



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 27, No. 21    May 22, 2008    Pages 757-794

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## State of Kansas

## Kansas State University—Salina

## Notice to Bidders

Kansas State University at Salina is selling by sealed bid miscellaneous aircraft parts to include C-150 and Sun-downer parts. For details, bid sheet, bid deadline and contact information see K-State at Salina's Web site, <http://www.sal.ksu.edu/campusoffices/business/bid-items/index.html>.

Rhonda Riffel  
Fiscal Affairs

Doc. No. 035675

## State of Kansas

## Board of Technical Professions

## Notice of Meetings

The Kansas State Board of Technical Professions will conduct its quarterly Complaint Committee meeting at 8 a.m. Thursday, May 29, with the full board meeting following at 10 a.m. Both meetings will be in Room 507 of the Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings are open to the public. For more information, call (785) 296-3053.

Jean Boline  
Executive Director

Doc. No. 035787

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2008-2011 by adding the following project:

**Project K-9657-01**, Right-of-Way Acquisition for Bridge Replacement, US-183 over Snake Creek 1.79 Miles North of the Kansas-Oklahoma State Line, Clark County

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

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

The comment period regarding the STIP amendment will conclude June 23.

Deb Miller  
Secretary of Transportation

Doc. No. 035784

The KANSAS REGISTER (USPS 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly and a cumulative index is published annually by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include applicable state and local sales tax). Single copies may be purchased, if available, for \$2 each. **Periodicals postage paid at Topeka, KS.**

**POSTMASTER:** Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

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**PUBLISHED BY**  
**Ron Thornburgh**  
Secretary of State  
1st Floor, Memorial Hall  
120 S.W. 10th Ave.  
Topeka, KS 66612-1594  
(785) 296-4564  
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**State of Kansas****Board of Emergency Medical Services****Notice of Meetings**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, June 6, in the fourth floor auditorium at the Eisenhower State Office Building, 700 S.W. Harrison, Topeka. Meetings for the Planning and Operations Committee, the Education, Examination, Certification and Training Committee, and the Executive Committee will be held at the same location Thursday, June 5, starting at 10 a.m. The Investigations Committee meeting will be at 11:30 a.m. June 6, following the full board meeting. Items on the agenda for the board meeting can be found on the board's Web site at <http://www.ksbems.org>.

All meetings of the board are open to the public. For more information, contact the administrator, Room 1031, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1228, (785) 296-7296.

Robert Waller  
Administrator

Doc. No. 035791

**State of Kansas****Department of Transportation****Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. A response may be submitted by e-mail to [neil@ksdot.org](mailto:neil@ksdot.org) or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages and must be received by noon June 19 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three and not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short-listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

**106 KA-1273-01**  
**Statewide**

The scope of services is to provide an inventory and inspection of all sign structures (approx. 1,200) and high mast light towers (approx. 1,100) on the state highway system, ultrasonic testing of all anchor bolts, and develop a computer mapping program to locate each structure

with links to the inventory data. The project estimated cost is \$600,000 and is scheduled to be completed in two years.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

Deb Miller  
Secretary of Transportation

Doc. No. 035770

**State of Kansas****Department of Administration  
Division of Facilities Management****Notice of Commencement of  
Negotiations for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services for the Kansas Bioscience Authority (KBA) Building at the Kansas Bioscience Park in Olathe at the northwest corner of College Boulevard and Valley Road. The following design services are being requested: architectural, structural, mechanical, electrical, plumbing, fire protection, security system and interior design for the building, as well as civil, parking, lighting and landscape design for the site. The 25,000 (minimum) gsf building will consist of approximately 3,000 gsf for KBA offices, 700 gsf for bioscience incubator management offices and 21,300 gsf for the bioscience incubator laboratory, office space and common areas. All space is to be designed for maximum flexibility of use by a changing tenant base. Design will begin in July 2008 and documents shall be ready for bidding in April 2009.

The total estimated construction cost is \$9 million. Some information regarding the scope is available from the Division of Facilities Management. Only firms nominated by the State Building Advisory Commission will receive programs.

For more information, contact Gary Micheel, KBA Facilities Project Manager, (913) 397-8300, [micheel@kansasbioauthority.org](mailto:micheel@kansasbioauthority.org).

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2008 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals should be received by Phyllis Fast before noon June 13.

Marilyn Jacobson, Director  
Division of Facilities Management

Doc. No. 035783

(Published in the Kansas Register May 22, 2008.)

## City of Wichita, Kansas

### Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, June 20, for the following project:

**(KDOT Project No. TE-0234-01/472-84562/207434)  
(OCA Code 706968)**

### Paving

Midtown Bikepath from Central Avenue and Wichita Street to 15th Street North and Broadway Avenue

Requests for the bid documents and plans should be directed to City Blue Print at (316) 265-6224 or Marty Strayer at (316) 268-4488. Other questions should be directed to the respective design engineer, (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud, and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at (316) 268-4499 for extra sets of plans and specifications.

Marty Strayer  
Administrative Aide  
City of Wichita—Engineering

Doc. No. 035775

## State of Kansas

### Department of Administration Division of Facilities Management

#### Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for a new 109,000 gsf Pharmacy Teaching and Administration Building in the research section on the west campus of the University of Kansas in Lawrence. The project consists of classrooms, offices and laboratories for the teaching of the entire Lawrence campus School of Pharmacy student body and includes teaching faculty from four laboratory scientific departments — Medicinal Chemistry, Pharmaceutical Chemistry, Pharmacology-Toxicology and Pharmacy Practice, increasing the Pharmacy student body size to help solve the shortage of pharmacists.

The project will include all sitework and the bringing of the necessary utilities to the new structure. Interested firms must have experience with the disciplines and programs required for the teaching of pharmacy at the university level, and must be able to move swiftly and efficiently in order to meet a tight schedule for occupancy by December 2010.

References of previous clients are required. Interviews and selection of a firm is contingent upon final approval

of the legislation for this project by the Governor of Kansas. Estimated construction cost is \$31 million. A written program will be provided by the University of Kansas.

For more information concerning the scope of services, contact Jim Modig, Director, Design and Construction Management, University of Kansas, (785) 864-3431.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2008 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals should be received by Phyllis Fast before noon June 13.

Marilyn Jacobson, Director  
Division of Facilities Management

Doc. No. 035792

## State of Kansas

### Department of Administration Division of Facilities Management

#### Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for the addition/renovation of the Peters Recreation Complex at Kansas State University, Manhattan. Functions needed are a cardio/weight room, multi-activity courts, a 45' rock climbing wall, a large multipurpose room (divisible into four areas), a lounge and vending area, a personal training studio with Wildcat trainers, expansion of the running track, and a new entrance at the south. Renovations are necessary throughout the existing complex, including new gym and exercise area flooring and surfaces. Estimated construction cost is \$18.8 million with occupancy anticipated for December 2011. A program is available from the Division of Facilities Management.

For more information concerning the scope of services, contact Abe Fattaey, (785) 532-1725.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2008 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals should be received by Phyllis Fast before noon June 13.

Marilyn Jacobson, Director  
Division of Facilities Management

Doc. No. 035771

## 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](mailto:purchasing@ku.edu) to request a copy of a current bid.

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 035769

## State of Kansas

## Wildlife and Parks Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, August 14, at the Hoisington Activity Center, 106 N. Main, Hoisington, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. August 14 at the location listed above. The meeting will recess at 5:30 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. August 15 at the same location.

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 Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at (800) 432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, 66612, or

to [sheilak@wp.state.ks.us](mailto:sheilak@wp.state.ks.us) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-2-3.** This permanent regulation establishes camping, utility and other fees. The proposed amendments would raise utility fees by one dollar.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies or the public.

**K.A.R. 115-2-5.** This permanent regulation establishes the trail access pass requirements, fees, exceptions and general provisions. The proposed amendments would remove Sand Hills State Park from the areas where a trail access pass would be required.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies or the public.

**K.A.R. 115-8-9.** This permanent regulation establishes camping requirements. The proposed amendments would allow for long-term camping on designated sites through written permit for up to six consecutive months.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies or the public.

**K.A.R. 115-8-10.** This permanent regulation establishes provisions and restrictions on pets. The proposed amendments would clarify that pets are allowed in privately owned cabins on department lands but not in publicly management cabins.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies or the public.

**K.A.R. 115-20-2.** This permanent regulation establishes legal equipment, taking methods, possession and license requirements for certain wildlife. The proposed amendments would exempt residents from needing a hunting license for gophers, moles and prairie dogs.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the commission at the address above, electronically on the department's Web site at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us), or by calling (785) 296-2281.

Kelly Johnston  
Chairman

Doc. No. 035772

## 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 5-19-08 through 5-25-08

Term	Rate
1-89 days	1.94%
3 months	1.77%
6 months	1.79%
1 year	2.09%
18 months	2.33%
2 years	2.41%

Daniel J. Nackley  
Director of Investments

Doc. No. 035768

## State of Kansas

Department of Agriculture  
Division of Water ResourcesNotice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, July 23, in the library on the second floor of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of 19 proposed new and amended Kansas Water Appropriation regulations, K.S.A. 82a-701 et seq.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 S.W. 9th, 2nd Floor, Topeka, 66612, or by e-mail at lgarner@kda.state.ks.us. Comments also may be made through the department's Web site at <http://www.ksda.gov>, under the proposed regulations. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

**K.A.R. 5-1-1** modifies existing definitions and adds new definitions.

**K.A.R. 5-1-2** clarifies the requirements for standby wells.

**K.A.R. 5-1-7** will allow, under certain circumstances, a person diverting water from multiple points of diversion into one delivery system to only install one water flowmeter on the delivery system instead of one flowmeter on each point of diversion, which could result in savings to the user.

**K.A.R. 5-2-4** limits the conversion of domestic water rights to stockwatering rights.

**K.A.R. 5-3-3** raises the quantity of surface water that may be stored for domestic use in some locations in excess of 15 acre-feet, thus eliminating the paying of filing fees and field inspection fees.

**K.A.R. 5-3-4** clarifies application requirements for low-rate well batteries, remediation and dewatering sites.

**K.A.R. 5-3-5d** eliminates the exemption for measurement tubes at term permit wells but will not significantly increase costs.

**K.A.R. 5-3-16** adjusts the requirements for 15 acre-foot exemptions.

**K.A.R. 5-4-2** addresses protection of releases from storage under low flow conditions.

**K.A.R. 5-5-6c** addresses administrative correction of a point of diversion or place of use based on more accurate data.

**K.A.R. 5-5-13** clarifies requirements for relocation of alluvial wells.

**K.A.R. 5-5-14** stipulates that watershed districts are considered to be the de facto owners of water rights to their reservoirs.

**K.A.R. 5-6-2** establishes a cutoff date of July 1, 2008, for watershed districts to file a single application form for multiple reservoirs, thus raising the cost of getting a water right for the district from \$600 for the entire district to \$600 per reservoir.

**K.A.R. 5-6-5** clarifies the maximum reasonable water storage volume in a reservoir.

**K.A.R. 5-9-1a, 5-9-1b, 5-9-1c and 5-9-1d** address term permit applications, approvals and extensions of term permits, and stipulate that a water right cannot be perfected under a term permit.

**K.A.R. 5-14-10** adjusts or adds specific grounds for civil penalties as set forth below:

- Failing to file a required monthly water use report — \$100
- Violating a condition of a water right or permit not specifically listed — \$500
- Violating an order relating to an intensive groundwater use control area — \$1,000
- Violating an order relating to minimum desirable streamflow — \$1,000

The other regulations in this package will result in no significant change to the current costs of compliance to the regulated community.

These regulations primarily clarify existing regulations and procedures, and will not result in any significant fiscal impact to the agency.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Avenue, and the north entrance to the building is accessible to individuals with disabilities.

Complete copies of the regulations and their economic impact statements may be obtained by contacting Leslie Garner at the contact information above or by accessing the department's Web site at <http://www.ksda.gov>.

David W. Barfield  
Chief Engineer  
Division of Water Resources

Doc. No. 035781

## State of Kansas

### Governmental Ethics Commission

#### Opinion No. 2008-06

Written May 14, 2008, to Thomas J. Drees, Ellis County Attorney, Hays.

This opinion is in response to your letter of April 4, 2008, in which you requested an opinion from the Kansas Governmental Ethics Commission concerning the local level conflict of interests laws relating to the need to file a report of financial interests, K.S.A. 75-4305, and the need to abstain from action based on interests, K.S.A. 75-4304. We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement:

We understand that you are requesting this opinion in your capacity as the Ellis County Attorney. You advise us that Ellis County has adopted county wide zoning and that part of the county wide zoning process involves a planning commission created pursuant to K.S.A. 12-744 and authorized by County Resolution 2005-15 on May 9, 2005. The planning commission members are not compensated for their work as commission members, but are appointed by the County Commissioners and serve in an advisory capacity to the County Commissioners. The County Commission votes whether or not to accept proposals from the planning commissioners and the County Commissioners are not bound by the proposals of the planning commission.

Recently, a proposal has been made to construct a wind farm, including wind-powered turbine construction. A member of the public has questioned whether members of the planning commission need to comply with K.S.A. 75-4305 by filing a disclosure of substantial interests with the County Clerk and whether planning commission board members, who have a substantial interest in areas affected by the zoning requests, must make those known and/or abstain from voting on those issues. In particular, if a planning commission member has a father who owns property within the area being discussed for inclusion in the wind energy project, must the board member disclose that relationship and/or abstain from voting on said issues concerning property owned by his father? And, as a member of a board that is advisory to the County Commission, would the individual have to file a disclosure of interests form with the County Clerk, pursuant to K.S.A. 75-4303a?

#### Questions:

1. Is a member of a planning commission, acting in an advisory capacity only, required to disclose a family relationship and/or abstain from voting on an issue concerning the property of the family member?

2. As a member of a board that is advisory to the County Commission, would an individual be required to file a disclosure of interests form with the County Clerk, pursuant to K.S.A. 75-4304a, when a matter concerning the family member's property was before the advisory board?

#### Opinion:

In regard to the first question, K.S.A. 75-4301a applies. It states in pertinent part:

(c) "Local government employee" means any employee of any governmental subdivision or any of its agencies.

(d) "Local government officer" means any elected or appointed officer of any governmental subdivision or any of its agencies...

(f) "Governmental subdivision" means any city, county, township, school district, drainage district or other governmental subdivision of the state having authority to receive or hold public moneys or funds.

In as much as the Ellis County Planning Commission does not have authority to receive or hold public moneys or funds, and the only functions of the commission are to hear requests for construction in the county and to make non-binding recommendations regarding such proposals, the commission is not a subdivision for which employees and officers might otherwise be subject to the local conflict of interests laws, including 75-4302a and 75-4304. Thus, in answer to your second question, members of the Ellis County Planning Commission are not required to comply with K.S.A. 75-4303a by filing a disclosure of interests form with the County Clerk under any application of that statute.

#### Opinion No. 2008-07

Written May 14, 2008, to Thulasi Singam, Topeka.

This opinion is in response to your email of April 3, 2008, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement:

We understand that you are requesting this opinion in your capacity as a full-time Application Developer II for the Kansas Department of Revenue (KDOR). Your job responsibilities are to develop and maintain the agency's Astra Tax Processing (ATP) system.

In addition, outside of your hours of work at KDOR, you operate a business known as Focus Webeye, Inc. (FWI), a Kansas corporation, for which you are President. FWI's primary business is the marketing and installation of closed circuit television (CCTV) equipment. FWI has

(continued)

sold and installed such equipment to customers at more than 100 locations in northeast Kansas including Topeka, Lawrence, and Kansas City. FWI also markets and installs digital surveillance systems at health clubs, hotels, motels, restaurants, fast food outlets, and gasoline stations.

#### Questions:

1. Is it a violation of the state level conflict of interest laws for an Application Developer II for the Kansas Department of Revenue to bid on a State of Kansas contract for the purchase or installation of CCTV projects?

2. Is it a violation of the state level conflict of interest laws for an Application Developer II for the Kansas Department of Revenue to bid on a State of Kansas contract for the purchase or installation of CCTV equipment when such contracts are for the needs of a division of the Kansas Department of Revenue?

#### Opinion:

With regard to both questions, K.S.A. 46-233 applies. It states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business . . . in whose business such officer or employee . . . has a substantial interest . . . .

Under this provision, you are prohibited, as a state employee, from being substantially involved in the preparation of, or from participating in, the making of a contract with the business you own. So long as you, as a state employee, do not contract with yourself, you may sell equipment and services to the State of Kansas and its agencies, including the Kansas Department of Revenue and its divisions, without violating K.S.A. 46-233.

One other statute should be considered with regard to your questions. K.S.A. 46-241 states:

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

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

In conclusion, K.S.A. 46-233(a)(1) does not prohibit you, individually or through FWI, from bidding on State contracts for the purchase or installation of CCTV equipment, so long as you do not, in your capacity as a state employee, participate in the making of any contracts between the State and yourself as owner of a private business. In addition, pursuant to K.S.A. 46-235, as long as it is not part of your current State duties to purchase and install CCTV equipment, you would not be prohibited from accepting compensation for providing these items of equipment and their installation. Finally, confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another.

Sabrina K. Standifer  
Chairwoman

Doc. No. 035790

#### State of Kansas

#### Attorney General

#### Opinion 2008-3

**Insurance—General Provisions Relating to Fire Insurance Companies—Rate Filings; Filings Open to Public Inspection.**

**Public Records, Documents and Information—Records Open to Public—Certain Records Not Required to be Open; Sealed Bids and Related Documents. John W. Campbell, General Counsel, Kansas Insurance Department, January 23, 2008.**

Insurance rate filings submitted to the Kansas Department of Insurance pursuant to K.S.A. 2006 Supp. 40-955 are open records regardless that such rates may be closed as a part of a bid proposal submitted to the Committee on Surety Bonds and Insurance. Cited herein: K.S.A. 40-105; 40-201; K.S.A. 2006 Supp. 40-216, as amended by L. 2007, Ch. 150, § 1; 40-955, as amended by L. 2007, Ch. 150, § 2; K.S.A. 45-216; K.S.A. 2006 Supp. 45-217; K.S.A. 45-218; K.S.A. 2006 Supp. 45-221; 75-4101; 75-4125. MJS

#### Opinion 2008-4

**Contracts and Promises—Electronic Transactions—Use of Electronic Records and Electronic Signatures; State Agency Written Standards Governing Use of Electronic Signatures; Rules and Regulations Governing Use of Digital Signatures by State Agencies; Application to Criminal Prosecutions.**

**Courts—Supreme Court—Reproduction and Preservation of Court Records; Minimum Standards—Court May Adopt Rules Relating to Court Records—District Courts—Reproduction and Preservation of Court Records.**

**Criminal Procedure—Preliminary Proceedings—Commencement of Prosecution—Issuance of Warrant or Summons; Use of Electronic Signatures for Complaints and Affidavits.**

**Notaries Public and Commissioners—Notarial Acts—Definitions—Notarial Acts—Certificate of Notarial Acts—Short Forms—Unsworn Declarations—Unsworn Declarations; Written Declaration Sufficient, Form; Exceptions; Criminal Complaints and Affidavits.**

**Oaths and Affirmations—General Provisions—Officers Authorized to Administer Oaths—How Administered—Persons Having Conscientious Scruples May Affirm—Form and Commencement and Conclusion of Oaths—Falsifying Oaths or Affirmation; Criminal Complaints and Affidavits. Frank E. Kohl, Leavenworth County Attorney, Leavenworth, February 25, 2008.**

The Uniform Electronic Transactions Act does not authorize the use of an unsworn, electronic digitally-signed complaint to commence a criminal prosecution pursuant to K.S.A. 22-2301 or an unsworn, electronic digitally-signed supporting affidavit to make a probable cause determination for issuing an arrest warrant or summons to appear pursuant to K.S.A. 22-2302.

However, where a district court has adopted local rules meeting the requirements in Kansas Supreme Court Rule



122 and the provisions in K.S.A. 53-601 are met, an electronic unsworn, digitally-signed complaint can be used to commence a criminal prosecution pursuant to K.S.A. 22-2301 and an electronic unsworn, digitally-signed supporting affidavit can be used to make a probable cause determination for issuing an arrest warrant or summons to appear pursuant to K.S.A. 22-2302. Cited herein: K.S.A. 16-1602; 16-1603; 16-1605; 16-1607; 20-159; 20-160; 20-357; 20-3105; 21-3110; 21-3110a; 21-3110b; 21-3805; 22-2201; 22-2202; 22-2301; 22-2302; 53-502; 53-503; 53-508; 53-509; 53-601; 54-101; 54-102; 54-103; 54-104; 54-105; 60-211; and K.S.A. 2007 Supp. 77-201 *Eighteenth*. JLA

#### Opinion 2008-5

**State Boards, Commission and Authorities—State Lottery—Kansas Lottery Act; Kansas Expanded Lottery Act; Lottery Gaming Facilities; Gaming Facility Management Contract Requirements; Applicant Endorsement.** Harold T. Walker, Chief Counsel, Unified Government of Wyandotte County/Kansas City, Kansas, March 6, 2008.

The Kansas Expanded Lottery Act does not require that a lottery gaming facility manager applicant provide a resolution of endorsement and planning/zoning approval at the time the applicant files its application with the Kansas Lottery Commission. However, a city or county is not required to entertain a request for endorsement that does not comply with its endorsement process, including any attendant deadlines. Cited herein: K.S.A. 12-101; 12-345; 19-101; 19-101a; K.S.A. 2007 Supp. 74-8702; 74-8733; 74-8734; 74-8736; Kan. Const., Art. 12, § 5. MF

#### Opinion 2008-6

**Public Health—Emergency Medical Services—Denial, Revocation, Limitation, Modification or Suspension of Attendant's Certificate; Performing Activities Not Authorized by Statute.**

**Public Health—Healing Arts—Licensees Who Direct, Supervise, Order, Refer, Accept Responsibility for, Enter into Practice Protocols with or Delegate Acts Which Constitute Practice of Healing Arts to Others; Requirements and Limitations; Authorizing Emergency Medical Services Attendants to Perform Activities Not Authorized by Statute.** Robert Waller, Administrator, Kansas Board of Emergency Services, Topeka, March 31, 2008.

A physician may not lawfully authorize a first responder to perform medical procedures that extend beyond the statutorily authorized activities for that attendant level, whether by direction, supervision, order, referral, acceptance of responsibility for, entering into practice protocols with, or delegation.

A physician may lawfully authorize an EMT, an EMT-D, and an EMT-I to perform *statutorily specified* medical procedures that extend beyond the list of authorized activities for those attendant levels by entering into practice protocols with such attendants, but may not otherwise authorize such attendants to perform medical procedures that extend those activities for that attendant level. During non-emergency transport of patients, an EMT, an EMT-D and an EMT-I may perform statutorily author-

ized activities only when specifically authorized to perform such activities by medical protocols.

A physician may lawfully authorize a paramedic to perform *any* medical procedures that extend beyond the specific authorized activities for that attendant level by entering into practice protocols with such attendant, and additionally may order a paramedic to administer any medications or perform procedures the physician deems necessary if direct communication is maintained. During non-emergency transport of patients, a paramedic may perform statutorily authorized activities only when specifically authorized to perform such activities by medical protocols. Cited herein: K.S.A. 65-6112; K.S.A. 2007 Supp. 65-2837; 65-28,127; 65-6119; 65-6120; K.S.A. 65-6121; K.S.A. 2007 Supp. 65-6123; K.S.A. 65-6133; 65-6144; K.A.R. 109-1-1. CN

#### Opinion 2008-7

**Probate Code—Care and Treatment for Mentally Ill Persons—Investigation; Emergency Detention; Authority and Duty of Law Enforcement Officers; Transportation; Costs.** John D. Gatz, Colby City Attorney, Colby, March 31, 2008.

The law enforcement officer who makes an initial determination that a person is mentally ill and likely to cause harm to self or others is responsible for transporting the person to an appropriate treatment facility for evaluation. However, pursuant to K.S.A. 59-2970, a court may order any "suitable person," including a sheriff, to transport a person to a treatment facility specified in the order. Finally, absent statutory authority, the costs incurred by a law enforcement agency in transporting a mentally ill person cannot be taxed to such person, those responsible by law for the person, or the person's county of residence. Only those costs itemized in K.S.A. 59-2981 can be taxed to the aforementioned persons or county. Cited herein: K.S.A. 22-2202; 59-2945; 59-2946; 59-2953; 59-2954; 59-2970; and 59-2981. MJS

#### Opinion 2008-8

**State Boards, Commission and Authorities—State Lottery—Kansas Lottery Act; Kansas Expanded Lottery Act; Restrictions on State and Local Officials; Penalties; Use of Official Authority to Influence Certain Decisions, Investigations and Proceedings.** Stephen L. Martino, Executive Director, Kansas Racing and Gaming Commission, Topeka, April 16, 2008.

A state or local official cannot use his or her official authority to influence or attempt to influence the following activities of the governmental entities responsible for administering the Kansas Expanded Lottery Act (KELA): (1) the decision of the Lottery Commission in approving and executing facility management contracts with proposed lottery gaming facility managers and racetrack gaming facility managers; (2) the decision of the Lottery Gaming Facility Review Board in selecting the lottery gaming facility management contract in each gaming zone; (3) the decision of the Kansas Racing and Gaming Commission (KRGC) in approving or rejecting the lottery gaming facility management contracts selected by the Lottery Gaming Facility Review Board; (4) the decision of

(continued)

the KRGC in approving any racetrack gaming facility management contracts approved by the Lottery Commission; (5) investigations by the Lottery Commission to examine proposals for lottery gaming facilities and racetrack gaming facilities; and (6) proceedings initiated by the Lottery Commission, the KRGC, or the executive directors of either agency to enforce the KELA and the regulations promulgated by both agencies.

Whether a state or local official uses his or her official authority to influence or attempt to influence one of the above-referenced decisions, investigations, or enforcement proceedings will be a question of fact. However, such public officials are not precluded from offering public comment or testimony in proceedings before any of these governmental entities in their capacity as private citizens. Moreover, a state or local official is not prohibited from using his or her official authority to influence most decisions made by the Lottery Commission, the Lottery Gaming Facility Review Board or the KRGC. The prohibition applies only to the decisions identified herein.

Finally, the statutory prohibition against certain state officials using their authority to influence or attempt to influence an investigation of a proposal for a lottery gaming facility or racetrack gaming facility does not apply to a city or county endorsement process. Cited herein: K.S.A. 2007 Supp. 74-8733; 74-8734; 74-8736; 74-8740; 74-8741; 74-8742; 74-8744; 74-8749; 74-8750; 74-8751; 74-8752; 74-8772; 74-8762. MF

#### Opinion 2008-9

**Schools—School Unification Acts—School District Expenditures Over \$20,000; Requirements Relating To Bids and Bidders; Exemptions; Services; Construction Manager At Risk. John S. Robb, Counsel, Unified School District No. 373, Newton, April 22, 2008.**

A unified school district is obligated under K.S.A. 2007 Supp. 72-6760 to submit to competitive bidding an agreement for the employment of a construction manager at risk when the expenditure exceeds \$20,000. The fact that a construction manager at risk agreement has been entered into pursuant to K.S.A. 2007 Supp. 72-6760 does not absolve the school district from meeting the obligations of K.S.A. 2007 Supp. 72-6760 when contracts are awarded to subcontractors. Given the purposes of the bidding statute, the unified school district is the entity responsible under K.S.A. 2007 Supp. 72-6760 for ultimately determining which subcontractor is the lowest responsible bidder for each bidding package when the construction manager at risk is allowed to submit bids on bidding packages. The Legislature simply has not contemplated a situation where the expenditure is made by the school district to the lowest responsible bidder through a third party. To comply with K.S.A. 60-1111, a unified school district is required to obtain a public works bond from each party with whom the school district has contracted for the construction of a building when the amount contracted for exceeds \$100,000. A unified school district is not required to obtain a public works bond from each subcontractor when there is no contract between the school district and the subcontractor. Cited herein: K.S.A. 60-1111; K.S.A. 2007 Supp. 72-6760; K.S.A. 72-6760b; K.S.A. 2007 Supp.

74-99b01; 74-99b16; 75-37,141; 75-37,143; 76-777; 76-786; 2008 S.B. No. 642; L. 1963, ch. 393, § 27; L. 1982, ch. 297, § 1. RDS

#### Opinion 2008-10

**Public Health—Emergency Medical Services—Establishment, Operation and Maintenance of Emergency Medical Service; Tax Levies; Protest Petition, Election, Reimbursement of Certain Taxing Districts by Counties.**

**Public Health—Emergency Medical Services—Ambulance Service Taxing District; Creation; Governing Body; Tax Levy. Alan D. Weber, Allen County Counselor, Iola, and Charles H. Apt III, Iola City Attorney, Iola, April 22, 2008.**

When a county has elected to create an ambulance service taxing district under the provisions of K.S.A. 65-6118, other municipalities within the county are not prohibited from creating and operating their own ambulance service independent of the county. Cited herein: K.S.A. 65-6111; 65-6112; 65-6113; 65-6118; 65-6127; 65-6128. CN

#### Opinion 2008-11

**Automobiles and Other Vehicles—General Provisions—Collection of Fees; Disposition of Moneys; Use of Motor Vehicle Funds for Security Cameras.**

**Counties and County Officers—County Commissioners—Powers of Board of Commissioners; Security Cameras in Motor Vehicle Department. John B. Klenda, McPherson County Counselor, McPherson, April 23, 2008.**

Fees collected and retained by the county treasurer for issuing automobile registrations and certificates of title may only be used for the incidental expenses directly attributable to administering the motor vehicle registration laws. Security cameras are not such an expense. Should the county commissioners determine that a security system is necessary, it is the county's responsibility to retain any video images pursuant to the Public Records Preservation Act. Cited herein: K.S.A. 2007 Supp. 8-145; K.S.A. 19-101; 19-101a; 19-212; 19-219 and 45-401. MJS

#### Opinion 2008-12

**Taxation—Property Exempt From Taxation—Newly Constructed Residential Property Which Has Never Been Occupied; 2008 Substitute for House Bill No. 2543. Senator Barbara P. Allen, 8th District, Overland Park, April 25, 2008.**

2008 Substitute for House Bill No. 2543 creates a preferential tax exemption for new home construction intended to be sold by a commercial home builder. The constitutional mandate of uniformity and equality in valuation and rate of taxation is violated as the proposed bill does not accord the same exemption to home builders who do not intend to sell the new home construction. Cited herein: K.S.A. 79-102; 79-201m; Kan. Const., Art. 11, § 1. RER

Stephen N. Six  
Attorney General

Doc. No. 035789

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:

06/02/2008	11372	Furnish and Install Alum Windows
06/03/2008	11365	Compaction Self-Propelled Rollers
06/03/2008	11367	Loader 4-Wheel Drive Articulated
06/04/2008	11366	Dental Services
06/04/2008	11368	Furnish and Install Waterjet Machining Center
06/04/2008	11373	Document Imaging and Storage Services
06/04/2008	11376	Asphalt Overlay of Parking Lot (Topeka)
06/05/2008	11380	Wheel Tractors
06/06/2008	11351	Promotional Items
06/10/2008	11370	Child Welfare Community-Based Service Training
06/11/2008	11379	Dump Trucks

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

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

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

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

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

06/03/2008	A-010433(A)	Roof Replacement — Pittman Hall, Kansas State University, Manhattan
06/04/2008	A-010316	Cottage HVAC Upgrades — Various Locations, Kansas Soldiers' Home, Fort Dodge
06/05/2008	A-010581	Exterior Lighting Improvements — Shawnee Indian Mission State Historic Site, Kansas Historical Society, Topeka
06/10/2008	A-010663	Exterior Repairs — Willard Hall, Kansas State University, Manhattan
06/10/2008	A-010742	Replace the Light Dimming System — Lied Center, University of Kansas, Lawrence
06/11/2008	A-010584	Bass Propagation Facility, Dept. of Wildlife and Parks, Meade County
06/17/2008	A-010748	Exterior Wall Repair — Administration Building & Training Building, Dept. of Corrections, Winfield

Chris Howe  
Director of Purchases

(Editor's Note: The following Executive Orders were filed in 2007 with the Secretary of State's Office but were inadvertently never submitted for publication. The orders are being published below in their order of filing.)

State of Kansas

Office of the Governor

Executive Order 07-22

WHEREAS, Article 1 of the Kansas Constitution vests the executive power of the State of Kansas in the Governor; and

WHEREAS, under Section 4 of Article VIII of the Kansas Constitution, the Governor is the commander-in-chief of Kansas' armed forces; and

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 U.S.C. § 7, by order of the President, the flag of the United States ("the flag") shall be displayed at half-staff upon the death of principal figures of the United States and the governor of a state, territory or possession of the United States; and

WHEREAS, in the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with the law; and

WHEREAS, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the flag of the United States shall be displayed at half-staff; and

WHEREAS, it is appropriate that the flag of the United States be displayed at half-staff on state buildings, grounds, and facilities as directed by the President or the Governor; and

WHEREAS, it is particularly appropriate that the flag of the United States be displayed at half-staff throughout the State of Kansas as a mark of respect for the memory and in honor of the service of members of our Armed Forces killed in the line of duty; and

WHEREAS, it is desirable to provide direction for the uniform observance of this mark of respect to state departments and agencies and guidance to the people of the State of Kansas generally on such occasions.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order and proclaim:

- I. DISPLAYING THE FLAG AT HALF-STAFF
  - A. The flag of the United States shall be displayed at half-staff at state buildings, grounds, and facilities, as provided in this Order and as otherwise directed by the Governor.
  - B. All requests to display the flag at half-staff at state buildings, grounds, and facilities and any questions from state departments or agencies relating to displaying the flag at half-staff shall be directed to legal counsel to the Governor.
  - C. The Department of Administration shall assist the Office of the Governor with implementing this Order, communicating directions regarding displaying flags at half-staff, and assuring compliance by state departments and agencies.

(continued)

- D. When this Order provides for the flag to be displayed at half-staff on a statewide basis, Kansas residents, businesses, schools, local governments, and other organizations also are urged to display the flag at half-staff.
- E. As provided by federal law, when displayed at half-staff, the flag of the United States should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day, the flag should be displayed at half-staff until noon only, then raised to the top of the staff.
- F. As provided by federal law, no other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States. When flags of states, cities, or localities or pennants of societies are displayed on the same halyard with the flag of the United States, the flag of the United States should always be at peak. When flags are displayed from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No flag of a state, city, locality, or pennant of a society may be placed above the flag of the United States or to the United States flag's right. When flags of two or more nations are displayed, they are to be displayed from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace. International usage also provides that the flag of another nation should never be displayed at half-staff unless authorized by that nation.
- G. As used in this Order, the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff.
- II. ANNUAL DAYS TO DISPLAY FLAG AT HALF-STAFF
- A. Consistent with federal law, the flag of the United States shall be displayed at half-staff throughout the State of Kansas on the following days each year:
1. Peace Officers Memorial Day, May 15 (36 U.S.C. §§ 136-137; Executive Order 2006-7).
  2. Memorial Day, the last Monday in May, until noon only (4 U.S.C. § 7).
  3. Patriot Day, September 11 (36 U.S.C. § 144).
  4. Pearl Harbor Remembrance Day, December 7 (36 U.S.C. § 129; Executive Order 2005-27).
- III. HONORING MEMBERS OF OUR ARMED FORCES
- A. Because members of our armed forces voluntarily forego comfort and wealth to face hardships and deployments away from family and loved ones while defending our nation's security, the State of Kansas recognizes the duty, honor, and selfless service of all military personnel and remembers those who have given the ultimate sacrifice by laying down their lives to defend the freedoms the United States of America holds so dear.
- B. The flag of the United States shall be displayed at half-staff throughout the State of Kansas on a day designated by the Governor when any of the following occurs:
1. A member of the Kansas National Guard is killed in the line of duty.
  2. A member of the Kansas Air National Guard is killed in the line of duty.
  3. A Kansas resident serving as a member of the United States Armed Forces is killed in the line of duty.
- C. The Governor offers the deepest condolences to the family, friends, colleagues, and loved ones of all Kansas servicemen and servicewomen killed in the line of duty.
- IV. HONORING FEDERAL OFFICIALS
- A. Upon the death of the President of the United States or a former President of the United States, the flag of the United States shall be displayed at half-staff throughout the State of Kansas for thirty (30) days from the day of death.
- B. Upon the death of the Vice President of the United States, the flag of the United States shall be displayed at half-staff throughout the State of Kansas for ten (10) days from the day of death.
- C. Upon the death of the Chief Justice of the United States or a retired Chief Justice of the United States, the flag of the United States shall be displayed at half-staff throughout the State of Kansas for ten (10) days from the day of death.
- D. Upon the death of the Speaker of the United States House of Representatives, the flag of the United States shall be displayed at half-staff throughout the State of Kansas for ten (10) days from the day of death.
- E. The flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment upon the death of any of the following:
1. An Associate Justice of the United States Supreme Court.
  2. A member of the Cabinet of the President of the United States.
  3. A former Vice President of the United States.
  4. The President Pro Tempore of the United States Senate.
  5. The Majority Leader of the United States Senate.

6. The Minority Leader of the United States Senate.
  7. The Majority Leader of the United States House of Representatives.
  8. The Minority Leader of the United States House of Representatives.
- F. Upon the death of a United States Senator representing the State of Kansas, the flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment.
- G. Upon the death of a Member of Congress representing a congressional district within the State of Kansas, the flag of the United States shall be displayed at half-staff within the State Capitol Complex and within the congressional district from the day of death until interment.
- H. Upon the death of a former United States Senator who represented the State of Kansas, the flag of the United States shall be displayed at half-staff at all state buildings, grounds, and facilities.
- I. Upon the death of a former Member of Congress who represented a congressional district within the State of Kansas, the flag of the United States shall be displayed at half-staff within the State Capitol Complex.
- V. HONORING STATE OFFICIALS
- A. Upon the death of the Governor or a former Governor, the flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment.
  - B. Upon the death of the Lieutenant Governor, the flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment.
  - C. Upon the death of the Secretary of State, the flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment.
  - D. Upon the death of the Attorney General, the flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment.
  - E. Upon the death of the State Treasurer, the flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment.
  - F. Upon the death of the Insurance Commissioner, the flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment.
  - G. Upon the death of the Chief Justice of the Kansas Supreme Court, the flag of the United States shall be displayed at half-staff throughout the State of Kansas from the day of death until interment.
  - H. Upon the death of an Associate Justice of the Kansas Supreme Court, the flag of the United States shall be displayed at half-staff at all state buildings, grounds, and facilities from the day of death until interment.
- I. Upon the death of a judge of a Kansas court of record, the flag of the United States shall be displayed at half-staff within the State Capitol Complex and at all court buildings and facilities within the State of Kansas from the day of death until interment.
  - J. Upon the death of any member of the Kansas Senate or Kansas House of Representatives, the flag of the United States shall be displayed at half-staff at all state buildings, grounds, and facilities from the day of death until interment.
  - K. Upon the death of the Adjutant General or any former Adjutant General of the State of Kansas, the flag of the United States shall be displayed at half-staff at all state buildings, grounds, and facilities from the day of death until interment.
- VI. MISCELLANEOUS
- A. In the event of the death of other officials, former officials, foreign heads of state, foreign dignitaries, and other persons, the flag of the United States shall be displayed at half-staff in accordance with any orders, directions, or instructions issued by the President of the United States or the Governor.
  - B. When the flag of the United States is displayed at half-staff at a government facility, the manager of the facility or other appropriate official is encouraged to post in a location visible to members of the public visiting the facility the name of the individual memorialized so as to better inform government employees and the public why the flag is displayed at half-staff.
- This document shall be filed with the Secretary of State as Executive Order No. 07-22 and shall become effective immediately.
- Dated July 25, 2007.

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**Executive Order 07-23**

WHEREAS, due to extremely dry weather and lack of significant rainfall, it is necessary to assist and expedite all efforts of drought relief; and

WHEREAS, many states are suffering through this agricultural crisis, several states less affected have stepped up to offer assistance in the form of hay and feed exportation; and

WHEREAS, the Commonwealth of Virginia has requested assistance to expedite the delivery of hay and feed to their state to ease the suffering experienced during this drought.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby declare because there is a state of emergency existing in the Commonwealth of Virginia due to extremely dry weather and the lack of significant rainfall, it is necessary to assist and expedite all efforts of drought relief. In order to accommodate this need and to provide assistance to the citizens of the Commonwealth of Virginia in this extreme situation, I hereby order the temporary suspension of the fol-

*(continued)*

lowing as they apply to motor vehicles used in the support efforts:

1. The fees associated with over-dimension/over-weight permits; however, participating carriers who transport these loads;
  - Must obtain permits
  - Receive priority service
  - Maintain a current copy of the Executive Order in each commercial vehicle
  - May operate during low visibility and during night, holiday and curfew hours with clearance lights; and
2. The requirements for registration and fuel tax reporting as required by the Kansas Department of Revenue; and
3. The requirements for licensing/operating authority as required by the Kansas Corporation Commission; and
4. The requirements contained in the Federal Motor Carrier Safety Regulations, CFR 49, Parts 390-399 under the authority of CFR 49, Part 390.23. All other regulations in CFR 49 shall apply.

This temporary order is in effect for thirty (30) days unless rescinded earlier or lengthened by executive order.

This document shall be filed with the Secretary of State as Executive Order No. 07-23 and shall become effective immediately.

Dated August 13, 2007.

#### Executive Order 07-24

WHEREAS, the State of Kansas is dedicated to the principles of freedom and equality among all of its citizens; and

WHEREAS, the State of Kansas employs individuals that are a vital part of creating and fostering efficient business practices and ensuring that all citizens of Kansas receive the support and services they need and to which they are entitled; and

WHEREAS, the State of Kansas is committed to employment practices which will prevent discrimination and harassment on account of race, color, gender, sexual orientation, gender identity, religion, national origin, ancestry, age, military or veteran status, or disability status. State of Kansas employers are expected to provide equal employment opportunity to all individuals in all aspects of employer-employee relations without discrimination, and will comply with the spirit, as well as the letter, of applicable state and federal law; and

WHEREAS, the State of Kansas is committed to recruit, select, develop, and promote employees based on individual ability and job performance. Employment decisions will be made that advance the principles of equal employment opportunity and affirmative action. This effort places the State of Kansas in line with approximately 90% of Fortune 500 companies that have implemented similar diversity policies; and

WHEREAS, hiring and retaining diverse, highly qualified employees requires leadership support and attention to make diversity management initiatives a reality. Given that State employees make significant contribu-

tions to the State's success, it makes good business sense to treat employees and customers with dignity and respect.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby declare that all state entities under my jurisdiction shall make certain the following programs are in place:

1. A diversity management program that includes outreach recruitment and hiring, support, mentoring, development, rewards, and recognitions for achievement; as well as monitoring the effectiveness of such programs.
2. A strong program prohibiting discrimination and harassment on account of race, color, gender, sexual orientation, gender identity, religion, national origin, ancestry, age, military or veteran status, or disability status. This program will include training, and a prompt and confidential method for expressing complaints.
3. A program of awareness regarding legal protections for persons with disabilities in order to allow qualified applicants to apply for employment and to allow employees with disabilities to perform the essential functions of jobs and enjoy the privileges and benefits of employment.
4. Establishment of an agency affirmative action plan.

This document shall be filed with the Secretary of State as Executive Order No. 07-24 and shall become effective immediately.

Dated August 31, 2007.

#### Amended Executive Order 06-01

WHEREAS, on August 15, 2003, at approximately 6:00 a.m., the small city of Westwood, Kansas experienced its first reported homicide.

WHEREAS, David "Ray" Ninemire, a long tenured store manager of the Westwood Apple Market, 4701 Mission Road, Westwood, Kansas, was finishing up his work shift. A female employee had just reported for work and was preparing to open her checkout lane. She was approached from behind by a male subject wearing a top hat, with a fake beard pulled up high on his face, a black medium length coat and black pants. The subject was described as being about 5'5" and thin build.

WHEREAS, the subject displayed a handgun, grabbed the female employee by the arm, and pulled her towards the customer service window.

WHEREAS, upon hearing the female employee scream, Mr. Ninemire ran to the front of the store to her aid where he encountered the armed subject. The subject began shooting towards Mr. Ninemire, who was struck in the upper right thigh area, severing the femoral artery.

WHEREAS, the subject then calmly walked towards the exit doors where a customer was entering the store. The customer dropped to the floor, posing no threat. The subject began firing the weapon at the customer, who was subsequently struck by two bullet fragments, one lodging in an ear and one in an arm.

WHEREAS, the killer was last seen walking east from the store along West 47th Street and then north on Lloyd Street into Kansas City, Kansas.

WHEREAS, Mr. Ninemire's coworkers and responding police officers did what they could to save his life. He bled to death while lying on the floor before medical help could arrive.

WHEREAS, Westwood Assistant Chief of Police Dan Brewster states, "Ray Ninemire was a hero. He came to the aid of a female friend and coworker and was killed in the process. Ray has a loving family and a community that demands that this case be solved. Anything that I could write about this man, the Christian path he lived, the imprint he left on those who knew him would fall short in describing the person he was before 6:00 a.m. on August 15, of 2003."

NOW, THEREFORE, by virtue of authority vested in me by K.S.A. 75-113, I, Kathleen Sebelius, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of David "Ray" Ninemire.

This document shall be filed with the Secretary of State as Amended Executive Order 06-01, and shall become effective immediately.

Dated October 4, 2007.

#### Executive Order 07-25

WHEREAS, the State of Kansas must continue to be fiscally responsible as we enter the new fiscal year; and

WHEREAS, the moratorium placed on employee bonuses for the Executive Branch agencies in Fiscal Years 2003 through 2007 resulted in fiscal savings; and

WHEREAS, the State of Kansas has an Award and Recognition Program that authorizes state agencies to recognize and reward employees based on designated program criteria.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby continue the moratorium on employee bonuses for Fiscal Year 2008 and maintaining the dollar amount limit that was established in Fiscal Year 2007 to continue to provide for flexibility when awards are given through the State of Kansas Award and Recognition Program.

This moratorium applies to any bonus issued by contracted agreements, Memorandums of Agreement, Executive Directives, awards authorized by the Award and Recognition Program and Program Guidelines in excess of \$1,000 per employee per fiscal year, and unclassified bonuses in excess of \$1,000 per employee per fiscal year. No new contracted agreements and Memorandums of Agreement should include bonus provisions.

This moratorium does not apply to the longevity bonus or any cash award based on Memorandums of Agreement involving the Regent institutions' university police officers.

Any exceptions to this moratorium must be approved by the Governor's Office.

This document shall be filed with the Secretary of State as Executive Order No. 07-25 and shall be effective June 17, 2007.

Dated October 12, 2007.

#### Executive Order 07-26

WHEREAS, K.S.A. 48-925(b) provides that the Governor may issue orders and proclamations which shall have the force and effect of law under subsection (b) of K.S.A. 48-924; and

WHEREAS, on the 10th day of December, 2007, I declared a state of emergency for the entire 105 counties in Kansas as a result of a strong winter storm system which moved across the state beginning December 10, 2007, and continuing into December 12, 2007; and

WHEREAS, the State of Kansas has suffered severe storms resulting in widespread electrical outages and destruction to electrical equipment and transmission lines. The State of Kansas is requesting assistance in restoring electric service in the impacted areas; and

WHEREAS, the State of Kansas public and private electrical utility providers have requested assistance for electrical repair crews; and

WHEREAS, repair crews will be traveling to the State of Kansas; and

WHEREAS, it is necessary to expedite restoration of services and relief in the State of Kansas. The State of Kansas wishes to accommodate the need to provide assistance to the citizens of Kansas by allowing motor carriers engaged in disaster relief efforts to travel expeditiously while in this state.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order enforcement of the following statutory requirements temporarily suspended as they apply to vehicles used in the above-described restoration efforts:

1. The fees associated with over-dimension/over-weight permits, however, participating carriers who transport these loads:
  - Must obtain permits
  - Receive priority service
  - Supply the information listed on the declaration
  - May operate during low visibility and during night, holiday and curfew hours with clearance lights; and
2. The requirements for registration and fuel tax reporting as required by the Kansas Department of Revenue; and
3. The requirements for licensing/operating authority as required by the Kansas Corporation Commission; and
4. The requirements contained in the Federal Motor Carrier Safety Regulations, CFR 49, Parts 390-399 under the authority of CFR 49, Part 390.23. All other regulations in CFR 49 shall apply.

This temporary order shall terminate at the end of thirty (30) days.

This document shall be filed with the Secretary of State as Executive Order No. 07-26 and shall become effective immediately.

Dated December 11, 2007.

Kathleen Sebelius  
Governor

Attest: Ron Thornburgh  
Secretary of State

Doc. No. 035774

## State of Kansas

## Secretary of State

## Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of April 2008 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

## Domestic Corporations

A-Plus Galvanizing, Inc., Salina, KS.  
 Aaron's Air Conditioning Service, Inc., Burlingame, KS.  
 AB & KB, Inc., Liberal, KS.  
 Advisor Financing Inc., Topeka, KS.  
 Air Midwest, Inc., Phoenix, AZ.  
 Animal House Pets, Inc., Manhattan, KS.  
 Aramark Food Service Corporation of Kansas, Philadelphia, PA.  
 Arnold Ranch, Inc., Ashland, KS.  
 At Home Inc., Wichita, KS.  
 B&V Trucking, Inc., Hoyt, KS.  
 Batman Farms, Inc., Meade, KS.  
 Bayer Stone Trucking, Inc., St. Marys, KS.  
 Bell Yearbook, Inc., Fort Leavenworth, KS.  
 Bleakley Energy, Inc., Shawnee Mission, KS.  
 Bobby Boyd Memorial Foundation, Chanute, KS.  
 Bretleigh Corporation, Olathe, KS.  
 Cavan Corporation, Kansas City, MO.  
 Chance Industries, Inc., Wichita, KS.  
 Chanute USBC Women's Bowling Association, Inc., Chanute, KS.  
 Chicken House Care, Inc., Emporia, KS.  
 Cimarron Tank Company, Guymon, OK.  
 Colt Energy, Inc., Iola, KS.  
 D and K of Kansas, Inc., Olathe, KS.  
 Dodge City Automotive Parts, Inc., Dodge City, KS.  
 E & J Enterprises, Inc., Pittsburg, KS.  
 Earcare of Ponca City, Inc., Wichita, KS.  
 Earcare Outside Programs, Inc., Wichita, KS.  
 Earl D. Merkel, M.D. and Jerald L. Starkey, M.D. Professional Association, Russell, KS.  
 Edwards/Bricks, Inc., Olsburg, KS.  
 Family Relo, Inc., Overland Park, KS.  
 Fishman & Company - North, L.L.C., Olathe, KS.  
 Galitzer Associates, Inc., Manhattan, KS.  
 Geosciences Booster Club, Olathe, KS.  
 Godsplan 7 Inc., Kansas City, KS.  
 Hennessey Sheet Metal, Inc., Leawood, KS.  
 Humane Kansas Legislative Network Inc., Lawrence, KS.  
 Humboldt's Civil War Days, Inc., Humboldt, KS.  
 Hydrogen Power Source, Inc., Atchison, KS.  
 Illuminology, LLC, Overland Park, KS.  
 J. Neal & Sons Const., Inc., Topeka, KS.  
 Jackson Memorial Church of God in Christ, Topeka, KS.  
 JAL Properties, Ltd., Wichita, KS.  
 James E. Markle & Associates, Inc., New Athens, IL.  
 Jeweler Extraordinaire, Inc., Overland Park, KS.  
 Johnson County Appliance, Inc., El Dorado Springs, MO.  
 Kansas United Corporation, Wichita, KS.  
 Katiebug Enterprises, Inc., Overland Park, KS.  
 Kephart Drilling, Inc., Thayer, KS.  
 Ksems.com, Inc., Topeka, KS.  
 Lady Brown Construction L.L.C., Leavenworth, KS.

Leavenworth USBC BA, Inc., Leavenworth, KS.  
 Madrigal & Associates, Inc., Wichita, KS.  
 Martway 80, L.L.C., Kansas City, MO.  
 Midland-Reed, Inc., Lost Springs, KS.  
 Midwest Surplus Group, Inc., Lawrence, KS.  
 Midwestern Masonry, Inc., Olathe, KS.  
 Milestone Management Services, Inc., Topeka, KS.  
 Millenium Processing Firm, Inc., Westchester, IL.  
 Mission Pet Mart Inc., Mission, KS.  
 Mo-Kan Express, Inc., Kansas City, KS.  
 New China Super Buffet, Inc., Wichita, KS.  
 Orion Capital Management Inc., Lenexa, KS.  
 Osborne Publishing Company, Inc., Osborne, KS.  
 Pinnacle Home Design Corporation, Lenexa, KS.  
 P3 Construction Inc., Wichita, KS.  
 Roger P. Rupp, D.D.S., P.A., Winfield, KS.  
 Rose & Associates, Inc., Wichita, KS.  
 Rucker Construction & Painting Co., Inc., Junction City, KS.  
 S & L Enterprises, Inc., North Newton, KS.  
 S & W Enterprises Inc., Wichita, KS.  
 Sigman Jewelers, Inc., Emporia, KS.  
 Silver City Record, Inc., Kansas City, KS.  
 Slimmer Image, Inc., Leawood, KS.  
 Spic 'n Span Cleaners and Shirt Laundry, Inc., Emporia, KS.  
 States-Logan, Inc., Hays, KS.  
 Sweetland-Hinson Equipment, Inc., Winfield, KS.  
 The Auto Body Shop, Inc., Great Bend, KS.  
 The Herington Masonic Building Association, Herington, KS.  
 The KP Group, L.L.C., Atwood, KS.  
 The Red Dog Saloon of Kansas Inc., Emporia, KS.  
 Thomas Trailer Town, Inc., Paola, KS.  
 Threjay, Inc., Garden City, KS.  
 U.S. Coil Drilling Technologies, Ltd., Goodland, KS.  
 V R Trucking Inc., Eudora, KS.  
 Webtoday, Inc., Shawnee, KS.  
 Wedding Specialists, Inc., Andover, KS.  
 Weisser and Associates, Ltd., Stilwell, KS.  
 Welch Sign Co., Inc., Merriam, KS.  
 Wyandot Barbeque 2, Inc., Overland Park, KS.  
 Wyandot Barbeque, Inc., Kansas City, KS.  
 2 Guys Mission LLC, Mission, KS.

## Foreign Corporations

Activant Solutions Inc., Austin, TX.  
 Advanced Construction Solutions, LLC, Cheyenne, WY.  
 Amstar Mortgage Corporation, Houston, TX.  
 Aramark Industrial Services, Inc., Philadelphia, PA.  
 Astec America Inc., St. Louis, MO.  
 Bacar Constructors, Inc., Nashville, TN.  
 Bailey Flying Service, Inc., Dalhart, TX.  
 Bremcon KS, LLC, White Bear Lake, MN.  
 Brenner Associates, Inc., Edison, NJ.  
 Callejas & Ross Inc., Wichita, Falls, TX.  
 Callison Architecture, Inc., Seattle, WA.  
 Center Advertising, Inc., Overland Park, KS.  
 Clark-Timmons Oil Company, Inc., Blue Springs, MO.  
 Commonwealth Brands, Inc., Bowling Green, KY.  
 Continental Automotive Systems US, Inc., Iselin, NJ.  
 Cryocath Technologies Inc., Kirkland, Quebec.  
 Dyer, Riddle, Mille and Precourt, Inc., Orlando, FL.  
 Forest Irons & Associates, Inc., High Point, NC.  
 Fuddruckers, Inc., North Andover, TX.  
 General Insulation Company, Medford, MA.  
 General Security Services Corporation, Minneapolis, MN.  
 Hansen-Mueller Co., Omaha, NE.  
 Harker's Distribution, Inc., Le Mars, IA.  
 Industrial Gunite, Inc., Pasadena, TX.  
 Integrated Printing Solutions, Inc., Overland Park, KS.



International Buddhist Progress Society, Leawood, KS.  
 Kenmark, Inc., Overland Park, KS.  
 L.J. Stanley & Associates, Inc., Eugene, OR.  
 Land Development, Inc., Quincy, IL.  
 Leaf Funding, Inc., Wilmington, DE.  
 Lutz Building Corporation, Lee's Summit, MO.  
 MBI Mortgage, Inc., Austin, TX.  
 Mediaflo USA, Inc., San Diego, CA.  
 Mesa Airlines, Inc., Phoenix, AZ.  
 Monmouth Real Estate Investment Corporation, Freehold, NJ.  
 National Assembly Services, Inc., Edison, NJ.  
 Newton Painting Co., Independence, MO.  
 Primexx Operating Corporation, Dallas, TX.  
 Qualcomm Incorporated, San Diego, CA.  
 Reliance Electric Company, Milwaukee, WI.  
 Rent-Way, Inc., Plano, TX.  
 Selco Drilling, Inc., Oklahoma City, OK.  
 Southeast Mechanical Contractors, Inc., Lee's Summit, MO.  
 Swisshelm Group, Inc., Springfield, MO.  
 The M.F. Cachat Company, Lakewood, OH.  
 The Military Solutions Corp., Las Vegas, NV.  
 Touch 1 Communications, Inc., Atmore, AL.  
 Townsco Contracting Company, Inc., Oklahoma City, OK.  
 Trinsic Communications, Inc., Tampa, DE.  
 Tyco Adhesives LP, Princeton, NJ.  
 Whole Foods Market Rocky Mountain/Southwest, L.P.,  
 Austin, TX.  
 Wright Tree Care Co., Waukee, IA.

Ron Thornburgh  
 Secretary of State

Doc. No. 035773

## 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-08-166/182 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Bradford Feedyard Dennis Bradford 28522 S.E. D Road Jetmore, KS 67854	S/2 of Section 18, T24S, R23W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-C010 Federal Permit No. KS0096261

This permit is being reissued for a confined animal feeding operation for 3,500 head (1,750 animal units) of cattle weighing 700 pounds or less. Modifications to the permit include an update of the facility description due to the reconstruction of the existing waste storage pond. No other changes are being proposed at the facility; however, an area of pens is being required to be depopulated until wastewater controls are designed, approved by the department, and constructed.

Name and Address of Applicant	Legal Description	Receiving Water
Kevin Benfer 244 2nd Road Longford, KS 67458	N/2 of Section 32, T10S, R01E, Clay County	Smoky Hill River Basin

Kansas Permit No. A-SHCY-S010

This permit is being reissued for a confined animal feeding operation for 300 head (150 animal units) of beef cattle weighing less than 700 pounds, 900 head (360 animal units) of swine weighing more than 55 pounds and 600 head (60 animal units) of swine weighing less than 55 pounds. This represents an increase in the permitted animal units of beef cattle and a decrease in the permitted animal units of swine from the previous permit. The permit also contains modifications consisting of a new sedimentation basin and new vegetative wastewater treatment strip that will capture run off from the new expanded calf weaning pens. No changes are proposed for the swine operation.

Name and Address of Applicant	Legal Description	Receiving Water
JAC Farms Judd Meyer 1959 216th Road Sabetha, KS 66534	SE/4 of Section 18, T01S, R14E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S005

This is a reissuance of a permit for an existing facility for 94 head (37.6 animal units) of swine weighing greater than 55 pounds, 680 head (68 animal units) of swine weighing 55 pounds or less, 40 head (40 animal units) of cattle weighing greater than 700 pounds, 60 head (30 animal units) of cattle weighing less than 700 pounds and 200 head (20 animal units) of sheep, for a total of 195.6 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Rex Griffith - East Site 2 1082 216th Road Seneca, KS 66538	SW/4 of Section 24, T01S, R12E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S051

This is a reissuance of a permit for an existing facility for 140 head (56 animal units) of swine weighing greater than 55 pounds, 400 head (40 animal units) of swine weighing 55 pounds or less and 150 head (150 animal units) of cattle weighing greater than 700 pounds, for a total of 246 animal units of swine and cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Allen Farm Greg Allen 1168 I Road Centralia, KS 66415	NW/4 of Section 09, T04S, R12E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S034

This permit is being reissued for an existing facility with a maximum capacity of 150 head (150 animal units) of beef cattle more than 700 pounds, 150 head (60 animal units) of swine more than 55 pounds

(continued)

and 10 head (1 animal unit) of dogs in kennels, for a total of 211 animal units. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Remus Feedlot C.W. Remus 1798 110 Road Cawker City, KS 67430	SE/4 of Section 20, T06S, R10W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-B017

This is a reissuance of a permit for an existing facility for 500 head (250 animal units) of cattle weighing less than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Clay Center Livestock Sales, Inc. Howard & Ann Langvardt 1774 Meadowlark Road Clay Center, KS 67432	NW/4 of Section 07, T08S, R03E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-B003

This is a reissuance of a permit for an existing public livestock market with an average daily capacity of approximately 76 animal units of cattle, horses, sheep and goats. Due to a change in Kansas law regarding the method for calculating permitted animal units for public livestock markets, the facility is decreasing from an average capacity of 641 animal units to 76 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Hiebert Farms Ronald G. Hiebert 1582 Holly Hillsboro, KS 67063	NW/4 of Section 21, T20S, R02E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-S025

This is a reissuance of a permit for an existing facility for 400 head (160 animal units) of swine weighing greater than 55 pounds, 200 head (20 animal units) of swine weighing 55 pounds or less and 150 head (75 animal units) of cattle weighing less than 700 pounds, for a total of 255 animal units of swine and cattle.

Name and Address of Applicant	Legal Description	Receiving Water
David Hartter 2225 192nd Road Sabetha, KS 66534	SW/4 of Section 34, T01S, R14E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S024

This is a reissuance of a permit for an existing facility for 1,600 head (640 animal units) of swine weighing greater than 55 pounds and 200 head (160 animal units) of cattle weighing greater than 700 pounds, for a total of 800 animal units of swine and cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Wehner Farms Larry D. Wehner 2944 94th Road Rossville, KS 66533	SE/4 of Section 33, T09S, R13E, Jackson County	Kansas River Basin

Kansas Permit No. A-KSJA-S021

This is a reissuance of a permit for an existing facility for 310 head (124 animal units) of swine weighing greater than 55 pounds and 200 head (20 animal units) of swine weighing 55 pounds or less, for a total of 510 head (144 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Dunbar Farms, Inc. Ronald Dunbar 3420 Douglas Road Richmond, KS 66080	E/2 of Section 33, T18S, R20E, Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-S022

This is a reissuance of a permit for an existing facility with a decrease in animal units for 760 head (304 animal units) of swine weighing greater than 55 pounds and 99 head (49.5 animal units) of cattle weighing less than 700 pounds, for a total of 353.5 animal units. The

decrease from 604 animal units is due to a modification to the open cattle lots. The modification will decrease the area of confinement.

Name and Address of Applicant	Legal Description	Receiving Water
Barry Urban Route 1, Box 118 Bison, KS 67520	SE/4 of Section 17, T16S, R17W, Rush County	Smoky Hill River Basin

Kansas Permit No. A-SHRH-B008

This is a reissuance of a permit for an existing facility for 80 head (80 animal units) of cattle weighing greater than 700 pounds and 80 head (40 animal units) of cattle weighing less than 700 pounds, for a total of 160 head (120 animal units) of cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Brack Pens Alan Brack Route 1, Box 16 Bison, KS 67520	SE/4 of Section 09, T18S, R16W, Rush County	Upper Arkansas River Basin

Kansas Permit No. A-UARH-B012

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
Baus Mark L. Baus P.O. Box 93 Alexander, KS 67513	NE/4 of Section 03, T18S, R20W, Rush County	Upper Arkansas River Basin

Kansas Permit No. A-UARH-B013

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
Eckhardt Turkey Farm Orin & Shirley Eckhardt 1206 Southeast 118th Street Galena, KS 66739	NE/4 of Section 24, T33S, R25E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-F028

This is a new permit for an existing and previously certified facility for 22,000 head (396 animal units) of turkeys.

Name and Address of Applicant	Legal Description	Receiving Water
Thad R. Schemper 284 W. 900 Road Long Island, KS 67647	SW/4 of Section 17, T01S, R19W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-B005

This is a reissuance of a permit for an existing facility for 300 head (150 animal units) of cattle weighing less than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Rezac Land and Livestock, Inc. Lance Rezac 24430 Aiken Switch Road Onaga, KS 66521	SE/4 of Section 35 & SW/4 of Section 36, T07S, R11E & NW/4 of Section 01, T08S, R11E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S015

This is a reissuance of a permit for an existing facility for 2,040 head (816 animal units) of swine more than 55 pounds and 1,500 head (150 animal units) of swine 55 pounds or less, for a total of 966 animal units. This represents a decrease in animal units from the past permit due to a facility change in operations.

### Public Notice No. KS-Q-08-119/121

Name and Address of Applicant	Receiving Stream	Type of Discharge
Baxter Springs, City of P.O. Box 577 Baxter Springs KS 66713 Kansas Permit No. M-NE06-0001	Spring River	Treated Domestic Wastewater
		Federal Permit No. KS0045934

Legal Description: SW¼, S6, T35S, R25E, Cherokee County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli and pH, and monitoring for dissolved oxygen, total phosphorus, nitrate/nitrite, total Kjeldahl nitrogen, total nitrogen, total recoverable copper, lead, zinc, effluent flow and hours of aerator operation. 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
Board of Public Utilities 300 N. 65th St. Kansas City, KS 66102	Kansas River	Process Wastewater

Kansas Permit No. I-KS27-BO01 Federal Permit No. KS0080179

Legal Description: NE¼, S20, T11S, R25E, Wyandotte County

Facility Name: KAW Power Station

Facility Address: 2015 Kansas Ave., Kansas City, KS 66105

Facility Description: The proposed action is to reissue an existing permit for any existing wastewater discharge from the facility. This facility generates electric power with high-pressure steam produced by fossil fuel (natural gas only). The proposed permit contains limits for total suspended solids, oil and grease, and pH, as well as monitoring for temperature and effluent flow. Contained in the permit is a schedule of compliance requiring the permittee perform certain studies and provide other information related to the Section 316(b) concerns and continued operation of the facility. The permittee has requested, and KDHE has granted, a variance for thermal limits for this facility based on a Thermal Variance Study provided by the permittee. 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
Frontenac, City of P.O. Box 1012 Frontenac, KS 66762	Spring River via Cow Creek via First Cow Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE27-OO01 Federal Permit No. KS002613101

Legal Description: NW¼, NE¼, S7, T30S, R25E, Crawford County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, total phosphorus, nitrate/nitrite, total Kjeldahl nitrogen, total nitrogen, sulfates and pH. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

**Notice of Intent to Terminate**

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued permits:

Project Name	Facility City	Permit No.
Jeff Coder Dam	Effingham	S-KS15-0003
2004 Street Improvements	Troy	S-MO22-0002
Runway 12-30 Rehabilitation AIP 3-20-0072-23	Salina	S-SH33-0034
Polly Collins Grassed Waterway	McPherson	S-LA11-0022
Covan Worldwide Moving & Storage, Warehouse & Offices	Manhattan	S-KS38-0049
Rolling Meadows Subdivision No. 5	Topeka	S-KS72-0039
Water System Improvements Project No. 28536-00	Topeka	S-KS72-0131
Bank of America	Shawnee	S-KS68-0159

Project Name	Facility City	Permit No.
Gateway/Mission Mall	Mission	S-KS45-0005
Hy-Vee Olathe, KS #2	Olathe	S-KS52-0084
Penny's Office & Shop Expansion	Shawnee	S-KS68-0161
Patrician Village - 1st Plat	Lenexa	S-KS34-0064
Roberts & Dybdahl Expansion (New Century)	Gardner	S-KS20-0046
Great White Way U-Stor	Wichita	S-AR94-0391
Maple Shade Addition	Wichita	S-AR94-0395
Prairie View Addition	Wichita	S-AR94-0323
Plainview Drive & Parking Lot Improvements	Wichita	S-AR94-0390
Road, Parking Lot & Boat Launch	Wichita	S-AR94-0324
University Condominiums	Wichita	S-AR94-0107
Kiser West Addition	Wichita	S-AR94-0189
Regency at Oak Park	Overland Park	S-KS55-0106
Blue River No. 18	Overland Park	S-KS55-0107
Laurel Park Subdivision No 2	Topeka	S-KS72-0164
Genesis Farms Addition No. 2	Gardner	S-MC51-0009
Olathe Elementary School 32- Heather Ridge	Olathe	S-MO14-0096
Genesis Trace	Kansas City	S-MO25-0016
Deer Creek Addition	Junction City	S-SH45-0015

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 June 21 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-08-166/182, KS-Q-08-119/121) and name of the applicant/permittee when preparing comments.

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

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

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035788

## State of Kansas

**Department of Health  
and Environment****Request for Proposals**

In an effort to provide every young Kansan (ages 5 to 18) access to a quality mentoring relationship, statewide financial support is needed for communities wishing to start a mentoring program and to sustain or expand existing programs. Kansas Mentors (KM) defines mentoring as a consistent, structured, stable relationship between youth and a caring role model(s) that: (1) involves regular, ongoing, and ideally face-to-face meetings, and (2) is focused on developing the character, capabilities and confidence of the young person(s). Applicants whose programs fit this definition are eligible to apply. KM's mission is to provide all young Kansans access to a caring and quality mentor.

Eligible applicants must submit proposals that address how their program/project/initiative will help KM to pursue this mission. This may include, but is not limited to, expanding mentoring opportunities into communities that are currently without access to mentoring programs or to communities that are underserved, providing an innovative approach to help with mentoring program staff retention, developing an effective volunteer recruitment plan, or improving existing mentoring efforts. Grant applications and requirements can be found at <http://www.ksmentors.ks.gov/news.htm>.

Rodrick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035793

## State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed significant permit modification of an air quality operating permit. Empire District Electric Company - Riverton Facility has applied for a significant permit modification of the facility's Class I operating permit in accordance with the provisions of K.A.R. 28-19-513 et seq. This is a significant modification to the Class I operating permit to incorporate the requirements of an existing Prevention of Significant Deterioration Construction Permit dated August 16, 2006.

Empire District Electric Company - Riverton Facility, Joplin, Missouri, owns and operates a fossil fuel power generation located at 7240 S.E. Highway 66, Riverton, Kansas.

A copy of the proposed significant permit modification, significant permit modification application, all supporting documentation and all information relied upon during the significant permit modification application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at

the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed significant permit modification and supporting documentation, contact Lynelle Stranghoner, (785) 296-1719, 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 documents to Lynelle Stranghoner, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final decision, written comments must be received before the close of business June 23.

A person may request a public hearing be held on the proposed documents. 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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business June 23 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) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035776

## 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. AGC Flat Glass North America Spring Hill Plant 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 monitor-

ing, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

AGC Flat Glass North America Spring Hill Plant, 20400 N. Webster St., Spring Hill, owns and operates a flat glass manufacturing plant located at 20400 N. Webster St., Spring Hill.

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 Johnson County Environmental Department, 11811 S. Sunset, Suite 2700, Olathe. 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 Mike Boothe, (913) 715-6939, at the Johnson County Environmental Department. 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 June 23.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business June 23 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035780

## 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. Exxon Mobil Production 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.

Exxon Mobil Production, Houston, Texas, owns and operates Lateral C compressor station located at Section 2, T31S, R36W, Stevens 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 Al Guernesey, (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 June 23.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business June 23 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 im-

*(continued)*

practicable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035778

## 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. Exxon Mobil Production 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.

Exxon Mobil Production, Houston, Texas, owns and operates Lateral B compressor station located at Section 13, T31S, R36W, Stevens 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 Al Guernesey, (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 June 23.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business June 23 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035779

## 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. Prairie Horizon Agri-Energy, LLC has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of carbon monoxide (CO), oxides of nitrogen (NOx), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOC), particulate matter (PM/PM-10) and hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Prairie Horizon Agri-Energy, LLC, Phillipsburg, owns and operates a 49-million-gallon per year fuel grade ethanol (ethyl alcohol) manufacturing facility near Phillipsburg located at SW<sup>1</sup>/<sub>4</sub>, Section 25, Township 3S, Range 18W.

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 public review for a period of 30 days from the date of publication 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 Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact Terry Tave-ner, (785) 296-1581, at the KDHE central office; and to review the proposed permit only, contact Richard Robinson, (785) 625-5663, at the KDHE Northwest 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 June 23.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business June 23 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035785

#### State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulations

#### Article 16.—WATER POLLUTION CONTROL

**28-16-28g. Surface water register.** The classification and use designations of surface waters of the state shall be those identified in the department's "Kansas surface water register," dated December 19, 2007, which is hereby adopted by reference. (Authorized by K.S.A. 2007 Supp. 82a-2010; implementing K.S.A. 2007 Supp. 82a-2001, 82a-2002, 82a-2003, 82a-2004, and 82a-2005; effective Jan. 28, 2005; amended May 20, 2005; amended Sept. 15, 2006; amended May 25, 2007; amended June 6, 2008.)

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035782

#### State of Kansas

### Secretary of State

#### Certification of New State Laws

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

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register May 22, 2008.)

#### HOUSE Substitute for SENATE BILL No. 32

AN ACT concerning child custody and parenting time; relating to military deployment, mobilization, temporary duty or unaccompanied tour; amending K.S.A. 60-1625 and repealing the existing section.

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

New Section 1. (a) As used in this section:

(1) "Deployment" means the temporary transfer of a service member serving in an active-duty status to another location in support of combat or some other military operation.

(2) "Mobilization" means the call-up of a national guard or reserve service member to extended active-duty status. "Mobilization" does not include national guard or reserve annual training.

(3) "Service member" means any member serving in an active-duty status in the armed forces of the United States, the national guard or the armed forces reserves.

(4) "Temporary duty" means the transfer of a service member from one military base to a different location for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

(5) "Unaccompanied tour" means a permanent change of station for a service member where dependent travel is not authorized.

(6) "Nondeploying parent" means the parent not subject to deployment, mobilization, temporary duty or unaccompanied tour orders from the military.

(b) The absence, relocation or failure to comply with a custody or parenting time order by a parent who has received deployment, mobilization, temporary duty or unaccompanied tour orders from the military, shall not, by itself, constitute a material change in circumstances warranting a permanent modification of a custody or parenting time order.

(c) Any court order limiting previously ordered custodial or parenting time rights of a parent due to the parent's deployment, mobilization, temporary duty or unaccompanied tour shall specify the deployment, mobilization, temporary duty or unaccompanied tour as the basis for the order and shall be entered by the court as a temporary order. Any such order shall further require the nondeploying parent to provide the court with 30 days advance written notice of any change of address and any change of telephone number.

(d) The court, on motion of the parent returning from deployment, mobilization, temporary duty or unaccompanied tour, seeking to amend or review the custody or parenting time order based upon such deployment, mobilization, temporary duty or unaccompanied tour, shall set a hearing on the matter that shall take precedence on the court's docket and shall be set within 30 days of the filing of the motion. Service on the nondeploying parent shall be at such nondeploying parent's last address provided to the court in writing. Such service, if otherwise sufficient, shall be deemed sufficient for the purposes of notice for this subsection. For purposes of this hearing, such nondeploying parent shall bear the burden of showing that re-entry of the custody or parenting time order in effect prior to deployment, mobilization, temporary duty or unaccompanied tour is no longer in the best interests of the child.

(e) If the parties in a custody or parenting time matter concerning a parent who receives deployment, mobilization, temporary duty or unaccompanied tour orders from the military have entered into a parenting plan pursuant to K.S.A. 60-1625, and amendments thereto, that includes provisions for custody and parenting time upon military deployment, mobilization, temporary duty or unaccompanied tour, it shall be presumed that the agreement is in the best interests of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interests of the child.

(f) If a parent with parenting time rights receives deployment, mobilization, temporary duty or unaccompanied tour orders from the military that involve moving a substantial distance from the parent's residence or otherwise have a material effect on the parent's ability to exercise parenting time rights, the court may delegate the parent's parenting time rights, or a

(continued)

portion thereof, to a member or members of the service member's family with a close and substantial relationship to the minor child for the duration of the parent's absence, if delegating parenting time rights is in the best interests of the child.

(g) Upon motion of a parent who has received deployment, mobilization, temporary duty or unaccompanied tour orders from the military, the court shall, for good cause shown, hold an expedited hearing in custody and parenting time matters instituted under this section when the military duties of the parent have a material effect on the parent's ability, or anticipated ability, to appear in person at a regularly scheduled hearing.

(h) Nothing in this section shall preclude a parent from petitioning for a modification of a custody or parenting time order based upon a material change in circumstances.

(i) Any order entered pursuant to this section shall provide that:

(1) The nondeploying parent shall reasonably accommodate the leave schedule of the parent subject to deployment, mobilization, temporary duty or unaccompanied tour orders;

(2) the nondeploying parent shall facilitate opportunities for telephonic and electronic mail contact between the parent subject to deployment, mobilization, temporary duty or unaccompanied tour orders and the child during the period of such deployment, mobilization, temporary duty or unaccompanied tour; and

(3) the parent subject to deployment, mobilization, temporary duty or unaccompanied tour shall provide timely information regarding such parent's leave schedule to the nondeploying parent. Willful violation of such order shall constitute contempt of court.

(j) Nothing in this section shall alter the duty of the court to determine custody or parenting time matters in accordance with the best interests of the child.

Sec. 2. K.S.A. 60-1625 is hereby amended to read as follows: 60-1625. (a) The objectives of the permanent parenting plan are to:

(1) Establish a proper allocation of parental rights and responsibilities;

(2) establish an appropriate working relationship between the parents such that matters regarding the health, education and welfare of their child is best determined;

(3) provide for the child's physical care;

(4) set forth an appropriate schedule of parenting time;

(5) maintain the child's emotional stability;

(6) provide for the child's changing needs as the child grows and matures in a way that minimizes the need for future modifications to the permanent parenting plan;

(7) minimize the child's exposure to harmful parental conflict;

(8) encourage the parents, where appropriate, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(9) otherwise protect the best interests of the child.

(b) A permanent parenting plan may consist of a general outline of how parental responsibilities and parenting time will be shared and may allow the parents to develop a more detailed agreement on an informal basis; however, a permanent parenting plan must set forth the following minimum provisions:

(1) Designation of the legal custodial relationship of the child;

(2) a schedule for the child's time with each parent, when appropriate; and

(3) a provision for a procedure by which disputes between the parents may be resolved without need for court intervention; and

(4) if either parent is a service member, as defined in section 1, and amendments thereto, provisions for custody and parenting time

upon military deployment, mobilization, temporary duty or unaccompanied tour of such service member.

(c) A detailed permanent parenting plan shall include those provisions required by subsection (b), and may include, but need not be limited to, provisions relating to:

(1) Residential schedule;

(2) holiday, birthday and vacation planning;

(3) weekends, including holidays and school inservice days preceding or following weekends;

(4) allocation of parental rights and responsibilities regarding matters pertaining to the child's health, education and welfare;

(5) sharing of and access to information regarding the child;

(6) relocation of parents;

(7) telephone access;

(8) transportation; and

(9) methods for resolving disputes.

(d) The court shall develop a permanent parenting plan, which may include such detailed provisions as the court deems appropriate, when:

(1) So requested by either parent; or

(2) the parent or parents are unable to develop a parenting plan.

Sec. 3. K.S.A. 60-1625 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 22, 2008.)

## HOUSE BILL No. 2642

AN ACT concerning the commission on judicial performance; relating to access to court records; immunity from liability; amending K.S.A. 20-3002, 20-3202, 20-3204, 20-3205, 20-3206, 25-4169a, 59-2122, 60-3104 and 60-31a04 and K.S.A. 2007 Supp. 38-2211, 38-2309 and 59-2979 and repealing the existing sections.

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

Section 1. K.S.A. 20-3002 is hereby amended to read as follows: 20-3002. (a) ~~On and after January 1, 2003, through December 31, 2004, the court of appeals shall consist of 11 judges whose positions shall be numbered one to 11. On and after January 1, 2005, through December 31, 2007, the court of appeals shall consist of 12 judges whose positions shall be numbered one to 12.~~ On and after January 1, 2008, through December 31, ~~2008~~ 2009, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, ~~2009~~ 2010, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.

(b) Judges of the court of appeals shall be selected in the manner provided by K.S.A. 20-3003 through 20-3010, and amendments thereto. Each judge of the court of appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge's official duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.



Sec. 2. K.S.A. 20-3202 is hereby amended to read as follows: 20-3202. ~~On and after July 1, 2006:~~ (a) The commission shall consist of thirteen members appointed by the judicial council. The council shall appoint commission members of outstanding competence and reputation. Six members of the commission shall be non-lawyers and six members of the commission shall be lawyers, justices or judges. The judicial council shall appoint the chair of the commission, who shall be a lawyer, justice or judge. At least one non-lawyer commission member and at least one lawyer, justice or judge commission member shall reside in each congressional district. The rules of the commission shall provide that the terms of the commission members are staggered.

(b) For the purposes of K.S.A. 20-3201 through 20-3207, and amendments thereto, the commission shall not be subject to the Kansas open meetings act as provided in K.S.A. 75-4317 et seq., and amendments thereto.

(c) As used in K.S.A. 20-3201 through 20-3207, and amendments thereto:

(1) "Lawyer" means an attorney registered as active pursuant to supreme court rule.

(2) "Judge" means: a current or retired Kansas judge of the district court ~~and~~; a current or retired judge of the Kansas court of appeals; ~~and a retirant serving as a judge under written agreement with the Kansas supreme court pursuant to K.S.A. 20-2622, and amendments thereto.~~

(3) "Justice" means a current or retired justice of the Kansas supreme court.

Sec. 3. K.S.A. 20-3204 is hereby amended to read as follows: 20-3204. ~~On and after July 1, 2006:~~ (a) The commission shall, with the aid of professionals where appropriate:

~~(a) Create surveys of court users who have directly observed the judge's or justice's performance or interacted with the judge or justice, including attorneys, litigants, jurors and other persons the commission deems appropriate~~

(1) Conduct surveys of such persons as the commission determines to be appropriate who have had sufficient experience with a judge or justice to form an opinion about the performance of the judge or justice, such as attorneys, litigants, jurors, witnesses, court staff and others. The surveys shall be dispersed, collected and tabulated by an independent organization or in any other manner that insures confidentiality. The surveys shall ask those surveyed to evaluate the judges and justices on such judge's or justice's ability, integrity, impartiality, communication skills, professionalism, temperament and administrative capacity suitable to the jurisdiction and level of court;

~~(b)~~ (2) develop clear, measurable performance standards upon which the survey questions are based;

~~(c)~~ (3) develop dissemination plans that:

~~(1)~~ (A) Protect confidentiality when the judicial performance evaluation is used only for self-improvement;

~~(2)~~ (B) make the judicial performance evaluation results widely available when they are to be used to assist voters in evaluating the performance of judges and justices subject to retention elections; and

~~(3)~~ (C) make public recommendations regarding whether or not to retain judges and justices subject to retention elections;

~~(4)~~ (4) develop a procedure for judges and justices to receive and respond to survey results before such results are made public;

~~(5)~~ (5) establish a mechanism to incorporate evaluation results in designing judicial education programs; and

~~(6)~~ (6) adopt rules for implementation of the judicial performance evaluation process, subject to approval by the Kansas supreme court.

(b) *The supreme court, the Kansas judicial council, the commission on judicial performance, and the staff or any committee of the commission shall be immune from suit and liability in any civil action*

*for any act, error or omission occurring within the scope of their official duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.*

(c) *Any agent under contract with the commission on judicial performance shall be indemnified and held harmless by the state in any cause of action arising out of such agent's use of information provided by the state within the scope of their contractual duties. Any such agent shall not be indemnified or held harmless by the state in any cause of action arising out of such agent's intentional or negligent acts.*

Sec. 4. K.S.A. 20-3205 is hereby amended to read as follows: 20-3205. ~~On and after July 1, 2006:~~ (a) The surveys of court users, survey results and judicial performance evaluation results are confidential and shall not be disclosed except as provided in subsection (d) or in accordance with the rules of the commission or the Kansas supreme court.

(b) *Any statute or rule that restricts public access to certain types of court records or certain types of information contained in court records shall not prohibit the commission or agents of the commission from having access to the names and addresses of appropriate persons named in such records and other information necessary for the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto. No confidential information found in such court records shall be revealed to any other person by the commission or agents of the commission.*

(c) The evaluation of judges subject to political elections shall be used solely for self-improvement. A judge subject to political elections shall not reveal data from any portion of the survey or the results of the survey.

(d) *Judicial performance evaluation results of a retirant serving as a judge under written agreement with the Kansas supreme court pursuant to K.S.A. 20-2622, and amendments thereto, shall be public and shall be used by the Kansas supreme court for the determination of a continuing agreement pursuant to K.S.A. 20-2622, and amendments thereto.*

Sec. 5. K.S.A. 20-3206 is hereby amended to read as follows: 20-3206. ~~On and after July 1, 2006:~~ Upon certification by the judicial council that: (a) Funding is not adequate to support a judicial evaluation program of high quality; (b) the Kansas supreme court has failed to ~~adopt~~ approve appropriate rules as set forth in this act; or (c) in the opinion of the commission the program is no longer of appropriate value, then the program may be reduced in scope or discontinued as determined by the judicial council.

Sec. 6. K.S.A. 25-4169a is hereby amended to read as follows: 25-4169a. (a) No officer or employee of the state of Kansas, any county, any unified school district having 35,000 or more pupils regularly enrolled, any city of the first class or the board of public utilities of the city of Kansas City, Kansas, shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such governmental agency, to expressly advocate the nomination, election or defeat of a clearly identified candidate to state office or local office. The provisions of this section prohibiting the use of time of any officer or employee for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office or to members of the personal staff of any elected officer. *The provisions of this section shall not apply to the statutory duties of the commission on judicial performance pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.*

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

Sec. 7. K.S.A. 2007 Supp. 38-2211 is hereby amended to read as follows: 38-2211. (a) *Access to the official file. The following*

*(continued)*

persons or entities shall have access to the official file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The parties to the proceedings and their attorneys.

(3) The guardian *ad litem* for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child or any placement provider or potential placement provider as determined by the secretary or court services officer.

(6) A citizen review board.

(7) The commissioner of juvenile justice or any agents designated by the commissioner.

(8) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(9) *The commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.*

(b) *Access to the social file.* The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.

(2) The attorney for a party to the proceeding.

(3) The guardian *ad litem* for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) A citizen review board.

(6) The secretary.

(7) The commissioner of juvenile justice or any agents designated by the commissioner.

(8) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(c) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)(8) and (b)(8), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

Sec. 8. K.S.A. 2007 Supp. 38-2309 is hereby amended to read as follows: 38-2309. (a) *Official file.* The official file of proceedings pursuant to this code shall consist of the complaint, process, service of process, orders, writs and journal entries reflecting hearings held, judgments and decrees entered by the court. The official file shall be kept separate from other records of the court.

(b) The official file shall be open for public inspection, unless the judge determines that opening the official file for public inspection is not in the best interests of a juvenile who is less than 14 years of age. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or al-

leged victim of any sex offense from voluntarily disclosing such victim's identity. An official file closed pursuant to this section and information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following:

(1) A judge of the district court and members of the staff of the court designated by the judge;

(2) parties to the proceedings and their attorneys;

(3) any individual or any public or private agency or institution: (A) Having custody of the juvenile under court order; or (B) providing educational, medical or mental health services to the juvenile;

(4) the juvenile's court appointed special advocate;

(5) any placement provider or potential placement provider as determined by the commissioner or court services officer;

(6) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;

(7) the Kansas racing commission, upon written request of the commission chairperson, for the purpose provided by K.S.A. 74-8804, and amendments thereto, except that information identifying the victim or alleged victim of any sex offense shall not be disclosed pursuant to this subsection;

(8) juvenile intake and assessment workers;

(9) the commissioner; ~~and~~

(10) any other person when authorized by a court order, subject to any conditions imposed by the order; ~~and~~

(11) *the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.*

(c) *Social file.* Reports and information received by the court, other than the official file, shall be privileged and open to inspection only by attorneys for the parties, juvenile intake and assessment workers, court appointed special advocates and juvenile community corrections officers or upon order of a judge of the district court or appellate court. The reports shall not be further disclosed without approval of the court or by being presented as admissible evidence.

(d) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code whenever such records otherwise would be destroyed. The Kansas state historical society shall make available for public inspection any unexpunged docket entry or official file in its custody concerning any juvenile 14 or more years of age at the time an offense is alleged to have been committed by the juvenile. No other such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (b) and (c). A judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code.

(e) Relevant information, reports and records, shall be made available to the department of corrections upon request, and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.

Sec. 9. K.S.A. 59-2122 is hereby amended to read as follows: 59-2122. (a) The files and records of the court in adoption proceedings shall not be open to inspection or copy by persons other than the parties in interest and their attorneys, ~~and~~ representatives of the state department of social and rehabilitation services, *and the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto*, except upon an order of the court expressly permitting the same. As used in

this section, "parties in interest" shall not include genetic parents once a decree of adoption is entered.

(b) The department of social and rehabilitation services may contact the adoptive parents of the minor child or the adopted adult at the request of the genetic parents in the event of a health or medical need. The department of social and rehabilitation services may contact the adopted adult at the request of the genetic parents for any reason. Identifying information shall not be shared with the genetic parents without the permission of the adoptive parents of the minor child or the adopted adult. The department of social and rehabilitation services may contact the genetic parents at the request of the adoptive parents of the minor child or the adopted adult in the event of a health or medical need. The department of social and rehabilitation services may contact the genetic parents at the request of the adopted adult for any reason.

Sec. 10. K.S.A. 2007 Supp. 59-2979 is hereby amended to read as follows: 59-2979. (a) The district court records, and any treatment records or medical records of any patient or former patient that are in the possession of any district court or treatment facility shall be privileged and shall not be disclosed except:

(1) Upon the written consent of (A) the patient or former patient, if an adult who has no legal guardian; (B) the patient's or former patient's legal guardian, if one has been appointed; or (C) a parent, if the patient or former patient is under 18 years of age, except that a patient or former patient who is 14 or more years of age and who was voluntarily admitted upon their own application made pursuant to subsection (b)(2)(B) of K.S.A. 59-2949 and amendments thereto shall have capacity to consent to release of their records without parental consent. The head of any treatment facility who has the records may refuse to disclose portions of such records if the head of the treatment facility states in writing that such disclosure will be injurious to the welfare of the patient or former patient.

(2) Upon the sole consent of the head of the treatment facility who has the records if the head of the treatment facility makes a written determination that such disclosure is necessary for the treatment of the patient or former patient.

(3) To any state or national accreditation agency or for a scholarly study, but the head of the treatment facility shall require, before such disclosure is made, a pledge from any state or national accreditation agency or scholarly investigator that such agency or investigator will not disclose the name of any patient or former patient to any person not otherwise authorized by law to receive such information.

(4) Upon the order of any court of record after a determination has been made by the court issuing the order that such records are necessary for the conduct of proceedings before the court and are otherwise admissible as evidence.

(5) In proceedings under this act, upon the oral or written request of any attorney representing the patient, or former patient.

(6) To appropriate administrative or professional staff of the department of corrections whenever patients have been administratively transferred to the state security hospital or other state psychiatric hospitals pursuant to the provisions of K.S.A. 75-5209 and amendments thereto. The patient's or former patient's consent shall not be necessary to release information to the department of corrections.

(7) To the state central repository at the Kansas bureau of investigation for use only in determining eligibility to purchase and possess firearms or qualifications for licensure pursuant to the personal and family protection act.

(8) *To the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.*

(9) As otherwise provided for in this act.

(b) To the extent the provisions of K.S.A. 65-5601 through 65-5605, inclusive, and amendments thereto are applicable to treatment records or medical records of any patient or former patient, the provisions of K.S.A. 65-5601 through 65-5605, inclusive, and amendments thereto shall control the disposition of information contained in such records.

(c) Willful violation of this section is a class C misdemeanor.

Sec. 11. K.S.A. 60-3104 is hereby amended to read as follows: 60-3104. (a) An intimate partner or household member may seek relief under the protection from abuse act by filing a verified petition with any district judge or with the clerk of the court alleging abuse by another intimate partner or household member.

(b) A parent of or an adult residing with a minor child may seek relief under the protection from abuse act on behalf of the minor child by filing a verified petition with any district judge or with the clerk of the court alleging abuse by another intimate partner or household member.

(c) The clerk of the court shall supply the forms for the petition and orders, which shall be prescribed by the judicial council.

(d) Service of process served under this section shall be by personal service and not by certified mail return receipt requested. No docket fee shall be required for proceedings under the protection from abuse act.

(e) If the court finds that the plaintiff's address or telephone number, or both, needs to remain confidential for the protection of the plaintiff, plaintiff's minor children or minor children residing with the plaintiff, such information shall not be disclosed to the public, but only to authorized court or law enforcement personnel *and to the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.*

Sec. 12. K.S.A. 60-31a04 is hereby amended to read as follows: 60-31a04. (a) A person may seek relief under the protection from stalking act by filing a verified petition with the district judge or clerk of the court in the county where the stalking occurred. A verified petition must allege facts sufficient to show the following:

- (1) The name of the stalking victim;
- (2) the name of the defendant;
- (3) the dates on which the alleged stalking behavior occurred; and
- (4) the acts committed by the defendant that are alleged to constitute stalking.

(b) A parent or an adult residing with a minor child may seek relief under the protection from stalking act on behalf of the minor child by filing a verified petition with the district judge or with the clerk of the court in the county where the stalking occurred.

(c) The clerk of the court shall supply the forms for the petition and orders, which shall be prescribed by the judicial council.

(d) Service of process served under this section shall be by personal service. No docket fee shall be required for proceedings under the protection from stalking act.

(e) The victim's address and telephone number shall not be disclosed to the defendant or to the public, but only to authorized court or law enforcement personnel *and to the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.*

Sec. 13. K.S.A. 20-3002, 20-3202, 20-3204, 20-3205, 20-3206, 25-4169a, 59-2122, 60-3104 and 60-31a04 and K.S.A. 2007 Supp. 38-2211, 38-2309 and 59-2979 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 22, 2008.)

### HOUSE BILL No. 2926

AN ACT relating to cities; concerning the provision of equipment and personnel by the department of transportation for demolition of housing damaged by flood waters.

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

Section 1. (a) Any eligible city may request from the department of transportation such equipment and personnel as may be necessary to remove, haul or transport any debris from demolished residential structures located within the boundaries of such city, but outside any existing 100-year flood-plain as identified by the United States federal emergency management agency, that have been damaged by flood waters. Upon receipt of such request by the department of transportation, the department shall provide the requested equipment and personnel as the secretary of transportation deems appropriate and at such time as the equipment and personnel become available according to the work schedule of the department. The equipment and personnel shall be provided at no cost to the city making such request.

(b) An eligible city shall only request the demolition of those residential structures which have been deemed unsafe, dangerous or abandoned by the city and which may be razed by the city pursuant to K.S.A. 12-1750 et seq., and amendments thereto.

(c) For the purposes of this section "eligible city" means any city located, in whole or in part, within the boundaries of any county designated by the United States federal emergency management agency under major disaster declaration FEMA-1711-DR as eligible to receive individual or public assistance from the United States federal government.

(d) The provisions of this act shall expire on and after July 1, 2013.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 22, 2008.)

### SENATE Substitute for HOUSE BILL No. 2916

AN ACT concerning state officers and employees; relating to appointments, benefits, expenses, salaries and compensation; state employee compensation program philosophy; establishing the state employee pay plan oversight committee; making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013; amending K.S.A. 40-102, 46-137a, 46-137b and 75-5541 and K.S.A. 2007 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111a and 75-5603 and repealing the existing sections.

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

Section 1. (a) The governor is hereby authorized and directed to modify the pay plan for fiscal year 2009 in accordance with this subsection and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2008 shall be modified to provide for (1) a base pay rate increase of 2.5% in the pay rates of such pay plan, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2009, (2) additional modifications to implement the recommendations of the state employee compensation oversight commission, including (A) the design, development and implementation of the five recommended pay plans, (B) development and implementation of a new statewide employee performance management system for classified executive branch employees, and (C) performing market salary surveys on one-third of the executive branch classified workforce annually, and (3) market adjustments to the job classes

determined to be significantly below market salary rates, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2009, for positions in such job classifications. The pay plan adopted by the governor under this subsection shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2009. The pay plan adopted by the governor under this subsection for fiscal year 2009 shall be subject to modification and approval as provided under K.S.A. 75-2938, and amendments thereto, and to any enactment of the legislature applicable thereto.

(b) (1) The governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c, and amendments thereto, to provide for base salary increases, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 2009, and to be distributed from a salary increase pool, the average of such increases shall not exceed 2.5% of the base salaries of such officers and employees.

(2) Each elected state official of the executive branch of state government, including the state board of education, and the board of directors of the Kansas technology enterprise corporation, Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official, corporation or board's discretion, are hereby authorized and directed to modify or to authorize the modification of the salaries of the state officers and employees of such official, corporation or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b, and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 2009, and to be distributed from a salary increase pool, the average of such increases shall not exceed 2.5% of the base salaries of such officers and employees of such official, corporation or board. The provisions of this subsection (b)(2) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, or attorney general, or for any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(c) (1) During fiscal year 2009, each such state agency is hereby authorized and directed to provide each employee, who is eligible for a longevity bonus payment pursuant to K.S.A. 75-5541 and amendments thereto, an additional amount of longevity bonus payment during fiscal year 2009 equal to the amount required to provide, along with the amount of the longevity bonus payment otherwise payable pursuant to K.S.A. 75-5541, and amendments thereto, an aggregate amount of longevity bonus that would be payable if the amount of the longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto were determined by multiplying the number of full years of state service, not to exceed 25 years, rendered by such employee by \$50. The additional amount of longevity bonus payment during fiscal year 2009 pursuant to this subsection (c) shall be made in the same manner and at the same time that the longevity bonus payment determined under K.S.A. 75-5541, and amendments thereto, is payable during fiscal year 2009 to such employee. Each such additional amount of longevity bonus payment to any such employee shall be deemed to have the same characteristics, be subject to the same withholding, deduction or contribution requirements, and is intended to be a bonus as

defined in 29 C.F.R. § 778.208, to the same extent and effect as longevity bonus payments that are payable pursuant to K.S.A. 75-5541, and amendments thereto.

(2) As used in this subsection (c), "state agency" means any state agency in the executive branch, legislative branch or judicial branch of state government and "employee" means any officer or employee of a state agency.

Sec. 2. (a) There is hereby appropriated for the state finance council from the state general fund for the fiscal year ending June 30, 2009, the sum of \$38,575,818 to be used for the purpose of paying the proportionate share of the cost to the state general fund of: (1) The base salary increases which are provided for by modification of the pay plan for state officers and employees in the classified service under the Kansas civil service act to provide for an increase of 2.5% in the pay rates of such pay plan, including associated employer contributions, (2) market adjustments to the job classes determined to be significantly below market salary rates, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2009, for positions in such job classifications, including associated employer contributions, (3) the salary increases for state officers and employees in the unclassified service under the Kansas civil service act which are provided for in subsection (b)(1) and subsection (b)(2) of section 1 for biweekly pay periods which are chargeable to the fiscal year ending June 30, 2009, including associated employer contributions, and (4) the additional amount of longevity bonus payment provided for in subsection (c) of section 1 for each employee of a state agency who is eligible for a longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, during the fiscal year ending June 30, 2009, including associated employer contributions.

(b) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases and additional amounts of longevity bonus payment specified in subsection (a), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (a) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2009.

(c) (1) There is hereby appropriated for the state finance council from the state economic development initiatives fund for the fiscal year ending June 30, 2009, the sum of \$229,430 to be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increases and the additional amounts of longevity bonus payment specified in subsection (a), including associated employer contributions.

(2) To pay the proportionate share of the cost to the state economic development initiatives fund of each state agency for the salary increases and the additional amounts of longevity bonus payment specified in subsection (a), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (c)(1) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such

approval, to the proper accounts created by state economic development initiatives fund appropriations for the fiscal year ending June 30, 2009.

(d) (1) There is hereby appropriated for the state finance council from the state water plan fund for the fiscal year ending June 30, 2009, the sum of \$47,029 to be used for the purpose of paying the proportionate share of the cost to the state water plan fund of the salary increases and the additional amounts of longevity bonus payment specified in subsection (a), including associated employer contributions.

(2) To pay the proportionate share of the cost to the state water plan fund of each state agency for the salary increases and the additional amounts of longevity bonus payment specified in subsection (a), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (d)(1) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state water plan fund appropriations for the fiscal year ending June 30, 2009.

(e) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2009, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and additional amounts of longevity bonus payment specified in subsection (a), including associated employer contributions, for the fiscal year ending June 30, 2009.

(f) The director of the budget, on behalf of the executive branch of state government, shall prepare a budget estimate based upon the most recent payroll information for the salary bonus payments and the salary increases specified in subsection (a), including associated employer contributions, and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

Sec. 3. (a) There is hereby appropriated for the state finance council from the state general fund for the fiscal year or years specified, the following:

Classified salary market adjustments (including fringe benefits)	
For the fiscal year ending June 30, 2010 .....	\$8,534,972
For the fiscal year ending June 30, 2011 .....	\$8,534,972
For the fiscal year ending June 30, 2012 .....	\$8,534,972
For the fiscal year ending June 30, 2013 .....	\$8,534,972

*Provided*, That all moneys in the classified salary market adjustments (including fringe benefits) account for each such fiscal year shall be used for the purpose of paying the proportionate share of the cost to the state general fund of the salary market adjustments, including associated employer contributions, for executive branch classified employees in positions in job classifications that are reassigned under the market adjustment

(continued)

component during the fiscal year and, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under this subsection (a) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with each such approval, to the proper accounts created by state general fund appropriations for the fiscal year for which such transfers are so approved under this subsection (a).

(b) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for each fiscal year designated in subsection (a), for each such fiscal year, commencing with the fiscal year ending June 30, 2009, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified in subsection (a) for each such fiscal year, commencing with the fiscal year ending June 30, 2009.

(c) The director of the budget, on behalf of the executive branch of state government, shall prepare a budget estimate based upon the most recent payroll information for the salary increases and other amounts specified in subsection (a), and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

Sec. 4.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Implementation of new pay plans..... \$75,000

Sec. 5.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Legislative coordinating council — operations .. \$21,499
Legislative research department — operations .. \$102,316
Office of revisor of statutes — operations..... \$88,460

Sec. 6.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Operations (including official hospitality)..... \$319,272

Sec. 7.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Operations (including legislative post audit committee)..... \$59,603

Sec. 8.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Judiciary operations..... \$3,165,592

Sec. 9.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Recodification commission..... \$1,210

Sec. 10. (a) The compensation program (compensation and benefits opportunity and delivery) for state employees will be designed to support the mission of the various branches of government and the agencies and departments within those branches. The foundation of the compensation program is to attract and retain quality employees with competitive compensation based on relevant labor markets. The programs will be based upon principles of fairness and equity and will be administered with sound fiscal discipline.

(b) The compensation philosophy component statements are:

(1) The legislature will be accountable for the adoption of the compensation philosophy and framework. The executive branch through delegated authority from the governor to the department of administration will be accountable for the consistent administration of the program for classified employees. Agency heads will be accountable for proper administration of the program within their agencies. The chief justice, through delegated authority to the office of judicial administration will be accountable for the consistent administration of the program for judicial branch employees. The state board of regents, through delegated authority to the chief executive officer of each campus, will be accountable for the consistent administration of the program for higher education faculty and non-classified employees. The respective appointing authorities will have accountability for the consistent administration of compensation for non-classified employees.

(2) The compensation program will be based on consistent principles of fairness throughout the state, yet will be flexible to meet changing needs. This will allow for multiple pay plans to fit different needs and market variables for the different branches of government and within those branches.

(3) Establishing the value of compensation will be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot be readily identified, the value of compensation for those positions will be based on a fair, defensible and understandable method.

(4) While recognizing that service and tenure yields valued experience, pay delivery mechanisms will be based on a combination of achievement of performance objectives, recognition of differences in job content, acquisition and application of further skill and education and pay for the achievement of team/unit or department goals.

(5) All aspects of compensation (base salary, benefits, lump sum payments, allowances and other variable elements of compensation) will be considered as a total compensation package for state employees. The state's pay programs will utilize both fixed and variable compensation as well as non-cash reward and recognition programs.

(6) Total compensation, as defined above, will be targeted at a competitive level when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens.

(7) The state is committed to ensuring that its salary structures are up to date through the conduct of market surveys at regular intervals. There will be a planned approach to ensure that the classification structure and classification of employees is kept current.

(8) The compensation programs will reinforce a work culture and climate where employees are recognized and rewarded for their contribution. Any changes to compensation must be reasonable and take into consideration the needs of the state as an employer, the work culture afforded to the employees as public service providers and the citizens receiving services from the state.

(9) It is the intent of the legislature that longevity bonus payments shall not be considered as part of base pay.

Sec. 11. (a) There is hereby established the state employee pay plan oversight committee, to provide oversight of the development and implementation of the new pay plans and the performance management process and to review and evaluate, upon implementation, the management and administration of the plans and processes in accordance with the state's compensation philosophy in section 10, and amendments thereto. The oversight committee shall be advisory to the legislature.

(b) The state employee pay plan oversight committee shall be composed of seven voting members who shall be appointed as follows: (1) One member who shall be appointed by the president of the senate, (2) two members who shall be appointed by the speaker of the house of representatives, (3) one member who shall be appointed by the minority leader of the senate, (4) one member who shall be appointed by the minority leader of the house of representatives, and (5) two members who shall be appointed by the governor, of whom, at least one of the members appointed by the governor shall be a representative of a state employee organization. The secretary of administration, or the secretary's designee, and the secretary of labor, or the secretary's designee, shall be non-voting, ex officio members of the oversight committee. The oversight committee shall convene and organize annually by electing a chairperson and a vice-chairperson from among the voting members of the oversight committee.

(c) The state employee pay plan oversight committee shall meet on call of the chairperson or on the request of six voting members of the oversight committee. Four voting members of the oversight committee shall constitute a quorum. All actions of the oversight committee shall be taken by a majority of all voting members of the oversight committee. The oversight committee shall develop and submit to the legislature at the beginning of each regular session a report, commencing in 2009, on the development, implementation and administration of the new pay plans and the performance management process and other administrative processes and policies.

(d) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the oversight committee and authorized by the legislative coordinating council.

(e) Each member of the state employee pay plan oversight committee attending meetings of such oversight committee approved by the legislative coordinating council, or attending a subcommittee meeting thereof authorized by such oversight committee and approved by the legislative coordinating council, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, from appropriations for legislative expenses.

(f) The provisions of this section shall expire on July 1, 2014.

Sec. 12. On June 15, 2008, K.S.A. 40-102 is hereby amended to read as follows: 40-102. There is hereby established a department to be known as the insurance department, which shall

have a chief officer entitled the commissioner of insurance who shall receive, except as otherwise provided in K.S.A. 75-3111a and amendments thereto, a salary at a biweekly pay rate of ~~\$2,648.45~~ \$3,307.81, and such officer shall be charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state, and all other duties which are or may be imposed upon such officer by law.

Sec. 13. On June 15, 2008, K.S.A. 46-137a is hereby amended to read as follows: 46-137a. In addition to the compensation provided for by K.S.A. 46-137b, 46-137e and 75-3212, and amendments thereto, each member of the legislature shall receive the following amounts:

(a) The sum of ~~\$72.06~~ \$88.66 per calendar day for service at any regular or special session, except as otherwise provided in subsection (e);

(b) the sum of ~~\$80~~ \$109 per calendar day for subsistence allowance for any regular or special session of the legislature, except that if the amounts allowable for the capital city of Kansas under applicable federal law and regulations to employees of the executive branch of the federal government for per diem expenses, while away from home but serving in the United States, are amounts which total greater than ~~\$80~~ \$109, then each member of the legislature shall receive such greater total amount per calendar day for subsistence allowance for any regular or special session of the legislature;

(c) an allowance of ~~\$270~~ \$354.15 for the two-week period which coincides with the ~~first~~ biweekly payroll period ~~commencing in which includes~~ April 1st and for each of the 19 ensuing two-week periods thereafter, to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, *except as otherwise provided in subsection (f)*;

(d) an allowance for mileage in an amount equal to the rate per mile prescribed under the provisions of K.S.A. 75-3203a, and amendments thereto, multiplied by the number of miles traveled by the usual route in going to and returning from the member's place of residence for any regular or special session of the legislature. Such mileage allowances shall be paid for not to exceed the equivalent of one trip for each full week occurring between convening and adjournment sine die in any regular or special session. The mileage allowance provided under the provisions of this subsection shall not be subject to the restrictions relating to the use of vehicles prescribed by K.S.A. 75-3203 and 75-3203a, and amendments thereto, but shall only be allowed for trips actually made. Compensation and subsistence allowance shall not be allowed under the provisions of subsections (a) and (b) of this section during any period in which the legislature is adjourned for more than two days, Sundays excepted; and

(e) whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, ~~1999~~ 2009, the rate of compensation per calendar day for members of the legislature for service at any regular or special session of the legislature shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the rate of compensation per calendar day which is authorized by this section for service at any regular or special session of the legislature for the day upon which such increase is computed.

(f) *Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the allowance provided for each member of the legislature by subsection (c) to defray expenses incurred between sessions of the*  
(continued)

legislature for postage, telephone, office and other incidental expenses for each of the two-week periods specified by subsection (c) shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the allowance provided to defray such expenses for each such two-week period as provided by this section.

Sec. 14. On June 15, 2008, K.S.A. 46-137b is hereby amended to read as follows: 46-137b. (a) In addition to the compensation provided for by K.S.A. 46-137a and 75-3212, and amendments thereto, and any other statute, and except as otherwise provided by subsection (b):

(1) The president of the senate and the speaker of the house of representatives shall each receive an allowance at a biweekly pay rate of ~~\$438.82~~ \$539.97 during their terms of office as speaker and president, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions;

(2) the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives and the assistant minority leaders of the senate and house of representatives shall each receive an allowance at a biweekly pay rate of ~~\$223.97~~ \$275.59 during their respective terms of office which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions;

(3) the chairperson of the senate committee on ways and means and the chairperson of the house committee on appropriations shall each receive an allowance at a biweekly pay rate of ~~\$352.89~~ \$434.23 during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions; and

(4) the majority and minority leaders of the senate and the house of representatives shall each receive an allowance at a biweekly pay rate of ~~\$395.89~~ \$487.14 during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions.

(b) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, ~~1999~~ 2009, the biweekly pay rate of officers of the legislature specified in subsection (a) shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the biweekly pay rate of such officers which is being received as provided by law and which is in effect prior to the effective date of such pay plan increase.

Sec. 15. On June 15, 2008, K.S.A. 2007 Supp. 75-3101 is hereby amended to read as follows: 75-3101. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the governor of the state shall receive for services a salary at a biweekly pay rate of ~~\$3,409.22~~ \$4,257.97.

Sec. 16. On June 15, 2008, K.S.A. 2007 Supp. 75-3103 is hereby amended to read as follows: 75-3103. (a) The lieutenant governor shall receive, as reimbursement for expenses the following: (1) Biweekly the sum of ~~\$72.12~~ \$76.91, except as otherwise provided in subsection (c), and (2) when attending the duties of office or attending any authorized meeting, in addition to other provisions of this section, travel expenses and subsistence expenses and allowances in amounts equal to those provided for by K.S.A. 75-3212, and amendments thereto.

In addition to any other compensation provided by law and except as otherwise provided in K.S.A. 75-3111a, and amendments thereto, the lieutenant governor shall also receive for

services in the performance of duties imposed by law compensation at the biweekly pay rate of ~~\$964.29~~ \$1,204.35. While acting as governor, the lieutenant governor shall receive the same salary as the governor. The lieutenant governor may appoint an administrative assistant and office and stenographic employees, all of whom shall be in the unclassified service of the Kansas civil service act. Such administrative assistant shall receive travel expenses and subsistence expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto, when traveling as authorized by the lieutenant governor.

(b) If the lieutenant governor is appointed by the governor under the provision of K.S.A. 75-303, and amendments thereto, the lieutenant governor shall receive a salary to be fixed by the governor or a salary as provided for in subsection (a) of this section, whichever is greater.

(c) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the sum provided biweekly for reimbursement of expenses pursuant to subsection (a)(1) for the lieutenant governor shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the biweekly sum provided to the lieutenant governor for reimbursement of expenses as authorized by this section.

Sec. 17. On June 15, 2008, K.S.A. 2007 Supp. 75-3104 is hereby amended to read as follows: 75-3104. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the secretary of state shall receive for services a salary at a biweekly pay rate of ~~\$2,648.45~~ \$3,307.81.

Sec. 18. On June 15, 2008, K.S.A. 2007 Supp. 75-3108 is hereby amended to read as follows: 75-3108. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the state treasurer shall receive for services a salary at a biweekly pay rate of ~~\$2,648.45~~ \$3,307.81.

Sec. 19. On June 15, 2008, K.S.A. 2007 Supp. 75-3110 is hereby amended to read as follows: 75-3110. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the attorney general shall receive for services a salary at a biweekly pay rate of ~~\$3,045.64~~ \$3,803.89.

Sec. 20. On June 15, 2008, K.S.A. 2007 Supp. 75-3111a is hereby amended to read as follows: 75-3111a. Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, ~~1999~~ 2009, the salary of the governor, the lieutenant governor, the attorney general, the secretary of state, the state treasurer and the commissioner of insurance shall be increased by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the salary of the elected state officer which is being received as provided by law and which is in effect prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

Sec. 21. K.S.A. 2007 Supp. 75-5603 is hereby amended to read as follows: 75-5603. There is hereby established within and as a part of the department of health and environment a division of health, the head of which shall be the director of the division of health. Under the supervision of the secretary of health and environment, the director of the division of health shall administer the division of health. The director shall be a physician, hold a valid license to practice medicine and surgery, and have experience and educational training in the field of public health. The secretary of health and environment shall appoint the director of the division of health. ~~Each person appointed shall serve for a term of four years from and after the date of such appointment, and thereafter~~ who shall serve at the pleasure of the sec-



retary. The director shall be in the unclassified service and shall receive an annual salary fixed by the secretary and approved by the governor.

Sec. 22. K.S.A. 2007 Supp. 75-5603 is hereby repealed.

Sec. 23. On June 15, 2008, K.S.A. 75-5541 is hereby amended to read as follows: 75-5541. (a) *Except as otherwise provided by this section*, each classified employee, excluding any such employee who is on temporary appointment, and each nonjudicial employee in the unclassified service under the Kansas civil service act in a state agency in the judicial branch of state government, shall receive a bonus as provided by this section, which shall be referred to as a longevity bonus, under the terms and conditions and subject to the limitations prescribed by this section.

(b) After June 30, 1989, any such officer or employee who has been employed by any agency, board or department within any branch of state government, whether or not the entire period of service is continuous with the same agency, board or department, shall be eligible to receive a longevity bonus upon completion of 120 months of state service. Length of service and service anniversary dates shall be determined pursuant to rules and regulations adopted by the secretary of administration.

(c) The amount of each longevity bonus payment shall be computed by multiplying \$40 by the number of full years of state service, not to exceed 25 years, rendered by such officer or employee as of the service anniversary date within such fiscal year.

(d) Each longevity bonus payment shall be included in the employee's regular pay warrant. The amount of the bonus shall be displayed separately on the warrant stub or advice.

(e) Longevity bonus payments shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto,

for all purposes under the Kansas public employees retirement system and shall be subject to applicable deductions for employee contributions notwithstanding the fact that payments are made annually. Longevity bonus payments shall be in addition to the regular earnings to which an officer or employee may become entitled or for which such employee may become eligible.

(f) The purpose of longevity pay is to recognize permanent employees who have provided experience and faithful long-term service to the state of Kansas in order to encourage officers and employees to remain in the service of the state. The provisions of this section shall apply to fiscal years commencing after June 30, 1989. The amendatory language of this section shall be construed to confirm that longevity pay is intended, and has been intended since its enactment, to be a bonus as defined in 29 C.F.R. § 778.208.

(g) In accordance with the provisions of K.S.A. 75-3706, and amendments thereto, the secretary of administration shall adopt rules and regulations to implement the provisions of this section with respect to officers and employees in the executive branch of state government. The supreme court may adopt policies to implement the provisions of this section with respect to officers and employees who are nonjudicial personnel of state agencies in the judicial branch of state government.

(h) *The provisions of this section shall not apply to any state officer or employee who is employed or re-employed as a state officer or employee on or after June 15, 2008.*

Sec. 24. On June 15, 2008, K.S.A. 40-102, 46-137a, 46-137b and 75-5541 and K.S.A. 2007 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its publication in the Kansas register.

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes and the 2007 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-64-1	New	V. 26, p. 1393

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-4-1	Amended	V. 26, p. 1045
3-4-2	Amended	V. 26, p. 1045
3-4-4	Amended	V. 26, p. 1045
3-4-5	Amended	V. 26, p. 1045
3-4-6	Amended	V. 26, p. 1045

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

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4-2-8	Amended	V. 27, p. 16
4-2-20	Amended	V. 27, p. 16
4-3-47	Amended	V. 27, p. 16
4-3-49	Amended	V. 27, p. 16
4-3-51	Amended	V. 27, p. 16
4-8-14a	Amended	V. 26, p. 489
4-8-27	Amended	V. 26, p. 489
4-8-28	Amended	V. 26, p. 489
4-8-29	Amended	V. 26, p. 489
4-8-30	Amended	V. 26, p. 489

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4-8-33	Amended	V. 26, p. 489
4-8-34	Amended	V. 26, p. 489
4-8-35	Amended	V. 26, p. 489
4-8-39	Amended	V. 26, p. 490
4-8-42	Amended	V. 26, p. 490
4-11-2	Amended	V. 26, p. 100
4-11-3	Amended	V. 26, p. 100
4-11-15	New	V. 26, p. 101
4-13-1	Amended	V. 27, p. 186
4-13-3	Amended	V. 27, p. 187
4-13-9	Amended	V. 27, p. 188
4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
4-13-20	Amended	V. 27, p. 190
4-13-21	Amended	V. 27, p. 191
4-13-22	Amended	V. 27, p. 191
4-13-23	Amended	V. 27, p. 191
4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-15-9	Amended	V. 26, p. 81
4-19-1	Amended	V. 26, p. 173
4-28-8 through 4-28-16	New	V. 27, p. 191-195

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-40-1	Amended	V. 26, p. 642
5-40-2	Amended	V. 26, p. 644
5-40-2a	New	V. 26, p. 646
5-40-2b	New	V. 26, p. 647
5-40-3	Amended	V. 26, p. 647
5-40-4	Amended	V. 26, p. 647
5-40-5	Amended	V. 26, p. 648
5-40-5a	New	V. 26, p. 648
5-40-8	Amended	V. 26, p. 648
5-40-9	Revoked	V. 26, p. 648
5-40-10	Revoked	V. 26, p. 648
5-40-11	Revoked	V. 26, p. 648
5-40-12	Amended	V. 26, p. 648

5-40-13	Revoked	V. 26, p. 649
5-40-20	New	V. 26, p. 649
5-40-21	New	V. 26, p. 649
5-40-22	New	V. 26, p. 649
5-40-23	New	V. 26, p. 650
5-40-24	New	V. 26, p. 650
5-40-26	New	V. 26, p. 651
5-40-30	New	V. 26, p. 651
5-40-31	New	V. 26, p. 652
5-40-32	New	V. 26, p. 653
5-40-33	New	V. 26, p. 653
5-40-40	New	V. 26, p. 653
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5-40-42	New	V. 26, p. 654
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5-40-70	New	V. 26, p. 659
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5-40-94	New	V. 26, p. 663
5-40-100	New	V. 26, p. 663
5-40-101	New	V. 26, p. 663

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5-40-102	New	V. 26, p. 664	28-18a-8	Amended	V. 26, p. 299	28-36-109	New	V. 26, p. 1780
5-40-103	New	V. 26, p. 664	28-18a-9	Amended	V. 26, p. 300	28-46-2	Revoked	V. 26, p. 214
5-40-104	New	V. 26, p. 664	28-18a-11	Amended	V. 26, p. 1929	28-46-2a	New	V. 26, p. 215
5-40-105	New	V. 26, p. 664	28-18a-12	Amended	V. 26, p. 300	28-46-25	Amended	V. 26, p. 215
5-40-106	New	V. 26, p. 664	28-18a-19	Amended	V. 26, p. 301	28-46-26	Revoked	V. 26, p. 215
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5-42-5	New	V. 26, p. 665	28-18a-22	Amended	V. 26, p. 302	28-46-34a	New	V. 26, p. 215
5-44-7	New	V. 26, p. 666	28-18a-26	Amended	V. 26, p. 303	28-46-38	Amended	V. 26, p. 216
<b>AGENCY 7: SECRETARY OF STATE</b>								
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
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through			28-19-720	Amended	V. 26, p. 951	28-54-7	Amended	V. 27, p. 462
7-44-7	New	V. 26, p. 505, 506	28-19-728	New	V. 26, p. 951	28-59-5	Amended	V. 27, p. 464
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10-20-1	Amended	V. 26, p. 507	28-19-728f	New	V. 26, p. 951, 952	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
10-20-2	Amended	V. 26, p. 507	28-19-735	Amended	V. 26, p. 953	30-4-98	Amended	V. 26, p. 1905
10-20-2a	Amended	V. 26, p. 507	28-19-750	Amended	V. 26, p. 953	30-5-65	Revoked	V. 26, p. 1091
10-20-4	Amended	V. 26, p. 507	28-23-16	Revoked	V. 27, p. 191	30-63-32	New	V. 27, p. 664
<b>AGENCY 11: STATE CONSERVATION COMMISSION</b>								
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-24-1	through		30-64-24	Revoked	V. 27, p. 665
11-8-3	Amended	V. 26, p. 1543	28-24-14	Amended	V. 26, p. 1510-1514	<b>AGENCY 40: KANSAS INSURANCE DEPARTMENT</b>		
11-8-4	Amended	V. 26, p. 1543	28-24-15	Revoked	V. 26, p. 1514	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
11-12-1			28-24-16	Revoked	V. 26, p. 1514	40-1-37	Amended	V. 26, p. 1393
through			28-24a-1	New	V. 26, p. 1514	40-1-51	Revoked	V. 26, p. 1364
11-12-7	New	V. 26, p. 1184-1187	28-24a-2	New	V. 26, p. 1514	40-2-20	Amended	V. 26, p. 101
<b>AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL</b>								
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-24a-3	New	V. 26, p. 1515	40-2-29	New	V. 27, p. 15
14-8-2	Amended	V. 26, p. 1906	28-29-28	Amended	V. 26, p. 1610	40-2-30	New	V. 26, p. 1545
14-8-3	Amended	V. 26, p. 1906	28-29-29	Amended	V. 26, p. 1611	40-3-25	Amended	V. 27, p. 15
14-16-23	Revoked	V. 26, p. 1906	28-29-29a	Amended	V. 26, p. 1611	40-3-34	Revoked	V. 26, p. 1423
14-16-24	Revoked	V. 26, p. 1906	28-29-29b	New	V. 26, p. 1612	40-3-52	New	V. 27, p. 133
14-24-1			28-29-30	Amended	V. 26, p. 1612	40-4-41	Amended	V. 27, p. 434
through			28-29-31	Amended	V. 26, p. 1613	40-4-41a	through	
14-24-6	New	V. 26, p. 1907	28-29-31a	New	V. 26, p. 1614	40-4-41j	Revoked	V. 27, p. 434, 435
<b>AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER</b>								
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-29-32	Amended	V. 26, p. 1614	40-7-19	Amended	V. 26, p. 881
17-25-1	New	V. 27, p. 356	28-29-33	Amended	V. 26, p. 1615	40-7-20a	Amended	V. 26, p. 103
<b>AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT</b>								
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	28-29-2011	New	V. 26, p. 1615	40-7-25	Amended	V. 26, p. 488
28-1-5	Amended	V. 26, p. 1115	28-29-2101	Amended	V. 26, p. 1615	<b>AGENCY 44: DEPARTMENT OF CORRECTIONS</b>		
28-1-6	Amended	V. 26, p. 1115	28-32-1	Revoked	V. 27, p. 247	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
28-4-122	Amended	V. 27, p. 317	28-32-2	Revoked	V. 27, p. 247	44-6-101	Amended	V. 26, p. 817
28-4-311	Amended	V. 27, p. 317	28-32-4	Revoked	V. 27, p. 247	44-6-125	Amended	V. 26, p. 818
28-4-312			28-32-5	Revoked	V. 27, p. 247	44-6-136	Amended	V. 26, p. 819
through			28-32-6	Revoked	V. 27, p. 247	44-11-111	Amended	V. 26, p. 819
28-4-317	Revoked	V. 27, p. 317, 318	28-32-7	Revoked	V. 27, p. 247	44-11-113	Amended	V. 26, p. 820
28-4-800			28-32-8	through		44-11-123	Amended	V. 26, p. 820
through			28-32-14	New	V. 27, p. 247-249	44-12-103	Amended	V. 26, p. 1074
28-4-825	New	V. 27, p. 318-334	28-35-135a	Amended	V. 26, p. 1142	44-12-105	Amended	V. 26, p. 1075
28-15-35	Amended	V. 26, p. 825	28-35-135d	Amended	V. 26, p. 1144	44-12-106	Amended	V. 26, p. 1075
28-15-36	Amended	V. 26, p. 829	28-35-135n	Amended	V. 26, p. 1145	44-12-107	Amended	V. 26, p. 1075
28-15-36a	Amended	V. 26, p. 829	28-35-135p	Amended	V. 26, p. 1145	44-12-208	Amended	V. 26, p. 1075
28-15-37	Amended	V. 26, p. 830	28-35-135r	Amended	V. 26, p. 1147	44-12-210	Amended	V. 26, p. 1075
28-16-28g	Amended	V. 26, p. 691	28-35-177a	Amended	V. 26, p. 1148	44-12-211	New	V. 26, p. 1075
28-16-56c	Amended	V. 26, p. 283	28-35-178a	Amended	V. 26, p. 1149	44-12-212	New	V. 26, p. 1075
28-16-56d	Amended	V. 26, p. 284	28-35-178b	Amended	V. 26, p. 1150	44-12-304	Amended	V. 26, p. 1075
28-18-1	Amended	V. 26, p. 284	28-35-180a	Amended	V. 26, p. 1151	44-12-306	Amended	V. 26, p. 1076
28-18-2	Amended	V. 26, p. 288	28-35-181d	Amended	V. 26, p. 1152	44-12-308	Amended	V. 26, p. 1076
28-18-4	Amended	V. 26, p. 289	28-35-181m	Amended	V. 26, p. 1153	44-12-312	Amended	V. 26, p. 1076
28-18-8	Amended	V. 26, p. 289	28-35-181n	Amended	V. 26, p. 1154	44-12-315	Amended	V. 26, p. 1076
28-18-9	Amended	V. 26, p. 290	28-35-181o	Amended	V. 26, p. 1155	44-12-320a	New	V. 26, p. 1076
28-18-11	Amended	V. 26, p. 1929	28-35-182c	Amended	V. 26, p. 1155	44-12-325	Amended	V. 26, p. 1076
28-18-12	Amended	V. 26, p. 290	28-35-184a	Amended	V. 26, p. 1156	44-12-601	Amended	V. 26, p. 1077
28-18-13	Amended	V. 26, p. 291	28-35-201	Amended	V. 26, p. 1156	44-12-901	Amended	V. 26, p. 1079
28-18-14	Amended	V. 26, p. 292	28-35-202	Revoked	V. 26, p. 1158	44-12-902	Amended	V. 26, p. 1079
28-18-16	New	V. 26, p. 292	28-35-203	Amended	V. 26, p. 1158	44-12-903	New	V. 26, p. 1079
28-18-17	New	V. 26, p. 293	28-35-216a	Amended	V. 26, p. 1159	44-12-1101	Amended	V. 26, p. 1080
28-18a-1	Amended	V. 26, p. 294	28-35-230g	New	V. 26, p. 1159	44-12-1201	Amended	V. 26, p. 1080
28-18a-2	Amended	V. 26, p. 298	28-35-289	Amended	V. 26, p. 1160	44-12-1301	Amended	V. 26, p. 1080
28-18a-4	Amended	V. 26, p. 299	28-35-292	Amended	V. 26, p. 1162	44-12-1302	Amended	V. 26, p. 1081
			28-35-308	Amended	V. 26, p. 1162	44-12-1303	Amended	V. 26, p. 1081
			28-35-349	Amended	V. 26, p. 1162	44-12-1306	Amended	V. 26, p. 1081
			28-35-450	Amended	V. 26, p. 1162	44-12-1308	Amended	V. 26, p. 1081
			28-36-33	through		44-13-101a	Amended	V. 26, p. 1082
			28-36-49	Revoked (T)	V. 26, p. 1682	44-13-106	Amended	V. 26, p. 1082
			28-36-33	through		44-13-201	Amended	V. 26, p. 1082
			28-36-49	Revoked	V. 27, p. 73	44-13-201a	New	V. 26, p. 1083
			28-36-70	through		44-13-201b	Amended	V. 26, p. 1084
			28-36-89	New (T)	V. 26, p. 1682-1696	44-13-202	Amended	V. 26, p. 1084
			28-36-70	through		44-13-307	Amended	V. 26, p. 1085
			28-36-89	New	V. 27, p. 73-87	44-13-402	Amended	V. 26, p. 1085
			28-36-89	through				
			28-36-101	through				
			28-36-108	Amended	V. 26, p. 1776-1779			

44-13-403	Amended	V. 26, p. 1085
44-13-404	Amended	V. 26, p. 1087
44-13-405a	Amended	V. 26, p. 1088
44-13-406	Amended	V. 26, p. 1089
44-13-408	Amended	V. 26, p. 1089
44-13-603	Amended	V. 26, p. 1089
44-13-610	Amended	V. 26, p. 1089
44-13-701	Amended	V. 26, p. 1090
44-13-703	Amended	V. 26, p. 1090
44-13-704	Amended	V. 26, p. 1090
44-15-101a	Amended	V. 26, p. 820
44-15-102	Amended	V. 26, p. 821
44-15-104	Amended	V. 26, p. 822
44-16-104a	New	V. 26, p. 822

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-36	New	V. 26, p. 1647
49-50-6	Amended	V. 26, p. 1647
49-50-20	Amended	V. 26, p. 1647

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

Reg. No.	Action	Register
50-3-2	Amended	V. 26, p. 1642

**AGENCY 51: DEPARTMENT OF LABOR—  
DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-7	Amended	V. 26, p. 1639

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 26, p. 446
60-7-106	Amended	V. 26, p. 447
60-8-101	Amended	V. 26, p. 448
60-9-106	Amended	V. 26, p. 1112
60-11-119	Amended	V. 26, p. 448
60-17-102	Amended	V. 26, p. 448
60-17-103	Amended	V. 26, p. 449
60-17-104	Amended	V. 26, p. 449
60-17-105	Amended	V. 26, p. 450
60-17-107	Amended	V. 26, p. 450
60-17-108	Amended	V. 26, p. 451
60-17-110	Amended	V. 26, p. 451

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-1	Amended	V. 26, p. 126
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108
63-5-1	Amended	V. 26, p. 126

**AGENCY 66: BOARD OF TECHNICAL  
PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-9-5	Amended	V. 26, p. 1024
66-10-1	Amended	V. 27, p. 317
66-10-10a	Amended	V. 26, p. 1024
66-11-5	Amended	V. 26, p. 1025

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

Reg. No.	Action	Register
67-5-3	Revoked	V. 26, p. 692
67-5-4	Amended	V. 26, p. 692
67-5-5	New	V. 26, p. 692

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-5-16	Amended	V. 26, p. 488
68-7-11	Amended	V. 26, p. 1112
68-7-12	Amended	V. 26, p. 1114
68-7-20	Amended	V. 27, p. 435
68-20-17	Amended	V. 26, p. 488

**AGENCY 69: BOARD OF COSMETOLOGY  
(by Dept. of Health and Environment)**

Reg. No.	Action	Register
69-12-6	Revoked	V. 26, p. 1515
69-12-13	Revoked	V. 26, p. 1515

**AGENCY 70: BOARD OF  
VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-5-1	Amended	V. 26, p. 1863

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-2	Amended	V. 26, p. 1954
74-1-3	Amended	V. 26, p. 1954
74-1-6	Amended	V. 26, p. 1955
74-1-8	Amended	V. 26, p. 1955
74-2-7	Amended	V. 26, p. 1955
74-4-1a	Amended	V. 26, p. 126
74-4-7	Amended	V. 27, p. 626
74-4-8	Amended	V. 27, p. 626
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 26, p. 1956
74-5-101	Amended	V. 26, p. 1957
74-5-105	Revoked	V. 26, p. 127
74-5-201	Amended	V. 26, p. 1957
74-5-202	Amended	V. 26, p. 1957
74-5-204	Revoked	V. 26, p. 128
74-5-403	Amended	V. 26, p. 128
74-5-405a	New	V. 26, p. 1957
74-5-406	Amended	V. 26, p. 1958
74-5-408	New	V. 26, p. 128
74-6-1	Amended	V. 26, p. 1958
74-7-2	Amended	V. 26, p. 1958
74-11-6	Amended	V. 26, p. 128

**AGENCY 82: STATE CORPORATION  
COMMISSION**

Reg. No.	Action	Register
82-3-103	Amended	V. 26, p. 1609
82-3-119	Revoked	V. 26, p. 1643
82-3-123	Amended	V. 26, p. 1643
82-3-123a	Amended	V. 26, p. 1644
82-3-124	Amended	V. 26, p. 1644
82-3-131	Amended	V. 26, p. 1645
82-3-140	Amended	V. 26, p. 1645
82-3-300	Amended	V. 26, p. 1645
82-3-303	Amended	V. 26, p. 823
82-3-304	Amended	V. 26, p. 824
82-3-408	Amended	V. 26, p. 1646
82-3-603a	New	V. 26, p. 1610
82-4-30a	Amended (T)	V. 26, p. 1930
82-11-1	Amended	V. 27, p. 43
82-11-3	Amended	V. 27, p. 43
82-11-4	Amended	V. 27, p. 44
82-11-7	Amended	V. 27, p. 49
82-11-8	Amended	V. 27, p. 49

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-2	Amended	V. 26, p. 1728
86-1-5	Amended	V. 26, p. 1728
86-1-10	Amended	V. 26, p. 1729
86-1-11	Amended	V. 26, p. 1730
86-1-13	Amended	V. 26, p. 1731
86-1-15	Amended	V. 26, p. 1732
86-1-17	Amended	V. 26, p. 1732
86-1-18	Amended	V. 26, p. 1733
86-1-19	Amended	V. 26, p. 1733
86-1-20	New	V. 26, p. 1734
86-2-3	Revoked	V. 26, p. 1734
86-2-5	Revoked	V. 26, p. 1734
86-2-7	Revoked	V. 26, p. 1734
86-3-3	Revoked	V. 26, p. 1734
86-3-8	Amended	V. 26, p. 1734
86-3-9	Amended	V. 26, p. 1734
86-3-15	Amended	V. 26, p. 1734
86-3-21	Amended	V. 26, p. 1735
86-3-22	Amended	V. 26, p. 1735
86-3-26a	New	V. 26, p. 1736

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-3-8	Revoked	V. 26, p. 1141
88-3-8a	New	V. 26, p. 1141
88-3-12	Amended	V. 26, p. 1141
88-24-1	Amended	V. 26, p. 1142
88-24-2	Amended	V. 26, p. 1142

88-29-1	through	
88-29-19	New	V. 26, p. 216-229
88-30-1	New	V. 26, p. 1544
88-30-2	New	V. 26, p. 1544
88-30-3	New	V. 26, p. 1544

**AGENCY 91: DEPARTMENT OF  
EDUCATION**

Reg. No.	Action	Register
91-1-201	Amended	V. 26, p. 1217
91-1-202	Amended	V. 26, p. 1218
91-1-203	Amended	V. 26, p. 1220
91-1-204	Amended	V. 26, p. 1224
91-1-209	Amended	V. 26, p. 1226
91-1-234	New	V. 26, p. 1226
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7	through	
91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26	through	
91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-55a	Revoked	V. 26, p. 409
92-19-81	Amended	V. 26, p. 409
92-21-7	Revoked	V. 26, p. 409
92-21-8	Revoked	V. 26, p. 409
92-21-10	Revoked	V. 26, p. 409
92-21-14	Amended	V. 26, p. 409
92-21-16	Revoked	V. 26, p. 409
92-21-17	Revoked	V. 26, p. 409
92-27-1	through	
92-27-5	New	V. 26, p. 1648, 1649

**AGENCY 97: KANSAS COMMISSION ON  
VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-6-1	New	V. 26, p. 484
97-6-2	New	V. 26, p. 485
97-6-4	through	
97-6-11	New	V. 26, p. 485-488

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

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 26, p. 1258
100-15-5	Amended	V. 26, p. 384

(continued)

100-15-6	Amended	V. 26, p. 385
100-22-6	New	V. 26, p. 1642
100-22-7	New	V. 26, p. 1043
100-22-8	New	V. 26, p. 1367
100-22-8	Revoked (T)	V. 26, p. 1929
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New (T)	V. 26, p. 1929
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended	V. 26, p. 1753
100-29-7	Amended	V. 27, p. 209
100-49-4	Amended	V. 26, p. 1258
100-49-10	New	V. 26, p. 1367
100-54-4	Amended	V. 27, p. 209
100-54-7	Amended	V. 26, p. 1043
100-54-8	Amended	V. 26, p. 1044
100-55-4	Amended	V. 27, p. 209
100-73-1	Amended	V. 26, p. 1258
100-73-9	Amended	V. 27, p. 315

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-7	Revoked	V. 26, p. 881
102-1-12	Amended	V. 27, p. 407
102-1-13	Amended	V. 26, p. 1774
102-2-3	Amended	V. 26, p. 1775
102-2-10	Revoked	V. 26, p. 881
102-3-2	Amended	V. 26, p. 1775
102-3-8a	Revoked	V. 26, p. 881
102-4-2	Amended	V. 26, p. 1775
102-4-8a	Revoked	V. 26, p. 881
102-5-2	Amended	V. 26, p. 1776
102-5-8	Revoked	V. 26, p. 881
102-6-8	Amended	V. 26, p. 881

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-11-1	Amended	V. 26, p. 1752

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-13-10	Amended	V. 26, p. 1752
110-15-1 through 110-15-4	New	V. 26, p. 1864
110-16-1 through 110-16-4	New	V. 26, p. 1865, 1866
110-17-1 through 110-17-4	New	V. 26, p. 1866, 1867
110-18-1 through 110-18-4	New	V. 26, p. 1867, 1868

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003

Kansas Register. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-4-2645 through 111-4-2656	New	V. 27, p. 436-442
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-4-9a	Amended	V. 27, p. 19
112-4-14a	Amended	V. 27, p. 19
112-5-1	Amended	V. 27, p. 19
112-6-1	Amended	V. 27, p. 20
112-7-6	Amended	V. 27, p. 20
112-7-8	Amended	V. 27, p. 21
112-7-15a	Amended	V. 27, p. 21
112-7-16	Amended	V. 27, p. 22
112-7-18a	Amended	V. 27, p. 22
112-7-20	Amended	V. 27, p. 23
112-8-9	Amended	V. 27, p. 23
112-10-12	Amended	V. 27, p. 23
112-10-32	Amended	V. 27, p. 23
112-11-10	Amended	V. 27, p. 24
112-11-20	Amended	V. 27, p. 24
112-18-1	Amended	V. 27, p. 26

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

Reg. No.	Action	Register
115-2-1	Amended	V. 26, p. 1722
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**AGENCY 118: STATE HISTORICAL SOCIETY**

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

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
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**AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION**

Reg. No.	Action	Register
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**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 27, p. 628
129-5-65	New	V. 26, p. 1091

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