



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 24, No. 47 November 24, 2005 Pages 1741-1762

In this issue . . .	Page
Wildlife and Parks Commission	
Notice of meeting	1742
Kansas Commission on Disability Concerns	
Notice of 2006 meeting schedule	1743
Pooled Money Investment Board	
Notice of investment rates.....	1743
Legislative interim committee schedule.....	1743
State Corporation Commission	
Notice of hearing on proposed administrative regulations.....	1744
Kansas Department of Transportation	
Notice to contractors.....	1744
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	1746
City of Lenexa	
Notice to bidders.....	1746
Secretary of State	
Executive appointments.....	1747
Department of Revenue	
Notice of hearing on proposed administrative regulations.....	1748
State Employees Health Care Commission	
Notice of meeting	1749
Kansas Children’s Cabinet and Trust Fund	
Notice of meeting	1749
Notice of Bond Sale	
City of Sedgwick	1749
City of Winfield.....	1750
Kansas Development Finance Authority	
Notices of hearing on proposed revenue bonds.....	1751, 1752
Department of Health and Environment	
Request for comments on proposed air quality permits	1751
Notice concerning water pollution control permits/applications	1754
Request for bids on the Kansas Childhood Lead Poisoning Prevention Program.....	1756
Attorney General	
2005 update to guidelines for takings of private property	1752
Index to administrative regulations.....	1756

State of Kansas

Wildlife and Parks Commission

Notice of Meeting

A public meeting will be conducted by the Wildlife and Parks Commission Thursday, January 19, at Cabela's, 10300 Cabela's Drive, Kansas City, Kansas, to consider the business and future regulatory action of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. The meeting will recess at 5:30 p.m., then resume at 7 p.m. at the same location for an additional workshop on commission and department business. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete business matters, the commission will reconvene at 9 a.m. January 20 at the same location.

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

and may request the meeting materials in an accessible format. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at (800) 432-0698 to request special accommodations.

This notice period prior to the meeting constitutes a public comment period for the purpose of receiving written public comments on any workshop or future regulatory action by the commission.

All interested parties may submit written comments prior to the meeting to the chairman of the commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, 66612, or to sheilak@wp.state.ks.us. All interested parties will be given a reasonable opportunity at the hearing to express their views orally or in writing with regard to future regulatory action on workshop items.

John R. Dykes
Chairman

Doc. No. 032625

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

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

© Kansas Secretary of State 2005. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Ron Thornburgh
Secretary of State
1st Floor, Memorial Hall
120 S.W. 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564
www.kssos.org



Register Office:
1st Floor, Memorial Hall
(785) 296-3489
Fax (785) 368-8024
kansasregister@kssos.org

**State of Kansas
Commission on Disability Concerns**

Notice of 2006 Meeting Schedule

The Kansas Commission on Disability Concerns has scheduled the following meeting dates for 2006: February 24, May 19, August 25 and November 17 (annual meeting). All meetings will be held from 9 a.m. to 4 p.m. in Room C of the SRS Learning Center, 2600 East Circle Drive South, Topeka. Meetings are open to the public and the agendas will include time for public comments.

Persons interested in making public comments or requesting alternate formats or deaf interpreters for participation in the meetings should contact the KCDC office at (800) 295-5232 (voice) or (877) 340-5874 (TTY) at least two weeks prior to the meeting.

Martha Gabehart
Executive Director

Doc. No. 032610

**State of Kansas
Pooled Money Investment Board**

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 11-21-05 through 11-27-05

Term	Rate
1-89 days	3.99%
3 months	3.81%
6 months	4.27%
1 year	4.38%
18 months	4.36%
2 years	4.36%

Derl S. Treff
Director of Investments

Doc. No. 032607

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 28-December 8. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Nov. 28	519-S	10:00 a.m.	Joint Committee on Pensions, Investments and Benefits	Nov. 28: a.m. - KPERS reports. p.m. - Review committee reports. Nov. 29: a.m. - Continued review (if necessary).
Nov. 29	519-S	9:00 a.m.		
Nov. 30	123-S	9:00 a.m.	Legislative Coordinating Council	Legislative matters.
Dec. 2	514-S	9:00 a.m.	Health Care Stabilization Fund Oversight	Review of the Health Care Stabilization Fund and oversight activities.
Dec. 5	State Defense Building	10:00 a.m.	Joint Committee on Kansas Security	State vulnerability assessment and nuclear security (closed meeting).
Dec. 6	519-S	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed.
Dec. 7	519-S	9:00 a.m.		
Dec. 7	423-S	10:00 a.m.	Joint At-Risk Education Council	Overview of statutory requirements; funding formulas for at-risk weighting and 4-year-old at-risk program; State Board of Education requirements and monitoring; at-risk student achievement on state assessments; overview of Post Audit study on school finance.
Dec. 8	514-S	9:00 a.m.	Joint Committee on Corrections & Juvenile Justice Oversight	Agenda not available.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 032617

State of Kansas

State Corporation Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, January 25, in the first floor hearing room of the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, to consider the adoption of proposed revisions of the Kansas Motor Carrier Regulation, K.A.R. 82-4-3a. The proposed revisions to K.A.R. 82-4-3a make permanent the adoption of the 2005 hours of service regulation that has been in effect on a temporary basis since November 1, 2005.

K.A.R. 82-4-3a. Hours of service. The United States Department of Transportation recently enacted new hours of service regulations that became effective October 1, 2005. The amount of allowed driving hours do not appear significantly different; however, calculating hours when using a commercial motor vehicle (CMV) equipped with a sleeper berth has changed. The change renders application of the new hours of service regulations significantly different from the prior hours of service regulations. Additionally, a provision has been added for drivers of property-carrying CMVs that do not require a commercial driver's license for operation and who operate within a 150 air-mile radius of their normal work reporting location. Because of concerns regarding the enforcement of hours of service regulations on motor carriers that operate both intrastate and interstate, adoption of the new hours of service regulations is imperative. According to 49 C.F.R. Part 350, the state has up to three years to adopt new safety regulations before its Motor Carrier Safety Assistance Program (MCSAP) and the funding for that program would be placed in jeopardy. However, without continued force and effect of the adoptions of an amendment to K.A.R. 82-4-3a, the local enforcement agencies would be restricted to enforcing the old hours of service regulations on intrastate transportation, and would have considerable difficulty enforcing either the old or new hours of service regulations on interstate transportation.

The commission anticipates no economic impact to the commission or other governmental agencies, private entities or individuals through the implementation of this revision because a version of this regulation is already in effect.

Due to the nature of the regulation, the proposed revisions of the regulation constitute the least expensive and least intrusive means by which to protect the public interests in this area.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Matthew R. Tomc, Assistant General Counsel, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Copies of the regulation and the economic impact statement may be obtained by contacting Matthew Tomc at (785) 271-3288.

Any person requiring accommodations under the Americans With Disabilities Act should give notice to the commission at least 10 days prior to the hearing date.

Susan K. Duffy
Executive Director

Doc. No. 032614

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 Wichita Airport Hilton, until 2 p.m. December 14 and then publicly opened:

District One — Northeast

Brown—36-7 KA-0302-01 — U.S. 36 from the west junction of U.S. 75 east to the west city limits of Hiawatha, 12.7 miles, overlay. (State Funds)

Jackson-Jefferson—16-106 KA-0318-01 — K-16 from the east city limits of Holton east to the Jackson-Jefferson county line; K-16 from the Jackson-Jefferson county line east to the north junction of U.S. 59, 28.8 miles, overlay. (State Funds)

Nemaha—66 C-3805-01 — County road 3 miles west of America City, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Leavenworth—52 C-3972-01 — County road 1.5 miles west and 3.7 miles north of Tonganoxie, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Leavenworth—52 U-1886-01 — Shawnee Street over Three Mile Creek in Leavenworth, grading, bridge and surfacing. (Federal Funds)

Shawnee—89 C-4024-01 — Wanamaker Road and Southwest 41st Street in Topeka, intersection improvement. (Federal Funds)

Shawnee—89 C-4025-01 — Wanamaker Road from Southwest 39th Street to Southwest 41st Street in Topeka, grading and surfacing. (Federal Funds)

Shawnee—89 U-1996-01 — Wanamaker Road from Southwest 37th Street to Southwest 39th Street in Topeka, grading and surfacing. (Federal Funds)

Wyandotte—105 N-0312-01 — 78th and Washington Street in Kansas City, 0.2 mile, intersection improvement. (Federal Funds)

Wyandotte—105 N-0339-01 — Victory Drive ramp at 46th and Parallel Parkway in Kansas City, traffic signals. (Federal Funds)

District Two — Northcentral

Chase—177-9 KA-0339-01 — K-177 from the Butler-Chase county line north to the junction of U.S. 50, 24.1 miles, overlay. (State Funds)

Clay—14 C-3844-02 — Redwood Road from county route 5028 to county route 130, 1.9 miles, surfacing. (Federal Funds)

Cloud-Clay-Washington—9-106 KA-0350-01 — K-9 from the east city limits of Clifton east to the south junction of K-15; K-9 from the east city limits of Concordia east to the south city limits of Clyde; K-9 from the east city limits of Clyde east to the Cloud-Washington county line; K-9 from the Cloud-Washington county line east to the north city limits of Clifton, 26.6 miles, overlay. (State Funds)

Ellsworth—70-27 KA-0384-01 — I-70 from the Russell-Ellsworth county line east to the Ellsworth-Lincoln county line, 23.2 miles, overlay. (State Funds)

Geary-Morris—57-106 KA-0354-01 — K-57 from the junction of I-70/U.S. 40B southeast to the Geary-Morris county line; K-57 from the Geary-Morris county line south to the west junction of K-4 19.6 miles, overlay. (State Funds)

Saline—4-85 KA-0322-01 — K-4 from the junction of K-104 east to the south city limits of Gypsum, 10.7 miles, crack repair. (State Funds)

Saline—70-85 KA-0383-01 — I-70, 2 miles west of I-135 east 1 mile, overlay, (State Funds)

Washington—101 KA-0355-01 — K-148 from the east junction of K-148/K-9 north to the Kansas-Nebraska state line; K-234 from the east city limits of Hanover east to the junction of K-148; K-243 from the junction of K-148 east to the Pony Express Station, 21.7 miles, overlay. (State Funds)

District Four — Southeast

Allen—59-1 KA-0360-01 — U.S. 59 from the Neosho-Allen county line north to the junction of U.S. 54, 13.2 miles, sealing. (State Funds)

Bourbon—6 C-3695-01 — County road 2.4 miles east and 1.5 miles south of Marmaton, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Cherokee—7-11 KA-0356-01 — K-7 from the junction of U.S. 69/U.S. 160 north to the Cherokee-Crawford county line, 11 miles, overlay. (State Funds)

Cherokee—160-11 KA-0366-01 — U.S. 160 from the Labette-Cherokee county line east to the west city limits of Columbus, 12.8 miles, sealing. (State Funds)

Franklin-Miami—68-106 KA-0375-01 — K-68 from the junction of K-33 east to the Franklin-Miami county line; K-68 from the Franklin-Miami county line east to the junction of U.S. 169; K-68 from the junction of U.S. 169 east to the Kansas-Missouri state line, 25.6 miles, overlay. (State Funds)

Linn—52-54 KA-0358-01 — K-52 from the junction of K-31 east to the south junction of U.S. 69, 10.5 miles, overlay. (State Funds)

Montgomery—63 K-9039-01 — Liberty Street from the south city limits to the north city limits of Cherryvale, 0.8 mile, overlay. (State Funds)

District Five — Southcentral

Harper-Kingman-Sumner—2-106 KA-0284-01 — K-2 from the north city limits of Harper northeast to the Harper-Kingman county line; K-2 from the Harper-Kingman county line northeast to the Kingman-Sumner county line; K-2 from the Kingman-Sumner county line northeast to the junction of K-42, 17.1 miles, overlay. (State Funds)

Harvey—50-40 KA-0282-01 — U.S. 50 passing lanes between Burrton and Newton, 2.4 miles, overlay. (State Funds)

Rice—80 C-4175-01 — County road 3.5 miles south and 2.3 miles east of Little River, 0.2 mile, grading and bridge. (Federal Funds)

Sumner—49-96 KA-0269-01 — K-49 from the north city limits of Caldwell north to the east junction of U.S. 160, 16.6 miles, overlay. (State Funds)

Sumner—160-96 KA-0277-01 — U.S. 160 from the east city limits of Wellington east to the Kansas Turnpike Authority, 2.2 miles, sealing. (State Funds)

Sedgwick—254-87 KA-0279-01 — U.S. 254 from the junction of I-235/I-135 northeast to the Kechi interchange, 3 miles, sealing. (State Funds)

District Six — Southwest

Ness—96-68 K-7442-01 — K-96, North Fork Walnut Creek bridges 0.3 mile west of U.S. 283, bridge replacement. (Federal Funds)

Seward—54-88 K-7283-01 — U.S. 54 from the Oklahoma-Kansas state line northeast to Western Avenue in Liberal, 3.7 miles, grading, bridge and surfacing. (Federal Funds)

Stanton—27-94 K-7341-01 — K-27, 0.1 mile south of the Morton-Stanton county line north to 0.1 mile north of the south junction of U.S. 160, 12.3 miles, grading, bridge and surfacing. (Federal Funds)

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

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

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

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

Deb Miller
Secretary of Transportation

Doc. No. 032622

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:

12/5/2005	08950	Refuse Collection Services
12/5/2005	08959	Ethanol Alcohol
12/6/2005	08935	Motor Vehicle Lease
12/6/2005	08957	Wood Sign Posts
12/7/2005	08963	Highway Signing
12/8/2005	08956	Vehicle Maintenance Service — Kansas City/Olathe Metropolitan Area
12/8/2005	08958	Agricultural Services (Crop Production at Prairie Dog State Park)
12/8/2005	08965	Shuttle Bus Service
12/12/2005	08938	Aircraft Insurance
12/12/2005	08955	GPS/Radio, Handheld
12/13/2005	08951	Janitorial Services — Learning Center
12/16/2005	08946	Printing Equipment, Lease/Purchase
12/21/2005	08947	Financial Services — Stored Value/ Debit Cards for Disbursement of Released Inmate Funds
01/10/2006	07702	Leased Space — Hays
01/24/2006	08949	Leased Space — Topeka

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

<http://da.state.ks.us/purch/rfq/>

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

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

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process or to obtain the following bid documents, call (785) 296-8899:

12/6/2005	A-010145	Tullis Building Roof Replacement, Kansas State University
12/13/2005	A-010109	Add Sidewalk from Resident Cottages to Area of Refuge, Parsons State Hospital and Training Center
12/14/2005	A-010164	Tuckpoint Brick and Caulking — Elliott Hall, Wichita State University
12/15/2005	A-010021	Replace Chiller in Hospital Building, Larned State Hospital

The above-referenced bid documents may be downloaded at the following Web site (please monitor this Web site on a regular basis for any changes):

<http://da.state.ks.us/fp>

Chris Howe
Director of Purchases

Doc. No. 032624

(Published in the Kansas Register November 24, 2005.)

City of Lenexa, Kansas

Notice to Bidders

Sealed bids for **87th Street Parkway, Quivira Road to Pflumm Road & Quivira Road, 85th Street to 87th Street Parkway** will be accepted by the city of Lenexa, Kansas, at the Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, KS 66215, until 1:30 p.m. December 13, 2005, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Planning Department customer service staff in sealed envelopes addressed to the city of Lenexa, Kansas, attention: city clerk, at the address above and marked "Bid for: 87th Street Parkway, Quivira Road to Pflumm Road & Quivira Road, 85th Street to 87th Street Parkway." Copies of plans, specifications, bidding documents and other contract documents are on file at the city's Planning Department.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above upon payment of \$50, which amount is non-refundable.

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

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

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

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

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

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

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided

in the notice of award, the city may annul the notice of award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

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

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

A pre-bid conference will be held at 9:30 a.m. Thursday, December 8, in the executive conference room, main level, Lenexa City Hall.

Mary Sue Fry, City Clerk
City of Lenexa, Kansas

Doc. No. 032583

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, which is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

Supreme Court Justice

Eric S. Rosen, Kansas Judicial Center, 301 S.W. 10th Ave., 3rd Floor, Topeka, 66612.

**District Judge, 31st Judicial District,
Position 2**

David W. Rogers, 832 Madison, Fredonia, 66736.

Chautauqua County Treasurer

Lisa Hudson, 1941 Indian Road, Sedan, 67361. Succeeds Lorri Lowe, resigned.

Kansas Animal Health Board

Lonnie B. Busch, 805 W. N St., Leoti, 67861. Term expires July 1, 2008. Succeeds Andrew L. Murphy.

Heather J. Donley, 515 Blake St., Ellsworth, 67439. Term expires July 1, 2008. Reappointed.

Steve Estes, 519 N. 5th St., Atchison, 66002. Term expires July 1, 2008. Succeeds Dennis Rezak.

Kansas Arts Commission

Ellen Kaye Abbott, 5653 S.W. Hawick Lane, Topeka, 66614. Term expires June 30, 2008. Reappointed.

Jennie Becker, 7825 Killarney Place, Wichita, 67206. Term expires June 30, 2008. Reappointed.

Ann Evans, 2112 Vermont, Lawrence, 66046. Term expires June 30, 2008. Reappointed.

Lemuel Sheppard, 744 E. 510th Ave., Pittsburg, 66762. Term expires June 30, 2008. Succeeds Harry Krug.

Kansas Children's Cabinet

Sen. Laura J. Kelly, 234 S.W. Greenwood Ave., Topeka, 66606. Term expires June 30, 2009. Reappointed.

William C. Nelson, 6521 Wenonga Terrace, Shawnee Mission, 66208. Term expires June 30, 2009. Reappointed.

Gwen Perkins, 1729 Lake Alvarado, Lawrence, 66047. Term expires June 30, 2006. Succeeds Patti Hayden, resigned.

Dr. Sylvia L. Robinson, 4009 N. 110th St., Kansas City, KS 66109. Term expires June 30, 2006. Succeeds Reginald L. Robinson.

**Kansas Statewide Independent
Living Council**

Dr. Robert C. Harder, 1420 S.W. Ward Parkway, Topeka, 66604. Term expires August 17, 2008. Reappointed.

Jim Johaneck, 501 W. 3rd, #32, Smith Center, 66967. Term expires August 17, 2008. Reappointed.

Blake Knoll, 409 W. Pine, Liberal, 67901. Term expires August 17, 2008. Reappointed.

Serena Nickell, 8820 Westlawn St., Wichita, 67212. Term expires August 17, 2008. Reappointed.

Christine Owens, 411 W. 6th, Haven, 67543. Term expires August 17, 2008. Succeeds Shari J. Coatney.

Jessica Schwartz, 2529 Maverick Lane, Lawrence, 66046. Term expires August 17, 2008. Succeeds Kelly K. Smith.

Kansas Lottery Commission

Harold Nye, Chair, 3503 Chaumont, Hays, 67601.

State Board of Nursing

Jane A. Conroy, 2614 Apple Drive, Emporia, 66801. Term expires June 30, 2009. Succeeds Artis Perret.

Tamara D. Hutchinson, 1881 Castle Rock Road, Quinter, 67752. Term expires June 30, 2009. Reappointed.

Janet J. Jacobs, 4630 S. Wind Road, Derby, 67037. Term expires June 30, 2009. Succeeds Kelly J. Arpin.

Janice S. McCart, 1818 Harvey Court, Colby, 67701. Term expires June 30, 2008. Succeeds Carrie L. Jones-Williams, resigned.

**Kansas Propane Education and
Research Council**

Ronald Dean Davis, 505 Locust St., Nortonville, 66060. Term expires August 30, 2008. Succeeds David DuVall.

Nadene Ervin, 21305 Oakwood Lane, Chanute, 66720. Term expires August 30, 2008. Reappointed.

Heather Kickhaefer, 11321 W. 64th Terrace, #1009, Shawnee, 66203. Term expires August 30, 2008. Succeeds Dick Dougherty.

Ron Thornburgh
Secretary of State

Doc. No. 032608

State of Kansas

Department of Revenue

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Department of Revenue at 9 a.m. Monday, February 13, in Room 711, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the amendment of an existing titles and registration regulation and a sales tax regulation; the revocation of several income tax regulations; and the proposal of a titles and registration regulation, several income tax regulations and a sales tax regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Kathleen Smith, Tax Specialist, Office of Policy and Research, Department of Revenue, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulations. 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 regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Kathleen Smith at (785) 296-3081 or TTY (785) 296-6461. Disabled parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The east entrance to the Docking Building is accessible.

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

Article 51.—TITLES AND REGISTRATION

Amendments to K.A.R. 92-51-41, Permanent registration of city, county, community college and technical college vehicles. This regulation provides for the inclusion of truck tractor, trailer, or semitrailer community college and technical college vehicles as types of vehicles eligible for permanent registration, if leased by the community college or technical college and used exclusively for a truck driver training program.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Adoption of K.A.R. 92-51-41a, Vehicles used as unmarked law enforcement vehicles. This regulation provides for registration of unmarked law enforcement vehicles utilized by government entities including the state of Kansas, any city, county, agency or instrumentality of the state of Kansas, or any federal agency.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Article 12.—INCOME TAX

Revocation of K.A.R. 92-12-4 and 92-12-5. These reg-

ulations are being revoked and consolidated into the proposed K.A.R. 92-12-4a.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Adoption of K.A.R. 92-12-4a, Resident individual. This regulation defines "resident individual" for purposes of taxation under the Kansas income tax act.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Adoption of K.A.R. 92-12-120, Definition of qualified taxpayer. This regulation prohibits any community service organization awarded tax credits under K.S.A. 79-32,195 et seq. from taking those donations coming through the community service program and making repairs or expenditures to its historic structure and then receiving a tax credit under K.S.A. 79-32,211 based on the expenditures made with the donations received.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Adoption of K.A.R. 92-12-121, Incurred qualified expenditures. This regulation provides further clarification as to when expenditures will be allowed toward qualifying a taxpayer for the credit allowed under K.S.A. 79-32,211.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Adoption of K.A.R. 92-12-130, Amount of tax credit. This regulation clarifies the amount of credit allowed for those small employers participating in a small employer health benefit plan.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Article 19.—KANSAS RETAILERS' SALES TAX

Amendments to K.A.R. 92-19-22a, Admissions. This regulation strikes an erroneous reference to K.A.R. 92-19-34a and adds verbiage to better conform with the rules for drafting administrative regulations.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Adoption of K.A.R. 92-19-83, Prescriptions for dietary supplements. This proposal is to adopt a new regulation for dietary supplements, which is needed because of statutory changes that were made to comply with the Streamlined Sales Tax project (see 2003 Kansas Sess. Laws Ch. 147, Sec. 7). The new definition of "drug" in K.S.A. 2005 Supp. 79-3606(p) excludes dietary supplements from exemption even when dispensed pursuant to a practitioner's prescription order.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

A copy of the regulations and the economic impact statements may be obtained from the Kansas Department of Revenue, Office of Policy and Research, or on the department's Web site at www.ksrevenue.org.

Joan Wagnon
Secretary of Revenue

Doc. No. 032623

State of Kansas

State Employees Health Care Commission

Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Wednesday, December 7, in the boardroom of the offices of the Kansas Public Employees Retirement System, 611 S. Kansas Ave., Topeka. An agenda may be viewed on the commission's Web site at <http://da.state.ks.us/hcc/meetings.htm>. For more information, contact the Benefits Office at (785) 296-6280.

Duane A. Goossen
Chair

Doc. No. 032609

State of Kansas

Children's Cabinet and Trust Fund

Notice of Meeting

The Kansas Children's Cabinet and Trust Fund will conduct a cabinet meeting from 9 a.m. to 3 p.m. Wednesday, December 14, in Room 526-South, State Capitol, 300 S.W. 10th Ave., Topeka. For more information, contact Dyogga Adegbore, program consultant, at (785) 368-7044. Public comments and questions are a part of every Children's Cabinet meeting.

Jim Redmon
Executive Director

Doc. No. 032613

(Published in the Kansas Register November 24, 2005.)

**Summary Notice of Bond Sale
City of Sedgwick, Kansas
\$210,500
General Obligation Bonds
Series B, 2005**

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated November 7, 2005, of the city of Sedgwick, Kansas, bids to purchase the city's General Obligation Bonds, Series B, 2005, will be received at the office of the city clerk at City Hall, 511 N. Commercial, Sedgwick, KS 67135, or by telefacsimile at (316) 772-5592, until 4 p.m. Monday, December 5, 2005. The bids will be considered by the governing body at its meeting at 7:30 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 98.25 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

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

Details of the Bonds

The bonds are dated December 15, 2005, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof, except for one bond in

the denomination of \$5,500 maturing September 1, 2007. Interest on the bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2007. Principal of the bonds becomes due on September 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$10,500	2007
20,000	2008
20,000	2009
20,000	2010
20,000	2011
20,000	2012
25,000	2013
25,000	2014
25,000	2015
25,000	2016

Payment of Principal and Interest

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

Book-Entry Option

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company (DTC), New York, New York, at the bidder's expense.

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to the successful bidder, on or about December 20, 2005, at such bank or trust company or other qualified depository in the contiguous United States, specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$8,312,671. As of December 15, 2005, the city's total outstanding general obligation debt (including the bonds) is \$2,372,000. The city's total indebtedness that is subject to debt limitation, as of December 15, 2005, will be \$1,006,164.82, which is 12.10 percent of the assessed valuation of the city.

Additional Information

For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, John J. Haas, Ranson Financial Consultants, L.L.C., 209 E. William, Suite 401, Wichita, KS 67202, (316) 264-3400.

City of Sedgwick, Kansas
By Janise P. Enterkin
City Clerk
City Hall, 511 N. Commercial
Sedgwick, KS 67135
(316) 772-5151
(316) 772-5592

Doc. No. 032619

(Published in the Kansas Register November 24, 2005.)

Summary Notice of Bond Sale
City of Winfield, Kansas
\$885,000
General Obligation Bonds
Series 2005-A
\$2,130,000*
General Obligation Refunding Bonds
Series 2005-B
(General obligation bonds payable from
unlimited ad valorem taxes)

2008	25,000
2009	260,000
2010	170,000
2011	170,000
2012	195,000
2013	190,000
2014	190,000
2015	185,000
2016	185,000
2017	180,000
2018	180,000
2019	175,000

Bids

Subject to the notice of bond sale dated November 7, 2005, written and electronic bids will be received on behalf of the clerk of the city of Winfield, Kansas (the issuer), in the case of written bids, at the addresses set forth below, and in the case of electronic bids, through PARITY, until noon December 5, 2005, for the separate purchase of each series of the above-referenced bonds (collectively, the bonds). Minimum purchase prices for each series of bonds are set forth in the official notice of bond sale.

Bond Details

General. The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one Series 2005-A Bond in the denomination of \$2,944 (or such amount added to \$5,000 or any integral multiple thereof); will be dated December 15, 2005 (the dated date); and will bear interest from the dated date 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, 2007, for the Series 2005-A Bonds, and March 1, 2006, for the Series 2005-B Bonds.

Series 2005-A Bonds

The Series 2005-A Bonds will become due in principal installments on September 1 in the years as follows:

Year	Principal Amount
2007	\$20,000
2008	50,000
2009	55,000
2010	55,000
2011	60,000
2012	60,000
2013	55,000
2014	55,000
2015	60,000
2016	60,000
2017	65,000
2018	70,000
2019	70,000
2020	75,000
2021	75,000

Series 2005-B Bonds

The Series 2005-B Bonds will become due in principal installments on September 1 in the years as follows:

Year	Principal Amount*
2007	\$ 25,000

The principal amount of the Series 2005-B Bonds and each maturity thereof are subject to adjustment, as set forth in the official notice of bond sale. The issuance of the Series 2005-B Bonds is dependent upon reaching a minimum level of savings, such level of savings to be determined at the sole discretion of the issuer.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond, as follows: (a) Series 2005-A — \$17,700; and (b) Series 2005-B — \$42,600.

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 December 29, 2005, 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 2005 is \$72,505,580. As of the date of issuance of the bonds, the total general obligation bonded indebtedness of the issuer is \$11,215,000. Temporary notes in the principal amount of \$1,195,000 will be retired out of proceeds of the bonds and other available funds.

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:

Diane Rosecrans, Clerk
 City Hall

200 E. 9th, P.O. Box 646
 Winfield, KS 67156-0646
 (620) 221-5500
 Fax (620) 221-5593
 E-mail: drosecrans@winfieldks.org

**Financial Advisor - Facsimile Bid and
 Good Faith Deposit Delivery Address:**
 George K. Baum & Company, Financial Advisor
 Plaza Colonnade
 4801 Main St., Suite 500
 Kansas City, MO 64112
 Attn: David Arteberry
 (800) 821-7195
 Fax (816) 283-5326
 E-mail: arteberry@gkbaum.com

Dated November 7, 2005.

City of Winfield, Kansas

* Subject to adjustment.

Doc. No. 032612

**State of Kansas
 Kansas Development Finance Authority
 Notice of Hearing**

A public hearing will be conducted at 9 a.m. Thursday, December 8, in the conference room in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue approximately \$3.2 million principal amount of Housing Development Revenue Bonds for Johnson County Housing Coalition, Inc. (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 et seq., to finance the costs of acquisition and rehabilitation of an existing 105-unit multifamily housing complex to be operated as Evergreen Apartments and located in Overland Park, Johnson County, Kansas, and related improvements and equipment to be used for public housing purposes (the project).

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

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

Steven R. Weatherford
 President

Doc. No. 032611

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

Westar Energy, Topeka, owns and operates Neosho Energy Center Power Plant located at 2365 22000 Road, Parsons.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business December 26.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Christy Thurman, Bureau of Air and Radiation, not later than the close of business December 26 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was im-

(continued)

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 032618

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, December 8, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFFA 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 respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000648—Maximum Principal Amount: \$230,000. Owner/Operator: Matthew L. Sudbeck. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Section 32, Washington Township, Nemaha County, Kansas, approximately 6 miles north of Seneca on State Highway 63.

The bond, when issued, will be a limited obligation of the KDFFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFFA, 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 KDFFA 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 KDFFA.

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the KDFFA that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Stephen R. Weatherford
President

Doc. No. 032620

State of Kansas

Attorney General

2005 Update to Guidelines for Takings of Private Property

Pursuant to K.S.A. 77-704 of the Private Property Protection Act, the following summary of decisions and pending cases constitutes the 2005 update to the Attorney General's Guidelines.

The original guidelines may be found in Vol. 14, No. 51 of the Kansas Register, published December 15, 1995. Annual updates may be found in the Kansas Register at Vol. 16, No. 1, published January 2, 1997; Vol. 16, No. 52, published December 25, 1997; Vol. 17, No. 53, published December 31, 1998; Vol. 18, No. 52, published December 30, 1999; Vol. 20, No. 1, published January 4, 2001; Vol. 21, No. 1, published January 3, 2002; Vol. 21, No. 52, published December 26, 2002; Vol. 23, No. 1, published January 1, 2004; and Vol. 24, No. 1, published January 6, 2005.

The guidelines and annual updates also may be found on the Attorney General's Web site at <http://www.ksag.org/Divisions/Logic/main.htm>.

Kelo v. City of New London, Conn., 545 U.S. ____, 125 S.Ct. 2655, 162 L.Ed.2d 439, 73 USLW 4552 (U.S. June 23, 2005) (No. 04-108).

The United States Supreme Court held that the proposed disposition of petitioners' property for economic development under the circumstances of this case qualifies as a "public use" within the meaning of the Takings Clause, giving deference to legislative determinations that these takings would advance the public purpose of economically rejuvenating a community. However, the Court made clear that its decision was based on the facts of this case, where the development plan was comprehensive and thoroughly vetted, and there was no evidence of a motive to take property from one private person or entity solely for the purpose of giving it to or benefitting another private person or entity without there being an underlying "public purpose."

At the trial court, petitioners sought to enjoin the City of New London and the New London Development Corporation from exercising eminent domain powers to condemn petitioners' developed property (their homes and rental properties) "in furtherance of an economic development plan that was projected to create in excess of 1,000 jobs, to increase tax and other revenues to the city, and to revitalize an economically distressed city, including its downtown and waterfront areas." *Kelo v. New London*, 268 Conn. 1, 843 A.2d 500 (March 9, 2004). The trial court denied the petitioners' request for injunction on one parcel involved, finding that economic development is a valid public use under the Takings Clause, that these takings would sufficiently benefit the public and bear reasonable assurances of future public use and that the taking of the property was reasonably necessary to the development plan; it granted petitioners' request for injunction on another parcel finding that the condemnation of that parcel was not reasonably necessary to accomplish the development plan. The Supreme Court of Connecticut affirmed the trial court's ruling on the first parcel, and

reversed the decision on the second parcel, finding that there was no violation of the Takings Clause for any of the condemned property.

The United States Supreme Court upheld the Connecticut Supreme Court's decision, finding that although "the City would no doubt be forbidden from taking petitioners' land for the purpose of conferring a private benefit on a particular private entity" or "under the mere pretext of a public purpose," there was no evidence in this case of such an illegitimate purpose. To the contrary, the Court found persuasive evidence of "public use" in these factors: The takings at issue here were to be executed pursuant to a carefully considered and publicly debated development plan that was not adopted to benefit a particular class of identifiable individuals; expected appreciable benefits included over 1,000 new jobs, increased tax and other revenues and revitalization of an economically distressed city, including public areas; and that the city was attempting to coordinate a variety of land uses, with the "big picture" in mind. The Court also placed great emphasis on the fact that the city was relying on a state statute that expressed a legislative determination that the taking of even developed land as part of an economic development project is a "public use" and in the "public interest."

"Given the comprehensive character of the plan, the thorough deliberation that preceded its adoption, and the limited scope of our review, it is appropriate for us, as it was in *Berman*, to resolve the challenges of the individual owners, not on a piecemeal basis, but rather in light of the entire plan. Because that plan unquestionably serves a public purpose, the takings challenged here satisfy the public use requirement of the Fifth Amendment." *Kelo*, 545 U.S. ___, at slip opinion page 13.

The Court declined to narrow or retract its prior rulings that land does not have to be put to a public use for a taking to be appropriate, instead embracing the broader interpretation of public use as "public purpose" and placing great deference in legislative determinations of what is a "public purpose." The Court emphasized that state legislatures are free to impose "public use" requirements that are more stringent than the Takings Clause. The Court also declined to adopt a bright-line rule that economic development never qualifies as a public use, and declined to apply a "reasonable certainty" test that the expected public benefits will actually accrue.

In her dissent, Justice O'Connor asserts that the rule in *Berman* and *Midkiff* eschewed by the Court in this decision is that the purpose for the condemnation must be because the property or its current use is somehow harmful to the public (e.g. blighted, creating an oligopoly); in Justice O'Connor's judgment, that is the public purpose that the Court has recognized in the past, not the economic incidental benefits to the public once the property is transferred to another private owner.

San Remo Hotel v. San Francisco, California, 545 U.S. ___, 125 S.Ct. 2491, 162 L.Ed.2d 315, 73 USLW 4507 (U.S. June 20, 2005) (No. 04-030).

After petitioners' state court takings challenge of a municipal fee for converting residential rooms to tourist rooms failed, petitioners advanced in federal court a se-

ries of federal takings claims that depended on issues identical to those previously resolved in the state court. The United States Supreme Court affirmed the Ninth Circuit Court of Appeals decision, declined to create an exception to the full faith and credit statute, 28 U.S.C. § 1738, so as to guarantee a federal forum for litigants seeking to advance federal takings claims after "ripening" them in state court, and found issue preclusion even though petitioners had reserved the federal court takings claim for adjudication pursuant to *England v. Louisiana Bd. of Medical Examiners*, 375 U.S. 411 (1964).

Lingle v. Chevron, 545 U.S. ___, 125 S.Ct. 2074, 161 L.Ed.2d 876, 73 USLW 4343 (U.S. May 23, 2005) (No. 04-163).

In *Agins v. City of Tiburon*, 447 U.S. 255 (1980), the United States Supreme Court states that a government regulation of private property constitutes a taking if the regulation "does not substantially advance a legitimate governmental interest." In the instant case, the Court unanimously disavowed that statement, holding that the "substantially advances" formula is not "an appropriate test for determining whether a regulation effects a Fifth Amendment taking."

The Hawaii Legislature, concerned about the effects of market concentration on retail gasoline prices, passed a statute limiting the rent oil companies could charge dealers leasing company-owned service stations. Respondent Chevron brought this suit seeking a declaration that the rent cap effected an unconstitutional taking of its property. Applying *Agins v. City of Tiburon*, the federal district court held that the rent cap was an uncompensated taking in violation of the Takings Clause because it did not substantially advance Hawaii's interest in controlling retail gas prices. The Ninth Circuit Court of Appeals affirmed.

In holding that the "substantially advances" formula is not an appropriate test for determining whether a regulation effects a Fifth Amendment taking, the Court reasoned that the Takings Clause is concerned with direct appropriation or physical invasion of private property and with regulations that are the functional equivalent. The "substantially advance" formula, by contrast, looks to the effectiveness of a regulation, not to magnitude or character of the burden imposed on the property owner. The Court therefore reversed lower court rulings that a Hawaii statute capping the rent an oil company can charge dealers who lease its service stations violates the Takings Clause because it does not substantially advance the state's interest in controlling retail gas prices.

The Court clarified that its decision in this case does not disturb any of its prior holdings, that it has never found a compensable taking based on a "substantially advances" inquiry. "Although *Nollan v. California Coastal Commission*, 483 U.S. 825, 834, and *Dolan v. City of Tigard*, 512 U.S. 374, 385, quoted *Agins'* language, the rule those decisions established is entirely distinct from the 'substantially advances' test we address today." 125 S.Ct. at 2086. They involved a special application of the "doctrine of unconstitutional conditions," which provides that the government may not require a person to give up the constitutional right to receive just compensation when prop-

(continued)

erty is taken for a public use in exchange for a discretionary benefit that has little or no relationship to the property. A plaintiff seeking to challenge a government regulation as an uncompensated taking of private property may proceed by alleging a "physical" taking, a *Lucas*-type total regulatory taking, a *Penn Central* taking, or a land-use exaction violating the *Nollan* and *Dolan* standards. Because Chevron argued only a "substantially advances" theory, it was not entitled to summary judgment on its takings claim.

It appears that bills will be filed in the 2006 Legislative Session taking up the Court's invitation to restrict "public use" for eminent domain purposes further than the Court agreed to do so in *Kelo*, or changing the mechanics for exercising eminent domain when the purpose is economic development, *see, e.g.*, 2005 House Bill No. 2030.

Phill Kline
Attorney General

Doc. No. 032621

State of Kansas

Department of Health
and Environment

Notice Concerning Kansas/Federal Water
Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

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

Public Notice No. KS-AG-05-299/301
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Twin Valley Enterprises Inc. 5816 CR 3300 Independence, KS 67301	SW/4 of Section 15, T31S, R15E, Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-S044

This is an application for a permit for an existing unpermitted swine facility. The existing facility consists of a 400-head nursery unit, a 120-head isolation unit and one swine waste retention structure. The applicant has proposed adding a 600-head nursery unit, a 1,000-head finishing unit and another swine waste retention structure for a maximum animal capacity of 1,120 head (448 animal units) of swine

weighing more than 55 pounds and 1,000 head (100 animal units) of swine weighing 55 pounds or less, for a total of 2,120 head (548 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Daniel J. Larson Larson Angus Ranch 195 Road 26 Sharon Springs, KS 67758	NE/4 of Section 36, T15S, R39W, Wallace County	Smoky Hill River Basin

Kansas Permit No. A-SHWA-B003

This is a new permit for an existing cattle feedlot. The permit requires the construction of a runoff control system. As part of the improvement the facility will add pens, thereby expanding the facility to 450 head (450 animal units) of cattle weighing greater than 700 pounds, 500 head (250 animal units) of cattle weighing less than 700 pounds and 10 head (20 animal units) of horses, for a total of 960 head (720 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Fred Cox Jr. 8920 S. Simpson Road Assaria, KS 67416	NE/4 of Section 19, T16S, R02W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-B006

This is a renewal permit for an existing facility for a maximum of 100 head (50 animal units) of cattle weighing less than 700 pounds and 150 head (150 animal units) of cattle weighing more than 700 pounds.

Public Notice No. KS-05-180/184

Name and Address of Applicant	Waterway	Type of Discharge
Cloud Ceramics Division of General Finance Incorporated P.O. Box 369 Concordia, KS 66901	Lower Republican River via Oak Creek	Pit Dewatering and Stormwater Runoff

Kansas Permit No. I-LR08-PO02

Federal Permit No. KS0002682

Legal Description: W¹/₂, NE¹/₄, S13, T6S, R3W, Cloud County

Facility Name: Clay Pits #C-77 and #C-80

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during a clay mining operation. This facility mines clay for brick manufacturing. Clay pit dewatering is employed when necessary to remove rain water, spring water or melted snow from the clay pits and is pumped to settling ponds before being discharged. Stormwater around the clay pits is also discharged from Outfalls 001, 002 and 003. The proposed permit includes monitoring requirements for lead. The proposed permit also includes generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Higgins Stone Company 4826 S. Topeka Blvd. Topeka, KS 66609	Mission Creek via Massosoit Creek	Pit Dewatering and Stormwater Runoff

Kansas Permit No. I-KS92-PO01

Federal Permit No. KS0095460

Legal Description: S17, T13S, R13E, Wabaunsee County

Facility Name: Mission Valley Facility

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during a quarry operation. This facility is engaged in a limestone quarrying, sawing and rock splitting operation, with no rock washing. Water from the sawing operation containing rock fines is directed to three sedimentation ponds in series for treatment before discharging (Outfall 001). A fourth pond is on-site but only stores water in case fill water is needed in the

three-pond settlement series. Discharge only occurs after a heavy rain. Contained in the permit are limits for total suspended solids and pH. The proposed permit includes generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Materials, Inc. 11252 Aurora Ave. Des Moines, IA 50322	Deep Creek via East Branch of Deep Creek	Stormwater Runoff and Pit Dewatering
Kansas Permit No. I-KS38-PO03	Federal Permit No. KS0020630	

Legal Description: W½, NW¼, S3 and N½, S4, T11S, R9E; S½, S33 and W½, SW¼, S34, T10S, R9E, Riley County

Facility Name: Zeandale Quarry
 Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during a quarry operation. This is a limestone quarrying and crushing operation with no washing. Outfall 001 consists of stormwater runoff, which is treated by three in series settling ponds before discharge. The proposed permit includes generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Vermillion Creek via Indian Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-KS79-PO02 Federal Permit No. KS0080977
 Legal: SE¼, S3, and NW¼, S10, T7S, R10E, Pottawatomie County
 Facility Name: Kufahl Quarry #79

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

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Elm Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-NE17-PO02 Federal Permit No. KS0092312
 Legal: NW¼, S36, T16S, R7E, Morris County

Facility Name: Loomis Quarry #91
 Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry and crushing operation with no washing. Outfall 001 consists of pit dewatering and stormwater runoff. The proposed permit includes generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective

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

Public Notice No. KS-PT-05-020

Name and Address of Applicant	Receiving Facility	Type of Discharge
Manko Window Systems Inc. 800 Hayes Drive Manhattan, KS 66502	Manhattan WWTP	Process Wastewater

Kansas Permit No. P-KS38-0002

Facility Description: The proposed action is to reissue an existing pretreatment permit for this facility. This facility manufactures aluminum windows. A four-stage conversion coating operation prepares the aluminum for paint, since a portion of the aluminum is painted using a powder coating operation. Outfall 001 consists of wastewater from the conversion coating operation, after wastewater is neutralized on-site. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH. The monitoring of flow also will be required. 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 St., Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before December 24 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-05-299/301, KS-05-180/184, KS-PT-05-020) and name of the applicant/permittee when preparing comments.

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

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

Roderick L. Bremby
 Secretary of Health and Environment

Doc. No. 032616

State of Kansas

Department of Health and Environment

Request for Bids

Sealed bids for the items listed will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

December 9, 2005
264-06-25

Project Lead Safe KCK —

Lead Hazard Reduction at the following properties:

- Property #1 4536 Haskell Kansas City, KS 66104
Property #2 844 Freeman Kansas City, KS 66101
Property #3 625 Orville Kansas City, KS 66101

- Property #4 646 Orville Kansas City, KS 66101
Property #5 4327 Walker Kansas City, KS 66104
Property #6 838 S. 8th St. Kansas City, KS 66105
Property #7 2149 Lombardy Kansas City, KS 66102

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

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

Roderick L. Bremby Secretary of Health and Environment

Doc. No. 032615

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes and 2005 Supplement of the Kansas Administrative Regulations.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Table with 3 columns: Reg. No., Action, Register. Lists administrative regulations from 1-1-1 to 1-7-11.

Table with 3 columns: Reg. No., Action, Register. Lists administrative regulations from 1-7-12 to 1-14-11.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists agricultural regulations from 4-8-14a to 4-28-7.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 7-34-2 to 7-42-5.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists animal health regulations from 9-2-32 to 9-18-1.

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Table with 3 columns: Reg. No., Action, Register. Lists investigation regulations from 10-22-1.

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists conservation regulations from 11-11-1 through 11-11-7.

AGENCY 14: DEPARTMENT OF REVENUE

Table with 3 columns: Reg. No., Action, Register. Lists revenue regulations from 14-14-12.

AGENCY 16: ATTORNEY GENERAL

Table with 3 columns: Reg. No., Action, Register. Lists attorney general regulations from 16-1-7 to 16-10-3.

AGENCY 26: DEPARTMENT ON AGING

Table with 3 columns: Reg. No., Action, Register. Lists aging regulations from 26-39-144 to 26-39-441.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Lists health and environment regulations from 28-4-1400.

28-16-28g	Amended	V. 24, p. 753
28-16-58	Amended	V. 24, p. 52
28-16-160		
through		
28-16-174	New	V. 24, p. 754-764
28-17-1	Amended	V. 24, p. 178
28-17-6	Amended	V. 24, p. 179
28-17-20	Amended	V. 24, p. 179
28-17-22	New	V. 24, p. 181
28-19-22	Revoked	V. 24, p. 1437
28-19-517	Amended	V. 24, p. 1437
28-19-542	Amended	v. 24, p. 1438
28-19-546	Amended	V. 24, p. 1438
28-19-561	Amended	V. 24, p. 1438
28-19-562	Amended	v. 24, p. 1439
28-19-563	Amended	v. 24, p. 1440
28-19-575		
through		
28-19-578	Revoked	V. 24, p. 1440
28-30-200		
through		
28-30-207	New	V. 24, p. 1470-1474
28-36-1	Revoked	V. 24, p. 146
28-36-32	Revoked	V. 24, p. 146
28-36-60	Revoked	V. 24, p. 146
28-36-120	Revoked	V. 24, p. 146
28-61-1	Amended	V. 24, p. 1242
28-70-1	Amended	V. 24, p. 1177
28-70-2	Amended	V. 24, p. 1177
28-70-3	Amended	V. 24, p. 1178

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-5-64	Revoked	V. 24, p. 1595
30-5-81u	Amended	V. 24, p. 271
30-10-1a	Amended	V. 24, p. 489
30-10-1b	Amended	V. 24, p. 491
30-10-1d	Amended	V. 24, p. 492
30-10-11	Amended	V. 24, p. 492
30-10-17	Amended	V. 24, p. 494
30-10-18	Amended (T)	V. 24, p. 23
30-10-18	Amended	V. 24, p. 334
30-10-19	Amended	V. 24, p. 495
30-10-20	Amended	V. 24, p. 496
30-10-23a	Amended	V. 24, p. 496
30-10-23b	Amended	V. 24, p. 497

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-41-1		
through		
36-41-5	New (T)	V. 24, p. 273, 274
36-41-1		
through		
36-41-5	New	V. 24, p. 1111, 1112

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-42	Amended	V. 24, p. 1734
40-1-44	Amended	V. 24, p. 848
40-1-51	Amended	V. 24, p. 1735
40-2-14a	Amended	V. 24, p. 1735
40-2-14b	Revoked	V. 24, p. 1735
40-3-13	Amended	V. 24, p. 1371
40-3-18	Amended	V. 24, p. 1371
40-3-24	Amended	V. 24, p. 1371
40-3-50	Revoked	V. 24, p. 848
40-3-53	New (T)	V. 24, p. 15
40-3-53	New	V. 24, p. 615
40-4-35	Amended	V. 24, p. 1264
40-7-22	Amended	V. 24, p. 1371
40-7-23	Amended	V. 24, p. 1371

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-2-5	Amended	V. 24, p. 1647
51-9-7	Amended	V. 24, p. 1734
51-9-17	Amended	V. 24, p. 959

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-106a	Amended	V. 24, p. 1145
60-3-107	Amended	V. 24, p. 1145

60-3-108	Amended	V. 24, p. 1145
60-3-112	Amended	V. 24, p. 1145
60-11-13	Amended	V. 24, p. 1145
60-11-120	Amended	V. 24, p. 1145
60-11-121	Amended	V. 24, p. 1145
60-13-112	Amended	V. 24, p. 1146
60-15-101	Amended	V. 24, p. 1146
60-15-104	Amended	V. 24, p. 1147
60-16-103	Amended	V. 24, p. 1147
60-16-104	Amended	V. 24, p. 1148
60-17-111	Amended	V. 24, p. 1149

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-4-1	Amended	V. 24, p. 1629

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-4	Amended	V. 24, p. 79
66-8-8	New	V. 24, p. 80
66-9-6	Amended	V. 24, p. 80
66-9-7	New	V. 24, p. 80
66-10-14	New	V. 24, p. 80
66-14-3	Amended	V. 24, p. 80
66-14-5	Amended	V. 24, p. 81

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-5-16	New (T)	V. 24, p. 1377

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-4	Amended (T)	V. 24, p. 14
69-1-4	Amended	V. 24, p. 392

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-2-2	Amended	V. 24, p. 338

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-1a	Amended	V. 24, p. 794
74-4-8	Amended	V. 24, p. 794
74-5-2	Amended	V. 24, p. 795
74-5-101	Amended	V. 24, p. 795
74-5-102	Amended	V. 24, p. 796
74-5-103	Amended	V. 24, p. 796
74-5-104	Amended	V. 24, p. 796
74-5-201	Amended	V. 24, p. 796
74-5-202	Amended	V. 24, p. 796
74-5-203	Amended	V. 24, p. 797
74-5-205	Revoked	V. 24, p. 797
74-5-301	Amended	V. 24, p. 797
74-5-401	Amended	V. 24, p. 797
74-5-403	Amended	V. 24, p. 797
74-11-6	Amended	V. 24, p. 797
74-11-15	Amended	V. 24, p. 798

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-4-4	New (T)	V. 24, p. 1372
81-5-15	New (T)	V. 24, p. 1372

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-3	Amended (T)	V. 24, p. 97
82-4-3	Amended	V. 24, p. 463
82-4-3a		
through		
82-4-3m	New (T)	V. 24, p. 97-122
82-4-3a		
through		
82-4-3m	New	V. 24, p. 463-488
82-4-3a	Amended (T)	V. 24, p. 1687

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-3-29	New (T)	V. 24, p. 959
86-3-29	New	V. 24, p. 1690

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-203	Amended	V. 24, p. 1178
91-1-213	Revoked	V. 24, p. 1181

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

AGENCY 92: DEPARTMENT OF REVENUE

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

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

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

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-15-2	Revoked	V. 24, p. 1113
100-15-4		
through		
100-15-7	New	V. 24, p. 1113, 1114
100-25-1		
through		
100-25-5	New (T)	V. 24, p. 1373-1376
100-26-1	Amended (T)	V. 24, p. 1376
100-26-2	New (T)	V. 24, p. 1376
100-26-3	New (T)	V. 24, p. 1376
100-28a-14	Amended	V. 24, p. 1114
100-28a-17	New	V. 24, p. 1114
100-28a-18	New	V. 24, p. 1115
100-54-1	Amended	V. 24, p. 1441
100-54-6	Amended	V. 24, p. 1441
100-54-8	Amended	V. 24, p. 1441
100-54-10	New	V. 24, p. 1442
100-54-11	New	V. 24, p. 1442
100-69-1	Amended	V. 24, p. 1346
100-69-2	Amended	V. 24, p. 1347
100-69-3	Amended	V. 24, p. 1347
100-69-4	Revoked	V. 24, p. 1347
100-69-6	Amended	V. 24, p. 1347
100-69-7	Amended	V. 24, p. 1347
100-69-8	Revoked	V. 24, p. 1347
100-69-9	Amended	V. 24, p. 1347
100-69-10	Amended	V. 24, p. 1348
100-69-11	Amended	V. 24, p. 1349
100-72-6	Amended	V. 24, p. 1115
100-73-1		
through		
100-73-6	New (T)	V. 24, p. 1142-1144
100-73-1		
through		
100-73-6	New	V. 24, p. 1443, 1444

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 24, p. 424
102-1-18	Amended	V. 24, p. 424
102-2-3	Amended	V. 24, p. 424
102-2-8	Amended	V. 24, p. 424
102-2-12	Amended	V. 24, p. 426
102-2-14	Amended	V. 24, p. 427
102-3-2	Amended	V. 24, p. 428
102-3-3a	Amended (T)	V. 24, p. 330
102-3-4a	Amended	V. 24, p. 1211
102-3-15	Amended	V. 24, p. 428
102-4-2	Amended	V. 24, p. 428
102-4-15	Amended	V. 24, p. 428
102-5-2	Amended	V. 24, p. 428
102-5-14	Amended	V. 24, p. 429

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

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

(continued)

**AGENCY 108: STATE EMPLOYEES
HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 24, p. 960

AGENCY 110: DEPARTMENT OF COMMERCE

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

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151 through 111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-2-160	New	V. 23, p. 1655
111-2-161	New	V. 23, p. 1655
111-2-162	New	V. 23, p. 1655
111-2-163	New	V. 24, p. 15
111-2-164	New	V. 24, p. 199
111-2-165	New	V. 24, p. 296
111-2-166	New	V. 24, p. 296
111-2-167 through 111-2-172	New	V. 24, p. 430, 431
111-2-173	New	V. 24, p. 460
111-2-174	New	V. 24, p. 460
111-2-175	New	V. 24, p. 919
111-2-176	New	V. 24, p. 919
111-2-177	New	V. 24, p. 1265
111-2-178	New	V. 24, p. 1265
111-2-179 through 111-2-183	New	V. 24, p. 1496, 1497
111-2-182	Amended	V. 24, p. 1598
111-2-184	New	V. 24, p. 1598
111-2-185	New	V. 24, p. 1599
111-2-186	New	V. 24, p. 1599
111-3-13	Amended	V. 23, p. 1433
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095 through 111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116 through 111-4-2125	New	V. 23, p. 311-318
111-4-2126 through 111-4-2146	New	V. 23, p. 459-471
111-4-2147 through 111-4-2160	New	V. 23, p. 901-909
111-4-2161 through 111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074

111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177 through 111-4-2180	New	V. 23, p. 1169-1171
111-4-2181 through 111-4-2185	New	V. 23, p. 1343-1346
111-4-2186 through 111-4-2195	New	V. 23, p. 1434-1438
111-4-2186	Amended	V. 24, p. 1599
111-4-2187	Amended	V. 24, p. 1600
111-4-2188	Amended	V. 24, p. 1600
111-4-2196 through 111-4-2205	New	V. 23, p. 1655-1659
111-4-2206 through 111-4-2213	New	V. 24, p. 15-22
111-4-2214 through 111-4-2227	New	V. 24, p. 199-207
111-4-2228 through 111-4-2235	New	V. 24, p. 297-300
111-4-2236	Amended	V. 24, p. 1115
111-4-2236 through 111-4-2241	New	V. 24, p. 432-435
111-4-2242	New	V. 24, p. 461
111-4-2243	New	V. 24, p. 462
111-4-2244 through 111-4-2258	New	V. 24, p. 920-925
111-4-2246	Amended	V. 24, p. 1028
111-4-2255	Amended	V. 24, p. 1029
111-4-2259 through 111-4-2283	New	V. 24, p. 1029-1046
111-4-2284 through 111-4-2292	New	V. 24, p. 1116-1119
111-4-2293 through 111-4-2306	New	V. 24, p. 1266-1275
111-4-2307 through 111-4-2317	New	V. 24, p. 1497-1506
111-4-2318 through 111-4-2325	New	V. 24, p. 1600-1606
111-5-23 through 111-5-28	Amended	V. 24, p. 1276-1278
111-5-96	Amended	V. 23, p. 101
111-5-111 through 111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-5-116 through 111-5-120	New	V. 24, p. 208, 209
111-5-121 through 111-5-125	New	V. 24, p. 1507, 1508
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 24, p. 1606
111-6-26	New	V. 24, p. 23
111-7-188 through 111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473
111-7-193 through 111-7-197	New	V. 24, p. 436, 437
111-7-198 through 111-7-202	New	V. 24, p. 1046, 1047
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910
111-9-124	New	V. 24, p. 437
111-9-125	New	V. 24, p. 438
111-9-126	New	V. 24, p. 438
111-11-1 through 111-11-11	New	V. 23, p. 911-914

111-11-1	Amended	V. 24, p. 989
111-11-4	Amended	V. 24, p. 990
111-11-5	Amended	V. 24, p. 990
111-11-11	Amended	V. 24, p. 991
111-12-1	New	V. 23, p. 914
111-12-2	New	V. 24, p. 991
111-12-3	New	V. 24, p. 991
111-13-1	New	V. 24, p. 1607
111-13-3 through 111-13-9	New	V. 24, p. 1608-1610
111-14-1	New	V. 24, p. 1610

**AGENCY 112: RACING AND GAMING
COMMISSION**

Reg. No.	Action	Register
112-10-5	Amended	V. 24, p. 1263

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

Reg. No.	Action	Register
115-2-1	Amended	V. 24, p. 1688
115-2-4	Amended	V. 24, p. 1689
115-3-2	Amended	V. 24, p. 148
115-4-2	Amended	V. 24, p. 420
115-4-4	Amended	V. 24, p. 421
115-4-4a	New	V. 24, p. 422
115-4-6	Amended	V. 24, p. 148
115-4-6a	New	V. 24, p. 151
115-4-11	Amended	V. 24, p. 151
115-4-13	Amended	V. 24, p. 422
115-5-1	Amended	V. 24, p. 152
115-5-4	New	V. 24, p. 752
115-7-2	Amended	V. 24, p. 153
115-9-4	Amended	V. 24, p. 153
115-9-9	New	V. 24, p. 1112
115-11-1	Amended	V. 24, p. 752
115-11-2	Amended	V. 24, p. 153
115-15-1	Amended	V. 24, p. 154
115-15-2	Amended	V. 24, p. 155
115-18-1	Amended	V. 24, p. 156
115-18-7	Amended	V. 24, p. 159
115-18-10	Amended	V. 24, p. 753
115-18-14	Amended	V. 24, p. 1689
115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160
115-21-1	Revoked	V. 24, p. 1690
115-21-2	Revoked	V. 24, p. 1690
115-21-4	Revoked	V. 24, p. 1690

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

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

AGENCY 118: STATE HISTORICAL SOCIETY

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

**AGENCY 120: HEALTH CARE DATA
GOVERNING BOARD**

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

**AGENCY 123: JUVENILE JUSTICE
AUTHORITY**

Reg. No.	Action	Register
123-1-101	New	V. 24, p. 301
123-2-105	New	V. 24, p. 338
123-2-110	New	V. 24, p. 338
123-5-101	New	V. 24, p. 339
123-5-106	New	V. 24, p. 339

123-5-111	New	V. 24, p. 339	123-12-1001	New	V. 24, p. 311	123-13-601	New	V. 24, p. 351
123-5-112	New	V. 24, p. 340	123-12-1002	New	V. 24, p. 311	123-13-602	New	V. 24, p. 351
123-5-505	New	V. 24, p. 340	123-12-1101	New	V. 24, p. 311	123-13-603	New	V. 24, p. 351
123-12-101			123-12-1201	New	V. 24, p. 312	123-13-610	New	V. 24, p. 351
through			123-12-1202	New	V. 24, p. 312	123-13-701		
123-12-107	New	V. 24, p. 301, 302	123-12-1301	New	V. 24, p. 312	through		
123-12-201			123-12-1302	New	V. 24, p. 312	123-13-704	New	V. 24, p. 352, 353
through			123-12-1303	New	V. 24, p. 312	123-13-706	New	V. 24, p. 353
123-12-210	New	V. 24, p. 302, 303	123-12-1306	New	V. 24, p. 312	123-13-707	New	V. 24, p. 353
123-12-301			123-12-1308	New	V. 24, p. 313	123-15-101	New	V. 24, p. 353
through			123-13-101	New	V. 24, p. 342	123-15-101a	New	V. 24, p. 354
123-12-315	New	V. 24, p. 303-305	123-13-101a	New	V. 24, p. 343	123-15-101b	New	V. 24, p. 354
123-12-317	New	V. 24, p. 305	123-13-103	New	V. 24, p. 343	123-15-102	New	V. 24, p. 354
123-12-318	New	V. 24, p. 305	123-13-105	New	V. 24, p. 343	123-15-104	New	V. 24, p. 355
123-12-319	New	V. 24, p. 306	123-13-106	New	V. 24, p. 343	123-15-105	New	V. 24, p. 355
123-12-321			123-13-201	New	V. 24, p. 344	123-15-105a	New	V. 24, p. 356
through			123-13-201b	New	V. 24, p. 344	123-15-106	New	V. 24, p. 356
123-12-325	New	V. 24, p. 306	123-13-202	New	V. 24, p. 345	123-15-201	New	V. 24, p. 356
123-12-327	New	V. 24, p. 306	123-13-203	New	V. 24, p. 345	123-16-102	New	V. 24, p. 356
123-12-328	New	V. 24, p. 307	123-13-306	New	V. 24, p. 345	123-16-105	New	V. 24, p. 357
123-12-401	New	V. 24, p. 307	123-13-307	New	V. 24, p. 346			
123-12-501			123-13-401					
through			through					
123-12-505	New	V. 24, p. 307, 308	123-13-404	New	V. 24, p. 346-348			
123-12-505b	New	V. 24, p. 308	123-13-405a	New	V. 24, p. 349			
123-12-506	New	V. 24, p. 308	123-13-406	New	V. 24, p. 349			
123-12-601	New	V. 24, p. 308	123-13-408	New	V. 24, p. 350			
123-12-602	New	V. 24, p. 310	123-13-409	New	V. 24, p. 350			
123-12-702	New	V. 24, p. 310	123-13-501	New	V. 24, p. 350			
123-12-801	New	V. 24, p. 310	123-13-502a	New	V. 24, p. 350			
123-12-901	New	V. 24, p. 310	123-13-505					
123-12-902	New	V. 24, p. 310	through					
			123-13-509	New	V. 24, p. 350, 351			

**AGENCY 127: KANSAS HOUSING
RESOURCES CORPORATION**

Reg. No.	Action	Register
127-1-1	New	V. 24, p. 848

**AGENCY 129: DEPARTMENT OF
ADMINISTRATION—DIVISION OF
HEALTH POLICY AND FINANCE**

Reg. No.	Action	Register
129-5-1	New	V. 24, p. 1595

Order a custom-made loose-leaf binder for the Kansas Register!

Custom-made binders are available to attractively hold up to a year's worth of your copies of the Kansas Register for permanent use. The high quality, durable casebound swinge-hinge binders are manufactured by ABZ Binder. (A swinge-hinge binder has more capacity and allows for easier interfiling than standard ring binders.) The three-inch binder features dark blue supported vinyl covering and gold imprinting, with a label holder on the spine.

\$15 each, includes shipping and handling.
 (Kansas residents must include applicable state and local sales tax.)



In this issue . . .

Kansas Department of Health and Environment Requests for comments on proposed air quality permits	34, 39
Annual Program Report for the Voluntary Cleanup and Property Redevelopment Program	35
Notice of hearing on proposed air quality permit	36
Notice concerning Kansas water pollution control permits	37
Pooled Money Investment Board Notice of investment rates	35
State Banking Board Notice of 2002 meeting schedule	36
Department of Administration Public notice	37
Wildlife and Parks Commission Notice of hearing on proposed administrative regulations	39
Attorney General Opinions 2001-48 through 2001-56	39
Information Network of Kansas Notice of meeting	40
City of Overland Park Notice to bidders	42
Department of Administration—Division of Purchases Notice to bidders for state purchases	42
	43

Please send _____

Total enclosed _____

Clip and mail

Kansas Register Binders @ \$15

(Note: Kansas residents must include applicable state and local sales tax.)

Ship to:

Shipping is by
 U.P.S. Delivery Service—
 Street address is necessary.

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

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

Use this form or a copy of it to enter a subscription:

_____ **One-year subscription @ \$80 ea.**
**(Kansas residents must include
applicable state and local sales tax.)**

Total Enclosed
(Make check payable to the Kansas Register)

Send to: _____

(Please, no
more than
4 address
lines.)

Zip code must be included

Rec. No. _____ Exp. _____ Code _____

This space for Register office use only.

Use this form or a copy of it to enter a name or address change:

Remove your mailing label (above) and affix it here:



Indicate change of name or address
here:

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