



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas
Children's Cabinet and Trust Fund

Notice of Meeting

The Kansas Children's Cabinet and Trust Fund will conduct a board meeting from 9 a.m. to 2:30 p.m. Thursday, November 15, in the lower level conference room of the Hayden Building, 212 S.W. 8th Ave., Topeka. For more information, contact Dyogga Adegbore at (785) 368-7044.

Jim Redmon
Executive Director

Doc. No. 035054

State of Kansas
Advisory Committee on Trauma

Notice of Meeting

The Advisory Committee on Trauma will meet from 10 a.m. to 3 p.m. Wednesday, November 7, in Auditorium B, fourth floor, Eisenhower State Office Building, 700 S.W. Harrison, Topeka. For more information, contact the KDHE Office of Local and Rural Health at (785) 296-1200.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035045

State of Kansas
State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 2 p.m. Sunday, November 18, at the Airport Hilton, Consulate II Room, 2098 Airport Road, Wichita. An agenda may be obtained by contacting Cathy Greene, State Conservation Commission, 109 S.W. 9th, Suite 500, Topeka, 66612-1215, (785) 296-3600. Persons requiring special accommodations should contact the commission at least three days prior to the meeting.

Greg A. Foley
Executive Director

Doc. No. 035038

State of Kansas
Kansas Water Authority

Notice of Meetings

The Kansas Water Authority will meet at 9:30 a.m. Thursday, November 8, and at 9 a.m. Friday, November 9, at the Dodge House Hotel and Convention Center, 2408 W. Wyatt Earp Blvd., Dodge City. Meeting information, including a site map, agenda and other materials, is posted on the Kansas Water Office Web page at www.kwo.org or may be obtained by calling the Kansas Water Office toll free at (888) KAN-WATER (526-9283). Anyone needing special accommodations at the meeting site is asked to contact the Kansas Water Office before the meeting.

Steve Irsik
Chairman

Doc. No. 035014

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State of Kansas

Social and Rehabilitation Services

Request for Comments

The following ICFsMR cost center limits are being set forth for public comment. Comments should be sent to Pam Keller, Program Administrator, Community Supports and Services, 9th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. The comment period will expire 30 days from the publication of this notice.

K.A.R. 30-10-214 provides for the annual review and adjustment of Class II ICFsMR cost center limits, approved by the secretary of SRS or designee, based on current cost information supplied by the enrolled, licensed providers of ICF-MR services, and formula set forth in the Kansas State Medicaid Plan (Attachment 4.19-D, Part II, Subpart O, page 1). The formula is as follows: Total allowable costs, including an inflation factor, are compared to the amount to be reimbursed under the current limits. The formula threshold requires that 60 percent of all ICFsMR are reimbursed 90 percent of their allowable costs. If less than 60 percent of the facilities are reimbursed 90 percent of their allowable costs, then the cost center limits are adjusted until the threshold is met. The inflation factor is based on the Data Resources, Inc. (DRI) — WEFA, National Skilled Nursing Facility Total Market Basket Index.

To determine where to make the adjustments, two major cost centers are analyzed according to the following prescription:

- Administrative costs are based on facility size.
- Habilitation costs are based on facility size and level of care (LOC).

The cost analysis for 2007 showed that 67 percent of the Class II ICFsMR were being reimbursed 90 percent or more of their allowable costs. Per the state plan the analysis indicates that adjustments are not required.

Recommendations

Based on cost report analysis and available funding, cost center limits for Class II ICFsMR will remain as follows:

Facility

Size	Level I	Level II	Level III	Level IV	Level V
A. +16 beds	\$120.00	\$114.00	\$108.30	\$102.89	\$ 97.74
B. 9-16 beds	\$157.50	\$149.63	\$142.14	\$135.04	\$128.28
C. 4-8 beds	\$213.65	\$202.97	\$192.82	\$183.18	\$174.02

Administrative per diem limits are based on the size of the facility, using the same classes as referred to above.

Administrative Per Diem Limits

- A. \$10.00
- B. \$23.75
- C. \$28.00

Fiscal Impact

Due to the inflation factor, the estimated annual cost increase is \$100,948.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 035046

State of Kansas

Kansas Judicial Council

Notice of Meetings

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

Date	Committee	Time	Location
Nov. 2	Criminal Law	1:00 p.m.	Room 269
Nov. 9	Guardianship & Conservatorship	9:30 a.m.	Room 275
Nov. 9	Civil Code	9:30 a.m.	Room 269
Nov. 16	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 140
Nov. 16	Administrative Procedure	9:30 a.m.	Room 275
Nov. 16	Pattern Instructions-Civil & Criminal	9:30 a.m.	Room 269
Nov. 26	Appeals from Termination of Parental Rights	9:30 a.m.	TBA
Nov. 30	Judicial Council	9:00 a.m.	Room 140
Dec. 7	Family Law	9:30 a.m.	Room 140
Dec. 14	Commission on Judicial Performance	9:30 a.m.	Room 140
Dec. 14	End of Life Decisions	9:30 a.m.	Room 269
Dec. 21	Administrative Procedure	9:30 a.m.	Room 140

Hon. Robert E. Davis
Chairman

Doc. No. 035053

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:

11/14/2007	10854	Agricultural-Type Tractors
11/14/2007	10856	Security Locks and Strikes
11/14/2007	10868	Laboratory Equipment, Furnish/Install Vapor Deposition System
11/15/2007	10871	Reconstruct Drain Line, Pratt Hatchery
11/15/2007	10872	Dock and Parking Pad
11/15/2007	10873	Water Systems Improvements
11/20/2007	10807	KBP On-site Translation and Interpretation Service
11/20/2007	10859	Perimeter Detection System

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>

Chris Howe
Director of Purchases

Doc. No. 035055

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 5-16. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Nov. 5	123-S	10:00 a.m.	Legislative Educational Planning Committee	Board of Regents; virtual schools; KASHAA; charter schools; and finalize recommendations.
Nov. 5	519-S	10:00 a.m.	Joint Committee on Pensions, Investments, and Benefits	5th: Study allowing local units of government retirement options (for select groups) similar to the state correctional officer group; study adding selected state agency employee groups who perform public safety duties (fire and law enforcement) into the Kansas Police and Fire Retirement (KP&F) System; and review of Social Security coverage for certain KP&F groups. 6th: Public hearing on post-retirement cost of living adjustments; and public hearing on working after retirement.
Nov. 6	519-S	9:00 a.m.		
Nov. 6	514-S	1:30 p.m.	Electric Generation Review Panel	Continued discussion.
Nov. 6	526-S	10:00 a.m.	Joint Committee on Economic Development	Discuss travel, tourism, and arts; and Committee conclusions and recommendations.
Nov. 7	526-S	9:00 a.m.		
Nov. 7	423-S	9:30 a.m.	Kansas Autism Task Force <i>subcommittee</i>	Best Practices Subcommittee.
Nov. 7	241-N	10:00 a.m.	Special Committee on Energy, Natural Resources, and Environment	Continued discussion of all topics assigned.
Nov. 8	241-N	9:00 a.m.		
Nov. 7	313-S	10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Juvenile Justice Authority community corrections.
Nov. 8	313-S	9:00 a.m.		
Nov. 7	519-S	10:00 a.m.	Special Committee on Financial Institutions and Insurance	Agenda not available.
Nov. 8	519-S	9:00 a.m.		
Nov. 8	123-S	10:00 a.m.	Special Committee on Judiciary	8th: Topic 14 — Release of inmates to house arrest by Secretary of Corrections; and Topic 15 — Child care custody — military deployment. 9th: Topic 1 — Operations of the Board of Healing Arts.
Nov. 9	123-S	9:00 a.m.		
Nov. 8	514-S	10:00 a.m.	Legislative Budget Committee	8th: Study the duties and responsibilities of pharmacy benefit managers; and update on current health care reform. 9th: Review reimbursement for mental health services; and update on the State Employee Compensation Oversight Commission activities.
Nov. 9	514-S	9:00 a.m.		
Nov. 9	526-S	10:00 a.m.	Joint Committee on Information Technology	Review of information technology projects.
Nov. 13	123-S	10:00 a.m.	2010 Commission	Virtual School Performance Audit; and finalize committee report.
Nov. 13	123-S	9:00 a.m.		
Nov. 13	519-S	10:00 a.m.	Disaster Relief and Recovery Special Committee	Agenda not available.
Nov. 13	313-S	9:00 a.m.	Kansas Autism Task Force	Finalize committee report.

Nov. 14	519-S	10:00 a.m.	Special Committee on	
Nov. 15	519-S	9:00 a.m.	Assessment and Taxation	
Nov. 14	514-S	10:00 a.m.	Joint Committee on Special	14th: Hearings on claims filed.
Nov. 15	El Dorado		Claims Against the State	15th: Tour of El Dorado Correctional Facility.
Nov. 14	123-S	10:00 a.m.	Joint Committee on State	Review leases, Regents deferred
Nov. 15	123-S	9:00 a.m.	Building Construction	maintenance projects, and five-year capital improvement plans for various agencies.
Nov. 15	514-S	10:00 a.m.	Joint Committee on Arts &	Agenda not available.
Nov. 16	514-S	9:00 a.m.	Cultural Resources	
Nov. 16	123-S	10:00 a.m.	Disaster Relief and	Agenda not available.
			Recovery Special Committee	

Jeffrey M. Russell
 Director of Legislative
 Administrative Services

Doc. No. 035048

State of Kansas
Commission on Peace Officers’
Standards and Training

Notice of Meeting

The Kansas Commission on Peace Officers’ Standards and Training will meet 1 p.m. Tuesday, November 6, at the Kansas Law Enforcement Training Center, located 12 miles southeast of Hutchinson, south of K-96 at the Hutchinson Air Base Industrial Tract (HABIT), the former Naval Air Station, or 1 mile west and 1 mile south of Yoder. The meeting is open to the public. For more information, call (620) 694-1526.

Jackie N. Williams
 Chairperson

Doc. No. 035042

State of Kansas
Racing and Gaming Commission

Request for Proposals

Grant funds are available from the horse breeding development fund and the greyhound breeding development fund for equine research through institutions of higher education under the State Board of Regents and for greyhound research preferable through institutions of higher education under the State Board of Regents or in association with those institutions (K.S.A. 74-8829 and 74-8831). Those eligible and interested in applying should submit a grant proposal to the Kansas Racing and Gaming Commission at the address below postmarked by January 15. All grant applications submitted for funds must be in compliance with K.A.R. 112-15-3.

For additional information, contact the Kansas Racing and Gaming Commission, Suite 420, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-5800.

Stephen L. Martino
 Executive Director

Doc. No. 035033

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 site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, are seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454 or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
 Associate Comptroller/
 Director of Purchasing Services

Doc. No. 035032

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 10-29-07 through 11-4-07

Term	Rate
1-89 days	4.77%
3 months	3.98%
6 months	3.99%
1 year	3.90%
18 months	3.77%
2 years	3.76%

Derl S. Treff
 Director of Investments

Doc. No. 035031

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. November 14 and then publicly opened:

District One — Northeast

Atchison—3 C-4108-01 — County road 1.3 miles south of Arrington, 0.6 mile, grading, bridge and surfacing. (Federal Funds)

Jackson—43 C-4187-01 — County road 4.3 miles east and 0.5 mile north of Hoyt, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Jefferson—44 C-4105-01 — County road 2.5 miles south and 0.7 mile west of Meriden, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Lyon—170-56 KA-0951-01 — K-170 from the junction of K-99 east to the Lyon-Osage county line, 8 miles, seal. (State Funds)

Marshall-Nemaha—36-106 KA-1032-01 — U.S. 36 from the junction of K-87 east to the Marshall-Nemaha county line; U.S. 36 from the Marshall-Nemaha county line east to the east city limits of Seneca, 14.7 miles, seal. (State Funds)

Osage—31-70 KA-1027-01 — K-31 from the junction of U.S. 56 south to the junction of K-170; K-31 from the east city limits of Osage City east to the junction of U.S. 75/K-268, 8.2 miles, seal. (State Funds)

Pottawatomie—16-75 KA-0947-01 — K-16 from the north junction of K-99 east to the north junction of K-63, 19.2 miles, seal. (State Funds)

Pottawatomie—63-75 KA-0966-01 — K-63 from the north city limits of St. Marys north to the Pottawatomie-Nemaha county line, 26.8 miles, seal. (State Funds)

Riley-Geary—177-106 KA-1028-01 — K-177 from the Geary-Riley county line north to the south junction of K-18; K-177 from the junction of 1-70 north to the Geary-Riley county line, 7.7 miles, overlay. (State Funds)

Shawnee—470-89 KA-0859-01 — I-470, 1 mile southeast of the west junction of U.S. 75, bridge repair. (State Funds)

Shawnee—89 K-9678-01 — MacVicar Avenue I-70 east-bound exit at Topeka, 0.8 mile, grading and surfacing. (Federal Funds)

District Two — Northcentral

Ellsworth—27 C-4231-01 — County road 2.8 miles south and 3.4 miles east of Wilson, 0.2 mile, grading and bridge. (Federal Funds)

Jewell—36-45 K-7408-01 — U.S. 36 at Mankato east 8.7 miles, grading, bridge and surfacing. (Federal Funds)

Geary—40 KA-0874-01 — U.S. 40B, 0.7 mile east of U.S.77 at Junction City, bridge repair. (State Funds)

Geary—70-31 KA-0876-01 — I-70, 2.4 miles east of the west junction of U.S. 40B, bridge repair. (State Funds)

Saline—85 U-2005-01 — Ohio Street from Magnolia Road south to Schilling Road in Salina, 0.6 mile, grading and surfacing. (Federal Funds)

Washington—115-101 KA-0879-01 — K-115, 0.7 mile west of K-9, bridge repair. (State Funds)

District Three — Northwest

Ellis—70-26 KA-1167-01 — I-70 from the Trego-Ellis county line east to the Ellis/Russell county line, 31.2 miles, overlay. (State Funds)

Norton—69 C-4172-01 — County road 2 miles east and 0.5 mile north of Edmond, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Phillips—383-74 KA-1019-01 — K-383 from the Norton-Phillips county line northeast to the junction of U.S.183, 15.4 miles, overlay. (State Funds)

Rooks—183-82 KA-1016-01 — U.S. 183 from the junction of K-18 north to the junction of U.S. 24, 14.1 miles, seal. (State Funds)

Rooks—82 KA-1038-01 - Rooks — K-18 from the junction of U.S. 183 east to the Rooks-Osborne county line; U.S. 183 from Plainville north to the junction of K-18, 15.9 miles, overlay. (State Funds)

Russell—281-84 KA-0883-01 — U.S. 281, 0.2 mile south of the junction of I-70, bridge repair. (State Funds)

Smith—92 C-4296-01 — County road 3 miles north and 1 mile east of Claudell, 0.2 mile, grading and bridge. (Federal Funds)

Smith—281-92 KA-1017-01 — U.S. 281 from the junction of U.S. 36 north to the Nebraska/Kansas state line, 15.5 miles, overlay. (State Funds)

District Four — Southeast

Allen-Woodson—54-106 KA-1114-01 — U.S. 54 from the Woodson-Allen county line east to the west city limits of Iola; U.S. 54 from the east city limits of Yates Center east to the Woodson-Allen county line, 17.7 miles, overlay. (State Funds)

Allen—169-1 KA-0765-01 — U.S. 169 at the Humboldt/Chanute interchange and the K-224 interchange, lighting. (Federal Funds)

Allen—169-1 KA-1049-01 — U.S. 169, beginning 7.4 miles north of the Neosho-Allen county line north 5.5 miles, pavement patching. (State Funds)

Allen-Anderson—169-106 KA-1118-01 — U.S. 169 from the junction of U.S. 54 north to the Allen-Anderson county line; U.S. 169 from the Allen-Anderson county line north to 1.3 miles north of the junction of K-58, 12.3 miles, overlay. (State Funds)

Greenwood—37 C-4140-01 — North city limits of Eureka north 4.5 miles, grading and surfacing. (Federal Funds)

Greenwood—99-37 KA-1048-01 — K-99 from the east junction of U.S. 54 north to the Greenwood/Lyon county line, 23.8 miles, seal. (State Funds)

Wilson—103 KA-1113-01 — K-47 from 0.7 mile west of the west city limits of Altoona east to 0.2 mile east of Altoona; U.S. 75 from the north junction of U.S. 400 north to 5 miles north of the junction of K-47, 15.4 miles, overlay. (State Funds)

District Five — Southcentral

Barber—160-4 KA-0205-01 — U.S. 160, Elm Creek, 0.8 mile east of the east junction of U.S. 281, bridge deck. (State Funds)

District Six — Southwest

Clark—283-13 KA-1088-01 — U.S. 283 from the junction of U.S. 160 north to the junction of U.S. 54, 11.5 miles, overlay. (State Funds)

Clark—13 M-1968-01 - KDOT mixing strip, 1 mile south of Minneola on U.S. 283, stockpile bituminous material. (State Funds)

Clark-Ford—94-106 KA-1132-01 — K-94 beginning at K-13 north to the Clark-Ford county line; K-94 from the Clark-Ford county line north to the junction of U.S. 54, 10.8 miles, seal. (State Funds)

Finney-Hodgeman—156-106 KA-1130-01 — K-156 from the west junction of K-23 east to the Finney-Hodgeman county line; K-156 from the Finney-Hodgeman county line east to 0.6 mile east of the junction of U.S. 283, 32.5 miles, overlay. (State Funds)

Ford—29 KA-1131-01 — U.S. 400 from the north city limits of Ford southeast to the Ford-Kiowa county line; K-34 from the junction of U.S. 54 north to the junction of U.S. 400/K-34 15.9 miles, overlay. (State Funds)

Ford—29 M-1967-01 — KDOT mixing strip 1 mile south of the U.S. 56/U.S. 283 junction, stockpile bituminous material. (State Funds)

Ford—56-29 KA-1087-01 — U.S. 56 from the north junction of U.S. 400 northeast to 0.5 mile east of the junction of U.S. 50/U.S. 283, 5 miles, seal. (State Funds)

Hodgeman—42 M-1966-01 — KDOT mixing strip, 2 miles west of the U.S. 283 junction on K-156, stockpile bituminous material. (State Funds)

Meade—54-60 KA-1128-01 — U.S. 54 from the south city limits of Plains east to the west city limits of Meade; U.S. 54 from the east junction of U.S. 160 east to the Meade-Clark county line, 28.1 miles, slurry seal. (State Funds)

Meade—23-60 KA-1096-01 — K-23 from the Oklahoma-Kansas state line north to the north city limits of Meade, 27 miles, seal. (State Funds)

Scott—86 K-2493-06 — Scott State Park, overlay. (State Funds)

Scott—86 M-1964-01 — KDOT mixing strip, 1 mile east of Scott City on K-96, stockpile bituminous material. (State Funds)

Scott—95-86 KA-1093-01 — K-95 from the south junction of U.S. 83 north to the north junction of U.S. 83/K-95, 6.5 miles, overlay. (State Funds)

Wichita—102 C-4315-01 — County road from 1 mile south of the junction of K-96 and K-25 east 1.5 miles, surfacing. (Federal Funds)

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

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

collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid.

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

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

Deb Miller
Secretary of Transportation

Doc. No. 035015

**State of Kansas
Department of Health
and Environment**

Request for Bids

Pursuant to the Kansas Childhood Lead Poisoning Prevention Program, sealed bids for lead hazard reduction at the following locations will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

November 16, 2007

264-08-12

Project Lead Safe KCK

- Property #1 1056 Haskell Ave.
Kansas City, KS 66104
- Property #2 2700 S. 36th St.
Kansas City, KS 66106
- Property #3 4318 Eaton St.
Kansas City, KS 66103
- Property #4 957 Ohio Ave.
Kansas City, KS 66101
- Property #5 2809 N. 17th St.
Kansas City, KS 66104
- Property #6 321 N. 7th Trafficway
Kansas City, KS 66101
- Property #7 2732 N. 34th St.
Kansas City, KS 66104
- Property #8 1133 Shawnee Ave.
Kansas City, KS 66105

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the invitation for bid. For times and actual locations, call (913) 262-0796 or go to the following Web site: http://www.unleadedks.com/contractor_info.html.

The above-referenced bid documents can be downloaded at the Web site listed above.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035052

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. Coffeyville Re-Con Inc. 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.

Coffeyville Re-Con Inc. owns and operates a reconditioning metal drum operation located at 2410 Brown St., Coffeyville.

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 only can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact James Stewart, (785) 296-1556, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to James Stewart, 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 December 3.

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 December 3 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. 035040

State of Kansas

Board of Regents

Request for Bids for Oil and Gas Lease

Public notice is hereby given that under authority of K.S.A. 76-164 through 76-168, the Kansas Board of Regents has determined that mineral rights, owned by the board for the benefit of Kansas State University, on a certain half section of land in Weston County, Wyoming, such tract consisting 320 acres, are valuable for leasing for the purpose of the production of oil and gas, that the board's interest can be leased for such purpose, and that the board intends to lease the mineral rights on the land described as follows:

The West Half (W/2) of Section 11, Township 44 North, Range 68 West, Weston County, Wyoming, containing 320 acres, more or less.

The terms and conditions prescribed by the board for the lease and the provisions for competitive bids in accordance with law for the same, and other matters incidental thereto, are contained in a resolution passed by the board October 18, 2007, and spread at large upon the minutes of the board, which minutes and resolution are now and until the date and time fixed for the receipt of competitive bids open to public inspection in the office of the Kansas Board of Regents, 1000 S.W. Jackson, Suite 520, Topeka, 66612-1368, and copies thereof may be obtained by application to Julene Miller, General Counsel, Kansas Board of Regents.

Competitive bids for leasing of mineral rights on this land will be received by the board until 8:30 a.m. December 3. No bids received after said date and hour shall be considered by the board. Any lease or leases entered into by the board will be awarded by the board to the highest, responsible, responsive bidder. The board reserves the right to reject any and all bids. Bids should be addressed to the Kansas Board of Regents and sent to or deposited with the aforesaid officer of the board. On the outside of the envelope containing bids should be plainly written the words "Bid on Oil and Gas Lease — Weston County." Only such bids as shall be in substantial conformity with the terms and provisions of the foresaid resolution will be considered or accepted by the board. The bid opening will be at 8:45 a.m. December 3 in the Kathy Rupp Conference Room of the office of the Kansas Board of Regents.

Julene Miller
General Counsel

Doc. No. 035037

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. BP America Production Co. 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.

BP America Production Co., Houston, Texas, owns and operates Ulysses North Main Compressor Station located at Section 16, T26S, R38W, Kearny 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 Southwest District Office, 302 W. McArtor Road, Dodge City. 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 Josh Weil, (620) 225-0596, at the KDHE Southwest 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 December 3.

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 December 3 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. 035043

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. BP America Production Company 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.

BP America Production Company, Houston, Texas, owns and operates Ulysses West Main Compressor Station located at Section 28, T28S, R38W, Grant 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 Southwest District Office, 302 W. McArtor Road, Dodge City. 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 Josh Weil, (620) 225-0596, at the KDHE Southwest 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 December 3.

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 December 3 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

(continued)

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. 035044

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. Astro Truck Covers, Inc. 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.

Astro Truck Covers, Inc. owns and operates a fiberglass truck cover manufacturing facility located at 210 S. Catalpa St., Garnett.

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 Southeast District Office, 1500 W. 7th, Chanute. 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 Doug Cole, (620) 431-2390, at the KDHE Southeast 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 December 3.

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 December 3 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. 035049

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-07-301/306

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
777 Ranch C. Robert Buford P.O. Box 780428 Wichita, KS 67278	SW/4 of Section 22, T24S, R08E, Greenwood County	Verdigris River Basin

Kansas Permit No. A-VEGW-B001

This is a reissuance of a permit for an existing facility for a combination of cattle weighing greater than 700 pounds and horses. The total combined capacity shall not exceed the equivalent of 950 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Matador Cattle Co.- Spring Creek Ranch James Palmer 448 Reece Road Eureka, KS 67045	NE/4 of Section 19, T26S, R09E, Greenwood County	Verdigris River Basin

Kansas Permit No. A-VEGW-B004

This is a reissuance of a permit for an existing facility for 800 head (400 animal units) of cattle weighing less than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Dale Peterson 1624 N. Highway 77 Marion, KS 66861	SW/4 of Section 14, T20S, R04E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B026

This is a new permit for an existing facility for 1,982 head (991 animal units) of beef cattle weighing less than 700 pounds and 4 head (8 animal units) of horses. The existing feeding operation will be divided into two new separate confinement areas with multiple sedimentation basins, two wastewater retention structures and associated piping. Drainage from 13.6 acres of confinement lots will be controlled by the proposed east and west waste management systems.

Name and Address of Applicant	Legal Description	Receiving Water
Heinen Acres Melvin Heinen 1403 120th Road Seneca, KS 66538	SE/4 of Section 17, T03S, R13E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-M001

This is a reissuance of a permit for an existing facility with a maximum capacity of 100 head (50 animal units) of dairy calves, 50 head (50 animal units) of dairy heifers and 250 head (350 animal units) of mature dairy cattle, for a total of 450 animal units. This represents an increase of 120 animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Chisholm Feeders Leon Nikkel 1767 K-15 Highway Lehigh, KS 67063	NE/4 of Section 08, T20S, R01E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-C001 Federal Permit No. KS0089109

This is a reissuance of a permit for an existing facility with a maximum capacity for 2,000 head (2,000 animal units) of cattle more than 700 pounds and 2,000 head (1,000 animal units) of cattle less than 700 pounds, for a total of 3,000 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Flint Hills Feedlot, Inc. Jack Jones 1620 Road 210 Emporia, KS 66801	S/2 of Section 22, T18S, R12E, Lyon County	Neosho River Basin

Kansas Permit No. A-NELY-C003 Federal Permit No. KS0051268

This is a reissuance of a permit for an existing facility for 9,500 head (9,500 animal units) of cattle weighing greater than 700 pounds.

Public Notice No. KS-07-140/141

Name and Address of Applicant	Receiving Stream	Type of Discharge
Chisholm Creek Utility Authority (CCUA) 5551 N. Broadway Park City, KS 67219	Little Arkansas River via Main Branch Chisholm Creek	Treated Domestic Wastewater

Kansas Permit No. M-LA19-0002 Federal Permit No. KS0089176

Outfall Legal: SW¹/₄, SW¹/₄, S16, T26S, R1E, Sedgwick County

Facility Name: CCUA Regional Wastewater Treatment Facility

Facility Legal: SE¹/₄, S17, T26S, R1E, Sedgwick County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The facility is a mechanical treatment plant consisting of three sequencing batch reactors, UV disinfection of the effluent, cascade reaeration, aerobic sludge digestion and a belt filter press. The facility receives domestic wastewater from residential and commercial areas. Effluent is utilized for landscaping irrigation purposes at several nearby sites. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli and pH. Monitoring of chlorides, total nitrates, total nitrites, total Kjeldahl nitrogen, total nitrogen, total phosphorus, dissolved oxygen, total recoverable copper, mercury and effluent flow also will be required. The permittee will be required to perform a chronic whole effluent toxicity (WET) test annually as well as a priority pollutant scan (PPS) once during the term of this permit. The permit requires the permittee to operate the plant to meet biological nutrient reduction goals of 8.0 mg/l (total nitrogen) and 1.5 mg/l (total phosphorus) as annual averages and to conduct a study to determine the cost and feasibility of meeting 5.0/0.5 and 3.0/0.3 mg/l for total N₂ and total P, respectively. The proposed permit also contains conditions and provisions for use of the effluent as irrigation. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Newton, City of P.O. Box 426 Newton, KS 67114	Sand Creek	Treated Domestic Wastewater

Kansas Permit No. M-LA13-IO01 Federal Permit No. KS0038971

Legal Description: SE¹/₄, SW¹/₄, NE¹/₄ and NE¹/₄, NW¹/₄, SE¹/₄, S19, T23S, R1E, Harvey County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The facility is a mechanical treatment plant consisting of screening and grit removal, primary clarification, trickling filters, activated sludge nitrification basins, final clarification and UV disinfection of effluent. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. Sludge is processed in an anaerobic digester. Effluent may be diverted to a golf course holding pond, a constructed wetlands, or to the receiving stream. A wet weather peak flow holding facility is utilized at times when stormwater-induced flows exceed the plant's rated capacity. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli, dissolved oxygen and pH. Monitoring for chlorides, total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen and effluent flow also will be required. The permittee will be required to perform a chronic whole effluent toxicity (WET) test annually as well as priority pollutant scan (PPS) once during the term of this permit. The proposed permit contains conditions and provisions for use of the effluent as irrigation. Contained in the permit is a schedule of compliance requiring the permittee to conduct a study to assess the cost and feasibility of nutrient removal by this facility. The report is to be completed within two years of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

(continued)

Public Notice No. KS-ND-07-027

(Published in the Kansas Register November 1, 2007.)

Name and Address of Applicant	Legal Location	Type of Discharge
Missionary Baptist State Convention of Kansas 853 Washington Boulevard Kansas City, KS 66101	SE¼, NE¼, NE¼, S28, T25S, R13E, Woodson County, KS	Nonoverflowing

Kansas Permit No. C-VE36-NO02 Federal Tracking No. KSJ000538
 Facility Name: Camp Ascension
 Facility Address: 886 Coyote Road, Toronto, KS 66777

Statutory Notice of Bond Sale
Johnson County, Kansas
\$24,590,000*
Internal Improvement Bonds
Series 2007B

(General obligations payable from unlimited ad valorem taxes)

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility. Contained in the permit is a schedule of compliance requiring the permittee to complete maintenance and repairs required by April 1, 2008. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Sealed and Electronic Bids

Sealed bids for bonds, submitted in sealed envelopes and marked "Series 2007B Bond Bid," will be received by the undersigned budget director, Office of Budget and Financial Planning of Johnson County, Kansas, at the Johnson County Administration Building, 111 S. Cherry, Suite 2300, Olathe, KS 66061-3441, until 10 a.m. Thursday, November 15, 2007, for the purchase of all of the county's \$24,590,000* principal amount of Internal Improvement Bonds, Series 2007B. Electronic bids for the purchase of all of the bonds will only be accepted through PARITY electronic bid submission system. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the requirements of the complete notice of bond sale. If any provisions in this statutory notice of bond sale conflict with information provided by PARITY, this statutory notice of bond sale will control. Further information about PARITY, including any fee charged and registration requirements, may be obtained from i-Deal, LLC, 1359 Broadway, 2nd Floor, New York, NY 10018, Customer Support, (212) 849-5000. The county assumes no responsibility or liability for bids submitted through PARITY. The county is using the services of PARITY solely as a communication mechanism to conduct the electronic bidding for the bonds. PARITY is not an agent of the county.

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 December 1, 2007, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-07-301/306, KS-07-140/141, KS-ND-07-027) 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.

All bids will be publicly opened on the date and at the time set forth above and acted upon by the Board of County Commissioners of Johnson County, Kansas, at 1:30 p.m., or soon thereafter as practicable, on said sale date. No oral, telephone, telefax or auction bids will be considered. Bids for the bonds shall not be less than \$24,344,100 plus accrued interest on the total principal amount of the bonds to the date of delivery.

Bond Details

The bonds will be in book entry form only. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof; will be dated December 1, 2007; will be issued in the principal amount of \$24,590,000*; and will become due serially on September 1 in each of the years as follows:

Maturity Schedule*

Maturity	Principal Amount
September 1	
2013	1,230,000
2014	1,275,000
2015	1,320,000
2016	1,375,000
2017	1,425,000
2018	1,485,000
2019	1,545,000

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035050

2020	1,605,000
2021	1,675,000
2022	1,745,000
2023	1,815,000
2024	1,895,000
2025	1,980,000
2026	2,065,000
2027	2,155,000

(Published in the Kansas Register November 1, 2007.)

**Notice of Redemption
City of Belleville, Kansas
First Mortgage Elderly Housing Revenue Bonds
Series 1978**

Notice is hereby given that pursuant to Resolution No. 5-78 of the city of Belleville, Kansas, Sunflower Bank, N.A., FKA First National Bank and Trust Company of Salina, Salina, Kansas, as Trustee and Paying Agent, will redeem on January 1, 2008, for the city, all of the principal amount of the Series 1978 First Mortgage Elderly Housing Revenue Bonds of the city of Belleville at a price equal to the principal amount thereof plus accrued interest thereon to January 1, 2008, without premium.

Bids for the bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above at a price of par plus accrued interest to the date of redemption.

The bonds will bear interest from their date at the rates to be determined when the bonds are sold as hereinafter provided, payable semiannually on March 1 and September 1 in each year, commencing September 1, 2008.

Bonds to be redeemed are numbered 63 through and including number 112, and are in the following denominations:

63-112 @ \$5,000 each

Delivery and Payment

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

On January 1, 2008, the bonds described above will be due and payable at:

Sunflower Bank, N.A.
Attn: Trust Department
2090 S. Ohio, P.O. Box 800
Salina, KS 67402-0800

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$491,800 must be furnished at or prior to the time of sale by each bidder.

Bonds should be surrendered and after January 1, 2008, interest on the aforesaid bonds will cease to accrue. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your securities.

Costs

The county will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Kutak Rock LLP, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

Dated November 1, 2007.

Sunflower Bank, N.A.
Trustee and Paying Agent

Doc. No. 035047

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation of the taxable tangible property within the county for computation of bonded debt limitations as of December 31, 2006, is \$8,520,507,858. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$210,320,000.

(Published in the Kansas Register November 1, 2007.)

**Summary Notice of Bond Sale
City of Newton, Kansas
\$2,300,000
General Obligation Bonds, Series 2007-A
(General obligation bonds payable from
unlimited ad valorem taxes)**

Additional Information

A complete notice of bond sale for the bonds, official statement and bid forms approved by the county will be mailed to all interested parties. Bidders may be required to be qualified in a manner established by the county before submitting a bid. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Incorporated, at (651) 223-3000, or Scott A. Neufeld, the county's budget director, at (913) 715-0605. Arrangements may be made with the financial advisor to deliver a sealed bid for the bonds to the county.

Bids

Subject to the notice of bond sale dated October 23, 2007, written and electronic bids will be received on behalf of the clerk of the city of Newton, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. November 13, 2007, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Johnson County, Kansas
By: Scott A. Neufeld, Budget Director
Johnson County Budget
and Financial Planning
Johnson County Administration Building
Olathe, KS 66061-3441

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated November 1, 2007, and will become due on September 1 in the years as follows:

* Preliminary; subject to change.

Doc. No. 035051

(continued)

Year	Principal Amount
2008	\$ 90,000
2009	75,000
2010	80,000
2011	80,000
2012	85,000
2013	90,000
2014	95,000
2015	100,000
2016	100,000
2017	105,000
2018	110,000
2019	120,000
2020	125,000
2021	130,000
2022	135,000
2023	140,000
2024	150,000
2025	155,000
2026	165,000
2027	170,000

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

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$46,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about November 29, 2007, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2007 is \$125,031,180. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$24,390,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the financial advisor at the address set forth below.

Written Bid and Good Faith Deposit Delivery Address:

City Hall
201 E. 6th, P.O. Box 426
Newton, KS 67114
Attn: Finance Director

Financial Advisor—Facsimile Bid and Good Faith

Deposit Delivery Address:

George K. Baum & Company
100 N. Main, Suite 810
Wichita, KS 67202
Attn: Charles M. Bouilly
(316) 264-9351
Fax (316) 264-9370
E-mail: bouilly@gkbaum.com

Dated October 23, 2007.

City of Newton, Kansas

Doc. No. 035039

State of Kansas

Board of Education

Notice of Additional Public Hearing on Proposed Administrative Regulations

In addition to a public hearing to be held at 1:30 p.m. Tuesday, December 11, the State Board of Education will conduct an additional public hearing at 1:30 p.m. Tuesday, January 8, in the Board Room of the State Education Building, 120 S.E. 10th Ave., Topeka, to consider proposed amendments to, or revocations of, special education regulations numbered K.A.R. 91-40-1 through 91-40-53. The existing regulations proposed for amendment are: 91-40-1, 91-40-2, 91-40-3, 91-40-5, 91-40-7, 91-40-8, 91-40-9, 91-40-10, 91-40-11, 91-40-12, 91-40-16, 91-40-17, 91-40-21, 91-40-22, 91-40-26, 91-40-27, 91-40-28, 91-40-29, 91-40-30, 91-40-31, 91-40-33, 91-40-34, 91-40-35, 91-40-38, 91-40-41, 91-40-42, 91-40-43, 91-40-44, 91-40-45, 91-40-46, 91-40-48, 91-40-50 and 91-40-51. (The following existing regulations are not being amended: 91-40-4, 91-40-18, 91-40-19, 91-40-24, 91-40-25, 91-40-36, 91-40-47, 91-40-52 and 91-40-53.)

Two existing regulations are proposed for revocation: K.A.R. 91-40-37 and 91-40-39, and one new regulation, 91-40-42a, is proposed. Finally, regulation numbers 91-40-6, 91-40-13, 91-40-14, 91-40-15, 91-40-20, 91-40-23, 91-40-32, 91-40-40 and 91-40-49 continue to be reserved for future use.

These proposed regulations are required by the revised federal regulations implementing the federal Individuals with Disabilities Education Act (IDEA). They also address state special education laws that exceed federal mandates, such as services for gifted children and children enrolled in private schools.

These regulations do not impose any requirement that is not mandated by state or federal laws or regulations. The amendments conform to the new federal regulations.

The following is a summary of the substance of each regulation and its anticipated economic impact.

K.A.R. 91-40-1. This regulation provides definitions of terms used in the regulations. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-2. This regulation implements the requirement that all children with disabilities aged 3 through 21 have available to them a Free Appropriate Public Education (FAPE). Language is added to clarify that the responsibility to provide FAPE does not extend to a child whose parents have elected to have the child continue to receive early intervention services under the infant and toddler section of the law. Also, provisions are added to clarify that a child may be eligible for special education and related services even though the child has not failed, or been retained in, a course or grade.

This regulation imposes no new obligation on school districts. Thus, this regulation will not impose any additional economic burden on school districts. However, the statutory obligation to provide FAPE to exceptional children has a very substantial economic impact. In the 2006-2007 school year, the costs of providing special education were \$667 million, with the state paying approximately \$334 million in categorical aid. Federal aid was about \$138 million, including Medicaid reimbursements. For the 2007-2008 school year, the State Board estimates the total costs of providing special education will be \$700 million. State aid will be \$372 million and federal aid is expected to be approximately \$122 million, including Medicaid reimbursements.

K.A.R. 91-40-3. This regulation requires that children with disabilities have available to them the same variety of educational programs and services that are available to non-disabled children. Consistent with federal changes, it is amended to state that supplemental aids and services must be provided, if they are necessary for a child to receive an appropriate education. It also clarifies that schools have limited responsibilities for surgically implanted medical devices. These changes will have no economic impact upon the State Board of Education, other governmental entities, or for private businesses or individuals. No economic impact is anticipated for school districts since these services are already being provided, when necessary.

K.A.R. 91-40-4. This regulation is not being amended.

K.A.R. 91-40-5. This regulation concerns special education provided to children with disabilities detained or incarcerated in a detention facility. It is amended to clarify that it applies to both state facilities and to other facilities where a child is placed for detention. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses, individuals, or school districts.

K.A.R. 91-40-6. Reserved.

K.A.R. 91-40-7. This regulation continues the requirement that each school board adopt and implement policies and procedures to identify, locate and evaluate children with exceptionalities residing in the school district. This is known as "child find." The regulation continues,

but updates, the requirement that school districts generally not evaluate a child for special education until the school district has tried general education interventions to help the child. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. Also, since this regulation does not impose any new requirement upon school districts, no additional economic impact is anticipated for school districts.

K.A.R. 91-40-8. This regulation continues the requirement that an appropriate evaluation be conducted of any child being considered for special education to determine if the child is an exceptional child and what the educational needs of the child are. However, provisions regarding additional requirements for determining if a child has a learning disability are removed from this regulation and are provided for in regulation K.A.R. 91-40-11. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. Also, since this regulation does not impose any new requirement upon school districts, no additional economic impact is anticipated for school districts.

K.A.R. 91-40-9. This regulation concerns the methods and procedures used to evaluate or re-evaluate an exceptional child. Only minor changes to conform to federal changes are made. These revisions are intended to clarify the requirements for evaluations. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-10. This regulation concerns eligibility determinations and requires that a written evaluation report be completed to document whether a child is an exceptional child. It is being amended to specify what information must be included in the evaluation report if a child is determined to have a learning disability. It also is amended to conform to the federal designation of developmental delay for children ages three through nine. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. Because these reports are currently required, school districts will not incur additional costs.

K.A.R. 91-40-11. This regulation is amended to govern evaluations for specific learning disabilities and the conditions that must be met to determine a child has a learning disability. It includes only those requirements prescribed in the federal regulations. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. Also, no additional economic impact is anticipated for school districts.

K.A.R. 91-40-12. This regulation concerns the right of parents to obtain an independent education evaluation (IEE). It clarifies that parents of an exceptional child are eligible to obtain only one IEE at public expense in response to an agency evaluation. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. Since this regulation imposes restriction on IEE's, school

(continued)

districts may avoid expenditures of \$1,000 to \$3,000, with total savings of up to \$30,000 statewide, per year.

K.A.R. 91-40-13 to 91-40-15. Reserved.

K.A.R. 91-40-16. This regulation concerns the development, review, and revision of an individualized education program (IEP) for each exceptional child. It is being amended by deleting provisions that are now included in state law. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-17. This regulation concerns IEP meetings. It is amended to conform to notice requirements for IEP meetings now provided for in the federal regulations, especially those dealing with IEP meetings that address transition services. These changes will have no economic impact on the State Board of Education, school districts, other governmental entities, or private businesses or individuals.

K.A.R. 91-40-18. This regulation is not being amended.

K.A.R. 91-40-19. This regulation is not being amended.

K.A.R. 91-40-20. Reserved.

K.A.R. 91-40-21. This regulation concerns educational placement and continues the existing requirement that each child with a disability be educated in the least restrictive environment (LRE). Provisions are added to address appropriate placement for children who are gifted. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, private businesses or individuals based upon this amendment.

K.A.R. 91-40-22. This regulation concerns the placement of a child with a disability in a private school or facility by the child's school district. The regulation is amended to clarify that, when this occurs, the child remains the responsibility of the local school district and is to be afforded all the rights granted by law. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, private businesses or individuals.

K.A.R. 91-40-23. Reserved.

K.A.R. 91-40-24. This regulation is not being amended.

K.A.R. 91-40-25. This regulation is not being amended.

K.A.R. 91-40-26. This regulation concerns notices that must be sent to parents of exceptional children. It is being amended to require that an explanation of proposed agency action be included in such notices and to specify when the list of procedural safeguards must be included with such notices. This change will not have an economic impact upon the State Board of Education, school districts, other governmental agencies, private businesses or individuals.

K.A.R. 91-40-27. This regulation concerns written parental consent for special education action. Provisions are added to address those situations where consent is not given. If a parent refuses to consent to the initial provision of special education services, the school district cannot invoke procedures to override the parent's decision. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. A school district will incur expenses only if parental consent for an evaluation is denied. Then a due process hearing may be appropriate. These hearings cost

between \$1,000 and \$10,000. However, in each of the past five school years, the number of due process hearings has not exceeded 10, statewide.

K.A.R. 91-40-28. This regulation offers parents and school districts the option of requesting mediation or initiating a due process hearing if a disagreement arises. Provisions are added to mandate a resolution meeting prior to convening a due process hearing and to establish timelines for such meetings. It is hoped that the use of mediation and these new resolution meetings will eliminate the use of more costly due process hearings. This would result in reduced costs for school districts and for parents. Due process hearings cost between \$1,000 and \$10,000.

K.A.R. 91-40-29. This regulation establishes the qualifications for special education mediators and due process hearing officers. Changes are being made to reflect that training is offered on a varying basis. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses. Individuals who participate in the training are charged a registration fee of \$50 for materials and 1/2 day of instruction. Attorneys can receive CLE credit for these programs.

K.A.R. 91-40-30. This regulation concerns expedited due process hearings in student suspension matters. The timeline for a final decision is changed from 45 calendar days to 30 school days to conform to the federal change. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-31. This regulation concerns a child's educational placement during the pendency of a due process hearing or judicial proceedings. Provisions are added to address children transferring from the infant and toddler program to the program for children age 3 to 21. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-32. Reserved.

K.A.R. 91-40-33. This regulation provides definitions of terms used in the five subsequent regulations which concern discipline of children with disabilities. The changes are made to conform to new federal provisions. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-34. This regulation authorizes school personnel to impose a short-term suspension on a child with a disability for violation of a school rule, and for school personnel to order a change in placement as authorized by law. Discipline of gifted children is also addressed. A change is made to reference a new state statute. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-35. This regulation specifies the special education and related services that are required to be provided to a child with a disability who has been suspended from school or who has been placed in an interim alternative educational setting. Language is modified to conform to federal provisions requiring a child to be pro-

vided services to progress in the general education curriculum and progress toward meeting his IEP goals. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, private businesses or individuals.

K.A.R. 91-40-36. This regulation is not being amended.

K.A.R. 91-40-37. This regulation is being revoked because its provisions are now contained in a state statute. No economic impact will result for the State Board of Education, school districts, other governmental entities, private businesses or individuals due to revocation of this regulation.

K.A.R. 91-40-38. This regulation supplements the statutory requirements concerning manifestation determination reviews when a change in placement for disciplinary reasons is proposed. Provisions for a resolution meeting are added if due process is sought to appeal a manifestation determination. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-39. This regulation is being revoked because its provisions are now contained in a state statute. No economic impact will result for the State Board of Education, school districts, other governmental entities, private businesses or individuals due to revocation of this regulation.

K.A.R. 91-40-40. Reserved.

K.A.R. 91-40-41. This regulation specifies the findings that must be made before a school district can be held liable to reimburse parents for the costs of enrolling their child in a private school. It also specifies the grounds upon which tuition reimbursement can be denied or reduced. It is being reworded to conform to new federal language. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. This regulation limits the exposure of school districts to claims for private school tuition reimbursement by parents of children with disabilities. So, these provisions help to eliminate or reduce litigation costs. However, in Kansas, there have been fewer than five of these cases over the past 10 years.

K.A.R. 91-40-42. This regulation requires public school districts to consult with representatives of parentally-placed private school students on: 1) how to conduct child find activities; 2) how to conduct a count of private school children with disabilities; and 3) how to determine which private school children will receive services. Details regarding the consultation process are deleted from this regulation and are added to the following new regulation. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. The economic impact for school districts will be negligible since districts, for many years, have consulted with private school representatives.

K.A.R. 91-40-42a. This new regulation sets forth the requirements for consultation between public school officials and representatives of private schools and parents of children enrolled in private schools. All of the requirements in this state regulation are imposed by federal regulations. In addition to specifying matters on which consultation must occur, the regulation allows private school

representatives to file a written complaint with the state department of education alleging that insufficient consultation occurred. After giving the school district a chance to respond, the department must issue a decision regarding the complaint. We believe these required federal provisions will have little, if any, economic impact in Kansas. Provisions similar to this exist in regard to other federally-assisted education programs, but an appeal has not been filed in over 15 years. Experience indicates that consultation between public and private school officials has been professional and sufficient.

K.A.R. 91-40-43. This regulation is amended to require, in accordance with a new federal requirement, that school districts provide services to private school children who attend private schools located in the district, regardless of the students' residences. But, this mandate extends only to federal special education money provided for private school children. The regulation also specifies the services that must be provided to private school children. It addresses the different requirements under state and federal law. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. The new requirement to provide services for private school children who are nonresidents of the school district will affect only those districts in which one or more private schools are located. In addition, the requirement to serve nonresidents is limited to federal funds allotted for that purpose. Thus, there should be little economic impact on school districts based upon this regulation.

K.A.R. 91-40-44. This regulation prescribes the formulas that local school districts must use to allocate federal funds for expenditure in providing special education and related services to private school children with disabilities. The formulas are based on federal requirements. It is amended to add record keeping requirements for the number of children evaluated, determined to have a disability, and provided services. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. The added data collection will affect only those school districts with private schools and should result in a minimal fiscal impact of \$40,000 statewide.

K.A.R. 91-40-45. This regulation concerns services plans and IEP's for children with disabilities who are enrolled in private schools. It addresses the different requirements under state and federal law. Only editorial changes are being made. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, private businesses or individuals.

K.A.R. 91-40-46. This regulation clarifies the rights of parents of private school exceptional children regarding mediation or due process hearings. It addresses differences between the state and federal laws. It is being amended to specify where complaints are to be filed. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. Also, since this regulation does not impose any new requirement upon school districts, no additional economic impact is anticipated for them.

(continued)

K.A.R. 91-40-47. This regulation is not being amended.

K.A.R. 91-40-48. This regulation specifies allowable uses of public funds and equipment in providing special education and related services to exceptional children enrolled in private schools. New language taken from the federal regulation indicates that all services must be provided in a secular and nonideological manner. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals.

K.A.R. 91-40-49. Reserved.

K.A.R. 91-40-50. This regulation concerns parents' access to student records and confidentiality of such records. Several federal regulations on these subjects are being incorporated by reference. Most of these requirements are currently imposed upon school districts in regard to all students pursuant to another federal law, the Family Educational Rights and Privacy Act (FERPA), but a few additional requirements apply to the records of children with disabilities. No economic impact is anticipated for the State Board of Education, other governmental entities, private businesses or individuals. Also, since this regulation imposes no new requirements upon school districts, no economic impact is anticipated for school districts.

K.A.R. 91-40-51. This regulation specifies the procedures for filing a complaint with the state department of education. It continues provisions that have been in effect for several years, but also adds provisions required by the new federal regulations, including a list of information that must be included in each complaint. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, or for private businesses or individuals based upon the changes.

K.A.R. 91-40-52. This regulation is not being amended.

K.A.R. 91-40-53. This regulation is not being amended.

A copy of each of the proposed regulations and its economic impact statement may be obtained by contacting the secretary of the State Board of Education at the address above prior to the date of the hearing or by e-mail to pplmann@ksde.org. The regulations also may be accessed online at www.kansped.org/ksde/new/newitems.html.

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, this period of public notice 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 pplmann@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 TDD (785) 296-8172.

Alexa Posny
Commissioner of Education

State of Kansas

Department of Wildlife and Parks

Permanent Administrative
Regulations

Article 2.—FEES, REGISTRATIONS AND
OTHER CHARGES

115-2-1. Amount of fees. The following fees shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

(1)	Resident hunting license	18.00
(2)	Nonresident hunting license	70.00
(3)	Nonresident junior hunting license (under 16 years of age)	35.00
(4)	Resident big game hunting permit:	
	General resident: either-sex elk permit	250.00
	General resident: antlerless-only elk permit	100.00
	General resident youth (under 16 years of age):	
	either-sex elk permit	125.00
	General resident youth (under 16 years of age):	
	antlerless-only elk permit	50.00
	Landowner/tenant: either-sex elk permit	125.00
	Landowner/tenant: antlerless-only elk permit	50.00
	Hunt-on-your-own-land: elk permit	50.00
	General resident: deer permit	30.00
	General resident youth (under 16 years of age):	
	deer permit	15.00
	General resident: antlerless-only deer permit	15.00
	General resident youth (under 16 years of age):	
	antlerless-only deer permit	7.50
	Landowner/tenant: deer permit	15.00
	Hunt-on-your-own-land: deer permit	15.00
	Special hunt-on-your-own-land: deer permit	30.00
	General resident: antelope permit	40.00
	General resident youth (under 16 years of age):	
	antelope permit	20.00
	Landowner/tenant: antelope permit	20.00
	Hunt-on-your-own-land: antelope permit	20.00
	Antelope preference point service charge	5.00
	Any-deer preference point service charge	5.00
	Application fee for elk permit	5.00
(5)	Resident game tag:	
	Turkey game tag	10.00
(6)	Wild turkey permit:	
	General resident: turkey permit (1-bird limit)	20.00
	General resident youth (under 16 years of age):	
	turkey permit (1-bird limit)	10.00
	Landowner/tenant: turkey permit (1-bird limit)	10.00
	Nonresident: turkey permit (1-bird limit)	30.00
	Resident: turkey preference point service charge	5.00
(7)	Nonresident big game hunting permit:	
	Nonresident hunt-on-your-own-land: deer permit	75.00
	Nonresident: deer permit (antlered deer)	300.00
	Nonresident: deer permit (antlerless only)	75.00
	Nonresident: antelope permit (archery only)	200.00
	Nonresident: deer permit application fee	20.00
	Nonresident: mule deer stamp	100.00
(8)	Nonresident game tag:	
	Turkey game tag	20.00
(9)	48-hour waterfowl hunting permit	25.00
(10)	Field trial permit: game birds	20.00
(11)	Lifetime hunting license	440.00
	or eight quarterly installment payments of	60.00
(12)	Migratory waterfowl habitat stamp	5.00
(13)	Special dark goose hunting permit	5.00
(14)	Sandhill crane hunting permit: validation fee	5.00
(15)	Disabled person hunt-from-a-vehicle permit	0

(b) Fishing licenses and permits.

Resident fishing license	18.00
Nonresident fishing license	40.00

24-hour fishing license	3.00
Three-pole permit	4.00
Tournament bass pass	10.00
Paddlefish permit (six carcass tags)	10.00
Paddlefish permit youth (under 16 years of age) (six carcass tags)	5.00
Hand fishing permit	25.00
Lifetime fishing license	440.00
or eight quarterly installment payments of	60.00
Five-day nonresident fishing license	20.00
Institutional group fishing license	100.00
Special nonprofit group fishing license	50.00
Trout permit	10.00

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license	36.00
Resident lifetime combination hunting and fishing license .. or eight quarterly installment payments of	880.00
Nonresident combination hunting and fishing license	110.00

(d) Furharvester licenses.

Resident furharvester license	18.00
Resident junior furharvester license	10.00
Lifetime furharvester license	440.00
or eight quarterly installment payments of	60.00
Nonresident furharvester license	250.00
Nonresident bobcat permit (1-bobcat limit per permit)	100.00
Resident fur dealer license	100.00
Nonresident fur dealer license	400.00
Field trial permit: furbearing animals	20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license	15.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	1,000.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Commercial fish bait permit	20.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license require- ment)	5.00
Commercial prairie rattlesnake dealer permit	50.00
Prairie rattlesnake round-up event permit	25.00

(f) Collection, scientific, importation, rehabilitation, and damage-control permits.

Scientific, educational, or exhibition permit	10.00
Raptor propagation permit	0
Rehabilitation permit	0
Wildlife damage-control permit	0
Wildlife importation permit	10.00
Threatened or endangered species: special permits	0

(g) Falconry.

Apprentice permit	75.00
General permit	75.00
Master permit	75.00
Testing fee	50.00

(h) Miscellaneous fees.

Duplicate license, permit, stamp, and other issues of the de- partment	10.00
Special departmental services, materials, or supplies	At cost
Vendor bond	
For bond amounts of \$5,000.00 and less	50.00
For bond amounts of more than \$5,000.00	50.00
plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.	

This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-988, as amended by L. 2007, Ch. 133, Sec. 7; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999; amended Jan. 2, 2002; amended Jan. 1, 2003; amended Jan. 1, 2004; amended Feb. 18, 2005; amended Jan. 1, 2006; amended May 1, 2006; amended Jan. 1, 2007; amended Jan. 1, 2008.)

115-2-3a. Cabin camping permit fees. (a) The following cabin camping permit fees shall be in effect for the following state parks:

- (1) Cedar Bluff:
 - Cabins 1 and 2:
 - Year-round, per night
 - Cabins 3 and 4:
 - Year-round, per night
 - Cabin 5:
 - Year-round, per night
 - Cabins 6 and 7:
 - Year-round, per night
- (2) Cheney:
 - Cabins 1 through 8:
 - Sunday through Thursday, year-round, per night
 - Friday and Saturday, May 1 through September 30, per night
 - Friday and Saturday, October 1 through April 30, per night
 - Year-round, per week
 - Cabin 9:
 - Sunday through Thursday, year-round, per night
 - Friday and Saturday, May 1 through September 30, per night
 - Friday and Saturday, October 1 through April 30, per night
 - Year-round, per week
- (3) Clinton:
 - Cabins 1 and 2:
 - Sunday through Thursday, April 1 through September 30, per night
 - Sunday through Thursday, October 1 through March 31, per night
 - Friday and Saturday, April 1 through September 30, per night
 - Friday and Saturday, October 1 through March 31, per night
 - April 1 through September 30, per week
 - October 1 through March 31, per week
- (4) Crawford:
 - Cabins 1 and 2:
 - Sunday through Thursday, April 1 through September 30, per night
 - Sunday through Thursday, October 1 through March 31, per night
 - Friday and Saturday, April 1 through September 30, per night
 - Friday and Saturday, October 1 through March 31, per night
 - April 1 through September 30, per week
 - October 1 through March 31, per week
- (5) Cross Timbers:
 - Cabins 1 through 4:
 - Sunday through Thursday, April 1 through September 30, per night
 - Sunday through Thursday, October 1 through March 31, per night
 - Friday and Saturday, April 1 through September 30, per night

(continued)

Friday and Saturday, October 1 through March 31, per night	\$75.00	Cabins 1 through 5:	
April 1 through September 30, per week	\$450.00	Sunday through Thursday, year-round, per night	\$55.00
October 1 through March 31, per week	\$375.00	Friday and Saturday, April 1 through September 30, per night	\$70.00
(6) Eisenhower:		Friday and Saturday, October 1 through March 31, per night	\$55.00
Cabin 1:		April 1 through September 30, per week	\$400.00
Year-round, per night	\$36.00	October 1 through March 31, per week	\$350.00
Year-round, for 3 consecutive nights	\$100.00	(12) Lovewell:	
Year-round, per week	\$225.00	Cabins 1 through 8 (fee covers two adults; add \$5.00 for each additional adult):	
Cabins 2 and 3:		Year-round, per night	\$45.00
Sunday through Thursday, April 1 through September 30, per night	\$65.00	(13) Milford:	
Sunday through Thursday, October 1 through March 31, per night	\$55.00	Cabins 1 through 6:	
Friday and Saturday, April 1 through September 30, per night	\$85.00	Sunday through Thursday, year-round, per night	\$45.00
Friday and Saturday, October 1 through March 31, per night	\$75.00	Friday and Saturday, April 1 through September 30, per night	\$65.00
April 1 through September 30, per week	\$450.00	Friday and Saturday, October 1 through March 31, per night	\$45.00
October 1 through March 31, per week	\$375.00	April 1 through September 30, per week	\$300.00
Yurts 1 and 2:		October 1 through March 31, per week	\$275.00
Year-round, per night	\$36.00	(14) Perry:	
Year-round, for 3 consecutive nights	\$100.00	Cabins 1 through 4:	
Year-round, per week	\$225.00	Sunday through Thursday, April 1 through September 30, per night	\$55.00
(7) El Dorado:		Sunday through Thursday, October 1 through March 31, per night	\$45.00
Cabins 1 through 5:		Friday and Saturday, April 1 through September 30, per night	\$65.00
Sunday through Thursday, year-round, per night	\$30.00	Friday and Saturday, October 1 through March 31, per night	\$55.00
Friday and Saturday, year-round, per night	\$35.00	Year-round, per week	\$300.00
Year-round, per week	\$175.00	(15) Pomona:	
Year-round, per month	\$600.00	Cabins 1 and 2:	
Cabin 6:		Sunday through Thursday, April 1 through September 30, per night	\$65.00
Year-round, per night	\$100.00	Sunday through Thursday, October 1 through March 31, per night	\$55.00
Year-round, per week	\$560.00	Friday and Saturday, April 1 through September 30, per night	\$85.00
Year-round, per month	\$1,800.00	Friday and Saturday, October 1 through March 31, per night	\$75.00
Cabin 7:		April 1 through September 30, per week	\$450.00
Year-round, per night	\$110.00	October 1 through March 31, per week	\$375.00
Year-round, per week	\$560.00	(16) Prairie Dog:	
Year-round, per month	\$1,800.00	Cabins 1 and 2 (fee covers two adults; add \$5.00 for each additional adult):	
Cabins 8 and 9:		Year-round, per night	\$45.00
Year-round, per night	\$85.00	(17) Scott:	
Year-round, per week	\$525.00	Cabins 1 and 2:	
Year-round, per month	\$1,650.00	Year-round, per night	\$70.00
Cabin 10:		Year-round, per week	\$420.00
Year-round, per night	\$75.00	(18) Tuttle Creek:	
Year-round, per week	\$455.00	Cabins 1 through 4:	
Year-round, per month	\$1,350.00	Sunday through Thursday, April 1 through September 30, per night	\$65.00
(8) Fall River:		Sunday through Thursday, October 1 through March 31, per night	\$55.00
Cabins 1 and 2:		Friday and Saturday, April 1 through September 30, per night	\$85.00
Sunday through Thursday, April 1 through September 30, per night	\$65.00	Friday and Saturday, October 1 through March 31, per night	\$75.00
Sunday through Thursday, October 1 through March 31, per night	\$55.00	April 1 through September 30, per week	\$450.00
Friday and Saturday, April 1 through September 30, per night	\$85.00	October 1 through March 31, per week	\$375.00
Friday and Saturday, October 1 through March 31, per night	\$75.00	(9) Glen Elder:	
April 1 through September 30, per week	\$450.00	Cabins 1 through 4:	
October 1 through March 31, per week	\$375.00	Year-round, per night	\$75.00
(9) Glen Elder:		Year-round, per week	\$450.00
Cabins 1 through 4:		(10) Hillsdale:	
Year-round, per night	\$75.00	Cabins 1 and 2:	
Year-round, per week	\$450.00	Sunday through Thursday, April 1 through September 30, per night	\$65.00
(10) Hillsdale:		Sunday through Thursday, October 1 through March 31, per night	\$55.00
Cabins 1 and 2:		Friday and Saturday, April 1 through September 30, per night	\$85.00
Sunday through Thursday, April 1 through September 30, per night	\$65.00	Friday and Saturday, October 1 through March 31, per night	\$75.00
Sunday through Thursday, October 1 through March 31, per night	\$55.00	April 1 through September 30, per week	\$450.00
Friday and Saturday, April 1 through September 30, per night	\$85.00	October 1 through March 31, per week	\$375.00
Friday and Saturday, October 1 through March 31, per night	\$75.00	Cabins 5 through 7:	
April 1 through September 30, per week	\$450.00	Sunday through Thursday, April 1 through September 30, per night	\$75.00
October 1 through March 31, per week	\$375.00	Sunday through Thursday, October 1 through March 31, per night	\$65.00
(11) Kanopolis:		Friday and Saturday, April 1 through September 30, per night	\$95.00
		Friday and Saturday, October 1 through March 31, per night	\$85.00
		April 1 through September 30, per week	\$520.00

October 1 through March 31, per week	\$445.00
(19) Webster:	
Cabin 1:	
Sunday through Thursday, year-round, per night	\$50.00
Friday and Saturday, year-round, per night	\$70.00
Year-round, per week	\$375.00
(20) Wilson:	
Cabins 1 through 6:	
Sunday through Thursday, April 1 through September 30, per night	\$60.00
Friday and Saturday, April 1 through September 30, per night	\$70.00
October 1 through March 31, per night	\$50.00
April 1 through September 30, per week	\$380.00
October 1 through March 31, per week	\$325.00
(b) The following cabin camping permit fees shall be in effect for the following state fishing lakes and wildlife areas:	
(1) Clark:	
Cabin 1:	
Year-round, per night	\$60.00
Year-round, per week	\$420.00
(2) Mined land:	
Cabin 1:	
Year-round, per night	\$60.00
Year-round, per week	\$420.00
(3) Ottawa:	
Cabin 1:	
Year-round, per night	\$60.00
Year-round, per week	\$420.00
(4) Woodson:	
Cabin 1:	
Year-round, per night	\$60.00
Year-round, per week	\$420.00

(c) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-988, as amended by L. 2007, Ch. 133, Sec. 7; effective Jan. 1, 2005; amended Jan. 1, 2007; amended Jan. 1, 2008.)

Article 7.—FISH AND FROGS

115-7-1. Fishing; legal equipment, methods of taking, and other provisions. (a) Legal equipment and methods for taking sport fish shall be the following:

- (1) Fishing lines with not more than two baited hooks or artificial lures per line;
- (2) trotlines;
- (3) setlines;
- (4) tip-ups;
- (5) using a person’s hand or hands for flathead catfish in waters designated as open to hand fishing, subject to the following requirements:
 - (A) An individual hand fishing shall not use hooks, snorkeling or scuba gear, or other man-made devices while engaged in hand fishing;
 - (B) an individual hand fishing shall not possess fishing equipment, other than a stringer, while engaged in hand fishing and while on designated waters or adjacent banks;
 - (C) stringers shall not be used as an aid for hand fishing and shall not be used until the fish is in possession at or above the surface of the water;
 - (D) each individual hand fishing shall take fish only from natural objects or natural cavities;
 - (E) an individual hand fishing shall not take fish from any man-made object, unless the object is a bridge, dock,

boat ramp, or riprap, or other similar structure or feature; and

(F) no part of any object shall be disturbed or altered to facilitate the harvest of fish for hand fishing; and

(6) snagging for paddlefish in waters posted or designated by the department as open to the snagging of paddlefish, subject to the following requirements:

(A) Each paddlefish caught and landed shall be included in the creel and possession limit, unless a minimum length limit has been established and posted for that area, in which case each paddlefish not meeting the minimum length limit shall be released immediately into the waters from which it came;

(B) each individual fishing for paddlefish shall place all paddlefish legally caught on a stringer, cord, cable, or chain, or in a basket, sack, cage, or other holding device, which shall be marked with the individual’s name and address;

(C) each individual with a filled creel limit shall cease all snagging activity in the paddlefish snagging area until the next calendar day; and

(D) each individual taking paddlefish to be included in the creel and possession limit during the snagging season shall sign the carcass tag, record the county, the date, and the time of harvest on the carcass tag, and attach the carcass tag to the lower jaw of the carcass immediately following the harvest and before moving the carcass from the site of the harvest.

(b) Legal equipment and methods for taking non-sport fish shall be the following:

- (1) Fishing lines with not more than two baited hooks or artificial lures per line;
- (2) trotlines;
- (3) setlines;
- (4) tip-ups;
- (5) bow and arrow with a barbed head and a line attached from bow to arrow;
- (6) crossbow and arrow with a barbed head and a line attached from arrow to crossbow;
- (7) spear gun, without explosive charge, while skin or scuba diving. The spear, without explosive charge, shall be attached to the speargun or person by a line;
- (8) gigging; and
- (9) snagging in waters posted by the department as open to snagging.

(c) Dip nets and gaffs may be used to land any legally caught or hooked fish.

(d) Fish may be taken by any method designated by the secretary when a fish salvage order has been issued by the secretary through public notice or posting the area open to fish salvage.

(e) Fish may be taken with the aid of boats, depth finders, artificial lights, sound attracters, and scents.

(f) Fish may be taken by legal means from vehicles.

(g) The following additional requirements shall apply in the flowing portions and backwaters of the Missouri river and in any oxbow lake through which the Kansas-Missouri boundary passes:

(1) Each individual shall place all legally caught fish on a stringer, cord, cable, or chain, or in a basket, sack, cage,

(continued)

or other holding device, separate from those fish caught by any other individual.

(2) The equipment and methods specified in paragraphs (b)(5) and (b)(6) shall be legal only from sunrise to midnight.

(3) The equipment and method specified in paragraph (b)(9) shall be legal only from sunrise to sunset. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002; effective Dec. 26, 1989; amended Feb. 10, 1992; amended Oct. 1, 1999; amended Dec. 8, 2000; amended Sept. 27, 2002; amended Nov. 29, 2004; amended Nov. 27, 2006; amended Nov. 16, 2007.)

115-7-8. Weigh-in black bass fishing tournaments using tournament black bass pass. (a) Each individual or organization desiring to conduct a registered and permitted weigh-in black bass fishing tournament that allows the use of the tournament black bass pass shall apply to the secretary on a form provided by the department. These tournaments may be held only within the period beginning September 1 and extending through June 15.

(b) Each application shall contain the following information:

(1) The name, address, and phone number of the individual or the contact member of the organization desiring to conduct the tournament;

(2) the location of the proposed tournament and a copy of the written permission of the facility manager authorizing the tournament location and the date or dates;

(3) the date or dates and the times that the tournament is to be conducted;

(4) a description of the equipment used to conduct weigh-in and release procedures;

(5) a map containing the proposed location of the weigh-in and release sites; and

(6) other relevant information as required by the secretary or the secretary's designee.

(c) Upon approval of the application by the secretary and before the start of the tournament, the individual or organization conducting the tournament shall provide the following items to each registered tournament participant:

(1) A department-provided, waterproof tournament participant card;

(2) a department-provided catch-reporting form;

(3) department-provided tournament guidelines; and

(4) one or more vessel decals or signs that clearly state that each individual in the vessel is participating in a registered and permitted tournament.

(d) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in

the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(e) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(f) Each registered and permitted tournament participant shall meet the following requirements:

(1) Provide all data related to the participant's tournament catch to the tournament organizer, on a form provided by the department;

(2) place at least one tournament-authorized decal or sign on the participant's vessel used in the tournament;

(3) possess a tournament identification card and tournament black bass pass at all times while participating in the tournament;

(4) ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution;

(5) be able to cull fish after reaching the daily creel limit; and

(6) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(g) Each individual or organization conducting a black bass fishing tournament shall provide all catch and mortality data for the tournament to the department within

30 days following the conclusion of the tournament, on a department-provided form.

(h) In addition to any other penalty prescribed by law, an individual or organization that fails to comply with the provisions of this regulation shall not be eligible to apply to conduct a registered and permitted black bass fishing tournament for at least one year from the date of noncompliance. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002; effective Nov. 27, 2006; amended Nov. 16, 2007.)

115-7-9. Weigh-in black bass fishing tournaments not using tournament black bass pass. (a) Each individual or organization conducting a weigh-in black bass fishing tournament that does allow the use of the tournament black bass pass shall ensure that all of the following minimum requirements are met when conducting weigh-in procedures:

(1) One individual shall provide work crew support for each 10 registered anglers.

(2) One weigh-in tank filled with an electrolyte chemical-water solution and fitted with recirculation and aeration accessories shall be maintained for each 25 registered anglers.

(3) If the water temperature at the tournament location is 75 degrees Fahrenheit or cooler, the water contained in the weigh-in tank shall be maintained at the same temperature as that of the tournament location water.

(4) If the water temperature at the tournament location is warmer than 75 degrees Fahrenheit, the water in the weigh-in tank shall be maintained at a temperature that is between five and 10 degrees Fahrenheit cooler than the tournament location water but shall not exceed 85 degrees Fahrenheit at any time.

(5) Not more than four anglers shall be in the weigh-in line at any one time.

(6) Each weigh-in bag containing water from the well of the vessel shall be reinforced, reusable, and capable of holding up to 15 pounds of live fish and two gallons of water.

(7) The weigh-in site shall meet the following requirements:

(A) Be located near the vessel mooring site and the release site, vehicle, or vessel; and

(B) be located at all times under a portable awning, in an event tent, or in the shade.

(b) Each individual or organization conducting the tournament shall ensure that all of the following minimum requirements are met when conducting the release procedures:

(1) The direct release of fish into the tournament location water after the weigh-in shall not be permitted.

(2) If the tournament is conducted with release tubes, vehicles, or vessels, the holding tanks shall contain a one-half percent noniodized salt solution.

(3) If the tournament is conducted without release tubes, vehicles, or vessels, the fish shall be dipped, for a period of time ranging from 10 seconds to 15 seconds before release, in a three percent noniodized salt solution having the same temperature as that of the water in the weigh-in tank.

(4) The release site shall meet the following conditions:

(A) Be located in water reaching at least three feet in depth with good circulation and a hard bottom; and

(B) be located away from vessel traffic and public-use vessel ramps.

(c) Each tournament participant shall meet the following requirements:

(1) Ensure that each well in the participant's vessel used in the tournament is properly working and contains an electrolyte chemical-water solution; and

(2) ensure that the participant's vessel used in the tournament is cleaned before and after the tournament in compliance with department guidelines regarding the prevention of aquatic nuisance species.

(d) This regulation shall be effective on and after January 1, 2008. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2006 Supp. 32-1002; effective Jan. 1, 2008.)

Article 18.—SPECIAL PERMITS

115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions. (a) The importation, possession, or release in the state of Kansas of the following live wildlife species shall be prohibited, except as authorized by terms of a wildlife importation permit issued by the secretary:

- (1) Walking catfish (*Clarias batrachus*);
- (2) silver carp (*Hypophthalmichthys molitrix*);
- (3) bighead carp (*Hypophthalmichthys nobilis*);
- (4) black carp (*Mylopharyngodon piceus*);
- (5) snakehead fish (all members of the family Channidae);
- (6) round goby (*Neogobius melanostomus*);
- (7) white perch (*Morone americana*);
- (8) zebra mussel (*Dreissena polymorpha*);
- (9) quagga mussel (*Dreissena bugensis*);
- (10) New Zealand mudsnail (*Potamopyrgus antipodarum*);
- (11) diploid grass carp (*Ctenopharyngodon idella*);
- (12) monk parakeet (*Myiopsitta monachus*); and
- (13) Asian raccoon dog (*Nyctereutes procyonoides*).

(b) Any live member of a wildlife species listed in subsection (a) and possessed before the following dates may be retained in possession, in closed confinement, by making application to the secretary that provides information detailing the circumstances, including the location, by which the animal came into the applicant's possession:

- (1) February 1, 1978 for fish and bird species other than black carp, snakehead fish, round goby, white perch, zebra mussel, quagga mussel, New Zealand mudsnail, and diploid grass carp;
- (2) February 1, 1986 for mammal species;
- (3) October 1, 2000 for black carp;
- (4) May 1, 2003 for snakehead fish;
- (5) August 1, 2004 for round goby, quagga mussel, and zebra mussel;
- (6) May 15, 2005 for New Zealand mudsnail;
- (7) February 15, 2007 for white perch; and
- (8) January 1, 2008 for diploid grass carp.

The manner in which the animal is to be used shall be identified in the application.

(continued)

(c) Wildlife importation permits for the importation or possession of live members of the wildlife species listed in subsection (a) may be issued by the secretary for experimental, scientific, display, or other purposes subject to any conditions and restrictions contained or referenced in a wildlife importation permit.

(d) Each individual desiring to import or possess live members of the wildlife species listed in subsection (a) shall apply to the secretary for a wildlife importation permit. The application shall be submitted on forms provided by the department and shall contain the following information:

- (1) The name, address, and telephone number of applicant;
- (2) the wildlife species to be imported or possessed and the number of wildlife involved;
- (3) the purpose or purposes for importation or possession;
- (4) a description of the facilities for holding and using the wildlife species;
- (5) a description of plans to prevent the release of the wildlife species; and
- (6) other relevant information as requested by the secretary.

(e) Each wildlife importation permit, once issued, shall be valid during the time period specified on the permit.

(f) In addition to other penalties prescribed by law, any wildlife importation permit may be refused issuance or revoked by the secretary if any of the following conditions is met:

- (1) The application is incomplete or contains false information.
- (2) Issuance of a permit would not be in the best interest of the public or of the natural resources of Kansas.
- (3) The permittee fails to meet permit requirements or violates permit conditions. (Authorized by K.S.A. 32-807 and K.S.A. 32-956; implementing K.S.A. 32-956; effective Dec. 27, 1993; amended Sept. 22, 2000; amended April 18, 2003; amended July 23, 2004; amended May 20, 2005; amended Feb. 9, 2007; amended Nov. 16, 2007.)

115-18-12. Trout permit; requirements, restrictions, and permit duration. (a) Each individual who is 16 years of age or older and who wants to fish or to fish for and possess trout during those periods of time on those bodies of water established by K.A.R. 115-25-14 shall be required to have a trout permit.

(b) Each trout permit shall be valid statewide through December 31 of the year in which the permit is issued.

(c) Each trout permit shall be validated by the signature of the permit holder written across the face of the permit. A trout permit shall not be transferable. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-1001, and K.S.A. 2006 Supp. 32-1002; effective Nov. 15, 1993; amended Jan. 30, 1995; amended July 24, 1998; amended Nov. 27, 2006; amended Nov. 16, 2007.)

115-18-20. Tournament black bass pass; requirements, restrictions, and pass duration. (a) A tournament black bass pass shall be required for each individual who wants to keep up to two black bass in a daily creel limit that meet the minimum statewide length limit but that do not meet the special length limit for the specific body

of water, during a registered and permitted bass tournament as established in K.A.R. 115-7-8.

(b) Each tournament black bass pass shall be valid statewide through December 31 of the year in which the bass pass is issued.

(c) Each tournament black bass pass shall be validated by the signature of the pass holder written across the face of the pass. A tournament black bass pass shall not be transferable. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 2006 Supp. 32-1001, and K.S.A. 2006 Supp. 32-1002; effective Nov. 27, 2006; amended Nov. 16, 2007.)

J. Michael Hayden
Secretary of Wildlife
and Parks

Doc. No. 035036

State of Kansas
Real Estate Commission
Permanent Administrative
Regulations

Article 1.—EXAMINATION AND REGISTRATION

86-1-2. Examinations. (a) Examinations shall be given by the testing service designated by the commission.

(b) Each applicant shall register with and pay the examination fee directly to the testing service designated by the commission. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3039, as amended by L. 2007, ch. 88, sec. 1; effective Jan. 1, 1966; amended Jan. 1, 1974; amended, E-74-50, Sept. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-5. Fees. (a) Each applicant shall pay a fee in an amount equal to the actual cost of the examination and the administration of the examination to the testing service designated by the commission.

(b) Each applicant shall submit the following fees for licensure to the commission:

- (1) For submission of an application for an original salesperson's or broker's license, a fee of \$15;
- (2) for a temporary salesperson's license, a six-month fee of \$25;
- (3) for an original salesperson's license, a prorated fee based on a two-year amount of \$100;
- (4) for an original broker's license, a prorated fee based on a two-year amount of \$150;
- (5) for renewal of a salesperson's license, a two-year fee of \$100;
- (6) for renewal of a broker's license, a two-year fee of \$150;
- (7) for reinstatement of a license that has been deactivated or that has been canceled pursuant to K.S.A. 58-3047(c), and amendments thereto, or by reason of termination of a salesperson or associate broker, a fee of \$15;
- (8) for reinstatement of each license canceled pursuant to K.S.A. 58-3047(d) or (f), and amendments thereto, a fee of \$7.50;

(9) for a duplicate license, a fee of \$10;

(10) for certification of licensure to another jurisdiction, a fee of \$10;

(11) for each branch office, a fee of \$25;

(12) for each primary office of a company created or established by a supervising broker, a fee of \$25;

(13) for certification of a licensee's education history under K.S.A. 58-3046a, and amendments thereto, a fee of \$10;

(14) for certification of licensure of a professional corporation, a fee of \$10; and

(15) for each additional primary or branch office at which a salesperson or an associate broker, supervising broker, or branch broker is associated or employed, if the person is associated or employed by more than one primary or branch office, a fee of \$10, which shall be paid by the salesperson or broker.

(c) (1) Each applicant for an original salesperson's or broker's license shall pay a fee of \$64 for the cost of submission of the applicant's fingerprints to the Kansas bureau of investigation for the purpose of obtaining a criminal history check conducted by the Kansas bureau of investigation and the federal bureau of investigation and for the commission's reasonable costs of administering the criminal history check program.

(2) Each licensee shall pay a fee of \$64, upon request of the commission, for the cost of submission of the licensee's fingerprints to the Kansas bureau of investigation for the purpose of obtaining a criminal history check conducted by the Kansas bureau of investigation and the federal bureau of investigation and for the commission's reasonable costs of administering the criminal history check program in connection with any investigation.

(d) For each prorated fee, a monthly amount, rounded off to the nearest dollar, shall be established by the commission. Each applicant's prorated fee shall be calculated by the commission beginning on the last calendar day of the month in which the applicant submits an application and through the expiration date of the license.

(e) Each entity seeking course approval pursuant to K.S.A. 58-3046a, and amendments thereto, shall submit the following applicable fee or fees to the commission:

(1) For approval of a course of instruction submitted by a course provider pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$50; and

(2) for renewal of an approved course of instruction pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$15.

(f) Each licensee seeking approval of a course of instruction pursuant to subsection (k) of K.S.A. 58-3046a, and amendments thereto, shall pay a fee of \$10 to the commission. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3039, as amended by L. 2007, ch. 88, sec. 1, and 58-3063, as amended by L. 2007, ch. 88, sec. 4; effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-74-50, Sept. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-10, May 1, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Sept. 26, 1988; amended July 31, 1991; amended Dec. 20, 1993; amended

July 31, 1996; amended, T-86-10-1-97, Oct. 1, 1997; amended Oct. 24, 1997; amended March 13, 1998; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-10. Approval of courses of instruction; procedure. (a) Definitions.

(1) "School" means an entity that is eligible under subsection (h) of K.S.A. 58-3046a, and amendments thereto, to offer courses approved by the commission.

(2) "Cosponsor" means an entity that is not eligible to offer courses approved by the commission under subsection (h) of K.S.A. 58-3046a, and amendments thereto. However, the entity shall be eligible to offer courses approved by the commission if the entity is sponsored by an entity described in paragraph (a)(1) and the requirements of subsection (i) are met.

(b) Request for course approval. To obtain commission approval of a course of education required by K.S.A. 58-3046a, and amendments thereto, each school shall meet the following requirements:

(1) Notify the commission of the name, address, and telephone number of the coordinator who will supervise the course; and

(2) submit all information required by the commission for course and instructor approval at least 45 days before the first scheduled class session. The information shall include the following:

(A) A completed application for course registration on a form that has been obtained from the commission;

(B) an application for real estate instructor, completed in accordance with subsection (g);

(C) the procedure for maintenance of attendance records;

(D) the proposed dates, times, and locations of the course offering;

(E) the total amount of the attendance fee for the course;

(F) the total number of class sessions;

(G) the duration of each session;

(H) the total number of hours in the course; and

(I) the course objectives and a detailed course outline.

(c) Preliminary notification of approval or disapproval. Within 15 working days after the commission receives the request for approval, the school shall be notified by the commission, in writing, of the commission's decision to approve or disapprove the course.

(1) In each notice of approval, the number of hours of credit to be given for attending the course shall be stipulated by the commission.

(2) If the commission requires additional time to reach a decision, the school shall be notified by the commission, in writing, of the following:

(A) The fact that the course is under review; and

(B) the date by which the commission expects to complete its review.

(d) The school shall remit the course fee prescribed by K.A.R. 86-1-5 if the commission notifies the school of tentative approval of the course. The course shall not receive final approval from the commission until the commission receives the course fee.

(e) Changes. Each school shall notify the commission, in writing, at least 15 days before a significant change in a course approved by the commission.

(continued)

(1) The term "significant change" shall include a change in any of the following:

- (A) The coordinator;
- (B) the instructor;
- (C) the name or location of the school;
- (D) the course outline;
- (E) the dates and times the course is offered;
- (F) the location where the course is offered; or
- (G) the fees charged to students.

(2) Nothing in this regulation shall preclude the commission from approving substitution of an instructor to teach an approved course, if the instructor meets the qualifications specified in subsection (g).

(f) Distance education courses.

(1) Each school requesting approval of a distance education course shall submit the following information:

- (A) A copy of all course materials, including textbooks, student workbooks, and examinations with answers;
- (B) the time frame for completion of the course; and
- (C) the time allotted for examinations and the method by which examinations will be proctored.

(2) A school may issue a certificate of completion of a distance education course approved by the commission to meet any requirement of K.S.A. 58-3046a, and amendments thereto, to any student if the student has met either of the following requirements:

(A) Received a score of at least 70 percent on a proctored closed-book examination, in which case the proctor shall complete and provide the school with a certification form approved by the commission for each examination administered by the proctor; or

(B) received a score of at least 90 percent on an open-book examination.

(g) Request for instructor approval; notification of approval or disapproval. Each person desiring to teach a course approved by the commission shall submit an application for instructor approval on a form obtained from the commission. Each instructor shall indicate evidence of knowledge of the subject matter and the ability to effectively instruct or evidence that the instructor has received a commission-approved designation.

(1) Knowledge of the subject matter shall be shown by meeting at least one of the following requirements:

(A) Holding a college degree in real estate or a college degree in law, business, or another academic area directly related to the course that the applicant intends to teach; or

(B) having at least three years of experience in the professional area of real estate directly related to the course that the applicant intends to teach.

(2) The ability to effectively teach shall be shown by meeting at least one of the following requirements:

(A) Having completed, within the preceding two years, a commission-approved course of study for instructors designed to develop the ability to communicate;

(B) holding a current teaching certificate issued by a state department of education or an equivalent agency in another jurisdiction;

(C) holding a four-year college or university degree in the field of education; or

(D) having successfully demonstrated the ability to teach in schools, seminars, or an equivalent setting.

(3) (A) Within 15 working days of receipt of an application for instructor approval, the school coordinator shall be notified by the commission, in writing, of its decision to approve or disapprove the instructor.

(B) If the commission requires additional time to reach a decision, the school coordinator shall be notified by the commission, in writing, of the fact that the application is under review and of the date by which the commission expects to complete its review.

(h) Registration of approved courses; application for renewal.

(1) The registration of courses approved by the commission shall expire at the end of each calendar year.

(2) Applications to renew approval of courses and instructors shall be sent to each school by the commission by November 1.

(i) Sponsoring courses. A school may request approval of a course that is developed and presented by a cosponsor.

(1) The school shall submit an application that has been obtained from the commission for approval of a sponsored course.

(2) The school shall maintain responsibility for each course presented by a cosponsor, including issuance of a certificate of satisfactory completion to each student who successfully completes the course. The school shall submit a roster to the commission, in a format approved by the commission, that specifies which students satisfactorily completed the course. (Authorized by K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch. 88, sec. 6, and K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch. 88, sec. 6; effective, T-83-32, Oct. 25, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-86-31, Sept. 24, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Jan. 29, 1990; amended July 16, 1990; amended Nov. 17, 1995; amended Dec. 14, 2001; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-11. Minimum curricula and standards for course. (a) Each school offering a course approved by the commission under subsection (a) of K.S.A. 58-3046a, and amendments thereto, shall use a course outline provided by the commission and shall register the course under the title "principles of real estate."

(b) Each school offering a course approved by the commission under subsection (b) of K.S.A. 58-3046a, and amendments thereto, shall use a course outline provided by the commission and shall register the course under the title "broker pre-license course."

(c) Each school offering a course approved by the commission under subsection (c) of K.S.A. 58-3046a, and amendments thereto, shall use a course content outline provided by the commission and shall register the course under the title "Kansas practice course."

(d) Each school offering a course approved by the commission under subsection (d) of K.S.A. 58-3046a, and amendments thereto, shall use a course content outline provided by the commission and shall register the course under the title "Kansas law course."

(e) The 12 hours of additional instruction required by subsections (e) and (f) of K.S.A. 58-3046a, and amend-

ments thereto, shall consist of courses approved by the commission.

(1) The hours required for each renewal of a salesperson's license shall consist of at least three hours designated as mandatory core hours and not more than nine hours designated as elective hours.

(2) The hours required for each renewal of a broker's license shall consist of at least six hours designated as mandatory core hours and not more than six hours designated as elective hours.

(3) Each course approved by the commission shall be designated by the commission as either mandatory core hours or elective hours.

(4) The following courses may be approved by the commission as mandatory core hours:

(A) A course registered under the title "required salesperson and broker core." Each school offering this course shall use a course outline limited to the topics of brokerage relationships and misrepresentation; and

(B) a course registered under the title "required broker core." Each school offering this course shall use a course outline limited to one or more of the following topics:

(i) Procedures manuals;

(ii) trust accounts;

(iii) management, including all facets of supervising a real estate company;

(iv) common violations of the real estate brokers' and salespersons' license act and the brokerage relationships in real estate transactions act;

(v) commercial sales and leasing issues; or

(vi) farm and ranch issues.

(5) In any advertising of a course entitled "required broker core," the school shall identify each topic listed in paragraphs (e)(4)(B)(i) through (vi) that is covered by the course.

(6) Each salesperson shall meet the mandatory core requirement specified in paragraph (e)(1) by taking a course approved by the commission titled "required salesperson and broker core."

(7) Each broker shall meet the mandatory core requirement specified in paragraph (e)(2) by taking two courses approved by the commission titled "required salesperson and broker core" and "required broker core."

(8) Credit given to any licensee for a course submitted by the licensee pursuant to subsection (k) of K.S.A. 58-3046a, and amendments thereto, shall be designated by the commission either as meeting a mandatory core requirement or as elective hours.

(9) A nonresident of Kansas may receive elective-hour credit for courses approved by the commission of the nonresident's state of residence. A nonresident of Kansas may receive credit for a mandatory core requirement only for courses approved by the commission pursuant to this regulation.

(10) Each approved course shall have a total instruction time of at least three hours.

(11) Any licensee may receive a maximum of three hours of credit during any renewal period for real estate appraisal courses designated as such by the commission.

(f) The 30 hours of instruction required by paragraph (f)(1) of K.S.A. 58-3046a, and amendments thereto, shall consist of either of the following:

(1) A course registered under the title "salesperson's post-license course." Each school offering the course shall use a course outline provided by the commission; or

(2) 30 hours of commercial courses approved by the commission. (Authorized by K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch. 88, sec. 6, and K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch. 88, sec. 6; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended Nov. 18, 1991; amended Dec. 20, 1993; amended Dec. 29, 1995; amended Jan. 1, 1997; amended, T-86-10-1-97, Oct. 1, 1997; amended Oct. 24, 1997; amended Sept. 17, 1999; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-13. Submission of evidence of course attendance. (a) Before taking the examination required by K.S.A. 58-3039, and amendments thereto, each applicant for an original license as a salesperson shall submit the evidence required by subsection (a) of K.S.A. 58-3046a, and amendments thereto, to the testing service designated by the commission. The evidence submitted shall be a certificate of completion of a course registered, pursuant to K.A.R. 86-1-11 under the title "principles of real estate," pursuant to K.S.A. 58-3046a and amendments thereto.

(b) Before taking the examination required by K.S.A. 58-3039, and amendments thereto, each applicant for an original license as a broker shall submit the evidence required by subsection (b) of K.S.A. 58-3046a, and amendments thereto, to the testing service designated by the commission. The evidence shall be a certificate of completion of a course registered, pursuant to K.A.R. 86-1-11 under the title "broker pre-license course," pursuant to K.S.A. 58-3046a and amendments thereto.

(c) Each applicant for an original license as a salesperson shall submit, with the application for licensure, the evidence required by subsection (c) of K.S.A. 58-3046a, and amendments thereto, which shall be a certificate of course completion of a course registered pursuant to K.A.R. 86-1-11(c) under the title "Kansas practice course."

(d) Each applicant for an original license as a broker who is a nonresident of Kansas or who is a resident of Kansas applying for licensure pursuant to subsection (e) of K.S.A. 58-3040 and amendments thereto shall submit, with the application for licensure, the evidence required by subsection (d) of K.S.A. 58-3046a, and amendments thereto, which shall be a certificate of course completion of a course registered pursuant to K.A.R. 86-1-11(d) under the title "Kansas law course."

(e) Each licensee shall retain the certificate of completion for each course attended to meet the requirements of subsection (e) or (f) of K.S.A. 58-3046a and amendments thereto until the licensee's license has been renewed and shall furnish the certificates to the commission at the commission's request. The rosters submitted by schools pursuant to K.A.R. 86-1-17 may be accepted by the commission as evidence of attendance of courses. (Authorized by K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch.

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88, sec. 6, and K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch. 88, sec 6; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; amended May 1, 1988; amended Jan. 29, 1990; amended Sept. 21, 1992; amended Nov. 17, 1995; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-15. Change of last name. (a) Within 10 days of a licensee's change of last name, the licensee shall notify the commission in writing of the change. Unless the licensee's license has been deactivated, the supervising broker or branch broker shall return the license to the commission with the notification.

(b) If, pursuant to the schedule contained in K.A.R. 86-1-3, the change in last name results in a later expiration date of the license, the licensee shall pay a fee, based on the renewal fee prescribed by K.A.R. 86-1-5, prorated for the number of months by which the expiration date is extended.

(c) If, pursuant to the schedule contained in K.A.R. 86-1-3, the change in last name results in an earlier expiration date of the license, an amount based on the renewal fee prescribed by K.A.R. 86-1-5 shall be refunded to the licensee by the commission, prorated for the number of months by which the expiration date is shortened.

(d) The license shall be canceled and reinstated by the commission under the licensee's new name and with an expiration date determined by the schedule in K.A.R. 86-1-3.

(e) If the first renewal date of the reinstated license is less than 12 months after the last renewal date of the canceled license, the hours of instruction required by subsection (e) or (f) of K.S.A. 58-3046a, and amendments thereto, shall not be required by the commission at the first renewal of the reinstated license.

(f) If the first renewal date of the reinstated license is 12 months or more after the last renewal date of the canceled license, the hours of instruction required by subsection (e) or (f) of K.S.A. 58-3046a, and amendments thereto, shall be required by the commission for the first renewal of the reinstated license. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3045, as amended by L. 2007, ch. 88, sec. 7 and K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch. 88, sec. 6; effective, T-87-32, Nov. 19, 1986; effective May 1, 1987; amended Nov. 17, 1995; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-17. Responsibilities of schools. (a) Evaluation of courses and instructors.

(1) The coordinator appointed by each school pursuant to K.A.R. 86-1-10 shall regularly and consistently evaluate the courses and instructors.

(2) At the request of the commission, the coordinator shall perform the following:

(A) Ask students to complete an instructor evaluation form approved by the commission; and

(B) unless the instructor is also the coordinator, complete an instructor evaluation form. The coordinator shall submit the student and coordinator evaluations to the commission.

(3) Before the conclusion of each course, each school shall notify all students that a student opinion form may

be obtained from the commission and is available electronically.

(b) Issuance of certificates to students.

(1) Within seven calendar days of completion of the course, each school shall issue a certificate of completion in person, electronically, or by mail to each student who successfully completes a course approved by the commission. Each school shall use certificate forms approved by the commission.

(2) The school shall not issue a certificate to any student who was absent for more than 10 percent of the classroom hours scheduled for courses registered, pursuant to K.A.R. 86-1-11, under the title "principles of real estate," "broker pre-license course," "salesperson's post-license course," or "Kansas practice course." The school shall not issue a certificate to any student who was absent during any portion of the scheduled classroom hours for any other course approved by the commission pursuant to K.A.R. 86-1-11.

(c) Submission of certificates to the commission.

(1) Each school shall submit a copy of each certificate issued for completion of a correspondence or home study program course to the commission within seven calendar days after course completion. If the course completion date is less than seven calendar days before the licensee's renewal date established by K.A.R. 86-1-4, the school shall postmark, hand-deliver, or electronically submit the certificate to the commission no later than the renewal date.

(2) Each certificate submitted pursuant to this paragraph shall include the word "COPY" in bold and conspicuous type in the upper right corner of the certificate.

(d) Submission of rosters to the commission.

(1) Except as provided in paragraph (d)(5), each school shall submit a roster to the commission within seven calendar days after the completion date of any course approved by the commission. If the completion date is less than seven calendar days before any renewal date established by K.A.R. 86-1-4, the school shall postmark, hand-deliver, or electronically submit the roster to the commission no later than the renewal date.

(2) (A) The roster shall be submitted on a form approved by the commission and shall include the following:

(i) The name of the school;

(ii) the school code;

(iii) the name of the course;

(iv) the course code;

(v) the name of the instructor;

(vi) the city where the course was offered;

(vii) the number of hours approved for credit either as elective hours or as mandatory hours;

(viii) the date on which the course was completed;

(ix) the full name and license number of each licensee who attended the course and was issued a certificate pursuant to subsection (b); and

(x) the total number of licensees listed on the roster.

(B) The school shall list the licensees in alphabetical order on the roster.

(C) The school coordinator or the instructor shall sign each page of the roster.

(3) Any roster containing incorrect or incomplete licensee information may be returned to the school coordinator.

dinator for correction. No credit hours may be entered into the commission records for any such licensee until the licensee information is corrected and returned to the commission.

(4) Any roster not in compliance with any other requirement of paragraph (d)(2) may be returned to the school. No credit hours may be entered into the commission records until the roster is corrected and returned to the commission.

(5) The school shall not submit a roster for any correspondence or home study program course or for any course registered, pursuant to K.A.R. 86-1-11, under the title "principles of real estate," "broker pre-license course," "Kansas practice course," or "Kansas law course."

(e) Advertising and course registrations.

(1) A school shall not advertise a course as meeting the educational requirements of the Kansas real estate brokers' and salespersons' license act before the school places verification of commission approval on file at the school.

(2) A school shall not advertise that an instructor will teach a course approved by the commission before the school places verification of approval of the instructor for the course on file at the school.

(3) Neither a school nor a representative of a school shall guarantee that successful completion of a course will result in the student's passing a real estate licensing examination.

(4) The school shall include a statement that the course is approved for a specified number of mandatory hours toward the 12-hour requirement or for a specified number of elective hours toward the 12-hour requirement in any advertising of a course approved pursuant to subsection (e) of K.A.R. 86-1-11 and in any course registration form.

(5) Each school shall request that any licensee registering for a course verify the licensee's license number and use the licensee's name exactly as it appears on the licensee's license to ensure that the licensee will receive credit for the course.

(f) Maintenance of records.

(1) Each school shall maintain for a minimum of three years, at the school's business address, a record of each student who has successfully completed a course approved by the commission.

(2) The school shall keep attendance records current and available for inspection by commission representatives upon request. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch. 88, sec. 6; effective Nov. 17, 1995; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-18. Alternative licensing criteria for broker applicants. (a) If a determination is made by the commission to waive or alter the experience requirements for an applicant to obtain a broker's license pursuant to K.S.A. 58-3039(d), and amendments thereto, a broker's license shall be issued if the applicant meets all other requirements imposed by this act for licensure as a broker and meets the following requirements:

(1) Attends a course of study prescribed by the commission, which shall consist of at least 30 and not more

than 60 hours of instruction, depending on the applicant's amount and type of experience; and

(2) within 90 days of notification by the commission of the prescribed course of study, submits evidence of attendance to the commission in a form satisfactory to the commission.

(b) An applicant shall not use any hours attended pursuant to this regulation to meet any requirement of K.S.A. 58-3046a and amendments thereto. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3039, as amended by L. 2007, ch. 88, sec. 1; effective Nov. 17, 1995; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-19. Submission of supporting documentation with application. (a) In addition to submitting the application for original licensure as a real estate broker or salesperson, each applicant shall file the following with the commission:

(1) The applicant's fingerprints and a completed waiver, on a form approved by the commission, and the fee required by paragraph (c)(1) of K.A.R. 86-1-5;

(2) documentation concerning any litigation filed by or against the applicant or any real estate company owned in whole or in part by the applicant relating to the business of buying, selling, exchanging, or leasing real estate or to any activity listed in the definition of "broker" in K.S.A. 58-3035 and amendments thereto. The applicant shall provide a copy of the petition or complaint setting out the allegations. If the litigation has been resolved, the applicant shall provide a copy of the settlement agreement or order that sets forth the outcome. If a judgment was obtained against the applicant or any real estate company owned in whole or in part by the applicant, the applicant shall indicate whether the judgment has been satisfied. If the judgment has not been satisfied, the applicant shall provide an explanation;

(3) documentation concerning any pending charges, plea of guilty or nolo contendere, or conviction of a criminal offense other than minor traffic violations, including final discharge from probation, parole, postrelease supervision, or conditional release, a written explanation of the circumstances that resulted in the charge or conviction, and a letter from the proposed supervising broker or branch broker stating that the broker has reviewed a copy of the pertinent court records concerning any pending criminal charges or any conviction or plea of guilty or nolo contendere disclosed by the applicant in the application for licensure or disclosed in a criminal history check conducted by the Kansas bureau of investigation or federal bureau of investigation and is willing to supervise the applicant under the circumstances;

(4) documentation concerning any denial, revocation, suspension, voluntary surrender, or any other disciplinary action taken by the state of Kansas or another jurisdiction against any professional or occupational license or certificate held by the applicant;

(5) a license history certification from any jurisdiction in which the applicant is currently licensed or has ever been licensed; and

(6) a notarized nonresident service of process appointment form for any applicant who is not a resident of Kan-

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sas, which shall be submitted on a form approved by the commission.

(b) Each applicant submitting an application for renewal of a real estate broker's or salesperson's license shall also submit the documents specified in paragraphs (a)(3), (4), and (6). (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3039, as amended by L. 2007, ch. 88, sec. 1, K.S.A. 58-3040, K.S.A. 2006 Supp. 58-3043, as amended by L. 2007, ch. 88, sec. 2, and K.S.A. 2006 Supp. 58-3050, as amended by L. 2007, ch. 88, sec. 3; effective Nov. 8, 2002; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-1-20. Age of documentation submitted to the commission. (a) A certification of licensure history obtained from any jurisdiction in which the applicant has, or has ever had, a real estate license shall not be used for licensing purposes if the certification is issued more than six months before the date on which the completed application for licensure is filed with the commission.

(b) A report concerning an applicant that is the subject of a criminal history check prepared by the Kansas bureau of investigation and the federal bureau of investigation shall not be used for licensing purposes if the report is issued more than six months before the date on which the completed application for licensure is filed with the commission. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3039, as amended by L. 2007, ch. 88, sec. 1, and K.S.A. 2006 Supp. 58-3043, as amended by L. 2007, ch. 88, sec. 2; effective, T-86-7-2-07, July 2, 2007; effective Nov. 16, 2007.)

Article 2.—AUTHORITY OF COMMISSION; PROCEDURE

86-2-3. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1980 Supp. 58-3039(e), 58-3043; effective Jan. 1, 1966; amended, E-81-18, July 16, 1980; amended May 1, 1981; revoked Nov. 16, 2007.)

86-2-5. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 77-513, as amended by L. 1986, Ch. 362, Sec. 3; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; revoked Nov. 16, 2007.)

86-2-7. (Authorized by K.S.A. 74-4202(b); implementing L. 1984, Ch. 313, Sec. 5; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; revoked Nov. 16, 2007.)

Article 3.—PERSONS HOLDING LICENSES; DUTIES

86-3-3. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1980 Supp. 58-3042; effective Jan. 1, 1966; amended Jan. 1, 1974; amended, E-81-18, July 16, 1980; amended May 1, 1981; revoked Nov. 16, 2007.)

86-3-8. Brokerage agreements. A supervising broker or branch broker, or any salesperson or associate broker employed by or associated with the supervising broker or branch broker, shall not enter into any written brokerage agreement containing a provision that automatically extends the term of the agreement beyond the expiration date. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-30,103; effective Jan. 1, 1966; amended

Jan. 1, 1972; amended May 1, 1975; amended, E-79-6, Feb. 16, 1978; amended May 1, 1979; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended Nov. 16, 2007.)

86-3-9. Legal counsel. Each broker shall recommend to each client or customer that an attorney be retained by the client or customer to answer any legal questions involved in any real estate transaction. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-30,106, 58-30,107, and 58-30,113; effective Jan. 1, 1966; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended Nov. 16, 2007.)

86-3-15. Reporting of information. (a) Each licensee shall report any of the following circumstances to the commission, in writing and within 10 days of the date of occurrence:

(1) Any litigation filed by or against the licensee or any real estate company owned in whole or in part by the licensee relating to the business of buying, selling, exchanging, or leasing real estate or to any activity listed in the definition of "broker" in K.S.A. 58-3035 and amendments thereto. The licensee shall provide a copy of the petition or complaint setting forth the allegations;

(2) disposition of any litigation reported pursuant to paragraph (a)(1);

(3) any court judgment filed against the licensee or any real estate company owned in whole or in part by the licensee;

(4) any charge of, arrest or indictment for, plea of guilty or nolo contendere to, or conviction of any of the following:

(A) Any misdemeanor that reflects on the licensee's honesty, trustworthiness, integrity, or competence to transact the business of real estate; or

(B) any felony;

(5) any change in the licensee's name;

(6) any change in the licensee's residence address;

(7) any denial by another jurisdiction of an application made by the licensee for a broker or salesperson license;

(8) any suspension or revocation of, or any other disciplinary action taken by another jurisdiction against a broker or salesperson license held by the licensee; or

(9) any denial, suspension, revocation, voluntary surrender, or any other disciplinary action taken by the state of Kansas or another jurisdiction against any professional or occupational license or certificate held by the licensee.

(b) Each supervising broker for a partnership, association, or corporation whose members or officers are licensed pursuant to K.S.A. 58-3042, and amendments thereto, shall be responsible for reporting the information required by this regulation as it relates to the partnership, association, or corporation.

(c) Each supervising broker and branch broker shall report to the commission any information pursuant to paragraph (a)(4) that is applicable to any associated or employed salesperson or associate broker. This report shall be submitted in writing within 10 days of the date that knowledge of the information comes to the attention of the broker. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3042, K.S.A. 2006 Supp. 58-3043, as amended by L. 2007, ch. 88, sec. 2, K.S.A. 2006 Supp. 58-3047, as amended by L. 2007, ch. 88, sec. 9,

K.S.A. 2006 Supp. 58-3050, as amended by L. 2007, ch. 88, sec. 3, K.S.A. 2006 Supp. 58-3062, and K.S.A. 74-4202; effective Jan. 1, 1974; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1984; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Nov. 8, 2002; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-3-21. Trust account documentation. (a) Except as specified in paragraph (a)(6), each supervising broker or branch broker that maintains a trust account shall file a consent to audit, which is commonly known as a "trust account report," with the commission, on a form approved by the commission, within 10 days of the occurrence of any of the following:

- (1) The establishment of a new primary office or branch office;
- (2) a change in the name of the supervising broker or branch broker;
- (3) a change in the status of the supervising broker or branch broker;
- (4) a change in the name of the primary office or branch office;
- (5) a change in the account number for the trust account or a change in the financial institution in which the trust funds are held;
- (6) a change in the supervising broker for the primary office or the branch broker for the branch office. This trust account report shall be filed by the new broker responsible for supervising the office; or
- (7) the filing of a report on closing trust account, unless the primary office or branch office has been closed.

(b) Each supervising broker or branch broker that closes a trust account shall notify the commission by filing a "report on closing trust account" with the commission, on a form approved by the commission, accompanied by a copy of the bank statement showing that the trust account has been closed, within 10 days of the occurrence of any of the following:

- (1) Closure of the trust account;
- (2) closure of the primary office or branch office, unless an exemption not to maintain a trust account has been granted by the commission for each trust account that was in existence at the time the primary office or branch office closed; or
- (3) a change in the account number for the trust account or a change in the financial institution in which the trust funds are held. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2006 Supp. 58-3061; effective, T-87-32, Nov. 19, 1986; effective May 1, 1987; amended Nov. 18, 1991; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-3-22. Transaction identification. (a) Each supervising broker shall assign a transaction number to each real estate sales contract, option agreement, and lease agreement for which the broker acts as an employee of, or on behalf of, the owner, purchaser, lessor or lessee. If a separate trust account is maintained for a branch office as provided by K.S.A. 58-3061 and amendments thereto, the transaction number shall be assigned by the branch broker.

(b)(1) Sales contracts and option agreements shall be numbered in consecutive order by contract date within each calendar year, as specified in this paragraph. Each sales contract or option agreement shall be assigned a two-part number, with the parts separated by a hyphen. The first part, which shall consist of two digits, shall be the last two digits of the calendar year. The second part shall designate the numerical order of the contract or agreement within that calendar year, beginning with the number "1" and always preceded by one or more zeros.

(2) Lease agreements shall be numbered in consecutive order by contract date within each calendar year, as specified in this paragraph. Each lease agreement shall be assigned a two-part number, with the parts separated by a hyphen. The first part shall consist of the capital letter "L" followed by the last two digits of the calendar year. The second part shall designate the numerical order of the lease agreement within that calendar year, beginning with the number "1" and always preceded by one or more zeros.

(c)(1) If a broker deposits earnest money in the broker's trust account before contract acceptance, the broker shall assign a transaction number to the offer. The date of the deposit shall be used as the contract date for the sole purpose of assigning numbers in consecutive order pursuant to subsection (b). If the offer subsequently becomes a contract, the transaction number assigned to the offer shall be used throughout the transaction.

(2) The broker shall record the deposit on a ledger pursuant to K.A.R. 86-3-18(a)(5) with a notation on the ledger that the earnest money was deposited before contract acceptance. If the offer is rejected or withdrawn before contract acceptance, the broker shall return the earnest money to the prospective buyer and shall record the disbursement on the ledger sheet with a notation that the offer was rejected or withdrawn. If the offer is accepted, the broker shall note the contract acceptance date on the ledger.

(d) The transaction number shall be shown on the transaction file and shall be included on any of the following applicable records:

- (1) The trust account check register to identify funds deposited or disbursed;
- (2) each trust account deposit slip, with the amount of the deposit related to each transaction designated;
- (3) each check drawn on the trust account;
- (4) each transaction ledger maintained in accordance with K.A.R. 86-3-18(a)(5); and
- (5) each receipt from an escrow agent required by subsection (d) of K.S.A. 58-3062 and amendments thereto.

(e) If the broker's records are computerized, the transaction number shall be shown on all applicable computerized real estate transaction records required to be maintained pursuant to K.A.R. 86-3-10 and 86-3-18.

(f) A transaction numbering system requested by a broker that is different from the system required by this regulation may be approved by the commission. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3061 and K.S.A. 2006 Supp. 58-3062; effective, T-88-32, Jan. 1, 1988; effective May 1, 1988; amended Dec. 20, 1993;

(continued)

amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007.)

86-3-26a. Designated agents. (a) If a supervising broker or branch broker designates in a written agency agreement one or more designated agents to represent the interests of a buyer, seller, tenant, or landlord client, any other salespersons or associate brokers that are employed by or associated with the supervising broker or branch broker who are not specifically designated in the written agency agreement to represent the interests of the client shall not be deemed to have a brokerage relationship with

the client.

(b) If a designated agent has been appointed to represent a buyer, seller, tenant, or landlord in a transaction, the brokerage relationship disclosure in the contract or lot reservation agreement shall specify that a designated agent was appointed to represent the interests of the client. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-30,109 and 58-30,110; effective Nov. 16, 2007.)

Sherry C. Diel
Executive Director

Doc. No. 035035

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 Volumes of the *Kansas Administrative Regulations*.

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1-3-5	New	V. 25, p. 1832
1-3-6	New	V. 25, p. 1832
1-5-8	Amended	V. 25, p. 1305
1-6-2	Amended	V. 25, p. 1306
1-6-22a	Amended	V. 25, p. 1306
1-9-7b	Amended	V. 25, p. 1307
1-9-18	Revoked	V. 25, p. 1832
1-9-25	Amended	V. 25, p. 1832
1-9-26	Amended	V. 25, p. 1833
1-64-1	New	V. 26, p. 1393

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3-4-2	Amended	V. 26, p. 1045
3-4-3	New	V. 25, p. 1447
3-4-4	Amended	V. 26, p. 1045
3-4-5	Amended	V. 26, p. 1045
3-4-6	Amended	V. 26, p. 1045
3-4-7	New	V. 25, p. 1447

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4-7-216	Revoked	V. 25, p. 1142
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4-7-717	Amended	V. 25, p. 1142
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4-16-3a	Amended	V. 25, p. 1143
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4-16-260	Revoked	V. 25, p.1145
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4-17-5a	Revoked	V. 25, p.1145
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5-40-5a	New	V. 26, p. 648
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