



# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Kansas Housing Resources Corporation

## Request for Comments

The Kansas Housing Resources Corporation will have a public comment period to provide an opportunity for citizens to comment upon the draft of the 2009 Kansas Homeless Prevention and Rapid Re-Housing Program (HPRP), which is supported by the American Recovery and Reinvestment Act (ARRA). The 2009 Kansas Homeless Prevention and Rapid Re-Housing Program (HPRP) draft includes only pages intended for public comment and can be found on the KHRC Web site at [www.kshousingcorp.org](http://www.kshousingcorp.org). Written comments must be received by 5 p.m. May 12.

Norma Phillips  
Deputy Director

Doc. No. 036993

(Published in the Kansas Register April 30, 2009.)

## National Joint Powers Alliance

## Invitation for Bid

The National Joint Powers Alliance (NJPA) issues this invitation for bid (IFB) to provide Indefinite Quantity Construction Contracting (IQCC) services to NJPA and current and qualified NJPA government, education and nonprofit members in the individual area of KS01-060309 - Kansas. It is the intention of NJPA to award multiple contracts for construction services in this area. Each contract has an estimate annual value of \$2,000,000 and the term of the contract is four years.

IQCC is a construction contracting procurement system that provides facility owners' access to competitively bid "on-call" general contractors to provide immediate construction services over an extended period of time.

Intending bidders are required to attend at least one pre-bid seminar per bid due date for the purpose of discussing the IQCC procurement system, the contract documents and bid forms. Mandatory pre-bid seminars will be held as follows:

- May 19 — 10 a.m.** Des Moines Marriott Downtown  
700 Grand Ave.  
Des Moines, IA 50309
- May 20 — 10 a.m.** Marriott Kansas City Airport  
775 Brasilia Ave.  
Kansas City, MO 64153

An electronic (CD) copy of the IFB documents, which include the instructions for submitting a bid and the bid documents, may be obtained by letter of request to Gregg Meierhofer, NJPA, 200 First St., N.E., Staples, MN 56479, or by e-mail request to [EZIQC@NJPACOOOP.org](mailto:EZIQC@NJPACOOOP.org). All requests must include mailing address, e-mail address, contact name and phone number. Bids are due by 4 p.m. C.S.T. June 2 and will be opened at 9 a.m. June 3. IFBs will be available until the bid opening date of June 3.

Gregg Meierhofer  
National Joint Powers Alliance

Doc. No. 036984

(Published in the Kansas Register April 30, 2009.)

## Heartland Works, Inc.

## Public Notice

The Local Area II Workforce Investment Board is submitting its one-year plan as required under the Workforce Investment Act (WIA) of 1998. This plan is available for review and comment May 1-June 1. The Local Area II Chief Elected Officials Board and Local Workforce Investment Board will meet June 17 to discuss and approve the plan.

The plan may be reviewed on the Heartland Works, Inc. Web site at [www.heartlandworks.org](http://www.heartlandworks.org). Any questions, comments or inquiries should be addressed to Sharon Beyer, senior operations director, at (785) 234-0500 or (800) 766-3777 (TDD), fax at (785) 234-0552 or e-mail at [sbeyer@heartlandworks.org](mailto:sbeyer@heartlandworks.org).

Kris Kitchen  
Executive Director

Doc. No. 036988

## State of Kansas

## Social and Rehabilitation Services

## Request for Proposals

Kansas Rehabilitation Services (KRS) announces the release of a request for proposals for projects to enhance system capacity for independent living services for Kansans with disabilities. This grant competition is known as Quantitative Use of Independent Living Title VIIB, or QUILT.

Organizations eligible to apply must be not-for-profit agencies that can demonstrate that their services and programs are directed by persons with disabilities. This requirement may be demonstrated through board membership of consumers, or through advisory groups or consumer councils acting as an oversight body for management and direction of services/programs.

Eligible agencies may apply for annual funding of \$15,000 or less. Projects may be renewed for one or two years, depending on performance of grantees and continued availability of independent living Title VIIB funding. The total pool of funds currently available for new projects in this competition is \$30,000.

A complete copy of the RFP can be obtained May 1-June 15 from the KRS Web site at <http://www.srskansas.org/rehab/index.htm> or by contacting Maia Ruby Clemmons, Independent Living Program Manager, at (785) 368-8266, TTY (785) 368-7478, or e-mail at [Maia.RubyClemmons@srs.ks.gov](mailto:Maia.RubyClemmons@srs.ks.gov). Written questions about the RFP will be accepted and answers posted on the KRS Web site May 4-22. To submit a question, contact Maia Ruby-Clemmons.

The deadline for proposals to be received by KRS is 5 p.m. June 15.

Don Jordan  
Secretary of Social and  
Rehabilitation Services

Doc. No. 036979

## 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. 2008 Supp. 12-1675(b)(c)(d) and K.S.A. 2008 Supp. 12-1675a(g).

## Effective 4-27-09 through 5-3-09

Term	Rate
1-89 days	0.16%
3 months	0.09%
6 months	0.28%
1 year	0.49%
18 months	0.75%
2 years	0.95%

Elizabeth B.A. Miller  
Director of Investments

Doc. No. 036962

## State of Kansas

## Governmental Ethics Commission

## Opinion No. 2009-05

Written April 15, 2009, to Robert F. St. Peter, M.D., President and CEO, Kansas Health Institute, Topeka.

This opinion is in response to your letter dated March 26, 2009 requesting an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws, K.S.A. 46-215 *et seq.* We note at the outset that the Commission's jurisdiction concerning your question 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:

You request this opinion in your capacity as President and CEO of the Kansas Health Institute (KHI). The Kansas Legislative Health Caucus (the Health Caucus) has been formed by the Kansas Legislature with the intention of accepting financial and technical support from KHI. The purpose of the Health Caucus is to provide effective opportunities for the ongoing engagement, education and support of legislators interested in health policy. The Health Caucus will be guided by legislative participants and facilitated by a steering committee of legislators appointed by leadership. The specific activities sponsored by the Health Caucus may take different forms.

During the legislative session, the Health Caucus will convene on an *ad hoc* basis to discuss health policy issues relevant to the current discussion in the Legislature. KHI will provide lunch to legislators and their staff who attend, as well as provide technical support in convening the meetings.

Outside of the regular legislative session, a group of 10-15 legislators will be nominated by leadership and asked to commit to participating in a series of educational sessions on selected health policy issues. The agenda for this "Legislative Health Academy" will be determined by

participating legislators with substantial support in planning and execution from KHI staff.

Additional local and national experts will be brought to these meetings in Kansas. It is the intent that the group of participants would acquire, over time, familiarity and tools to provide leadership in advancing complex health policy.

In addition, the Health Caucus may decide to sponsor various conferences, seminars or meetings that involve legislators and other members of the public to discuss health policy issues. These meetings may be supported financially and technically by others in addition to KHI. There are no plans for any specific events of this type, but it is the intention to consider them in the future.

## Questions:

1) Participation in the Health Caucus is open to any legislator with an interest. Participants in the Legislative Health Academy will be selected by legislative leadership. Is it a violation of K.S.A. 46-215 *et seq.* for legislators to participate in the Health Caucus or the Legislative Health Academy?

2) The per diem for the Legislative Health Academy will be provided to participants for time and travel expenses. KHI is proposing to contract with the Kansas Legislative Coordinating Council (LCC) to pay the cost of per diems. Is the LCC allowed to do this under K.S.A. 46-215 *et seq.*?

3) In the alternative, if the LCC arrangement cannot be made, the KHI will be the entity making the per diem payments. Is it permissible for KHI to do this under K.S.A. 46-215 *et seq.*?

4) Would the activities proposed be subject to the Kansas Open Meetings Act?

## Opinion:

With respect to the first three questions regarding the participation of legislators in the Health Caucus and/or the Legislative Health Academy, K.S.A. 46-237 applies. This statute states in pertinent part:

(a) Except as provided by this section, no state officer or employee . . . shall accept, or agree to accept any (1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year . . . from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) Except as provided by this section, no person with a special interest shall offer, pay, give or make any (1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year . . . to any state officer or employee . . . with a major purpose of influencing such officer or employee . . . in the performance of official duties or prospective official duties.

K.S.A. 46-228 defines "special interest" in the following manner:

"Special interest" means an interest in any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a

whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

K.S.A. 46-223 defines "person" as:

"Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit or a governmental agency unit or subdivision.

The Commission has opined in previous opinions (1999-35 and 2003-08) that three elements must be shown before the prohibitions in these sections apply. First, the value of the gift must be \$40.00 or greater. Second, the person giving the gift must have a special interest in the person accepting the gift. Finally, the person accepting the gift must know or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties. If any element is not met, the restrictions in the statutes do not apply.

Based upon the facts presented to the Commission, it is clear that KHI intends to present the members of the Kansas Legislature with an educational opportunity consistent with its public service duties. There has been no evidence presented to the Commission to suggest that the donor has a major purpose of influencing the legislators in the performance of their official duties or prospective official duties. Therefore, the Commission determines that the state legislators may accept the invitation and participate in the Health Caucus and/or the Legislative Health Academy and be paid a per diem by KHI (through the LCC or not) without violating State governmental ethics laws. The question regarding whether the per diem payments may be made by the LCC does not fall within the jurisdiction of the Commission.

As to the Kansas Open Meetings question, this statute does not fall within the jurisdiction of the Commission.

#### Opinion No. 2009-06

Written April 15, 2009, to W. Thomas Stratton, Jr., Chief Litigation Counsel, Kansas Corporation Commission, Topeka.

This opinion is in response to your letter of April 3, 2009, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the governmental ethics 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 and regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement:

We understand you request this opinion in your capacity as Counsel for the Kansas Corporation Commission (KCC). You have explained that the KCC has determined that it cannot solicit contributions from certain entities that could have the appearance of having a "special interest" in the KCC as it pertains to a Wind and Renewable Energy Conference hosted by the KCC's State Energy Office.

The KCC has identified an opportunity to enter into a Memorandum of Understanding with the Kansas De-

partment of Commerce to serve as the Conference host. It is anticipated that pursuant to this memorandum, the Department of Commerce would solicit sponsorships and retain sponsorship funds, applying them to: 1) the costs of the conference; 2) costs incurred in connection with the planning of the next conference; and 3) Kansas Department of Commerce energy programs that are consistent with the interests of the State Energy Office.

#### Question:

If the Department of Commerce hosts the conference, solicits sponsorships and applies the resulting funds as described in the preceding paragraph, may the KCC's State Energy Office coordinate the educational components of the conference and assist the Department of Commerce in putting on the conference without violating the state's conflict of interests statutes?

#### Opinion:

K.S.A. 46-236 in pertinent part states:

No state officer or employee, candidate for state office or state officer elect shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee, candidate or state officer elect knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee, candidate or state officer elect.

K.S.A. 46-228 states:

"Special interest" means an interest of any person herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

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

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

In applying these sections to your question, if the KCC contracts with the Kansas Department of Commerce to solicit and retain sponsorships for the Wind and Renewable Energy Conference, and if the persons being solicited do not hold a "special interest" in the Kansas Department of Commerce, the prohibition in K.S.A. 46-236 would not apply. If the Kansas Department of Commerce does not license, inspect or regulate the solicited organizations, K.S.A. 46-237 (c) would not apply. As long as the solicitations are made by the Kansas Department of Commerce, the KCC would be allowed to provide assistance regarding the educational and logistical components of the conference.

Sabrina K. Standifer  
Chairwoman

Doc. No. 036959

(Published in the Kansas Register April 30, 2009.)

## City of Overland Park, Kansas

### Notice to Bidders

Sealed bids for **College Boulevard Widening (Pflumm Road to US-69), KDOT Project No. 46 N-0373-01**, will be received by the city of Overland Park, Kansas, at the office of the city clerk, City Hall, 8500 Santa Fe Drive, Overland Park, 66212, until 2 p.m. local time June 2, 2009. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "Bid For: College Boulevard Widening (Pflumm Road to US-69), KDOT Project No. 46 N-0373-01."

Copies of plans, specifications, bid documents and other contract documents can be seen or purchased online at [www.drexeltech.com](http://www.drexeltech.com) in their eDistribution plan room; additional assistance is available at [distribution@drexeltech.com](mailto:distribution@drexeltech.com). Information regarding this project can be found in the "Public Jobs" link on the Web site. Contractors desiring the contract documents for use in preparing bids also may obtain a set of such documents from Drexel Technologies (Kelly Imaging), 10840 W. 86th St., Lenexa, KS 66214, (913) 371-4430, upon payment of \$300 for full-size sets of plans and specifications or \$130 for half-size plans and specifications, which amount is not refundable. Checks shall be made payable to Affinis Corp. Any questions regarding the project, plans, specifications or bid documents should be directed to Affinis Corp. at (913) 239-1100.

Neither the city nor the consultant shall be responsible for the accuracy, completeness or sufficiency of any bid documents obtained from any source other than the source indicated above. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed herein also may result in failure to receive any addenda, corrections or other revisions to these documents that may be issued.

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

Should a bidder find "defects" as defined in paragraph GC3 of the General Conditions, it shall follow the procedures outlined in paragraph GC3 to bring same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be

no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures, the signature shall be long hand, and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

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

- a. Bid
- b. 5% bid security — bid bond, cashier's check or certified check (see below)
- c. Signed documents (KDOT Certifications)
  - Certification — Noncollusion & History of Debarment
  - Certification — Federal Funds for Lobbying
  - Required Contract Provision — Certification — Contractual Services with Current Legislator or Legislator's Firm
  - Required Contract Provision — DBE Goals

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the city of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the city of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection. It is understood by all bidders that an unsuccessful bidder has no cause of action against the city for bid preparation costs. The filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 1:30 p.m. May 14 in Conference Room 1, first floor, Overland Park City Hall, 8500 Santa Fe Drive, Overland Park.

Mary Lou McCann  
Contract Specialist  
Public Works Department  
City of Overland Park, Kansas

Doc. No. 036991

**State of Kansas  
Statewide Independent Living Council**

**Notice of Meeting**

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, May 22, at the Topeka and Shawnee County Public Library, Room 101A, 1515 S.W. 10th Ave., Topeka. For more information, contact Mary Lou Dunn or Shannon Jones at (785) 234-6990 or (800) 217-4525, or e-mail at Marylouya@aol.com.

Don Jordan  
Secretary of Social and  
Rehabilitation Services

Doc. No. 036983

**State of Kansas  
Kansas Development Finance Authority**

**Notice of Hearing**

A public hearing will be conducted at 9 a.m. Thursday, May 14, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

**Project No. 000757—Maximum Principal Amount: \$79,187.82.** Owner/Operator: Keaton Lambert; Description: Acquisition of 75 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Keaton Lambert and is in Section 9, Lincoln Township, Cloud County, Kansas, located on the south edge of Concordia on the east side of Highway 81.

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

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

Stephen R. Weatherford  
President

Doc. No. 036990

**State of Kansas  
Department of Commerce**

**Notice Concerning WIA/Wagner-Peyser State Plan**

The Kansas Department of Commerce, Workforce Services Division, has requested an extension of its current plan for WIA/Wagner-Peyser service delivery through June 30, 2009. Interested parties may review the current plan at <http://kdoch.state.ks.us/wiacomm/WIAStatePlan2008Modification1.doc>. Please submit comments to [workforceservices@kansasworks.com](mailto:workforceservices@kansasworks.com) by 5 p.m. May 30.

David D. Kerr  
Secretary of Commerce

Doc. No. 036969

**State of Kansas  
Department of Commerce**

**Request for Comments**

Public comments are now being accepted for the American Recovery and Reinvestment Act (ARRA) waivers. A copy of the waivers may be viewed at <http://www.kansasworksstateboard.org/SiteCollectionDocuments/Public%20Comment/Recovery%20Act%20Waivers%20-%202009.pdf>. Comments should be submitted to [workforceservices@kansasworks.com](mailto:workforceservices@kansasworks.com) by 5 p.m. May 15.

David D. Kerr  
Secretary of Commerce

Doc. No. 036975

**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 2009-2012 by adding the following project:

**Project KA-1661-01, Summer Transportation Institute Program**, five weeks of instruction for a group of twenty (20) 16- to 18-year-old students concerning transportation-related careers, which includes hands-on activities and field trips as well as classroom instruction, in Wyandotte 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 1.

Deb Miller  
Secretary of Transportation

Doc. No. 036989

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 1 p.m. May 20 and then publicly opened.

**District One — Northeast**

**Atchison**—59-3 KA-1290-01 — U.S. 59 and 6th Street in the city of Atchison, traffic signals. (State Funds)

**Johnson**—69-46 K-8251-07 — U.S. 69 from I-435 north to 0.3 mile north of 95th Street, 1.8 miles, grading, bridge and surfacing. (Federal Funds)

**Johnson**—69-46 K-8251-11 — U.S. 69 from 0.3 mile north of 95th Street north to I-35 and I-35 north to 75th Street, 2.4 miles, grading, bridge and surfacing. (Federal Funds)

**Johnson**—69-46 K-9532-01 — U.S. 69 from Old U.S. 169 north to junction I-35, 6.4 miles, grading and surfacing. (State Funds)

**Leavenworth**—73-52 KA-1346-01 — U.S. 73 from the K-92 north junction northeast to Lowemont, 9.6 miles, pavement patching. (State Funds)

**Lyon**—50-56 K-9811-01 — Intersection of U.S. 50 and Graphic Arts Road in Emporia, 0.4 mile, intersection improvement. (State Funds)

**Lyon**—56 U-2154-01 — 15th and 18th Street and Industrial Road in Emporia, intersection improvement. (Federal Funds)

**Wyandotte**—70-105 KA-1003-03 - North Ramp Terminal (I-70 Exit Ramp/K-7/Canaan Drive), grading and surfacing. (State Funds)

**Shawnee**—89 U-2163-01— Gage Boulevard between 10th and 12th Streets, surfacing. (Federal Funds)

**District Two — Northcentral**

**Geary**—57-31 KA-0532-01 — K-57 culvert, Humbolt Creek drainage, 1 mile north of the Morris-Geary county line, culvert construction. (State Funds)

**Ellsworth**—27 KA-1296-01 — Three bridges in Ellsworth County on I-70, K-14 and U.S. 56, bridge repair. (State Funds)

**District Three — Northwest**

**Gove**—23-32 KA-1534-01 — K-23 from the Lane-Gove county line north 8 miles, surfacing. (Federal Funds)

**Gove**—23-32 KA-1534-02 — K-23, 8 miles north of the Lane-Gove county line north to 0.5 mile south of the Gove city limits, 9.4 miles, surfacing. (Federal Funds)

**District Four — Southeast**

**Bourbon**—39-6 KA-1639-01 — K-39 from the Neosho-Bourbon county line to the west junction of K-7/K-39, 14.8 miles, crack repair. (State Funds)

**Coffey-Woodson**—75-106 KA-1636-01 — U.S. 75 from the Woodson-Coffey county line north 9 miles; U.S. 75 from the north city limits of Yates Center north to the Coffey County line, 19.6 miles, crack repair. (State Funds)

**Greenwood**—54-37 KA-0475-01 — U.S. 54 and Jefferson Street in Eureka, 0 mile, culvert construction. (State Funds)

**District Five — Southcentral**

**Barber-Kingman**—42-106 KA-1644-01 — K-42 from the Pratt-Barber county line east to the Barber-Kingman county line; K-42 from the Barber-Kingman county line to the junction of K-14/K-42, 28.6 miles, crack repair. (State Funds)

**Butler**—54-8 KA-1252-01 — U.S. 54, bridge 0.6 mile east of U.S. 77 north junction, bridge repair. (State Funds)

**Butler**—177-8 KA-1580-01 — K-177 from the junction of U.S. 54 north to the Butler-Chase county line, 21.9 miles, crack repair. (State Funds)

**Harper-Sumner**—106 KA-1640-01 — K-2 from the Barber-Harper county line east to the west city limits of Anthony; K-44 from the east city limits of Anthony to the Harper-Sumner county line; K-44 from the Harper-Sumner county line east to the junction of K-49/K-44, 40.5 miles, crack repair. (State Funds)

**Rice**—80 C-4396-02 — Construction of pedestrian paths in the city of Lyons. (Federal Funds)

**District Six — Southwest**

**Finney**—83B-28 K-9796-01 — U.S. 83b from the Ark River bridge to near Carter Drive in Garden City, 0.2 mile, grading and surfacing. (State Funds)

**Grant-Gray-Morton**—106 KA-1650-01 — K-25 from the north city limits of Ulysses north to the Grant-Kearney county line; K-23 from the Gray-Meade county line north to the south city limits of Cimarron; K-27 from the south junction of K-51 north to the north junction of K-51, 46.5 miles, crack repair. (State Funds)

**Haskell-Seward**—106 KA-1656-01 — The junction of U.S. 56/K-190 south to Haskell/Seward county line; U.S. 83 from the Kansas/Oklahoma state line north 2.9 miles; K-190 from the Haskell-Seward county line east to the junction of U.S. 83/K-190, 13.7 miles, seal. (State Funds)

**Seward**—83-88 KA-1654-01 — U.S. 83 and Tucker Road in Liberal, grading. (State Funds)

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

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

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the



sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

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

Deb Miller  
Secretary of Transportation

Doc. No. 036974

**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 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 May 7 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.

**Kansas Statewide Rail Plan**

The Kansas Department of Transportation is seeking proposals from qualified firms to assist the agency in preparing a comprehensive and strategic Statewide Freight and Passenger Rail Plan (SRP). The SRP will establish the state's role in the freight rail system, interaction between freight and passenger rail service, and develop an implementable action plan to improve the condition and performance of the statewide rail system. A tool to measure the economic benefits of freight rail projects should be developed as part of the SRP. The objectives of the SRP are to gain a better understanding of current and future freight and passenger rail issues and trends as well as strategies and initiatives to address those issues. The SRP should result in recommendations for a freight and passenger rail policy framework at a statewide level, from both urban and rural perspectives.

The SRP should, at a minimum, identify and map the state's rail system, including rail/truck intermodal facilities; detail existing infrastructure conditions of the state-

wide rail system; identify capacity issues and choke points on both Class I and Class III railroads; assess freight and passenger rail needs; examine at-grade rail crossing safety issues; evaluate current rail rehabilitation assistance programs, including a review of program guidelines and cost-benefit methodology; provide recommendations for new program guidelines, cost-benefit methodologies and economic impact analyses; quantify future potential growth, capacity issues and chokepoints (2030); develop draft policies, implementation strategies and investment plan; and identify possible funding sources.

The SRP must be compliant with and meet all criteria in the Rail Safety Enhancement Act of 2008, Section 301 — Capital Assistance for Intercity Passenger Rail Service; Section 302 — Congestion Grants; and Section 303 — State Rail Plans. This Act sets up new regional and state assistance and investment funds, defines grant requirements, and outlines the prerequisites for state rail plans from any state intending to participate in new projects and funding. Additionally, after meeting all criteria associated with the Act, all requirements issued by the Federal Railroad Administration developed to implement the statute will need to be met.

An active and thorough engagement process with KDOT's stakeholders and local governmental partners will be an integral part of the development of the SRP. The consultant is encouraged to develop an inclusive engagement process that will be useful in the development of policy and performance measures and that will ultimately lead to stakeholder understanding of freight and passenger rail issues and resulting policies to address those issues.

The consultant is encouraged to recommend expanding and/or revising any work tasks associated with the SRP. Additional ideas and innovative approaches will be strongly considered. Any consultant recommendations should demonstrate strategies that exemplify best practices in freight and passenger rail planning, data collection and analysis, and modeling.

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.

The firm's accounting system must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data;
- capability to provide a means of measuring the reasonableness of incurred costs;
- capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger; and
- ability to provide supporting documentation of actual expenditures for each billing, based on costs.

Deb Miller  
Secretary of Transportation

Doc. No. 036954

## 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 2009-2012 by adding the following American Recovery Reform Act projects:

**Project C-4218-01, Bridge Replacement,** RS-155 over Cavalry Creek 1 mile west of Coldwater, Comanche County

**Project C-4220-01, Surfacing,** RS-164 from K-15 south 6.5 miles, Cowley County

**Project C-4228-01, Bridge Replacement,** local road over Big Creek 5.6 miles south and .8 mile west of Walker, Ellis County

**Project C-4478-01, Bridge Replacement,** RS-1816 (Old US-40) over a creek 3.5 miles west of K-15, Dickinson County

**Project C-4539-01, Bridge Replacement,** local road over tributary to Independence Creek 4 miles north and 4 miles east of Shannon, Atchison County

**Project C-4549-01, Bridge Replacement,** local road over branch of Wakarusa River 5 miles east and .9 mile north of Eskridge, Wabaunsee County

**Project C-4552-01, Bridge Replacement,** RS-1381 over Salty Creek 2 miles east of Hazelton, Barber County

**Project C-4553-01, Bridge Rehabilitation,** RS-536 over Big Blue River 2 miles north of Manhattan, Pottawatomie County

**Project C-4554-01, Surfacing,** 2.6 miles of RS-916 and RS-1729 south of Woodston, Rooks County

**Project C-4555-01, Surfacing,** Northeast 160th Road from K-2 to Conway Springs, Harper County

**Project C-4556-01, Surfacing,** RS-1704 from US-54 south 2.1 miles, Kingman County

**Project C-4557-01, Mill and Overlay,** Main Street in Bush-ton, Rice County

**Project C-4558-01, Bridge Replacement,** RS-72 over Whitewater Creek 1.5 miles west and 1.7 miles north of Benton, Butler County

**Project C-4559-01, Surfacing,** 4th Avenue from K-14 east to K-96/4th Avenue interchange, Reno County

**Project C-4560-01, Bridge Replacement,** Kansas Avenue over Sand Creek 1.1 miles north and .5 mile east of Newton, Harvey County

**Project C-4561-01, Surfacing,** Barton County Road west of Great Bend city limits to Northwest 60th Avenue, Barton County

**Project C-4562-01, Bridge Rehabilitation,** 1600 Road over Thomas Creek 4 miles south and 1.7 miles east of Harris, Anderson County

**Project C-4563-01, Surfacing,** Independence Road (RS-97) from Sedan 3.5 miles east, Chautauqua County

**Project C-4564-01, Surfacing,** RS-1791 from Old US-56 east 5 miles, Cherokee County

**Project C-4565-01, Surfacing,** John Brown Road from Kentucky Road to Florida Road, Franklin County

**Project C-4566-01, Surfacing,** RS-291 from Hamilton to Virgil, Greenwood County

**Project C-4567-01, Surfacing,** Kansas Street from US-160 to 6th Street Longton, Elk County

**Project C-4568-01, Grading,** RS-394 from 3.5 miles north of K-18 north of Beverly, Lincoln County

**Project C-4569-01, Surfacing,** Low Road from Ellsworth to Kanopolis, Ellsworth County

**Project C-4570-01, Bridge Replacement,** RS-413 over Rock Creek .3 mile north of Dunlap, Morris County

**Project C-4571-01, Mill and Overlay,** Cedar Street from Kellson Avenue to Hwy-56 in Marion, Marion County

**Project C-4572-01, Surfacing,** south of Glen Elder on RS-466 and RS-1029 then north 3 miles, Mitchell County

**Project C-4573-01, Grading and Surfacing,** RS-1100 through Hanover, Washington County

**Project C-4574-01, Bridge Replacement,** RS-595 over West Gypsum Creek .1 mile north and .5 mile east of Kipp, Saline County

**Project C-4575-01, Surfacing,** RS-308 3 miles from US-50 south 3 miles, Hamilton County

**Project C-4576-01, Railroad Improvement,** Cimarron Valley railroad tracks from US-160 and K-25 650 ft. east in Ulysses, Grant County

**Project C-4577-01, Grading and Surfacing for Turn Lanes,** US-83 1 mile north of Liberal then east 5 miles to US-54, Seward County

**Project C-4578-01, Surfacing,** RS-1664, Stanton County

**Project C-4579-01, Surfacing,** RS-1898 2 miles west of K-95 for 2 miles, Scott County

**Project C-4580-01, Grading, Surfacing, and Bridges,** RS-168 east of Shaw Road for 3.5 miles, Neosho County

**Project KA-1201-02, Replace Existing Railroad Bridge with Pedestrian Bridge,** US-75 over abandoned Missouri Pacific Railroad bridge .28 mile north of US-75 and K-268, Osage County

**Project TE-0338-01, Rehabilitation of 6 Timber Railroad Trestles,** Midland Railway from Montana Road to Pawnee Road, Franklin County

**Project TE-0340-01, Interior Restoration,** Goodnow House Historical Site at 2309 Claflin Road in Manhattan, Riley County

**Project TE-0341-01, Welcome Signage and Landscaping,** north and south ends and downtown area of Sterling, Rice County

**Project TE-0342-01, Streetscape Beautification, Downtown Intersection** of US-56 and 6th Street in Hugoton, Stevens County

**Project TE-0343-01, Visitors Center,** Tallgrass Prairie National Preserve along Flint Hills Scenic Byway, Chase County

**Project TE-0345-01, Streetscape Beautification,** west of 6th and Main Streets to east of 5th Street in Osawatomie, Miami County

**Project TE-0346-01, Lighting Enhancement,** Prairie Spirit Rail-Trail between 5th and 23rd Streets in Ottawa, Franklin County

**Project TE-0349-01, Pedestrian and Bicycle Path,** Prairie Band Potawatomie Nation Reservation from 158 Road

and L4 Lane west along 158 Road for 1 mile then southwest to K Road Complex at 15500 K Road, Jackson County

**Project U-2236-01, Surfacing,** Jefferson Street from Walnut to Oskaloosa city limits, Jefferson County

**Project U-2237-01, Box Culvert Replacement,** Old US-36 .6 mile east of Highland, Doniphan County

**Project U-2242-01, Intersection Improvement,** US-24 and McCall Road in Manhattan, Riley County

**Project U-2243-01, Grading and Surfacing,** US-281 from 9th Street to the Union Pacific Railroad in Russell, Russell County

**Project U-2244-01, Surfacing,** K-27 from North Front Street to Third Street in Sharon Springs, Wallace County

**Project U-2245-01, Mill and Overlay,** Northeast Trail Street from junction with US-56 east to 11th Street in Larned, Pawnee County

**Project U-2246-01, Grading and Surfacing,** US-81 (Main Street) from 3rd Street to Kansas and Oklahoma Railroad Crossing in Hoisington, Barton County

**Project U-2247-01, Bridge Replacement,** 4th Avenue over Monroe Street in Hutchinson, Reno County

**Project U-2248-01, Grading and Surfacing,** McKinley Street in Great Bend, Barton County

**Project U-2249-01, Grading and Surfacing,** US-281 (Main Street) at Union Pacific Railroad Crossing and Maple Street in Pratt, Pratt County

**Project U-2250-01, Grading and Surfacing,** 6th Street and Boyer Avenue from K-254 to Metcalf Road in El Dorado, Butler County

**Project U-2251-01, Curb and Gutter Replacement,** K-2 and East Main Street in Kiowa, Barber County

**Project U-2252-01, Culvert Replacement,** Hillside Street in Wellington, Sumner County

**Project U-2253-01, Mill and Overlay,** 4th Avenue from US-75 to Wood Street in Caney, Montgomery County

**Project U-2254-01, Surfacing,** Southwest National Street from Linker Street to Wall Street in Fort Scott, Bourbon County

**Project U-2255-01, Surfacing,** 8th Street from north city limits of Osawatomie to Main Street, Miami County

**Project U-2256-01, Surfacing,** Broadway Street from Centennial Street to Hudson Street and Cleveland Street to Williams Street in Pittsburg, Crawford County

**Project U-2257-01, Grading and Surfacing,** 5th Street and K-9/K-28 in Concordia, Cloud County

**Project U-2258-01, Surfacing,** US-56 from Lime Creek Bridge to south city limits of Herington, Dickinson County

**Project U-2259-01, Bridge Expansion Joint Replacement,** 14th Street over Arkansas River in Dodge City, Ford County

**Project U-2260-01, Intersection Improvement,** US-59 and Flynn Drive in Parsons, Labette County

**Project U-2261-01, Grading and Surfacing,** US-50 from Fifth Street east 2.5 blocks in Cimarron, Gray County

**Project U-2262-01, Surfacing,** Rock Street from K-106 to north city limits of Minneapolis, Ottawa County

**Project U-2263-01, Grading and Surfacing,** Ash Street 200 ft. to 1st Street in Hillsboro, Marion County

**Project U-2264-01, Surfacing,** US-56 from south city limits to Santa Fe Avenue and then west on K-31 to west city limits of Burlingame, Osage County

**Project U-2265-01, Grading and Surfacing,** K-27/US-24B from 800 ft. to 1,600 ft. north of I-70 in Goodland, Sherman County

**Project U-2266-01, Mill and Overlay,** RS-226 in Hanston .5 mile south on Highway Street, Hodgeman County

**Project U-2267-01, Mill and Overlay,** North Street from Baca Avenue east to Border Avenue in Elkhart, Morton County

**Project U-2268-01, Intersection Improvement,** State Street and 2nd Street in Phillipsburg, Phillips County

**Project U-2269-01, Surfacing,** Locust Street from Last Chance to north city limits of Troy, Doniphan County

**Project U-2270-01, Surfacing,** US-75 from south city limits of Yates Center north 700 ft., Woodson 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 1.

Deb Miller  
Secretary of Transportation

Doc. No. 036958

## 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 Kan-

(continued)

sas 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-09-122/126**

**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Hanging Tree Cattle Company Todd M. Beneke P.O. Box 11 Lincolnville, KS 66858	SE/4 of Section 15, T18S, R05E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B025  
This is a new permit for an existing facility for 300 head (150 animal units) of cattle weighing 700 pounds or less. The operation is proposing modifications to reduce the existing pen area and establish a waste management system in accordance with approved plans.

Name and Address of Applicant	Legal Description	Receiving Water
Hornbaker Farms Warren Hornbaker 1752 180th Ave. Lewis, KS 67552	NW/4 of Section 25, T25S, R18W, Edwards County	Lower Arkansas River Basin

Kansas Permit No. A-ARED-B001  
This is a reissuance of a permit for an existing facility for 700 head (350 animal units) of cattle weighing less than 700 pounds. There are no changes in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Bluestem Farms Rodney Voth 843 N. Holly Peabody, KS 66866	SE/4 of Section 29, T21S, R02E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B018  
This permit is being reissued for an existing facility with 600 head (600 animal units) of beef cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Gormley Feeders Jerry Gormley / Betsy Johnson 2863 CR 32 Grinnell, KS 67738	NW/4 of Section 09, T11S, R30W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-B002  
This permit is being reissued for an existing facility with a maximum capacity of 200 head (200 animal units) of cattle weighing more than 700 pounds and 150 head (75 animal units) of cattle weighing less than 700 pounds, for a total of 275 animal units. This represents a decrease in animal units from the previous permit due to the facility downsizing.

Name and Address of Applicant	Legal Description	Receiving Water
Wilson Ranch Doyle Wilson 259 S.W. 80th Ave. Macksville, KS 67557	SW/4 of Section 32, T24S, R14W, NW/4 of Section 05, T25S, R14W, Stafford County	Lower Arkansas River Basin

Kansas Permit No. A-ARSF-B004  
This is a reissuance of a permit for an existing facility for 999 head (499.5 animal units) of cattle weighing less than 700 pounds. There are no changes in the permitted animal units from the previous permit.

**Public Notice No. KS-Q-09-042/048**

Name and Address of Applicant	Receiving Stream	Type of Discharge
APAC - Kansas Inc. / Shears Division P.O. Box 1605 Hutchinson, KS 67504-1605	Saline River via Bullfoot Creek via Drainage Ditch	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-SA07-PO02 Federal Permit No. KS0091332  
Legal Description: SW¼, NE¼, S14, T12S, R8W, Lincoln County  
Facility Name: Quartzite Quarry - Lincoln (Mulloy) Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is a quartzite (sandstone) quarrying and crushing operation with some washing. Washwater is treated by settling pits; however, these wash pits do not discharge since the washwater is recycled on-site. Outfalls 001A and 002A consist of pit dewatering and stormwater runoff. The proposed permit requires monitoring of sulfates. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Smoky Hill River via Terrapin Lake via Swenson Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-SH04-PO05 Federal Permit No. KS0093955  
Legal Description: NW¼, S13, T13S, R3E, Dickinson County  
Facility Name: Kelly Quarry #95

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is engaged in a limestone quarry operation. Rock is crushed, processed and washed to meet specifications. Washwater and stormwater runoff is directed to settling ponds(s) to settle and remove solids, before the water is allowed to be discharged to waters of the state. Most of the time the washwater is recycled. A discharge usually only occurs after a heavy rain. The proposed permit contains limits for total suspended solids and pH, as well as monitoring for sulfates. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Marais des Cygnes River via Salt Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC21-PO02 Federal Permit No. KS0080853  
Legal Description: E½, SW¼, S9, T17S, R15E, Osage County  
Facility Name: Lieber/Plage Quarry #74

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is engaged in a limestone quarry operation with some washing. Outfall 001A consists of stormwater runoff and Outfall 002 consists of treated washwater from a settling pond. The proposed permit contains limits for total suspended solids and pH. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mid-States Materials, LLC P.O. Box 236 Topeka, KS 66601	Marais des Cygnes River	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC44-PO04      Federal Permit No. KS0093106  
 Legal Description: NW¼ and NE¼, S21, T15S, R16E, Osage County

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is engaged in a limestone quarrying and crushing operation with some washing. The treated washwater from Outfall 001A is normally recycled on-site, so no discharge of treated washwater occurs unless there is a significant rain. If washwater is discharged, it is treated by three settling ponds in series. Outfall's 002, 003, 004 and 005 consist of pit dewatering and stormwater runoff only. The proposed permit contains limits of total suspended solids 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Midwest Minerals, Inc. P.O. Box 412 Pittsburg, KS 66762	Marais des Cygnes River via West Fork Drywood Creek	Pit Deqatering & Stormwater Runoff

Kansas Permit No. I-MC52-PO01      Federal Permit No. KS0115533  
 Legal Description: W½, SE¼ and SE¼, SW¼, S31, T27S, R24E, Crawford County,

Facility Description: The proposed action consists reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation with no washing. The operation is seasonal and portable equipment is used. Outfall 001 consists of pit dewatering and stormwater runoff. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Nelson Quarries P.O. Box 100 Gas, KS 66742	Moore's Branch of Drywood Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC11-PO12      Federal Permit No. KS0093009  
 Legal Description: SE¼, S19, T26S, R25E, Bourbon County

Facility Name: Fort Scott South Quarry  
 Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is a limestone quarrying and crushing operation with some rock washing. Washwater is recycled and does not discharge. An asphalt plant is not located on-site but there are asphalt millings stored on-site. Outfall 001 consists of pit dewatering and stormwater runoff. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Nelson Quarries P.O. Box 100 Gas, KS 66742	Marmaton River via South Mill Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC11-PO11      Federal Permit No. KS0092991  
 Legal Description: NE¼, NE¼, S20, T25S, R24E, Bourbon County

Facility Name: Fort Scott Renard & Camerlink (West) Quarry  
 Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is a limestone quarrying and crushing operation with no washing. Outfall 001 consists of pit dewatering and stormwater runoff, when pumping occurs. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective

date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

**Public Notice No. KS-PT-09-003**

Name and Address of Applicant	Receiving Facility	Type of Discharge
Fashion Inc. 1019 North St. Ottawa, KS 66067	Ottawa POTW	Process Wastewater

Kansas Permit No. P-MC31-OO02      Federal Tracking No. KSP000083

Facility Description: The proposed action is to reissue an existing pretreatment permit for this facility. This facility manufactures metal canopies for fuel stations by fabricating steel. Steel parts are phosphated prior to being painted, using a five-stage conversion coating operation that prepares the steel for paint. Wastewater from process tanks is discharged on a batch basis and contaminated rinse water is discharged continuously when the process is operating. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH, as well as monitoring of effluent flow. The permit limits are pursuant to state and federal pretreatment requirements.

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 May 30 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-09-122/126, KS-Q-09-042/248, KS-PT-09-003) 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.kdheks.gov/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. 036985

## 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. Hanson Engineering, L.C. has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Hanson Engineering, L.C., 12411 Road J, Liberal, owns and operates a natural gas sweetening plant located at NE-NE Section 1, T22S, R16W, Liberal. The facility is designed to extract hydrogen sulfide from a natural gas stream, and then reduce the extracted hydrogen sulfide to sulfur dioxide, carbon dioxide and water vapor by flaring.

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 Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact Ethel Evans, (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 Sergio Guerra, 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 1.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business June 1 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. 036967

## 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 construction permit. Oneok Field Services has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300. Emissions of NOx and CO were evaluated during the permit review process.

Oneok Field Services, Tulsa, Oklahoma, owns and operates the Scott City Gas Plant located at Section 16, T18S, R33W, Scott County, Kansas, at which one new 730-HP Waukesha engine will be installed.

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 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 Ethyl Evans, (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 1.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business June 1 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 036976

**State of Kansas**  
**State Conservation Commission**

**Notice to Contractors**

Sealed bids for detention dams, sites B-46 in Atchison County and C-11 in Jackson County (rehabilitation, pipe replacements), will be received by the Delaware Watershed Joint District No. 10 at 125 W. 4th, P.O. Box 70, Holton, 66436-0070, (785) 364-4309, until 1:30 p.m. May 27 and then opened. A copy of the invitation for bids and the rehabilitation plans and specifications can be reviewed and/or obtained from the district office.

Greg A. Foley  
 Executive Director

Doc. No. 036982

**State of Kansas**  
**Kansas State University**

**Notice to Bidders**

Kansas State University encourages interested vendors to visit the Kansas State University Controller's Office/Purchasing Web site at <http://www.ksu.edu/purchasing/rfq> for a complete listing of all transactions for which Kansas State University Purchasing, or one of the consortia commonly utilized by K-State, is seeking competitive bids. Paper postings of Kansas State University Purchasing's bid transactions may be viewed at the Purchasing Office, 21 Anderson Hall, Manhattan, or persons may contact Purchasing at (785) 532-6214, by fax at (785) 532-5577, or by e-mail at [cbishop@ksu.edu](mailto:cbishop@ksu.edu) to request a copy of a current bid.

Carla Bishop  
 Director of Purchasing

Doc. No. 036963

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

**Notice of Hearing**

A public hearing will be conducted at 1 p.m. Monday, June 1, at the Topeka and Shawnee County Public Library, Marvin Auditorium 101A, 1515 S.W. 10th Ave., Topeka, to amend the SFY 2009 Kansas Water Pollution Control Revolving Fund (KWPCRF) 2009 Project Priority List and Intended Use Plan (IUP). These amendments would identify the use of American Recovery and Reinvestment Act funds made available to the program for innovative green infrastructure projects. The draft amended SFY 2009 IUP will be posted on the KDHE Web site at <http://www.kdheks.gov/nps/index.html> on or about May 27.

Any individual with a disability may request accommodation to participate in the public hearing. Requests for accommodation should be made at least five working days before the hearing by contacting Lisa Duncan-Edes at (785) 296-4195.

Any questions should be directed by e-mail to [kwedel@kdheks.gov](mailto:kwedel@kdheks.gov) or sent to Kerry Wedel, Chief, Watershed Management Section, Bureau of Water, KDHE, Suite 420, Curtis State Office Building, 1000 S.W. Jackson,

Topeka, 66612-1367. Comments can be presented at the hearing, or by e-mail or in writing prior to the hearing.

Roderick L. Bremby  
 Secretary of Health  
 and Environment

Doc. No. 036977

**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 construction permit. Cargill Meat Solutions Corporation-Dodge City has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300.

Cargill Meat Solutions Corporation-Dodge City, 151 N. Main St., Wichita, owns and operates a meat packing plant located at East Highway 154, Fort Dodge Road, Dodge City, at which a new meat plant is to be constructed.

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 Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Gerald McIntyre, (785) 296-8548, at the KDHE central office; and to review the proposed permit only, contact Ethel Evans, (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 Gerald McIntyre, 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 1.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business June 1 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby  
 Secretary of Health  
 and Environment

Doc. No. 036968

## State of Kansas

**Advisory Committee on Trauma****Notice of Meeting**

The Advisory Committee on Trauma will meet from 10 a.m. to 3 p.m. Wednesday, May 13, in the Administrative Conference Center, Room 8, second floor, Stormont-Vail Medical Center, 1500 S.W. 10th Ave., Topeka. For more information, contact the KDHE Office of Local and Rural Health at (785) 296-3180.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 0936980

(Published in the Kansas Register April 30, 2009.)

**City of Colby, Kansas****Notice of Intent to Seek Private Placement  
General Obligation Bonds, Series 2009-1**

Notice is hereby given that the city of Colby, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$360,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated April 21, 2009.

Joni L. Ketchum  
Clerk

Doc. No. 036987

(Published in the Kansas Register April 30, 2009.)

**Unified School District No. 446  
Montgomery County, Kansas  
(Independence)****Notice of Intent to Seek Private Placement  
General Obligation Bonds, Series 2009-1**

Notice is hereby given that Unified School District No. 446, Montgomery County, Kansas (Independence) (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$2,000,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated March 9, 2009.

Dala Loomer  
Clerk

Doc. No. 036986

## 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:

05/12/2009	12186	Bituminous Plant Mixture (District #2)
05/13/2009	12184	Marketing Plan — Kansas Advanced Traveler Information System (ATIS)
05/14/2009	12164	DME (Wheelchairs) and Related Equipment and Supplies
05/18/2009	12197	All Labor and Materials to Construct Metal Building
05/18/2009	12200	Trimble Navigation Equipment
05/19/2009	12185	Steam, Pumping Traps and Accessories
05/22/2009	12179	Courier Services
05/27/2009	12180	Low Level Radioactive Waste Disposal Service
06/03/2009	11988	Actuarial and Consulting Services

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

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

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

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

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

05/14/2009	A-011034	Military Science Annex Raze Building, University of Kansas, Lawrence
05/19/2009	A-010963	Nichols Hall Masonry Repairs, Clean and Seal, University of Kansas, Lawrence
05/19/2009	A-010966	Lied Center Reroof, University of Kansas, Lawrence
05/19/2009	A-010858	Anschutz Library Weatherproof Window Wall, University of Kansas, Lawrence
05/21/2009	A-010407	Kansas Law Enforcement Training Center, Capital Improvements, Phase 2 Bid Package 1, University of Kansas, Lawrence
05/21/2009	A-010407(A)	Kansas Law Enforcement Training Center Capital Improvements — Phase 2, University of Kansas, Lawrence
05/28/2009	A-010962	Marvin Hall, New Windows, University of Kansas, Lawrence



05/28/2009 A-010965 Spencer Research Library  
Tuckpoint and Masonry  
Repairs, University of Kansas,  
Lawrence

Chris Howe  
Director of Purchases

Doc. No. 036995

(Published in the Kansas Register April 30, 2009.)

**Summary Notice of Bond Sale  
Unified School District No. 232  
Johnson County, Kansas  
\$25,000,000**

**General Obligation School Bonds, Series 2009**

**(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated March 30, 2009, written and electronic bids will be received on behalf of the clerk of the Unified School District No. 232, Johnson County, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 11 a.m. May 18, 2009, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2009, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2013	\$795,000
2014	910,000
2015	725,000
2016	595,000
2017	740,000
2018	880,000
2019	1,135,000
2020	1,195,000
2021	1,220,000
2022	1,305,000
2023	1,400,000
2024	1,760,000
2025	2,075,000
2026	2,190,000
2027	2,365,000
2028	2,735,000
2029	2,975,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2010.

**Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$500,000.

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 9, 2009, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2008 is \$444,597,268. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$172,305,000.

**Approval of Bonds**

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

**Additional Information**

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

**Written and Facsimile Bid and Good Faith Deposit**

**Delivery Address:**

Wendy S. Denham, Clerk  
35200 W. 91st St.  
De Soto, KS 66018  
(913) 667-6200  
Fax (913) 667-6201  
E-mail: wdenham@usd232.org

**Financial Advisor:**

George K. Baum & Company  
4801 Main St., Suite 500  
Kansas City, MO 64112  
Attn: Roger Edgar  
(816) 474-1100

Dated March 30, 2009.

Unified School District No. 232  
Johnson County, Kansas

\*Preliminary; subject to change.

Doc. No. 036992

(Published in the Kansas Register April 30, 2009.)

**Summary Notice of Bond Sale  
City of Manhattan, Kansas**

**\$3,830,000**

**General Obligation Bonds, Series 2009-A**

**(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated April 21, 2009, written and electronic bids will be received on behalf of the director of finance of the city of Manhattan, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. May 19, 2009, for the purchase of the above-referenced bonds. No bid of less than \$3,799,360 and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2009, and will become due on November 1 in the years as follows:

Year	Principal Amount
2010	\$165,000
2011	165,000
2012	170,000
2013	175,000
2014	175,000
2015	180,000
2016	185,000
2017	185,000
2018	195,000
2019	200,000
2020	170,000
2021	175,000
2022	180,000
2023	190,000
2024	195,000
2025	205,000
2026	215,000
2027	225,000
2028	235,000
2029	245,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning November 1, 2009.

**Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial

surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$76,600.

**Delivery**

The issuer will pay for printing the Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 8, 2009, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2008 is \$468,037,443. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$105,970,000; such amount includes the issuer's temporary notes in the principal amount of \$2,665,000, also dated as of the dated date, which will be issued on the closing date. Temporary notes in the principal amount of \$4,960,000 will be retired out of proceeds of the bonds, proceeds of the notes and other available funds, which will reduce the outstanding general obligation indebtedness of the issuer to \$101,010,000.

**Approval of Bonds**

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

**Additional Information**

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

**Written Bid and Good Faith Deposit****Delivery Address:**

Elizabeth Peterson, City Treasurer  
City Hall, First Floor  
1101 Poyntz Ave.  
Manhattan, KS 66502-5497  
(785) 587-2465  
Fax (785) 587-2409  
E-mail: peterson@ci.manhattan.ks.us

**Financial Advisor—Facsimile Bid and Good Faith****Deposit Delivery Address:**

Springsted Incorporated  
380 Jackson St., Suite 300  
St. Paul, MN 55101-2887  
(651) 223-3000  
Fax (651) 223-3046  
E-mail: advisors@springsted.com

Dated April 21, 2009.

City of Manhattan, Kansas  
By: Bernie Hayden  
Director of Finance

Doc. No. 036981

## 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, is 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. 036964

## State of Kansas

## Board of Cosmetology

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, July 13, in the conference room of the Kansas Board of Cosmetology, 714 S.W. Jackson, Suite 100, Topeka, to consider adoption of proposed changes in existing regulation K.A.R. 69-3-8.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving public comments on the proposed amended regulation. All interested parties may submit written comments at least seven days prior to the hearing to the executive director of the Kansas Board of Cosmetology, 714 S.W. Jackson, Suite 100, Topeka, 66603, or to [kboc@kboc.state.ks.us](mailto:kboc@kboc.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation shall be made at least five working days in advance of the hearing by contacting Lisa Florez at (785) 296-3155. Handicapped parking spaces are located on the east side of Jackson Street. The entrance to the board office is accessible to individuals with disabilities.

This regulation is proposed for adoption on a permanent basis. A summary of the amended regulation and its economic impact follows:

**K.A.R. 69-3-8. Curricula and credits.** This amended regulation implements a revision in the number of clock hours required for the esthetics curricula. Coupled with consumer demand for skin care services and the board's responsibility to protect the consumer's health and welfare, the board undertook a study of the current esthetic

curricula, which requires 650 clock hours for licensure. With input from current licensees, newly licensed estheticians and school instructors, it was determined that to better safeguard the consumer an increase in the instructional and practical esthetic training hours was necessary. During the 2008 legislative session, law was enacted to increase the esthetics curricula from 650 clock hours to 1,000 clock hours.

There is minimal economic impact to the Kansas Board of Cosmetology. No other state agency shall be economically impacted. It is anticipated schools may increase student tuition and fees due to the increased esthetic curriculum hours. Students attending accredited schools are eligible for U.S. Department of Education financial assistance. Consumer services may be economically impacted due to the increased required instruction and practical training.

Copies of the regulation and economic impact statement may be obtained from the Kansas Board of Cosmetology at the address above or by accessing the board's Web site at [www.accesskansas.org/kboc](http://www.accesskansas.org/kboc).

Mary Lou Davis  
Executive Director

Doc. No. 036978

## State of Kansas

## Department of Wildlife and Parks

Permanent Administrative  
Regulations

## Article 4.—BIG GAME

**115-4-11. Big game and wild turkey permit applications.** (a) General application provisions.

(1) Unless otherwise authorized by law or regulation, an individual shall not apply for or obtain more than one antlered or horned big game or wild turkey permit for each big game species or wild turkey, except when the individual is unsuccessful in a limited quota drawing and alternative permits for the species are available at the time of subsequent application.

(2) Unless otherwise authorized by law or regulation, each big game or wild turkey permit application shall be signed by the individual applying for the permit.

(3) Subject to any priority draw system established by this regulation, if the number of permit applications of a specific species and type received by the designated application deadline exceeds the number of available permits of that species and type, a random drawing to issue permits of that species and type shall be conducted by the secretary.

(4) A hunt-on-your-own-land permit shall not be tabulated in a priority draw system if the permit would otherwise reduce the applicant's odds of receiving a big game permit through that draw system.

(b) Deer permit applications.

(1) Subject to any priority draw system established by this subsection, in awarding deer permits in units having a limited number of permits, the first priority shall be given to those applicants who did not receive, in the pre-

(continued)

vious year, a deer permit that allowed the taking of an antlered deer. All other deer permit applicants shall be given equal priority.

(2) In awarding a limited number of deer permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a deer permit that allows the taking of an antlered deer.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a deer permit that allows the taking of an antlered deer, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a deer permit that allows the taking of antlered deer and not receive a permit, the person may apply for and receive a preference point by paying the proper application or preference point fee and making application during the application period specified in K.A.R. 115-25-9. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(c) Firearm antelope permit applications. In awarding firearm antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining a firearm antelope permit.

(2) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(3) If an applicant obtains a firearm permit, all earned points shall be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual desires to apply for a preference point for an antelope firearms permit that allows the taking of an antelope and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and making application during the application period specified in K.A.R. 115-25-7. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(d) Elk permit applications. An individual receiving a limited-quota elk permit shall not be eligible to apply for or receive an elk permit in subsequent seasons, with the following exceptions:

(1) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(2) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(3) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(A) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(B) If an individual fails to make at least one application or purchase one bonus point within a period of five consecutive years, all earned bonus points shall be lost.

(C) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an elk, all earned points shall be lost.

(D) If an individual desires to apply for a bonus point for an elk permit that allows the taking of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and making application during the application period specified in K.A.R. 115-25-8. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first priority shall be given to those individuals who did not receive a permit in a limited wild turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and making application during the application period specified in K.A.R. 115-25-6. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit. (Authorized by K.S.A. 32-807, K.S.A. 2008 Supp. 32-937, and K.S.A. 2008 Supp. 32-969; implementing K.S.A. 2008 Supp. 32-937 and K.S.A. 2008 Supp. 32-969; effective Sept. 10, 1990; amended May 27, 1991; amended June 1, 2001; amended April 18, 2003; amended Feb. 18, 2005; amended May 15, 2009.)

#### Article 8.—DEPARTMENT LANDS AND WATERS

**115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms.** (a) Subject to provisions and restrictions as established by posted notice or as specified in the document adopted by reference in subsection (e), the following activities shall be allowed on department lands and waters:

(1) Hunting during open seasons for hunting on lands and waters designated for public hunting;

(2) furharvesting during open seasons for furharvesting on lands and waters designated for public hunting and other lands and waters as designated by the department;

(3) target practice in areas designated as open for target practice; and

(4) noncommercial training of hunting dogs.

(b) Other than as part of an activity under subsection (a), the discharge of firearms and other sport hunting equipment capable of launching projectiles shall be allowed on department lands and waters only as specifically authorized in writing by the department.

(c) The discharge of fully automatic rifles or fully automatic handguns on department lands and waters shall be prohibited.

(d) Department lands and waters shall be open neither for commercial rabbit and hare furharvesting nor for commercial harvest of amphibians and reptiles.

(e) The department's "KDWP fisheries and wildlife division public land special use restrictions," dated January 7, 2009, is hereby adopted by reference. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807; effective Dec. 4, 1989; amended July 13, 2001; amended May 16, 2008; amended May 15, 2009.)

J. Michael Hayden  
Secretary of Wildlife  
and Parks

Doc. No. 036971

#### State of Kansas

#### Office of the Securities Commissioner

#### Permanent Administrative Regulations

#### Article 5.—EXEMPTIONS

**81-5-14. Notice filings and fees for offerings of investment company securities.** (a) Before the initial offer in this state of a security that is a federal covered security as described in K.S.A. 17-12a302(a) and amendments thereto, an investment company shall file the following for each portfolio or series:

(1) A notice of intention to sell on form NF, completed in accordance with the instructions to the form; and

(2) a filing fee of \$500 for a unit investment trust or \$750 for a portfolio or series of an investment company other than a unit investment trust.

(b) Upon written request of the administrator and within the time period specified in the request, an investment company that has filed a registration statement under the securities act of 1933 shall file a form U-2 and a copy of any other requested document that is part of the registration statement or an amendment to the registration statement filed with the SEC.

(c) Each notice filed under subsection (a) shall be effective for one year as provided by K.S.A. 17-12a302(b), and amendments thereto. The notice may be renewed on or before expiration by filing a form NF and the appropriate fee as specified under paragraph (a)(2).

(d) If an investment company has filed a notice under subsection (a) and the name of the investment company, portfolio, or series changes, the investment company shall file an additional form NF and pay a fee of \$100 for each portfolio or series of the investment company that is affected by a name change before the initial offer in this state of a security under the new name. The investment company shall indicate the former name of the investment company, portfolio, or series on the new form NF.

(e) If an investment company desires confirmation of filing or effectiveness of a form NF, the investment company shall file an additional copy of form NF with an addressed return envelope or shall obtain confirmation through an electronic filing system as provided under subsection (f).

(f) Any investment company may file notice filings and fees electronically through a centralized securities registration depository or other electronic filing system, in accordance with the procedures and controls established by that depository or system and approved by the administrator. (Authorized by and implementing K.S.A. 17-12a302 and K.S.A. 17-12a605(a); effective Dec. 19, 1997; amended Jan. 19, 2007; amended May 15, 2009.)

Chris Biggs  
Kansas Securities Commissioner

Doc. No. 036994

## State of Kansas

## Board of Healing Arts

Permanent Administrative  
Regulations

## Article 28a.—PHYSICIAN ASSISTANTS

**100-28a-10. Supervision and direction; adequacy.**

Direction and supervision of the physician assistant shall be considered to be adequate if the responsible physician meets all of the following requirements: (a) At least annually, reviews and evaluates the professional competency of the physician assistant;

(b) at least annually, reviews any drug prescription protocol and determines if any modifications, restrictions, or terminations are required. Each of these changes shall be conveyed to the physician assistant and set forth in all copies of the protocol required by K.A.R. 100-28a-9 to be maintained and provided;

(c) engages in the practice of medicine and surgery in this state;

(d) ensures that the physician assistant has a current license issued by the board. The responsible physician shall obtain a certified copy of the license or verification of licensure from the board;

(e) within 10 days, reports to the board any knowledge of disciplinary hearings, formal hearings, public or private censure, or other disciplinary action taken against the physician assistant by any state's licensure or registration authority or any professional association;

(f) within 10 days, reports to the board any litigation or the termination of responsibility by the responsible physician alleging conduct by the physician assistant that would constitute grounds for disciplinary action under the physician assistant licensure act;

(g) at least every 14 days, reviews all records of patients treated by the physician assistant and authenticates this review in the patient record;

(h) reviews patient records and authenticates the review in each patient record within 48 hours of treatment provided by the physician assistant if the treatment provided in an emergency exceeded the authority granted to the physician assistant by the responsible physician request form required by K.A.R. 100-28a-9;

(i) provides for a designated physician to provide supervision and direction on each occasion when the responsible physician is temporarily absent, is unable to be immediately contacted by telecommunication, or is otherwise unavailable at a time the physician assistant could reasonably be expected to provide professional services; and

(j) delegates to the physician assistant only those acts that constitute the practice of medicine and surgery that the responsible physician believes or has reason to believe can be competently performed by the physician assistant, based upon the physician assistant's background, training, capabilities, skill, and experience. (Authorized by K.S.A. 2008 Supp. 65-28a03; implementing K.S.A. 65-28a02; effective, T-100-2-13-01, Feb. 13, 2001; effective June 1, 2001; amended May 15, 2009.)

## Article 55.—RESPIRATORY THERAPY

**100-55-9. Special permits.** (a) Each student who holds a special permit shall be identified as a student respiratory therapist or "student R.T." by a name tag that includes the student's job title.

(b) A special permit shall be valid for a period not to exceed 24 months and shall not be extended without additional proof that the student continues to be enrolled in an approved school of respiratory therapy.

(c) During February of each year, each student who holds a special permit shall provide the following to the board:

(1) Verification of current enrollment in an approved school of respiratory therapy; and

(2) a statement of the anticipated graduation date.

(d) Each special permit issued to a student who fails to meet the requirements under subsection (c) shall expire on March 31 of the year in which the verification and statement were to be provided.

(e) Each applicant for a special permit shall have a task proficiency list verified and submitted directly to the board by the school of respiratory therapy. The task proficiency list may be updated at the end of each session by the school of respiratory therapy. Each holder of a special permit shall perform only those tasks verified on the most recent task proficiency list that has been submitted directly to the board.

(f) Before engaging in any clinical assignments, each holder of a special permit shall present the current task proficiency list to the employer.

(g) Each licensed respiratory therapist responsible for the supervision of a student holding a special permit shall meet the requirements for supervision specified in K.A.R. 100-55-11(d). (Authorized by K.S.A. 65-5505; implementing K.S.A. 65-5508; effective Jan. 3, 1997; amended June 30, 2000; amended May 23, 2003; amended May 15, 2009.)

## Article 69.—ATHLETIC TRAINING

**100-69-10. License renewal; continuing education.** (a) As a condition of renewal, each licensed athletic trainer shall submit, in addition to the annual application for renewal of licensure, evidence of satisfactory completion of a minimum of 20 hours of continuing education within the preceding year.

(b) Any licensee who suffered an illness or injury during the 12-month period before the expiration date of the license that made it impossible or extremely difficult to reasonably obtain the required continuing education hours may be granted an extension of not more than six months.

(c) Each athletic trainer initially licensed within one year of the expiration date of the license shall be exempt from the continuing education required by subsection (a) for that first renewal period.

(d) All continuing education shall be related to the field of athletic training and shall be presented by providers approved by the board.

(e) One hour shall be 60 minutes of instruction or the equivalent.

(f) All continuing education shall meet the requirements of subsection (g).

(g) The categories of continuing education experiences shall be the following:

(1) Category A. The number of hours for all category A continuing education experiences shall be granted upon receipt of documented evidence of attendance or documented evidence of satisfactory completion issued by a national, state, or local organization with standards that are at least as stringent as the standards of the board. Category A continuing education experiences shall include the following:

(A) Symposium. "Symposium" shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.

(B) Seminar. "Seminar" shall mean directed advanced study or discussion in a specific field of interest.

(C) Workshop. "Workshop" shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest.

(D) Conference. "Conference" shall mean a formal meeting of a number of people for a discussion in a specific field of interest.

(E) Home study course. "Home study course" shall mean a correspondence course designed for advanced study in a specific field of interest.

(2) Category B. Category B continuing education experiences shall include the following:

(A) Leadership activities. The number of hours granted for leadership activities shall be the following:

(i) 10 hours for a speaker at a clinical symposium where the primary audience is allied health care professionals;

(ii) five hours for a panelist at a clinical symposium where the primary audience is allied health care professionals;

(iii) 20 hours for participating in the United States Olympic committee's two-week volunteer training center; and

(iv) five hours for serving as an examiner or patient model for an examination approved by the board for athletic trainers.

(B) Publication activities. The number of hours granted for writing a professional publication shall be the following:

(i) Five hours to author an article in a non-refereed journal;

(ii) 15 hours to author an article in a refereed journal;

(iii) 10 hours to coauthor an article in a refereed journal;

(iv) 40 hours to author a published textbook;

(v) 20 hours to coauthor a published textbook;

(vi) 10 hours for being a contributing author of a published textbook;

(vii) 10 hours to author a refereed or peer-reviewed poster presentation; and

(viii) five hours to coauthor a poster presentation.

(3) Category C. The number of hours assigned to category C continuing education experiences shall be the following:

(A) 10 hours for each credit hour for postcertification education; and

(B) classes in one of the six domains of athletic training:

(i) Prevention of athletic injuries;

(ii) recognition, evaluation, and assessment of athletic injuries;

(iii) treatment, rehabilitation, and reconditioning of athletic injuries;

(iv) health care administration;

(v) professional development and responsibility; and

(vi) immediate care of athletic injuries.

(4) Category D. Five hours shall be granted for satisfactory completion of CPR courses provided by the American red cross, American heart association, national safety council, and the international affiliates of each of these organizations.

(5) Category E. The number of hours granted upon receipt of documented evidence of satisfactory completion for category E continuing education experiences shall be the following:

(A) One hour shall be granted for each hour of attendance at continuing education program activities that are not approved by the board for category A or category B, but that are related to specific athletic training and sports medicine topics.

(B) One hour shall be granted for each hour of listening to continuing education program audiotapes or other multimedia products related to specific athletic training and sports medicine topics.

(h) Continuing education requirements shall be obtained by participation in two or more of the categories listed in subsection (g).

(i) No credit shall be granted for making any repeated presentations of the same subject matter.

(j) No credit shall be granted for reiteration of material or information obtained from attendance at a continuing education program.

(k) To provide evidence of satisfactory completion of continuing education, the following shall be submitted to the board:

(1) Documented evidence of attendance at category A and category E activities;

(2) proof of participation in category B activities, which shall include a copy of any professional publication or any presentation, or a certification of leadership activity;

(3) receipt and personal verification of self-instruction from home study courses;

(4) a copy of each transcript or grade report for category C activities;

(5) a copy of the CPR card or certificate for a category D course; and

(6) personal verification of listening to or viewing continuing education program videotapes, audiotapes, or other multimedia products. (Authorized by K.S.A. 2007 Supp. 65-6905; implementing K.S.A. 2007 Supp. 65-6905 and 65-6909; effective Jan. 9, 1998; amended Nov. 15, 2002; amended Sept. 9, 2005; amended May 15, 2009.)

Jack Confer  
Executive Director

Doc. No. 036970

## State of Kansas

## Board of Emergency Medical Services

Permanent Administrative  
Regulations

## Article 5.—CONTINUING EDUCATION

**109-5-2. Documentation for continuing education.**

(a) Each attendant, training officer, and instructor-coordinator shall keep documentation of completion of approved continuing education for at least three years and shall provide this documentation to the board upon request by the executive director.

(b) Any of the following forms of documentation shall be accepted as proof of completion of continuing education:

(1) A transcript from a postsecondary educational institution with a course grade indicating pass, satisfactory completion, or a letter grade of C or higher for a course completed during the recertification period as specified in K.A.R. 109-5-1;

(2) a signed certificate of attendance from a provider of an approved EMS initial course of instruction that indicates the number of clock-hours attended for auditing the course;

(3) a signed certificate of attendance from a provider of an approved continuing education program;

(4) a signed certificate of attendance from the examination or site coordinator that the attendant participated as a lab assistant at an examination site;

(5) a signed statement and completed evaluation from a clinical training faculty member that the attendant completed clinical training at a medical facility;

(6) a signed certificate of attendance of a distance learning course approved by CECBEMS or the board; or

(7) a signed certificate of attendance of a continuing education course approved by CECBEMS.

(c) An acceptable certificate of attendance shall include the following:

(1) The name of the provider of the continuing education course;

(2) the name of the attendant being issued the certificate;

(3) the title of the course;

(4) the date or dates on which the course was conducted;

(5) the location where the course was conducted;

(6) the amount of approved continuing education credit issued to the attendant for attending the course;

(7) the course identification number issued by the board or by CECBEMS; and

(8) the printed name and signature of the person authorized by the provider to issue the certificate. (Authorized by K.S.A. 65-6111, as amended by L. 2008, ch. 47, sec. 1; implementing K.S.A. 65-6129, as amended by L. 2008, ch. 78, sec. 2, K.S.A. 65-6129b, and K.S.A. 65-6129c; effective, T-88-12, July 15, 1987; amended May 1, 1988; amended July 17, 1989; amended Nov. 12, 1999; amended May 15, 2009.)

**109-5-3. Continuing education approval for long-term providers.** (a) An application may be made to the board to become an approved long-term provider of continuing education training as defined in K.A.R. 109-1-1.

(b) Each provider desiring training program approval as a long-term provider of continuing education courses shall meet the following requirements:

(1) Submit a complete application to the executive director for long-term provider approval. The applicant shall allow up to 30 calendar days for the administrator to review the application. A complete application shall include the following:

(A) A complete application form provided by the board that includes the signatures of the program manager and the medical advisor; and

(B) a long-term continuing education training program management plan that describes how the requirements of paragraphs (b)(2) through (9) will be accomplished;

(2) appoint a training program manager who will serve as the liaison to the board. The training program manager for ambulance services, fire departments, other officially organized public safety agencies, corporations, and professional associations shall be a certified instructor-coordinator or training officer. The training program manager for postsecondary educational institutions and hospitals shall have training and experience in coordinating educational offerings. The training program manager shall sign and date the application;

(3) appoint a physician who will serve as the medical advisor for the training program;

(4) provide a sufficient number of lab instructors to maintain a student-to-instructor ratio of 6:1 during laboratory training sessions;

(5) provide a sufficient quantity of EMS training equipment to maintain a student-to-equipment ratio of 6:1 during laboratory training sessions;

(6) provide to each student, upon request, the following:

(A) A course schedule that includes the date and time of each class lesson, the title of each lesson, and the name of the instructor and the instructor's qualifications to teach each lesson; and

(B) a certificate of attendance that includes the name of the training program, a statement that the training program has been approved by the board as a long-term provider of continuing education training, the title of the continuing education offering, the date and location of the continuing education offering, the amount of continuing education credit awarded to each participant for the offering, the course identification number issued by the board, and the printed name and signature of the program manager;

(7) maintain training program records and continuing education course records for at least three years. The records that shall be maintained are as follows:

(A) A copy of all documents required to be submitted with the application for training program approval;

(B) student attendance rosters;

(C) course educational objectives; and

(D) master copies and completed copies of each student's evaluations of the educational offerings;

(8) establish a continuing education program quality management plan that includes the following:

(A) A description of the training needs assessment used to determine the continuing education courses to be conducted;



(B) a description of the training program evaluations to be conducted and a description of how a review and analysis of the completed evaluations by the training program's medical advisor and the training program manager will be conducted;

(C) equipment use, maintenance, and cleaning policies; and

(D) training program infection-control policies; and

(9) submit quarterly reports to the executive director that include the following:

(A) The date, title, and location of each EMS continuing education course offered;

(B) the amount of EMS continuing education credit issued for each EMS course offered; and

(C) the printed name and signature of the training program manager.

(c) Training program approval as a long-term provider of continuing education courses shall be for a period of not more than 60 months and may be renewed by the executive director following receipt of an application for renewal of training program approval. The application shall be complete and shall be received in the board's office no later than 30 calendar days before expiration of the approval. Incomplete applications shall not be reviewed for determination of renewal approval.

(d) Each approved long-term provider of continuing education training shall provide the executive director with a copy of all training program records and continuing education course records upon the executive director's request. (Authorized by and implementing K.S.A. 65-6111, as amended by L. 2008, ch. 47, sec. 1; effective, T-88-12, May 18, 1987; amended, T-88-24, July 15, 1987; amended May 1, 1988; amended July 17, 1989; amended Nov. 12, 1999; amended May 15, 2009.)

**109-5-6. Single-program approval for providers of continuing education.** (a) Any entity specified in K.A.R. 109-1-1(bb) may submit an application to the executive director to conduct single-program continuing education.

(b) Each provider of single-program continuing education shall meet the following requirements:

(1) Submit a complete application for single-program approval to the executive director at least 30 days before the requested offering. A complete application shall include the following:

(A) The signatures of the program manager and the program medical advisor; and

(B) a course schedule that includes the date and time of each continuing education program, the title of each continuing education topic in the program, and the instructor;

(2) provide each student with a certificate of attendance that includes the following:

(A) The name of the continuing education program;

(B) a statement that the continuing education program has been approved by the board;

(C) the title of the continuing education program;

(D) the date and location of the continuing education program;

(E) the amount of continuing education credit completed by the attendant for the continuing education program;

(F) the board-assigned course identification number; and

(G) the printed name and signature of the program coordinator; and

(3) maintain the following records for at least three years:

(A) A copy of all documents required to be submitted with the application for single-program approval;

(B) a copy of the curriculum vitae or other documentation of the credentials for each instructor and lab instructor;

(C) student attendance records;

(D) course educational objectives; and

(E) completed copies of student evaluations of the educational offering.

(c) Upon request by the executive director, each provider of single-program continuing education shall provide a copy of all continuing education program records and continuing education course records. (Authorized by and implementing K.S.A. 65-6111, as amended by L. 2008, ch. 47, sec. 1; effective May 15, 2009.)

#### Article 6.—TEMPORARY CERTIFICATION

**109-6-3.** (Authorized by K.S.A. 2001 Supp. 65-6110, 65-6111; implementing K.S.A. 2001 Supp. 65-6129; effective, T-109-8-8-00, Aug. 8, 2000; effective Nov. 13, 2000; amended Aug. 30, 2002; revoked May 15, 2009.)

#### Article 15.—CERTIFICATION

**109-15-1. Reinstating attendant certificate after expiration.** (a) The certificate of a person who applies for attendant certification within 31 calendar days after the person's certificate has expired may be reinstated by the board if the person meets the following requirements:

(1) Applies to the board on board-approved forms;

(2) pays the applicable fee specified in K.A.R. 109-7-1; and

(3) has met the continuing education requirements for the certification level held during the previous certification period.

(b) The certificate of a person who applies for reinstatement of attendant certification more than 31 days but less than two years after the person's certificate has expired may be reinstated by the board if the applicant meets the following requirements:

(1) Applies to the board on board-approved forms;

(2) pays the applicable fee specified in K.A.R. 109-7-1; and

(3) has completed the required amount of documented and board-approved continuing education for the appropriate level of certification as follows:

(A) For each first responder, at least 32 clock-hours;

(B) for each EMT, at least 56 clock-hours;

(C) for each EMT-I, at least 72 clock-hours;

(D) for each EMT-D, at least 72 clock-hours;

(E) for each EMT-I who is also certified as an EMT-D, at least 88 clock-hours; and

(F) for each MICT, at least 120 clock-hours.

(c) Only board-approved and documented continuing education obtained during the biennial period immedi-

*(continued)*

ately preceding the expiration of certification and continuing education obtained during the biennial period immediately after expiration of certification shall be accepted for the requirement of paragraph (b)(3).

(d) The certificate of a person who applies for reinstatement of attendant certification two or more years after the person's certificate expires may be reinstated by the board if the applicant meets the following requirements:

(1) Applies to the board on board-approved forms;  
 (2) pays the applicable fee specified in K.A.R. 109-7-1;  
 (3) has completed continuing education applicable to the attendant level sought, according to the following time frames:

(A) For applications submitted two or more years but less than four years after certificate expiration, the following amounts of continuing education:

(i) For each first responder, at least 64 clock-hours;  
 (ii) for each EMT, at least 112 clock-hours;  
 (iii) for each EMT-I, at least 144 clock-hours;  
 (iv) for each EMT-D, at least 144 clock-hours;  
 (v) for each EMT-I who is also certified as an EMT-D, at least 176 clock-hours; and

(vi) for each MICT, at least 240 clock-hours;  
 (B) for applications submitted four or more years but less than six years after certificate expiration, following amounts of continuing education:

(i) For each first responder, at least 128 clock-hours;  
 (ii) for each EMT, at least 224 clock-hours;  
 (iii) for each EMT-I, at least 288 clock-hours;  
 (iv) for each EMT-D, at least 288 clock-hours;  
 (v) for each EMT-I who is also certified as an EMT-D, at least 352 clock-hours; and

(vi) for each MICT, at least 480 clock-hours;  
 (C) for applications submitted six or more years but less than eight years after certificate expiration, the following amounts of continuing education:

(i) For each first responder, at least 256 clock-hours;  
 (ii) for each EMT, at least 448 clock-hours;  
 (iii) for each EMT-I, at least 576 clock-hours;  
 (iv) for each EMT-D, at least 576 clock-hours;  
 (v) for each EMT-I who is also certified as an EMT-D, at least 704 clock-hours; and

(vi) for each MICT, at least 960 clock-hours;  
 (D) for applications submitted eight or more years after certificate expiration, the following amounts of continuing education:

(i) For each first responder, at least 512 clock-hours;  
 (ii) for each EMT, at least 896 clock-hours;  
 (iii) for each EMT-I, at least 1,152 clock-hours;  
 (iv) for each EMT-D, at least 1,152 clock-hours;  
 (v) for each EMT-I who is also certified as an EMT-D, at least 1,408 clock-hours; and

(vi) for each MICT, at least 1,920 clock-hours;  
 (4) has completed continuing education applicable to the attendant level sought during the two years immediately preceding or immediately following application for reinstatement;

(5) provides documentation of successful completion of a United States department of transportation refresher training course that includes both cognitive and psychomotor examinations approved by the administrator or

administrator's designee at the level for which the individual is requesting reinstatement; and

(6) provides documentation of successful completion of a cardiopulmonary resuscitation course for healthcare providers. (Authorized by K.S.A. 65-6111, as amended by L. 2008, ch. 47, sec. 1; implementing K.S.A. 65-6129, as amended by L. 2008, ch. 78, sec. 2; effective May 15, 2009.)

#### **109-15-2. Recognition of non-Kansas credentials.**

(a) Any applicant who is currently certified as an attendant in another jurisdiction may apply for Kansas attendant certification by meeting the following requirements:

(1) Submitting a completed application for certification to the board;

(2) providing documentation that enables the board to determine whether the applicant's coursework is substantially equivalent to that required by Kansas for the certification level requested;

(3) providing verification that the applicant has successfully completed an examination approved by the board;

(4) providing documentation from the certifying authority that the applicant is in good standing; and

(5) paying the applicable fee specified in K.A.R. 109-7-1.

(b) Any applicant who is not currently certified as an attendant in another jurisdiction but has completed attendant coursework in another jurisdiction may apply for Kansas attendant certification by meeting the following requirements:

(1) Submitting a completed application for certification to the board;

(2) providing documentation that enables the board to determine whether the applicant's coursework is substantially equivalent to that required in Kansas for the certification level requested;

(3) successfully completing the examination for certification prescribed in K.A.R. 109-8-1 for the level of attendant certification requested; and

(4) paying the applicable fee specified in K.A.R. 109-7-1.

(c) For the purposes of this regulation, "substantially equivalent" coursework shall mean an initial course of instruction that includes at least 90 percent of the content in the United States department of transportation curriculum for the level of training sought, as required by K.A.R. 109-10-1, and the following:

(1) For first responders, emergency medical technicians-basic, and emergency medical technicians-intermediate, the Kansas enrichment modules required by K.A.R. 109-10-1; and

(2) for mobile intensive care technicians, completion of at least 90 percent of each of the following requirements specified in K.A.R. 109-10-1:

(A) The didactic hours;

(B) the clinical hours;

(C) the field internship hours; and

(D) the total number of required course hours. (Authorized by K.S.A. 65-6111, as amended by L. 2008, ch. 47, sec. 1; implementing K.S.A. 65-6129, as amended by L. 2008, ch. 78, sec. 2; effective May 15, 2009.)

Robert Waller  
 Executive Director

Doc. No. 036961

## 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 April 30, 2009.)

## SENATE Substitute for HOUSE BILL No. 2126

AN ACT concerning telecommunications; relating to providing caller location in emergency situations.

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

Section 1. (a) Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user to the requesting law enforcement agency in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

(b) Notwithstanding any other provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.

(c) No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section.

(d) The Kansas bureau of investigation shall obtain contact information for all wireless telecommunications carriers authorized to do business in the state of Kansas or submitting to the jurisdiction thereof in order to facilitate a request from a law enforcement agency for call location information in accordance with this section.

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 April 30, 2009.)

## SENATE BILL No. 44

AN ACT concerning civil procedure; relating to civil actions and civil penalties; submission of false or fraudulent claims to or the performance of fraudulent acts upon the state or a political subdivision thereof; rules of evidence; admissibility of prior acts or offenses; habeas corpus; infectious disease; amending K.S.A. 60-455 and 60-1505 and repealing the existing sections.

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

New Section 1. Sections 1 through 11, and amendments thereto, shall be known and may be cited as the "Kansas false claims act."

New Sec. 2. For purposes of this act:

(a) "Act" means the Kansas false claims act.

(b) "Claim" includes any request or demand, whether under contract or otherwise, for money, property or services made to any employee, officer or agent of the state or any political subdivision thereof or made to any contractor, grantee or other recipient if the state or any political subdivision thereof provides any portion of the money, property or services which is requested or demanded, or if the state will reimburse such contractor, grantee or other recipient for any portion of the money or property which is requested or demanded.

(c) "Political subdivision" includes political or taxing subdivisions of the state, including municipal and quasi-municipal corporations, boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups or administrative units thereof, receiving or expending and supported, in whole or in part, by public funds and any municipality as defined in K.S.A. 75-1117, and amendments thereto.

(d) "Person" includes any natural person, corporation, firm, association, organization, partnership, business or trust.

(e) "Knowing" and "knowingly" mean that a person, with respect to information, does any of the following:

- (1) Has actual knowledge of the information;
- (2) acts in deliberate ignorance of the truth or falsity of the information; or
- (3) acts in reckless disregard of the truth or falsity of the information.

New Sec. 3. (a) A person who commits any of the following acts shall be liable to the state or any affected political subdivision thereof, for three times the amount of damages which the state or such political subdivision sustains because of the act of that person and shall be liable to the state for a civil penalty of not less than \$1,000 and not more than \$11,000 for each violation. A person found to have committed any of the following acts shall be liable to the state or such affected political subdivision for all reasonable costs and attorney fees incurred in a civil action brought to recover any of those penalties or damages. The following acts constitute violations for which civil penalties, costs and attorney fees may be recovered by a civil action under this act:

(1) Knowingly presents or causes to be presented to any employee, officer or agent of the state or political subdivision thereof or to any contractor, grantee or other recipient of state funds or funds of any political subdivision thereof, a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved;

(3) defrauds the state or any political subdivision thereof by getting a false claim allowed or paid or by knowingly making, using or causing to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state or to any political subdivision thereof;

(4) has possession, custody or control of public property or money used or to be used by the state or any political subdivision thereof and knowingly delivers or causes to be delivered less property or money than the amount for which the person receives a certificate or receipt;

(5) is authorized to make or deliver a document certifying receipt of property used or to be used by the state or any political subdivision thereof and knowingly makes or delivers a receipt that falsely represents the property received;

(6) knowingly buys or receives as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property;

(7) is a beneficiary of an inadvertent submission of a false claim to any employee, officer or agent of the state or political subdivision thereof, or to any contractor, grantee or other recipient of state funds or funds of any political subdivision thereof, who subsequently discovers the falsity of the claim and fails to disclose the false claim and make satisfactory arrangements for repayment to the state or affected political subdivision thereof within a reasonable time after discovery of the false claim;

(8) conspires to commit any violation set forth in paragraphs (1) through (7), above.

(b) Notwithstanding the provisions of subsection (a), the court may assess not more than two times the amount of damages which the state or any political subdivision thereof sustains because of the act of the person in violation of paragraphs (1) through (8) of subsection (a) and no civil penalty shall be imposed, if the court finds all of the following:

(1) The person committing the violation furnished officials of the state who are responsible for investigating false claims violations with all information known to that person about the violation within 30 days after the date on which the person first obtained the information;

(continued)

(2) the person fully cooperated with any investigation by the state; and

(3) at the time the person furnished the state with information about the violation, no criminal prosecution, civil action or administrative action had commenced with respect to the violation and the person did not have actual knowledge of the existence of an investigation into the violation.

(c) In a civil action brought pursuant to subsection (a), proof of specific intent to defraud is not required. An innocent mistake shall be a defense to an action under this act.

(d) This section does not apply to claims, records or statements related to state taxation law made pursuant to chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 4. (a) The attorney general shall diligently investigate a violation under section 3, and amendments thereto. If the attorney general finds that a person has violated or is violating section 3, and amendments thereto, the attorney general may bring a civil action under this section against that person. Further, the attorney general may utilize the assistance of city and county attorneys in cases involving their respective political subdivisions or may utilize funds available pursuant to section 8, and amendments thereto, to engage the services of private attorneys to assist in carrying out the purposes of this act, or both, at times when the attorney general determines the need exists. All local prosecutors and private attorneys shall only participate at the request, and under the direction of, the attorney general.

(b) Except as provided in section 6, and amendments thereto, nothing in this act shall be construed to create a private cause of action.

New Sec. 5. (a) A civil action under section 3, and amendments thereto, may not be brought: (1) More than 6 years after the date on which the violation was committed; or

(2) more than 3 years after the date on which the violation was discovered or reasonably should have been discovered, but in no event more than 10 years after the date on which the violation was committed, whichever occurs last.

(b) A civil action under section 3, and amendments thereto, may be brought for activity prior to the effective date of this act if the limitation period set in subsection (a) has not lapsed.

(c) In any action brought under section 3, and amendments thereto, the state shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(d) Notwithstanding any other provision of law, a guilty verdict rendered in a criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 3, and amendments thereto.

New Sec. 6. Any employee who is discharged, demoted, suspended, threatened, harassed or in any other manner retaliated against in the terms and conditions of employment by such employee's employer because of lawful acts undertaken in good faith by the employee on behalf of the employee or others, in furtherance of an action under this act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this act, shall be entitled to all relief necessary to make the employee whole. An employee may bring an action in the appropriate district court for the relief provided in this section. This section shall not be construed to create any private cause of action for violations of this act and is limited to the remedies expressly created by this section related to employment retaliation.

New Sec. 7. (a) The provisions of this act are not exclusive and the remedies provided for in this act shall be in addition to any other remedies provided for in any other law or available under common law.

(b) This act shall be liberally construed and applied to promote the public interest.

New Sec. 8. (a) Proceeds recovered as a result of an action filed pursuant to this act shall be distributed in the following order:

(1) To refund moneys falsely obtained from the federal government, state government or political subdivision thereof pursuant to subsection (b); and

(2) to the state treasurer for deposit in the state general fund pursuant to subsection (c).

(b) A portion of the recovery equal to the amount of moneys falsely obtained from the federal government, state government, affected political subdivision thereof or state agencies, or a combination thereof, shall be remitted to the appropriate entity shown to be defrauded, subject to any further requirements established by federal or state law.

(c) That portion of any recovery remitted to the state treasurer pursuant to subsection (a) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state general fund and, subject to any relevant guidelines of the federal department of health and human services' office of inspector general regarding repayment of fees or recoveries, shall credit 10% of such remittance to the false claims litigation revolving fund, which is hereby established in the state treasury. Moneys in the false claims litigation revolving fund may be expended by the attorney general for the purpose of hiring necessary staff and to defray the costs of investigating and litigating ongoing false claims cases and may be shared at the direction of the attorney general with the Kansas medicaid fraud control unit, Kansas bureau of investigation or any county, city or private attorneys who may be utilized or contracted with pursuant to section 4, and amendments thereto, in carrying out the purposes of this act and any other operating expenses incurred in administering the Kansas false claims act. All expenditures from the false claims litigation revolving fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee.

New Sec. 9. Liability pursuant to this act is joint and several for any violation done by two or more persons.

New Sec. 10. Any action under this act may be brought in the district court of any county in which the defendant or, in the case of multiple defendants, any one defendant can be found, resides or transacts business or in which any act prohibited by section 3, and amendments thereto, occurred.

New Sec. 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 12. K.S.A. 60-455 is hereby amended to read as follows: 60-455. (a) Subject to K.S.A. 60-447, and amendments thereto, evidence that a person committed a crime or civil wrong on a specified occasion, is inadmissible to prove ~~his or her~~ such person's disposition to commit crime or civil wrong as the basis for an inference that the person committed another crime or civil wrong on another specified occasion ~~but~~.

(b) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, such evidence is admissible when relevant to prove some other material fact including motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident.

(c) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, in any criminal action other than a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, such evidence is admissible to show the modus operandi or general method used by a defendant to perpetrate similar but totally unrelated crimes when the method of committing the prior acts is so similar to that utilized in the current case before the court that it is reasonable to conclude the same individual committed both acts.

(d) Except as provided in K.S.A. 60-445, and amendments thereto, in a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, evidence of the defendant's commission of another act or offense of sexual misconduct is admissible, and may be considered for its bearing on any matter to which it is relevant and probative.

(e) In a criminal action in which the prosecution intends to offer evidence under this rule, the prosecuting attorney shall disclose the evidence to the defendant, including statements of witnesses, at least 10 days before the scheduled date of trial or at such later time as the court may allow for good cause.

(f) This rule shall not be construed to limit the admission or consideration of evidence under any other rule or to limit the admissibility of the evidence of other crimes or civil wrongs in a criminal action under a criminal statute other than in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

(g) As used in this section, an "act or offense of sexual misconduct" includes:

(1) Any conduct proscribed by article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(2) the sexual gratification component of aggravated trafficking, as described in subsection (a)(1)(B) and (a)(2) of K.S.A. 21-3447, and amendments thereto;

(3) exposing another to a life threatening communicable disease, as described in subsection (a)(1) of K.S.A. 21-3435, and amendments thereto;

(4) incest, as described in K.S.A. 21-3602, and amendments thereto;

(5) aggravated incest, as described in K.S.A. 21-3603, and amendments thereto;

(6) contact, without consent, between any part of the defendant's body or an object and the genitals, mouth or anus of the victim;

(7) contact, without consent, between the genitals, mouth or anus of the defendant and any part of the victim's body;

(8) deriving sexual pleasure or gratification from the infliction of death, bodily injury or physical pain to the victim;

(9) an attempt, solicitation or conspiracy to engage in conduct described in paragraphs (1) through (8); or

(10) any federal or other state conviction of an offense, or any violation of a city ordinance or county resolution, that would constitute an offense under article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, the sexual gratification component of aggravated trafficking, as described in subsection (a)(1)(B) and (a)(2) of K.S.A. 21-3447, and amendments thereto; incest, as described in K.S.A. 21-3602, and amendments thereto; or aggravated incest, as described in K.S.A. 21-3603, and amendments thereto, or involved conduct described in paragraphs (6) through (9).

(h) If any provisions of this section or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or application. To this end the provisions of this section are severable.

Sec. 13. K.S.A. 60-1505 is hereby amended to read as follows: 60-1505. (a) *Summary proceedings.* The judge shall proceed in a summary way to hear and determine the cause and may do so regardless of whether the person restrained is present. If the plaintiff is an inmate in the custody of the secretary of corrections and the motion and the files and records of the case conclusively show that the inmate is entitled to no relief, the writ shall be dissolved at the cost of the inmate.

(b) *Infectious diseases.* When any person is restrained because of an alleged infectious or communicable disease, the judge shall appoint a board of not less than two competent physicians to make an examination of such person and report their findings to the judge. ~~the judge may appoint at least one competent physician to make an examination of such person and report findings to the judge.~~

(c) *Temporary orders.* The judge may make an order for the temporary custody of the party and any other temporary orders during the pendency of the proceeding that justice may require.

(d) *Judgment.* If the court determines that the restraint is not wrongful, the writ shall be dissolved at the cost of the plaintiff. If the restraint is found to be wrongful, the judgment shall be either that the person shall be released, or that custody shall be transferred to some other person rightfully entitled thereto, and the court may make such other orders as justice and equity or the welfare of a minor physically present in the state may require. In cases in which the person restrained is a minor, or other incompetent or incapacitated, at the time of rendering judgment at the request of any person adversely affected thereby, the judge shall stay the enforcement of the judgment for a period of not to exceed 48 hours to permit the filing of an appeal, and the judge may provide for the temporary custody of the person during such stay in such manner as the judge sees fit. Enforcement of the judgment after the taking of any appeal may be stayed on such terms and conditions, including such provisions for custody during pendency of the appeal, as the judge shall prescribe. If the state, in open court, announces its intention to appeal from an order discharging a pris-

oner, the judge shall stay the enforcement of the judgment for a period not more than 24 hours to permit the filing of an appeal.

(e) (1) *The Record.* In habeas corpus proceedings involving extradition to another state, when written notice of appeal from a judgment or an order is filed, the transcript shall be prepared within 20 days after the notice of appeal is filed and sent to the appellate court for review. The appellate court may shorten or extend the time for filing the record if there is a reasonable explanation for the need for such action. When the record is received by the appellate court, the court shall set the time for filing of briefs, if briefs are desired, and shall set the appeal for submission.

(2) *Hearing.* Such cases, taken to the court of appeals by appeal, shall be heard at the earliest practicable time. The appellant need not be personally present, and such appeal shall be heard and determined upon the law and the facts arising upon record. No incidental question which may have arisen on the hearing of the application before the court shall be reviewed.

(3) *Orders on Appeal.* In such cases, the appellate court shall render such judgment and make such orders as the law and the nature of the case may require, and may make such orders relative to the costs in the case as may seem right, allowing costs and fixing the amount, or allowing no cost at all.

Sec. 14. K.S.A. 60-455 and 60-1505 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 30, 2009.)

## SENATE BILL No. 161

AN ACT concerning certain municipalities; relating to certain funds thereof; amending K.S.A. 2008 Supp. 12-1928 and 72-6426 and repealing the existing sections.

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

Section 1. K.S.A. 2008 Supp. 12-1928 is hereby amended to read as follows: 12-1928. Every recreation commission appointed pursuant to this act shall have the power to:

(a) Make and adopt rules and regulations for the operation of the recreation system;

(b) conduct the activities of the recreation system on any property under its custody and management, or, with proper consent, on any other public property and upon private property with the consent of the owners;

(c) receive any gift or donation from any source;

(d) receive, accept and administer any money appropriated or granted to it by the state or federal government or any agency thereof;

(e) purchase insurance. The city or school district to which the recreation commission certifies its budget shall levy an annual tax upon all taxable tangible property within the taxing district in an amount necessary to pay for insurance purchased for those purposes authorized by K.S.A. 75-6111, and amendments thereto, and to pay a portion of the principal and interest on bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, except that no levy shall be made under this subsection which, when coupled with any levy made pursuant to subsection (j), is in excess of one mill without the approval of the city or school district. Taxes levied pursuant to this subsection shall be in addition to all other taxes authorized or limited by K.S.A. 12-1927, and amendments thereto, or any other provisions of law;

(f) sue and be sued;

(g) enter contracts;

(h) enter lease agreements for real and personal property. The term of any such lease shall not exceed 10 years. Any such lease agreement shall be subject to the approval of the city or school district to which the recreation commission certifies its budget;

(i) employ a superintendent of recreation and any other employees which may be necessary for proper operation of the recreation system;

(j) create and establish employee benefits contribution funds for the purpose of paying the employer's share of any employee benefits, exclusive of any salaries, wages or other direct payments

(continued)

(Published in the Kansas Register April 30, 2009.)

## SENATE BILL No. 35

AN ACT concerning bonds; pertaining to interest rates; pertaining to bond revenue sources; amending K.S.A. 2008 Supp. 10-1009, 12-17,166, 79-3620 and 79-3620b and repealing the existing sections.

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

Section 1. K.S.A. 2008 Supp. 10-1009 is hereby amended to read as follows: 10-1009. (a) The maximum stated rate of interest which may be fixed on fixed-rate bonds issued by a municipality or taxing subdivision of the state of Kansas shall be determined on the day the bonds are sold and shall not exceed the daily yield for the ten-year treasury bonds published by The Bond Buyer, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus (1) three percent, if the interest on the bonds is excluded from gross income for federal income tax purposes or (2) four percent, if the interest on the bonds is included in gross income for federal income tax purposes.

(b) The maximum stated rate of interest which may be fixed on variable-rate bonds issued by a municipality or taxing subdivision of the state of Kansas shall be determined on the date on which the rate is determined in accordance with the resolution or ordinance of the issuer and shall not exceed the daily yield for the ten-year treasury bonds published by The Bond Buyer, in New York, New York, on the Monday next preceding such date, plus (1) three percent, if the interest on the bonds is excluded from gross income for federal income tax purposes or (2) four percent, if the interest on the bonds is included in gross income for federal income tax purposes.

(c) Except as provided for variable rate bonds, the maximum rate of interest specified in this section shall be applicable to bonds issued after the effective date of this act. The maximum rate of interest on variable rate bonds issued prior to the effective date of this act shall be the higher of (1) the maximum rate of interest specified by subsection (a) or (b) of this section, as in effect prior to the effective date of this act, (2) the maximum rate of interest specified in this section or (3) the rate for such variable rate bonds specified in the documents authorizing the issuance thereof.

(d) *Notwithstanding the foregoing, for the period from the effective date of this act until and including June 30, 2010, the maximum stated rate of interest which may be fixed on fixed-rate or variable-rate bonds issued by a municipality or taxing subdivision of the state of Kansas shall be determined on the day the bonds are sold and shall not exceed the daily yield for the ten-year treasury bonds published by The Bond Buyer, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus (1) 5%, if the interest on the bonds is excluded from gross income for federal income tax purposes or (2) 6%, if the interest on the bonds is included in gross income for federal income tax purposes.*

Sec. 2. On and after July 1, 2009, K.S.A. 2008 Supp. 12-17,166 is hereby amended to read as follows: 12-17,166. (a) One or more projects may be undertaken by a city or county within an established STAR bond project district. Any city or county proposing to undertake a STAR bond project, shall prepare a STAR bond project plan in consultation with the planning commission of the city, and in consultation with the planning commission of the county, if any, if such project is located wholly outside the boundaries of the city. Any such project plan may be implemented in separate development stages.

(b) Any city or county proposing to undertake a STAR bond project within a STAR bond project district established pursuant to K.S.A. 2008 Supp. 12-17,165, and amendments thereto, shall prepare a feasibility study. The feasibility study shall contain the following:

(1) Whether a STAR bond project's revenue and tax increment revenue and other available revenues under K.S.A. 2008 Supp. 12-17,169, and amendments thereto, are expected to exceed or be sufficient to pay for the project costs;

(2) the effect, if any, a STAR bond project will have on any outstanding special obligation bonds payable from the revenues described in K.S.A. 2008 Supp. 12-17,169, and amendments thereto;

(3) a statement of how the jobs and taxes obtained from the STAR bond project will contribute significantly to the economic development of the state and region;

to such employees, as may be prescribed in the resolution creating such funds. The recreation commission may receive and place in such funds any moneys from any source whatsoever which may be lawfully utilized for the purposes stated in the resolution creating such funds, including the proceeds of tax levies authorized by law for such purposes. The city or school district to which is certified the budget of any recreation commission which has established employee benefits contribution funds pursuant to this subsection shall levy an annual tax upon all taxable tangible property within the taxing district in an amount determined by the recreation commission to be necessary for the purposes for which such funds were created and to pay a portion of the principal and interest on bonds issued pursuant to K.S.A. 12-1774, and amendments thereto, except that no levy shall be made under this subsection which, when coupled with any levy made pursuant to subsection (e), is in excess of one mill without the approval of the city or school district. Taxes levied pursuant to this subsection shall be in addition to all other taxes authorized or limited by K.S.A. 12-1927, and amendments thereto, or any other provisions of law. For the purposes of this subsection, employee benefits shall include social security as provided by subsection (c) of K.S.A. 40-2305, and amendments thereto, workers' compensation as provided by K.S.A. 44-505c, and amendments thereto, unemployment compensation as provided by K.S.A. 44-710a, and amendments thereto, health insurance and retirement benefits;

(k) *establish a petty cash fund. The amount of moneys in a petty cash fund shall not exceed \$1,000 at any one time;*

(l) acquire title to personal property by purchase, bequest, gift or other donation and acquire title to real property by devise, gift or other donation. Whenever property owned by a recreation commission is sold, the proceeds shall be used for recreation purposes;

~~(m)~~ (m) make improvements for recreation system purposes; and

~~(n)~~ (n) perform any other acts necessary to carry out the provisions of this act.

Sec. 2. K.S.A. 2008 Supp. 72-6426 is hereby amended to read as follows: 72-6426. (a) There is hereby established in every district a fund which shall be called the contingency reserve fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The fund shall be maintained for payment of expenses of a district attributable to financial contingencies as determined by the board. ~~Except as otherwise provided in subsection (b), at no time in any school year shall the amount maintained in the fund exceed an amount equal to 6% of the general fund budget of the district for the school year.~~ (b) ~~In any school year,~~

(b) (1) *Except as otherwise provided in subsection (c), at no time in school year 2008-2009 through school year 2011-2012 shall the amount maintained in the contingency reserve fund exceed an amount equal to 10% of the general fund budget of the district for the school year.*

(2) *Except as otherwise provided in subsection (c), at no time in school year 2012-2013 or any school year thereafter shall the amount maintained in the contingency reserve fund exceed an amount equal to 6% of the general fund budget of the district for the school year.*

(c) (1) If the amount in the contingency reserve fund of a district is in excess of the amount authorized under subsection ~~(a) to be maintained in the fund~~ (b), and if such excess amount is the result of a reduction in the general fund budget of the district for the school year because of a decrease in enrollment, the district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.

(2) *The limitation on the amount which may be maintained in the contingency reserve fund imposed under subsection (b) shall not apply to any district whose state financial aid is computed under the provisions of K.S.A. 72-6445a, and amendments thereto. Any such district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.*

Sec. 3. K.S.A. 2008 Supp. 12-1928 and 72-6426 are hereby repealed.

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

- (4) visitation expectations;
- (5) the unique quality of the project;
- (6) economic impact study;
- (7) market study;
- (8) market impact study;
- (9) integration and collaboration with other resources or businesses;
- (10) the quality of service and experience provided, as measured against national consumer standards for the specific target market;
- (11) project accountability, measured according to best industry practices;
- (12) the expected return on state and local investment that the project is anticipated to produce;
- (13) a statement concerning whether a portion of the local sales and use taxes are pledged to other uses and are unavailable as revenue for the STAR bond project. If a portion of local sales and use taxes is so committed, the applicant shall describe the following:
  - (A) The percentage of city and county sales and use taxes collected that are so committed; and
  - (B) the date or dates on which the city and county sales and use taxes pledged to other uses can be pledged for repayment of bonds; and
- (14) an anticipated principal and interest payment schedule on the bond issue.

The failure to include all information enumerated in this subsection in the feasibility study for a STAR bond project shall not affect the validity of bonds issued pursuant to this act.

(c) If the city or county determines the project is feasible, the project plan shall include:

- (1) A summary of the feasibility study done as defined in subsection (b) of this section, and amendments thereto;
- (2) a reference to the district plan established under K.S.A. 2008 Supp. 12-17,165, and amendments thereto, that identifies the project area that is set forth in the project plan that is being considered;
- (3) a description and map of the project area to be redeveloped;
- (4) the relocation assistance plan as described in K.S.A. 2008 Supp. 12-17,172, and amendments thereto;
- (5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and
- (6) any other information the governing body of the city or county deems necessary to advise the public of the intent of the project plan.

(d) A copy of the STAR bond project plan prepared by a city shall be delivered to the board of county commissioners of the county and the board of education of any school district levying taxes on property within the STAR bond project area. A copy of the STAR bond project plan prepared by a county shall be delivered to the board of education of any school district levying taxes on property within the STAR bond project area.

(e) Upon a finding by the planning commission that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the city, and a finding by the planning commission of the county, if any, with respect to a STAR bond project located wholly outside the boundaries of the city, that the STAR bond project plan is consistent with the intent of the comprehensive plan for the development of the county, the governing body of the city or county shall adopt a resolution stating that the city or county is considering the adoption of the STAR bond project plan. Such resolution shall:

- (1) Give notice that a public hearing will be held to consider the adoption of the STAR bond project plan and fix the date, hour and place of such public hearing;
- (2) describe the boundaries of the STAR bond project district within which the STAR bond project will be located and the date of establishment of such district;
- (3) describe the boundaries of the area proposed to be included within the STAR bond project area; and
- (4) state that the STAR bond project plan, including a summary of the feasibility study, market study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped or developed are available for inspection during regular office hours in the office of the city clerk or county clerk, respectively.

(f) (1) The date fixed for the public hearing to consider the adoption of the STAR bond project plan shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(2) A copy of the city or county resolution providing for the public hearing shall be by certified mail, return receipt requested, sent by the city to the board of county commissioners of the county and by the city or county to the board of education of any school district levying taxes on property within the proposed STAR bond project area. Copies also shall be sent by certified mail, return receipt requested to each owner and occupant of land within the proposed STAR bond project area not more than 10 days following the date of the adoption of the resolution. The resolution shall be published once in the official city or county newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the STAR bond project area shall be published with the resolution.

(3) At the public hearing, a representative of the city or county shall present the city's or county's proposed STAR bond project plan. Following the presentation of the STAR bond project area, all interested persons shall be given an opportunity to be heard. The governing body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(g) The public hearing records and feasibility study shall be subject to the open records act, K.S.A. 45-215, and amendments thereto.

(h) Upon conclusion of the public hearing, the governing body may adopt the STAR bond project plan by ordinance or resolution passed upon a two-thirds vote of the members.

(i) After the adoption by the city or county governing body of a STAR bond project plan, the clerk of the city or county shall transmit a copy of the description of the land within the STAR bond project district, a copy of the ordinance or resolution adopting the plan and a map or plat indicating the boundaries of the district to the clerk, appraiser and treasurer of the county in which the district is located and to the governing bodies of the county and school district which levy taxes upon any property in the district. Such documents shall be transmitted following the adoption or modification of the plan or a revision of the plan on or before January 1 of the year in which the increment is first allocated to the taxing subdivision.

~~(j) The appraiser of any county in which a STAR bond project district is authorized by a city or county shall certify the amount of such increase in assessed valuation of real and personal property within the STAR bond project district to the county clerk on or before July 1 of each year.~~

~~(k)~~ If the STAR bond project plan is approved, the feasibility study shall be supplemented to include a copy of the minutes of the governing body meetings of any city or county whose bonding authority will be utilized in the STAR bond project, evidencing that a STAR bond project plan has been created, discussed and adopted by the city or county in a regularly scheduled open public meeting.

~~(k)~~ Any substantial changes as defined in K.S.A. 2008 Supp. 12-17,162, and amendments thereto, to the STAR bond project plan as adopted shall be subject to a public hearing following publication of notice thereof at least twice in the official city or county newspaper.

~~(l)~~ Any STAR bond project shall be completed within 20 years from the date of the approval of the STAR bond project plan. The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed 20 years.

~~(m)~~ Kansas resident employees shall be given priority consideration for employment in construction projects located in a STAR bond project area.

~~(n)~~ Any developer of a STAR bond project shall commence work on the project within two years from the date of adoption of the STAR bond project plan. Should the developer fail to commence work on the STAR bond project within the two-year period, funding for such project shall cease and the developer of such project or complex shall have one year to appeal to the secretary for reapproval of such project and the funding for it. Should the project

(continued)



be reapproved, the two-year period for commencement shall apply.

Sec. 3. From and after July 1, 2009, K.S.A. 2008 Supp. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsection (c) and (d), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds including refunds authorized under the provisions of K.S.A. 79-3635, and amendments thereto. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit  $\frac{5}{8}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit  $\frac{5}{106}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit  $\frac{19}{265}$  of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit  $\frac{13}{106}$  of the revenue collected and received from the tax imposed by K.S.A. 79-

3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a ~~redevelopment~~ STAR bond project district occupied by a ~~redevelopment~~ STAR bond project or taxpayers doing business with such entity financed by a ~~special~~ STAR bond project as defined in K.S.A. ~~12-1770a~~ 2008 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a ~~special~~ STAR bond project as defined in K.S.A. ~~12-1770a~~ 2008 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such ~~redevelopment or special~~ STAR bond project.

Sec. 4. From and after July 1, 2009, K.S.A. 2008 Supp. 79-3620b is hereby amended to read as follows: 79-3620b. Moneys credited to the city bond finance fund in accordance with the provisions of subsections (d) of K.S.A. 79-3620 and (d) of K.S.A. 79-3710, and amendments thereto, shall be distributed biannually to cities which have issued special obligation bonds to finance, in whole or in part, a ~~redevelopment~~ STAR bond project which was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. ~~12-1770a~~ 2008 Supp. 12-17,162, and amendments thereto. The state treasurer shall make such biannual distributions on such dates as mutually agreed to by the city and the state treasurer. The total of all distributions under this section shall not exceed an amount determined to be sufficient to retire the principal and interest payable on such special obligation bonds. Moneys paid to cities hereunder shall be deposited in a special fund of the city to pay the costs described herein.

Sec. 5. K.S.A. 2008 Supp. 10-1009 is hereby repealed.

Sec. 6. From and after July 1, 2009, K.S.A. 2008 Supp. 12-17,166, 79-3620 and 79-3620b are hereby repealed.

Sec. 7. 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 2008 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-3-1	Amended (T)	V. 27, p. 1091
3-3-1	Amended	V. 27, p. 1517
3-3-2	New (T)	V. 27, p. 1091
3-3-2	New	V. 27, p. 1517

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-6-1	New	V. 27, p. 1741
4-6-2	New	V. 27, p. 1741
4-6-3	New	V. 27, p. 1741
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022

4-7-903	Amended
4-7-904	Amended
4-13-1	Amended
4-13-3	Amended
4-13-9	Amended
4-13-11	Revoked
4-13-13	Amended
4-13-20	Amended
4-13-21	Amended
4-13-22	Amended
4-13-23	Amended
4-13-24	Amended
4-13-33	Amended
4-13-40	Amended
4-13-41	Revoked
4-13-42	Revoked
4-13-60	Amended
4-13-61	Revoked
4-13-64	Amended
4-13-65	Amended
4-15-11	Amended
4-15-12	Revoked
4-15-13	Amended
4-15-14	Amended
4-16-1a	Amended
4-16-1c	Amended
4-16-7a	Amended
4-16-300	Amended
4-16-301	Revoked
4-16-302	Amended
4-16-303	Amended
4-16-304	Amended
4-16-305	Amended

V. 27, p. 1023
V. 27, p. 1023
V. 27, p. 186
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4-17-300	Amended
4-17-301	Revoked
4-17-302	Amended
4-17-303	Amended
4-17-304	Amended
4-17-305	Amended
4-20-11	Amended
4-28-5	Amended
4-28-8	
through	
4-28-16	New

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V. 27, p. 1026
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V. 27, p. 1026
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V. 27, p. 1027
V. 27, p. 1027
V. 27, p. 1742
V. 27, p. 191-195

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

Reg. No.	Action	Register
5-1-1	Amended	V. 27, p. 1549
5-1-2	Amended	V. 27, p. 1553
5-1-7	Amended	V. 27, p. 1553
5-2-4	New	V. 27, p. 1554
5-3-3	Amended	V. 27, p. 1554
5-3-4	Amended	V. 27, p. 1555
5-3-4a	Amended	V. 28, p. 241
5-3-5d	Amended	V. 27, p. 1555
5-3-16	Amended	V. 27, p. 1555
5-4-2	New	V. 27, p. 1556
5-5-6c	New	V. 27, p. 1556
5-5-13	Amended	V. 27, p. 1556
5-5-14	Amended	V. 27, p. 1557
5-6-2	Amended	V. 27, p. 1557
5-6-5	Amended	V. 27, p. 1557
5-9-1a		
through		
5-9-1d	New	V. 27, p. 1557, 1558



5-14-3	Amended	V. 28, p. 241
5-14-3a	New	V. 28, p. 242
5-14-10	Amended	V. 27, p. 1558
5-40-24	Amended	V. 27, p. 1438
5-45-1	Amended	V. 27, p. 1439
5-45-4	Amended	V. 27, p. 1440
5-45-19		
through		
5-45-23	New	V. 27, p. 1441, 1442

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-16-1	Amended	V. 27, p. 1548
7-16-2	Amended	V. 27, p. 1548
7-17-1	Amended	V. 27, p. 965
7-17-4	Amended	V. 27, p. 966
7-17-11	Amended	V. 27, p. 966
7-17-19	Amended	V. 27, p. 966
7-17-21	Amended	V. 27, p. 966
7-17-22	Amended	V. 27, p. 966
7-17-24	Amended	V. 27, p. 967
7-21-1	Amended	V. 27, p. 967
7-21-2	Amended	V. 27, p. 967
7-21-3	Revoked	V. 27, p. 967
7-21-4	New	V. 27, p. 967
7-23-13	Revoked	V. 27, p. 968
7-37-2	Revoked	V. 27, p. 968
7-38-2	Revoked	V. 27, p. 968
7-41-1		
through		
7-41-7	Amended	V. 28, p. 193-195
7-41-8	Revoked	V. 28, p. 195
7-41-9	Revoked	V. 28, p. 195
7-41-10		
through		
7-41-17	Amended	V. 28, p. 195, 196
7-41-18		
through		
7-41-29	Revoked	V. 28, p. 196
7-41-30	Amended	V. 28, p. 196
7-41-31	Revoked	V. 28, p. 196
7-41-32	Amended	V. 28, p. 196
7-41-33	Amended	V. 28, p. 197
7-41-34	New	V. 28, p. 197
7-41-35	New	V. 28, p. 197
7-45-1	New	V. 27, p. 968
7-45-2	New	V. 27, p. 968

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-6-1		
through		
11-6-6	New	V. 27, p. 1633, 1634
11-12-1	Amended	V. 27, p. 1374
11-12-2	Amended	V. 27, p. 1375
11-12-3	Amended	V. 27, p. 1376
11-12-4	Amended	V. 27, p. 1377
11-12-6	Amended	V. 27, p. 1377

**AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

Reg. No.	Action	Register
14-8-6	Revoked	V. 27, p. 1214
14-8-7	Amended	V. 27, p. 1214
14-8-8	Revoked	V. 27, p. 1214
14-8-12	Revoked	V. 27, p. 1214
14-17-7	New	V. 27, p. 1214

**AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-25-1	New	V. 27, p. 356

**AGENCY 19: GOVERNMENTAL ETHICS COMMISSION**

Reg. No.	Action	Register
19-20-4	Amended	V. 27, p. 1020
19-20-5	New	V. 27, p. 1021
19-27-2	Amended	V. 27, p. 1021

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-6-1	Amended	V. 27, p. 1834
22-6-2	Revoked	V. 27, p. 1834

22-6-3	Revoked	V. 27, p. 1834
22-6-4	Revoked	V. 27, p. 1834
22-6-5	Amended	V. 27, p. 1834
22-6-6	Revoked	V. 27, p. 1834
22-6-7	Revoked	V. 27, p. 1835
22-6-8	Revoked	V. 27, p. 1835
22-6-9	Amended	V. 27, p. 1835
22-6-12	Amended	V. 27, p. 1835
22-6-13	Revoked	V. 27, p. 1835
22-6-14	Revoked	V. 27, p. 1835
22-6-18		
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22-6-27	New	V. 27, p. 1835-1837

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-20	Amended	V. 27, p. 989
28-4-117	Amended	V. 27, p. 990
28-4-120	Amended	V. 27, p. 990
28-4-121	New	V. 27, p. 990
28-4-122	Amended	V. 27, p. 317
28-4-311	Amended	V. 27, p. 317
28-4-312		
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28-4-317	Revoked	V. 27, p. 317, 318
28-4-430	Amended	V. 27, p. 991
28-4-800		
through		
28-4-825	New	V. 27, p. 318-334
28-16-28g	Amended	V. 27, p. 779
28-23-16	Revoked	V. 27, p. 191
28-32-1	Revoked	V. 27, p. 247
28-32-2	Revoked	V. 27, p. 247
28-32-4	Revoked	V. 27, p. 247
28-32-5	Revoked	V. 27, p. 247
28-32-6	Revoked	V. 27, p. 247
28-32-7	Revoked	V. 27, p. 247
28-32-8		
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28-32-14	New	V. 27, p. 247-249
28-36-33		
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28-36-49	Revoked	V. 27, p. 73
28-36-70		
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28-36-89	New	V. 27, p. 73-87
28-38-18	Amended	V. 27, p. 1742
28-38-19	Amended	V. 27, p. 1743
28-38-21	Amended	V. 27, p. 1743
28-38-22	Amended	V. 27, p. 1744
28-38-23	Amended	V. 27, p. 1744
28-38-29	Amended	V. 27, p. 1745
28-53-1		
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28-53-5	Amended	V. 28, p. 240, 241
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464
28-73-1	Amended	V. 28, p. 74

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-5-78	Revoked	V. 27, p. 1022
30-10-15a	Revoked	V. 27, p. 1345
30-10-15b	Revoked	V. 27, p. 1345
30-10-17	Revoked	V. 27, p. 1345
30-10-18	Revoked	V. 27, p. 1345
30-10-23a	Revoked	V. 27, p. 1346
30-10-23b	Revoked	V. 27, p. 1346
30-10-25	Revoked	V. 27, p. 1346
30-10-26	Revoked	V. 27, p. 1346
30-10-27	Revoked	V. 27, p. 1346
30-10-200	Revoked	V. 27, p. 1346
30-10-210	Revoked	V. 27, p. 1346
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-48	Amended	V. 27, p. 1709
40-2-28	New	V. 28, p. 273
40-3-30	Amended	V. 28, p. 112
40-3-52	New	V. 27, p. 133

40-4-41	Amended	V. 27, p. 434
40-4-41a		
through		
40-4-41j	Revoked	V. 27, p. 434, 435

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-6-101	Amended	V. 27, p. 1126
44-6-114e	Amended	V. 27, p. 1128
44-6-115a	Amended	V. 27, p. 1134
44-6-125	Amended	V. 27, p. 1135
44-6-127		
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44-6-132	New	V. 27, p. 1135-1138

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-1	Amended	V. 27, p. 1466
49-45-2	Amended	V. 27, p. 1466
49-45-3	Amended	V. 27, p. 1466
49-45-4	Amended	V. 27, p. 1466
49-45-4a	Amended	V. 27, p. 1466
49-45-5	Amended	V. 27, p. 1466
49-45-6	Amended	V. 27, p. 1466
49-45-7	Amended	V. 27, p. 1467
49-45-8	Amended	V. 27, p. 1467
49-45-9	Amended	V. 27, p. 1467
49-45-20	Amended	V. 27, p. 1467
49-45-28	Amended	V. 27, p. 1467
49-45-29	Amended	V. 27, p. 1467
49-45-29b	New	V. 27, p. 1467
49-45-31	Amended	V. 27, p. 1467
49-45-34	Amended	V. 27, p. 1467
49-45-35	Amended	V. 27, p. 1467
49-45-37	Amended	V. 27, p. 1467

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-103	Amended	V. 27, p. 1603
60-1-104	Amended	V. 27, p. 1603
60-2-101	Amended	V. 27, p. 1604
60-2-102	Amended	V. 27, p. 1605, 1670
60-2-104	Amended	V. 27, p. 1606
60-2-105	Amended	V. 28, p. 197
60-2-106	Amended	V. 28, p. 197
60-2-107	Amended	V. 27, p. 1606
60-2-108	Amended	V. 27, p. 1607
60-3-106	Amended	V. 27, p. 1607
60-3-106a	Amended	V. 27, p. 1608
60-3-113	New	V. 27, p. 1608
60-3-114	New	V. 27, p. 1608
60-7-111	New	V. 27, p. 1609
60-9-105	Amended	V. 28, p. 197
60-9-107	Amended	V. 28, p. 198
60-13-103	Amended	V. 28, p. 200
60-13-104	Amended	V. 28, p. 200
60-15-101	Amended	V. 28, p. 200
60-15-102	Amended	V. 28, p. 201
60-15-104	Amended	V. 28, p. 202

**AGENCY 63: BOARD OF MORTUARY ARTS**

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

**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
66-10-1	Amended	V. 27, p. 317
66-11-5	Amended	V. 28, p. 44
66-12-1	Amended	V. 28, p. 44
66-14-1	Amended	V. 28, p. 44
66-14-2	Amended	V. 28, p. 45
66-14-3	Amended	V. 28, p. 45
66-14-4	Revoked	V. 28, p. 45
66-14-5	Amended	V. 28, p. 45
66-14-7	Amended	V. 28, p. 45

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-7-12b	Amended	V. 27, p. 1518
68-7-20	Amended	V. 27, p. 435

(continued)

68-11-2	Amended	V. 27, p. 1518
68-16-3	Amended	V. 28, p. 342
68-18-1	New	V. 27, p. 1857
68-18-2	New	V. 27, p. 1857
68-18-3	New	V. 27, p. 1858
68-19-1	New	V. 28, p. 342
68-20-23	New (T)	V. 27, p. 1709
68-20-23	New	V. 28, p. 192

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-11-1	Amended	V. 28, p. 298

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-9-1 through 71-9-4	New	V. 27, p. 1878
71-10-1 through 71-10-4	New	V. 27, p. 1879

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
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

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-2	Amended	V. 27, p. 1801
81-5-7	Amended	V. 27, p. 1156
81-7-2	Amended	V. 27, p. 1156
81-14-1	Amended	V. 27, p. 1157
81-14-2	Amended	V. 27, p. 1801
81-14-5	Amended	V. 27, p. 1159
81-14-9	Amended	V. 27, p. 1163

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-107	Amended	V. 27, p. 1518
82-3-108	Amended	V. 27, p. 1519
82-3-111	Amended	V. 27, p. 1520
82-3-135a	Amended	V. 27, p. 1521
82-3-135b	Amended	V. 27, p. 1521
82-3-138	Amended	V. 27, p. 1521
82-3-402	Amended	V. 27, p. 1521
82-4-30a	Amended	V. 27, p. 1020

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-3-19	Amended (T)	V. 27, p. 1090
86-3-19	Amended	V. 27, p. 1517
86-3-30	New (T)	V. 27, p. 1091
86-3-30	New	V. 27, p. 1517

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-200	Amended	V. 27, p. 1027
91-1-201	Amended	V. 27, p. 1028
91-1-203	Amended	V. 27, p. 1030
91-1-204	Amended	V. 27, p. 1034
91-1-205	Amended	V. 27, p. 1036
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
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
92-12-114	New	V. 27, p. 865
92-12-140 through 92-12-145	New	V. 27, p. 866, 867
92-19-70	Revoked	V. 27, p. 868
92-26-1	Amended	V. 28, p. 170
92-26-4	Amended	V. 28, p. 170
92-28-1 through 92-28-4	New	V. 28, p. 113
92-52-14	New	V. 27, p. 1214
92-52-15	New	V. 27, p. 1214
92-52-16	New	V. 27, p. 1215

**AGENCY 94: COURT OF TAX APPEALS**

Reg. No.	Action	Register
94-2-1 through 94-2-5	Amended (T)	V. 27, p.1091-1093
94-2-1 through 94-2-5	Amended	V. 27, p.1522-1524
94-2-8 through 94-2-16	Amended (T)	V. 27, p. 1093-1095
94-2-8 through 94-2-16	Amended	V. 27, p. 1524-1526
94-2-19	Amended (T)	V. 27, p. 1095
94-2-19	Amended	V. 27, p. 1527
94-2-20	Amended (T)	V. 27, p. 1096
94-2-20	Amended	V. 27, p. 1527
94-2-21	Amended (T)	V. 27, p. 1096
94-2-21	Amended	V. 27, p. 1528
94-3-1	Amended (T)	V. 27, p. 1097
94-3-1	Amended	V. 27, p. 1529
94-3-2	Amended (T)	V. 27, p. 1098
94-3-2	Amended	V. 27, p. 1529
94-4-1	Amended (T)	V. 27, p. 1098
94-4-1	Amended	V. 27, p. 1530
94-4-2	Amended (T)	V. 27, p. 1098
94-4-2	Amended	V. 27, p. 1530

**Agency 97: COMMISSION ON VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-1-1	Revoked	V. 28, p. 459
97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460
97-1-2a	New	V. 28, p. 460
97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462
97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3 through 97-2-8	Revoked	V. 28, p. 462

97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4 through 97-3-9	Revoked	V. 28, p. 463
97-4-1a	New	V. 28, p. 463

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

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-5	Amended	V. 28, p. 522
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-26-1	Amended	V. 28, p. 522
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 27, p. 1602
100-11-1	Amended	V. 28, p. 112
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended (T)	V. 27, p. 1602
100-28a-1	Amended	V. 28, p. 112
100-29-7	Amended	V. 27, p. 209
100-54-4	Amended	V. 27, p. 209
100-55-4	Amended	V. 27, p. 209
100-69-1	Amended	V. 27, p. 1672
100-69-2	Revoked	V. 27, p. 1672
100-72-1	Amended (T)	V. 27, p. 1602
100-72-1	Amended	V. 28, p. 112
100-72-7	Amended	V. 28, p. 273
100-73-9	Amended	V. 27, p. 315

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-12	Amended	V. 27, p. 407
102-2-7	Amended	V. 27, p. 1801
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-3-12a	Amended	V. 27, p. 1117
102-4-1a	Amended	V. 27, p. 1803
102-4-6a	Amended	V. 27, p. 1805
102-4-6b	New	V. 27, p. 1806
102-4-9b	New	V. 28, p. 117
102-4-10a	Amended	V. 27, p. 1806
102-4-12	Amended	V. 27, p. 1120
102-5-9a	New	V. 28, p. 118
102-5-12	Amended	V. 27, p. 1122
102-6-9a	New	V. 28, p. 118
102-6-12	Amended	V. 27, p. 1124

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

Reg. No.	Action	Register
105-11-1	Amended (T)	V. 27, p. 1233
105-11-1	Amended	V. 27, p. 1838

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-5-5	New	V. 27, p. 1548

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-19-1 through 110-19-4	New	V. 27, p. 1064, 1065

110-20-1 through 110-20-4 New V. 27, p. 1065, 1066

**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
111-2-211	New	V. 27, p. 992
111-2-212	New	V. 27, p. 1559
111-2-213	New	V. 27, p. 1560
111-2-214 through 111-2-218	New	V. 28, p. 10, 11
111-2-216	Amended	V. 28, p. 383
111-2-217	Amended	V. 28, p. 383
111-2-219 through 111-2-223	New	V. 28, p. 46, 47
111-4-2614	Amended	V. 27, p. 964
111-4-2645 through 111-4-2656	New	V. 27, p. 436-442
111-4-2657 through 111-4-2662	New	V. 27, p. 992-996
111-4-2663	New	V. 27, p. 1489
111-4-2664 through 111-4-2683	New	V. 27, p. 1560-1570
111-4-2680	Amended	V. 28, p. 11
111-4-2684 through 111-4-2702	New	V. 27, p. 1634-1644
111-4-2695	Amended	V. 27, p. 1709
111-4-2703 through 111-4-2710	New	V. 27, p. 1672-1677
111-4-2711 through 111-4-2715	New	V. 27, p. 1677-1680
111-4-2716 through 111-4-2726	New	V. 27, p. 1709-1718
111-4-2727 through 111-4-2744	New	V. 27, p. 1746-1761
111-4-2745 through 111-4-2754	New	V. 28, p. 11-20
111-4-2755 through 111-4-2766	New	V. 28, p. 47-55
111-4-2767 through 111-4-2779	New	V. 28, p. 274-278
111-4-2781	New	V. 28, p. 278
111-4-2782	New	V. 28, p. 279
111-4-2783	New	V. 28, p. 281
111-4-2784	New	V. 28, p. 298
111-4-2785 through 111-4-2790	New	V. 28, p. 342-346
111-4-2791 through 111-4-2799	New	V. 28, p. 383-389
111-4-2800 through 111-4-2814	New	V. 28, p. 516-522
111-5-23 through 111-5-28	Amended	V. 28, p. 299-302
111-5-33	Amended	V. 28, p. 303
111-5-81	Amended	V. 27, p. 1490
111-5-83	Amended	V. 27, p. 1490

111-5-84	Amended	V. 27, p. 1491
111-5-90	Amended	V. 27, p. 1491
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443
111-5-165 through 111-5-169	New	V. 27, p. 1491-1493
111-5-170 through 111-5-174	New	V. 28, p. 347, 348
111-7-80a	Amended	V. 28, p. 282
111-7-223 through 111-7-232	New	V. 27, p. 1493-1495
111-7-223a	New	V. 27, p. 1762
111-7-233 through 111-7-237	New	V. 28, p. 57, 58
111-7-238 through 111-7-242	New	V. 28, p. 283, 284
111-9-152	New	V. 27, p. 1762
111-9-153	New	V. 28, p. 20
111-9-154	New	V. 28, p. 21
111-9-155	New	V. 28, p. 22
111-9-156	New	V. 28, p. 390
111-14-4	New	V. 28, p. 22
111-14-5	New	V. 28, p. 23
111-14-6	New	V. 28, p. 24

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-13-6	New	V. 28, p. 376
112-100-1 through 112-100-7	New	V. 27, p. 1378
112-101-1 through 112-101-16	New	V. 28, p. 376-379
112-103-1 through 112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-1 through 112-104-33	New	V. 27, p. 1378-1406
112-105-1 through 112-105-7	New	V. 27, p. 1406-1408
112-106-1 through 112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430
112-107-13 through 112-107-32	New	V. 28, p. 430-440
112-107-34	New	V. 28, p. 441
112-110-1 through 112-110-13	New	V. 28, p. 464-470
112-111-1 through 112-111-5	New	V. 28, 470-472
112-112-1 through 112-112-9	New	V. 27, p. 1411-1413
112-113-1	New	V. 28, p. 382
112-114-1 through 112-114-6	New	V. 28, p. 472
112-114-8 through 112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

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

Reg. No.	Action	Register
115-2-1	Amended	V. 27, p. 1704
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 27, p. 1705
115-2-5	Amended	V. 27, p. 1265
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 27, p. 1707
115-7-2	Amended	V. 27, p. 1708
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 27, p. 572
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112
115-18-7	Amended	V. 27, p. 406
115-18-21	New	V. 27, p. 1708

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 28, p. 373
117-2-2a	Amended	V. 28, p. 373
117-3-2a	Amended	V. 28, p. 373
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 27, p. 357
117-7-1	Amended	V. 28, p. 375
117-10-1	New	V. 28, p. 375

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-9-1	Amended	V. 28, p. 457
121-10-1	New	V. 27, p. 1099
121-10-2	New	V. 27, p. 1099
121-11-1	New	V. 28, p. 457
121-11-2	New	V. 28, p. 457
121-12-1	New	V. 28, p. 459

**AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION**

Reg. No.	Action	Register
127-2-1	New	V. 28, p. 192
127-2-2	New	V. 28, p. 192
127-2-3	New	V. 28, p. 193

**AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION**

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-1-1	New	V. 27, p. 358
128-2-1	New	V. 27, p. 360
128-2-3 through 128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1 through 128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368
128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 27, p. 628
129-5-78	New	V. 27, p. 1022
129-5-108	Amended	V. 27, p. 1346
129-10-15a	New	V. 27, p. 1346
129-10-15b	New	V. 27, p. 1348

(continued)

129-10-17	New	V. 27, p. 1348	129-10-23b	New	V. 27, p. 1353	129-10-27	New	V. 27, p. 1356
129-10-18	New	V. 27, p. 1350	129-10-25	New	V. 27, p. 1354	129-10-200	New	V. 27, p. 1356
129-10-23a	New	V. 27, p. 1353	129-10-26	New	V. 27, p. 1355	129-10-210	New	V. 27, p. 1358

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