license shall be revoked or suspended pursuant to subsection (c).

(e) Nothing in this section shall be construed to prevent a convicting court from suspending a person's hunting privileges or ordering the forfeiture or suspension of the person's license, permit, stamp or other issue of the department for a period longer than provided in this section, if such forfeiture or suspension is otherwise provided for by law.

Sec. 2. K.S.A. 2006 Supp. 32-1032 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Vol-

umes of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION			AGENCY 3: KANSAS STATE TREASURER		
Reg. No.	Action	Register	Reg. No.	Action	Register
1-2-46	Amended	V. 25, p. 1831	1-9-7b	Amended	V. 25, p. 1307
1-2-77	Revoked	V. 25, p. 1832	1-9-18	Revoked	V. 25, p. 1832
1-3-5	New	V. 25, p. 1832	1-9-25	Amended	V. 25, p. 1832
1-3-6	New	V. 25, p. 1832	1-9-26	Amended	V. 25, p. 1833
1-5-8	Amended	V. 25, p. 1305			
1-6-2	Amended	V. 25, p. 1306			
1-6-22a	Amended	V. 25, p. 1306			

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Department of Agriculture from 4-7-213 to 4-19-1.

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Lists regulation 5-24-10.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Secretary of State from 7-17-22 to 7-44-7.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Animal Health Department from 9-32-1 to 9-32-8.

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations for State Conservation Commission from 11-3-1 to 11-4-16.

AGENCY 16: ATTORNEY GENERAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Attorney General from 16-11-1 to 16-11-8.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations for State Fire Marshal from 22-8-2 to 22-8-3.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 22-8-5 to 22-8-17.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Department of Health and Environment from 28-1-2 to 28-73-7.

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Social and Rehabilitation Services from 30-4-64 to 30-31-12.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 30-63-20 to 30-64-24.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Kansas Insurance Department from 40-2-20 to 40-7-24.

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT — MINED-LAND CONSERVATION AND RECLAMATION

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Mined-Land Conservation and Reclamation from 47-2-75 to 47-16-12.

AGENCY 49: DEPARTMENT OF LABOR

Table with 3 columns: Reg. No., Action, Register. Lists regulations for Department of Labor from 49-45-1 to 49-45-30.

49-45-31	Amended	V. 25, p. 1495
49-45-32	Amended	V. 25, p. 1495
49-45-34	Amended	V. 25, p. 1495
49-45-35	New	V. 25, p. 1495
49-45-37	New	V. 25, p. 1495
49-45-38	New	V. 25, p. 1495
49-45a-1	Amended	V. 25, p. 1495
49-47-2	Amended	V. 25, p. 1496
49-49-1	Amended	V. 25, p. 25
49-49-1a	Amended	V. 25, p. 25
49-50-3	Amended	V. 25, p. 1496
49-50-7	Amended	V. 25, p. 1497
49-50-9	Amended	V. 25, p. 1497
49-50-10	Amended	V. 25, p. 1498
49-50-13	Amended	V. 25, p. 1498
49-50-17	Amended	V. 25, p. 1498
49-50-19	Amended	V. 25, p. 1498
49-50-22	Amended	V. 25, p. 1499
49-50-23	New	V. 25, p. 1499
49-50-24	New	V. 25, p. 1499
49-51-3a	Amended	V. 25, p. 1499
49-51-6	Amended	V. 25, p. 1499
49-51-11	Amended	V. 25, p. 1500
49-51-12	Amended	V. 25, p. 1501
49-52-6	Amended	V. 25, p. 1501
49-52-10	Amended	V. 25, p. 1502
49-52-14	Amended	V. 25, p. 1502
49-52-17	Amended	V. 25, p. 1502
49-52-18	New	V. 25, p. 1502
49-52-19	New	V. 25, p. 1502

**AGENCY 50: DEPARTMENT OF LABOR—
DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-3-2a	New	V. 25, p. 1493

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 26, p. 126
63-5-1	Amended	V. 26, p. 126

**AGENCY 66: BOARD OF TECHNICAL
PROFESSIONS**

Reg. No.	Action	Register
66-6-4	Amended	V. 25, p. 1801
66-8-4	Amended	V. 25, p. 44
66-8-8	Amended	V. 25, p. 1802
66-10-1	Amended	V. 25, p. 44
66-10-9	Amended	V. 25, p. 1802
66-10-10a	Amended	V. 25, p. 1802
66-10-11	Amended	V. 25, p. 44
66-10-12	Amended	V. 25, p. 45
66-10-14	Amended	V. 25, p. 45
66-11-2	Amended	V. 25, p. 1802
66-11-5	Amended	V. 25, p. 45

**AGENCY 67: BOARD OF EXAMINERS
IN THE FITTING AND DISPENSING OF
HEARING INSTRUMENTS**

Reg. No.	Action	Register
67-3-5	New (T)	V. 26, p. 202

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 25, p. 1401
68-1-1d	Amended	V. 25, p. 1401
68-1-1f	Amended	V. 25, p. 1401
68-1-1g	New	V. 25, p. 1401
68-2-22	Amended	V. 25, p. 661
68-5-16	New	V. 25, p. 643
68-11-1	Amended	V. 25, p. 1401
68-16-1	through	
68-16-9	New	V. 25, p. 1637-1639

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-8-1	through	
71-8-9	New	V. 25, p. 99, 100

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-1a	Amended	V. 26, p. 126
74-4-7	Amended	V. 25, p. 610

74-4-8	Amended	V. 25, p. 610
74-5-2	Amended	V. 26, p. 127
74-5-101	Amended	V. 26, p. 127
74-5-102	Amended	V. 25, p. 612
73-5-105	Revoked	V. 26, p. 127
74-5-202	Amended	V. 26, p. 127
74-5-203	Amended	V. 25, p. 613
74-5-403	Amended	V. 26, p. 128
74-5-408	New	V. 26, p. 128
74-11-6	Amended	V. 26, p. 128
74-11-7	Amended	V. 25, p. 614

**AGENCY 81: OFFICE OF THE
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81-1-1	Amended	V. 26, p. 20
81-2-1	Amended	V. 25, p. 1057
81-3-1	Amended	V. 25, p. 1058
81-3-2	Amended	V. 25, p. 1059
81-3-5	Amended	V. 25, p. 1059
81-3-6	New	V. 25, p. 1060
81-3-7	New	V. 25, p. 1064
81-4-1	Amended	V. 26, p. 21
81-4-2	Amended	V. 26, p. 22
81-5-3	Amended	V. 26, p. 22
81-5-4	Revoked	V. 26, p. 22
81-5-5	Revoked	V. 26, p. 23
81-5-6	Amended	V. 26, p. 23
81-5-7	Amended	V. 26, p. 24
81-5-8	Amended	V. 26, p. 24
81-5-10	Amended	V. 26, p. 24
81-5-11	Amended	V. 26, p. 25
81-5-12	Amended	V. 26, p. 25
81-5-13	Amended	V. 26, p. 26
81-5-14	Amended	V. 26, p. 27
81-5-16	through	
81-5-20	New	V. 26, p. 28-30
81-6-1	Amended	V. 26, p. 30
81-7-1	Amended	V. 26, p. 30
81-7-2	Amended	V. 26, p. 31
81-7-3	New	V. 26, p. 31
81-10-1	Amended	V. 26, p. 32
81-14-1	Amended	V. 25, p. 1065
81-14-2	Amended	V. 25, p. 1066
81-14-3	Revoked	V. 25, p. 1066
81-14-4	Amended	V. 25, p. 1066
81-14-5	Amended	V. 25, p. 1071
81-14-6	Amended	V. 25, p. 1075
81-14-7	Amended	V. 25, p. 1076
81-14-8	Revoked	V. 25, p. 1076
81-14-9	New	V. 25, p. 1076
81-14-10	New	V. 25, p. 1079

**AGENCY 82: STATE CORPORATION
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Reg. No.	Action	Register
82-3-101	Amended	V. 25, p. 1750
82-3-206	Amended	V. 25, p. 1754
82-3-305	Amended	V. 25, p. 1754
82-3-307	Amended	V. 25, p. 1754
82-4-3a	Amended (T)	V. 25, p. 378
82-4-3a	Amended	V. 25, p. 844
82-14-1	through	
82-14-5	New	V. 26, p. 16-19
82-15-1	New (T)	V. 25, p. 984, 1019
82-15-1	New	V. 25, p. 1363

AGENCY 88: BOARD OF REGENTS

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88-15-1	Revoked	V. 25, p. 1403
88-15-2	Revoked	V. 25, p. 1403
88-16-1	Revoked	V. 25, p. 1404
88-16-1b	Revoked	V. 25, p. 1404
88-16-2	Revoked	V. 25, p. 1404
88-16-5	Revoked	V. 25, p. 1404
88-16-5b	Revoked	V. 25, p. 1404
88-16-6	Revoked	V. 25, p. 1404
88-16-8	Revoked	V. 25, p. 1404
88-23-1	Revoked	V. 25, p. 1404
88-23-2	Revoked	V. 25, p. 1404
88-23-2a	Revoked	V. 25, p. 1404

88-23-3a	Revoked	V. 25, p. 1404
88-23-4	Revoked	V. 25, p. 1404
88-23-5	Revoked	V. 25, p. 1404
88-23-6	Revoked	V. 25, p. 1404
88-23-7	Revoked	V. 25, p. 1404
88-28-1	through	
88-28-6	New	V. 25, p. 1404-1410
88-28-7	New	V. 25, p. 1451
88-28-8	New	V. 25, p. 1411
88-29-1	through	
88-29-19	New	V. 26, p. 216-229

**AGENCY 91: DEPARTMENT OF
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91-1-202	Amended	V. 25, p. 1099
91-1-205	Amended	V. 25, p. 1101

AGENCY 92: DEPARTMENT OF REVENUE

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92-12-4	Revoked	V. 25, p. 252
92-12-4a	New	V. 25, p. 252
92-12-5	Revoked	V. 25, p. 254
92-12-120	New	V. 25, p. 254
92-12-121	New	V. 25, p. 254
92-12-130	New	V. 25, p. 254
92-13-9	Amended	V. 25, p. 1568
92-19-22a	Amended	V. 25, p. 254
92-51-41	Amended	V. 25, p. 255
92-51-41a	New	V. 25, p. 255

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93-7-2	New	V. 26, p. 14
93-7-3	New	V. 26, p. 14
93-8-1	New	V. 26, p. 14
93-8-2	New	V. 26, p. 14
93-8-3	New	V. 26, p. 14

**AGENCY 97: KANSAS COMMISSION ON
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Reg. No.	Action	Register
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97-4-8	New	V. 25, p. 1596, 1597

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100-15-6	Amended	V. 26, p. 385
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100-25-5	New	V. 25, p. 213-216
100-26-1	Amended	V. 25, p. 217
100-26-2	New	V. 25, p. 217
100-26-3	New	V. 25, p. 217
100-27-1	Amended	V. 25, p. 1206
100-29-1	Amended	V. 25, p. 639
100-29-2	Amended	V. 25, p. 890
100-29-3	Amended	V. 25, p. 640
100-29-4	Amended	V. 25, p. 890
100-29-5	Revoked	V. 25, p. 640
100-29-6	Amended	V. 25, p. 640
100-29-8	Amended	V. 25, p. 640
100-29-9	Amended	V. 25, p. 640
100-29-10	Amended	V. 25, p. 641
100-29-11	Revoked	V. 25, p. 1601
100-29-12	Amended	V. 25, p. 642
100-29-13	Amended	V. 25, p. 643
100-29-14	Revoked	V. 25, p. 890
100-29-15	New	V. 25, p. 643
100-29-16	New	V. 25, p. 890
100-73-7	New	V. 25, p. 1601
100-73-8	New	V. 25, p. 1602

**AGENCY 102: BEHAVIORAL SCIENCES
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102-1-5a	Amended	V. 25, p. 183
102-1-12	Amended	V. 25, p. 184

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102-2-2a	Amended (T)	V. 25, p. 987, 1019
102-2-2a	Amended	V. 25, p. 1452
102-2-6	Amended	V. 25, p. 1453
102-3-3a	Amended	V. 25, p. 1454
102-3-4a	Amended (T)	V. 25, p. 988, 1019
102-3-4a	Amended	V. 25, p. 1456
102-4-1a	Amended	V. 25, p. 1458
102-4-3a	Amended	V. 25, p. 1460
102-4-4a	Amended (T)	V. 25, p. 990, 1019
102-4-4a	Amended	V. 25, p. 1463
102-5-3	Amended	V. 25, p. 1464
102-5-4a	Amended (T)	V. 25, p. 992, 1019
102-5-4a	Amended	V. 25, p. 1466
102-5-5	Amended	V. 25, p. 187

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended	V. 25, p. 101
105-5-2	Amended (T)	V. 25, p. 982, 1019
105-5-2	Amended	V. 25, p. 1530
105-5-3	Amended (T)	V. 25, p. 982, 1019
105-5-3	Amended	V. 25, p. 1530
105-5-6	Amended (T)	V. 25, p. 982, 1019
105-5-6	Amended	V. 25, p. 1530
105-5-7	Amended (T)	V. 25, p. 983, 1019
105-5-7	Amended	V. 25, p. 1531
105-5-8	Amended (T)	V. 25, p. 983, 1019
105-5-8	Amended	V. 25, p. 1531
105-11-1	Amended (T)	V. 25, p. 983, 1019
105-11-1	Amended	V. 25, p. 1531

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

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

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-8-1	Amended (T)	V. 26, p. 12

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-9-1		
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110-9-8	New	V. 25, p. 373-375
110-13-4	Amended	V. 25, p. 447
110-14-1	New	V. 25, p. 1771
110-14-2	New	V. 25, p. 1771

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
111-2-30	Amended	V. 25, p. 414
111-2-187	New	V. 25, p. 381
111-2-188	New	V. 25, p. 1363
111-2-189	New	V. 25, p. 1411
111-2-190	New	V. 25, p. 1694
111-2-191		
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111-2-196	New	V. 26, p. 129, 130
111-2-194	Amended	V. 26, p. 173
111-2-197	New	V. 26, p. 173
111-2-198	New	V. 26, p. 174
111-2-199		
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111-2-204	New	V. 26, p. 202, 203

111-4-2342		
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111-4-2349	New	V. 25, p. 217-221
111-4-2350		
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111-4-2362	New	V. 25, p. 311-319
111-4-2363		
through		
111-4-2382	New	V. 25, p. 339-351
111-4-2383		
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111-4-2387	New	V. 25, p. 381-384
111-4-2389		
through		
111-4-2393	New	V. 25, p. 385, 386
111-4-2394		
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111-4-2404	New	V. 25, p. 415-422
111-4-2405		
through		
111-4-2418	New	V. 25, p. 787-795
111-4-2419		
through		
111-4-2427	New	V. 25, p. 868-874
111-4-2420	Amended	V. 25, p. 1019
111-4-2428		
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111-4-2434	New	V. 25, p. 1020-1025
111-4-2435		
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111-4-2454	New	V. 25, p. 1364-1376
111-4-2455		
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111-4-2467	New	V. 25, p. 1412-1420
111-4-2468		
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111-4-2482	New	V. 25, p. 1695-1702
111-4-2483		
through		
111-4-2496	New	V. 26, p. 130-138
111-4-2495	Amended	V. 26, p. 203
111-4-2497		
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111-4-2503	New	V. 26, p. 174-179
111-4-2504		
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111-4-2520	New	V. 26, p. 204-212
111-5-126		
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111-5-138	New	V. 25, p. 386-390
111-5-139	New	V. 25, p. 423
111-5-139a	New	V. 25, p. 795
111-5-140		
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111-5-149	New	V. 25, p. 795-797
111-5-150		
through		
111-5-154	New	V. 25, p. 842-844
111-5-155		
through		
111-5-159	New	V. 25, p. 1703, 1704
111-6-1	Amended	V. 25, p. 222
111-6-27	New	V. 26, p. 259
111-7-81	Amended	V. 25, p. 319
111-7-193	New	V. 25, p. 1026
111-7-194	New	V. 25, p. 1027
111-7-195		
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111-7-207	New	V. 25, p. 1420-1423
111-7-208		
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111-7-217	New	V. 26, p. 138-141
111-9-130		
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111-9-133	New	V. 25, p. 351-353
111-9-134	New	V. 25, p. 1704
111-9-135	New	V. 25, p. 1705
111-9-136	New	V. 26, p. 141
111-9-137	New	V. 26, p. 180
111-9-138	New	V. 26, p. 212

111-9-139	New	V. 26, p. 212
111-9-140	New	V. 26, p. 213
111-11-1	Amended	V. 25, p. 223
111-12-4	New	V. 26, p. 214
111-14-2	New	V. 26, p. 214

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 25, p. 1602
115-2-2	Amended	V. 25, p. 1603
115-2-3a	Amended	V. 25, p. 1603
115-2-4	Amended	V. 25, p. 336
115-4-4	Amended	V. 25, p. 662
115-4-6	Amended	V. 25, p. 336
115-7-1	Amended	V. 25, p. 1605
115-7-4	Amended	V. 25, p. 1606
115-7-8	New	V. 25, p. 1606
115-16-5	Amended	V. 25, p. 1607
115-18-10	Amended	V. 26, p. 101
115-18-12	Amended	V. 25, p. 1608
115-18-18	New	V. 25, p. 1608
115-18-19	New	V. 25, p. 1608
115-18-20	New	V. 25, p. 1609
115-20-5	New	V. 25, p. 1609
115-20-6	New	V. 25, p. 1611

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 25, p. 1146
117-3-2	Amended	V. 25, p. 1146
117-4-2	Amended	V. 25, p. 1147
117-5-1	Amended	V. 25, p. 1148
117-6-1	Amended	V. 25, p. 1148
117-6-2	Amended	V. 25, p. 1148
117-8-1	Amended	V. 25, p. 866

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-4	Amended	V. 26, p. 46

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
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121-5-1	Amended	V. 25, p. 1727
121-5-2	Revoked (T)	V. 25, p. 1304
121-5-2	Revoked	V. 25, p. 1727
121-5-3	New (T)	V. 25, p. 1304
121-5-3	New	V. 25, p. 1727
121-7-1	New	V. 25, p. 1728
121-8-1	New (T)	V. 25, p. 1304
121-8-1	New	V. 25, p. 1728

AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
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through		
123-6-106	New	V. 25, p. 1634, 1635

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-1	Amended	V. 26, p. 281
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129-5-108	New	V. 25, p. 1571
129-5-118	New	V. 25, p. 665
129-5-118b	New	V. 25, p. 665
129-6-38	New	V. 25, p. 1030
129-6-77	New	V. 25, p. 847
129-6-151	New	V. 25, p. 848
129-6-152	New	V. 25, p. 848
129-7-65	New	V. 25, p. 848
129-14-22	New	V. 25, p. 1030
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129-14-51	New	V. 25, p. 849
129-14-52	New	V. 25, p. 849

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