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## Department of Administration Office of Facilities and Property Management

## Notice of Commencement of Negotiations for Construction Manager At-Risk Services

Notice is hereby given of the commencement of negotiations for construction management at-risk services for the Learned Hall Engineering Expansion Phase II project for the University of Kansas on the main campus in Lawrence. Phase II consists of an infill between the existing Learned Hall and the soon to be completed Materials, Measurement and Sustainable Environment Center; the partial demolition of Burt Hall; and the renovation of portions of Learned Hall. The site is very limited, and staging may be off-site. The architectural program is available at http://www.da.ks.gov/fp/ArchEngPrograms.htm and the proposed construction budget for this phase is \$48,000,000.

The construction manager at-risk will provide for each phase cost estimating, scheduling, constructability reviews and value engineering studies; procure equipment, pre-qualify subcontractors and take bids; review bids with the design team and owner to determine bids to accept; prepare cost estimate(s) for the un-bid portion(s); provide a guaranteed maximum price and a bond; and manage construction and track all costs for the design team and owner's review.

Questions about the architectural program or the proposed scope of services should be submitted to Jim Modig, Director - Design and Construction Management, University of Kansas, at jmodig@ku.edu.

To be considered, one (1) PDF file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects experience in this type of project delivery system; reference from design professionals and owners from previous projects; description of the construction manager at-risk or general contractor project management approach; financial statements; bonding capacity, including capability of providing a public works bond (K.S.A. 60-1111) and evidence of such bonding capacity (note: failure to present such bonding evidence will deem the firm as unqualified for selection); and a State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB, not more than 40 pages total, and follow the current State Building Advisory Commission guidelines, which can be found in Chapter 4 of the Building Design and Construction Manual at www.da.ks.gov/fp/manual.htm. Proposals should be sent to Barbara Schilling, Office of Facilities and Property Management, Suite 600 South, Landon State Office Building, 900 SW Jackson, Topeka, 66612. If you have questions about the qualifications submittal process, call (785) 291-3695 or email Barb.Schilling@da.ks.gov. Both the PDF and bound proposal submittals shall be delivered to the attention of Barbara Schilling before noon February 24, 2012.

> Mark J. McGivern, Director Office of Facilities and Property Management

Doc. No. 040249

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**Register Office:** 

1st Floor, Memorial Hall (785) 296-3489 Fax (785) 296-8577 kansasregister@sos.ks.gov

## Wichita State University

## Notice of Commencement of Request for Qualifications for Campus Master Planning Services

Responses to the Request for Qualifications listed below will be received by the Wichita State University Purchasing Office, Wichita, Kansas, until 2 p.m. on the date indicated. Responses will be publicly opened. For additional information, interested parties may call (316) 978-3080 or fax (316) 978-3528, or view at www.wichita.edu/purchasing.

#### Monday, March 5, 2012 Request for Qualifications #B0000770

Consultant to Update and Extend Campus Master Plan

Steven W. White Director of Purchasing

Doc. No. 040238

#### State of Kansas

## Department of Administration Office of Facilities and Property Management

#### **Notice of Requested Engineering Services**

Notice is hereby given of the commencement of the selection process for engineering services for the evaluation, assessment and construction of modifications to the raw water intake supply at the Milford Fish Hatchery, Geary County, Kansas. The intent of the project is to prevent the infiltration of aquatic nuisance species into the fish production surface water supply and to protect the waters of the state of Kansas from discharges associated with the hatchery. A previous study has been performed to identify modifications and treatment technologies. The total estimated construction cost associated with the study's recommendation is \$1,200,000.

For more information contact Chad Grisier, (620) 672-0836. A scope of work is available upon request.

To be considered, one (1) PDF file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines, which can be found in Chapter 4 of the Building Design and Construction Manual at www.da.ks.gov/fp/manual.htm. Proposals should be sent to Barbara Schilling, Office of Facilities and Property Management, Suite 600 South, Landon State Office Building, 900 SW Jackson, Topeka, 66612. If you have questions call (785) 291-3695 or email Barb.Schilling@da.ks.gov. Both the PDF and bound proposal submittals shall be delivered to the attention of Barbara Schilling before noon February 24, 2012.

> Mark J. McGivern, Director Office of Facilities and Property Management

State of Kansas

## **Board of Regents Universities**

#### **Notice to Bidders**

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: www.emporia.edu/busaff/. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: thouse@emporia.edu. Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

Fort Hays State University – Bid postings: www.fhsu.edu/bids. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: purchasing@fhsu.edu. Mailing address: Fort Hays State Purchasing Office, 601 Park St., 318 Sheridan Hall, Hays, KS 67601.

Kansas State University – Bid postings: www.k-state.edu/purchasing/rfq. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

**Pittsburg State University** – Bid postings: www.pittstate.edu/office/purchasing. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: jensch@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

**University of Kansas** – Electronic bid postings: http://www.purchasing.ku.edu/. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: purchasing@ku.edu.

University of Kansas Medical Center – Bid postings: http://www2.kumc.edu/finance/purchasing/bids.html. Additional contact info: phone: 913-588-1100, fax: 913-588-1102. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: www.wichita.edu/purchasing. Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Carla K. Bishop Chair of Regents Purchasing Group Director of Purchasing Kansas State University

Doc. No. 039551

(Published in the Kansas Register February 9, 2012.)

## City of Overland Park, Kansas

#### **Notice to Bidders**

Sealed bids for Metcalf Avenue/Shawnee Mission Parkway Bus Corridor Main Transit Project, Overland Park Project ST-1346, will be received by the city of Overland Park, Kansas, at the office of the city clerk, City Hall, 8500 Santa Fe Drive, Overland Park, 66212, until 2 p.m. local time March 13, 2012. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "Bid For: Metcalf Avenue/Shawnee Mission Parkway Bus Corridor Main Transit Project." Copies of plans, specifications, bid documents and other contract documents are on file at the office of the city of Overland Park, Public Works Department, 8500 Santa Fe Drive, Overland Park, 66212, (913) 895-6040. Plans may be purchased or viewed at www.kcblueprint.com. Hard copy sets of half-size plans and specifications or digital downloads will be available for a nonrefundable cost of \$165 with a check made payable to Olsson Associates. Plans may be picked up at 2106 Swift, North Kansas City, MO 64117. For questions, please contact the consulting engineer, Olsson Associates, at (816) 381-1170, attention Paul Moore.

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

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

Should a bidder find "defects" as defined in paragraph GC-3 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

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

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package.

Bids shall be made upon the form provided in ink, printed, or typewritten. Numbers shall be stated both in writing and in figures, the signature shall be longhand, and the complete form shall be without alteration or erasure.

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

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

a. Bid

b. 5% Bid Security — bid bond, cashier's check or certified check (see below)

- c. Signed Documents
  - Buy America Certification
  - Lobbying Certification
  - Lobbying Disclosure Form LLL
  - Tax Clearance Certificate
  - Anti-Collusion and Fraud Affidavit
  - Non-Collusive Proposal Certification

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

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

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

A pre-bid conference will be conducted at 3 p.m. February 23 in Conference Room 1, Overland Park City Hall.

Berry Lutz, Contract Specialist Public Works Department City of Overland Park, 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. 2010 Supp. 12-1675(b)(c)(d) and K.S.A. 2010 Supp. 12-1675a(g).

#### Effective 2-6-12 through 2-12-12

0	
Term	Rate
1-89 days	0.11%
3 months	0.07%
6 months	0.06%
1 year	0.14%
18 months	0.19%
2 years	0.24%

Scott Miller Director of Investments

Doc. No. 040234

#### State of Kansas

# Department of Administration Procurement and Contracts

#### **Notice to Bidders**

Sealed bids for items listed will be received by the Director of Procurement and Contracts until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

02/29/2012	EVT0001164	Walnut River Boat Ramp —
		KAW Wildlife Area
02/21/2012	EVT0001167	Well Casing & Screen
02/22/2012	EVT0001174	Janitorial Services — D1 Topeka
02/21/2012	EVT0001180	Janitorial Services — Wichita
02/21/2012	EVT0001184	Fish Food
02/23/2012	EVT0001183	Cummins Engine Overhaul
		Service
03/01/2012	EVT0001185	Advertising — Create PSAs
02/27/2012	EVT0001186	Janitorial Services — Lawrence
02/27/2012	EVT0001187	Janitorial Services — Atchison
02/24/2012	EVT0001188	Janitorial Services — Salina
		KSRTC

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

http://www2.da.ks.gov/purch/contracts/bids.aspx

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

http://da.ks.gov/purch/adds/default.htm 03/08/2012 A-011741 Electrical Upgrade — DSOB, Topeka

Information regarding prequalification, projects and bid documents can be obtained at (785) 296-8899 or http://da.ks.gov/fp/.

Chris Howe, Director Procurement and Contracts

Doc. No. 040253

#### **State of Kansas**

### Commission on Veterans' Affairs

### **Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 10 a.m. Wednesday, February 22, in the Florentine Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For more information, call (785) 296-3976.

Gregg Burden Executive Director

Doc. No. 040241

#### State of Kansas

## Department of Administration Office of Management Analysis and Standards

#### **Public Notice**

Under requirements of K.S.A. 2010 Supp. 65-34,117(c), records of the Office of Management Analysis and Standards show the unobligated balances are \$9,681,576.60 in the Underground Petroleum Storage Tank Release Trust Fund and \$2,831,056.10 in the Aboveground Petroleum Storage Tank Release Trust Fund at January 31, 2012.

Dennis Taylor Secretary of Administration

Doc. No. 040248

#### State of Kansas

# Department of Health and Environment

#### **Notice of Meeting**

A public meeting will be conducted by the Kansas Department of Health and Environment, as lead agency for Part C of the Individuals with Disabilities Education Act (IDEA), to receive comments from the public on the revision of the *Procedure Manual for Kansas Infant-Toddler Services/tiny-k*. Sections of the manual have been updated and revised to conform to federal regulations regarding the administration of Part C of IDEA in Kansas. The public meeting will be held from 2 to 3 p.m. Wednesday, March 14, utilizing video conferencing at the following sites:

#### KDHE — Topeka

IS-B Conference Room 1000 S.W. Jackson, Suite 10 (785) 296-6135

KDHE — Havs

Northwest District Office 2301 E. 13th St. (785) 625-5663

KDHE — Dodge City Southwest District Office 302 W. McArtor Road (620) 225-0596

**KDHE** — Lawrence Northeast District Office 800 W. 24th St. (785) 842-4600

**KDHE** — Chanute Southeast District Office 1500 W. 7th (620) 431-2390

Complete copies of the draft sections of the procedure manual are available for review at www.ksits.org, or a hard copy may be requested by calling (785) 296-6135 or 1-800-332-6262 (V/TTY). Comments are welcome at the public meeting or in writing by April 9 to the Kansas Infant Toddler Services, Kansas Department of Health and Environment, Children's Developmental Services, Suite 220, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612-1274. Comments also may be sent by email to swalters@kdheks.gov.

Robert Moser, M.D. Secretary of Health and Environment

Doc. No. 040240

#### State of Kansas

# Department of Health and Environment

## Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Waste Management (BWM), will conduct a public hearing at 1:30 p.m. Tuesday, April 17, in the Azure Conference Room, fourth floor, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed amended solid waste management regulation K.A.R. 28-29-300 and the adoption of proposed new solid waste management regulations K.A.R. 28-29-330, 28-29-331, 28-29-332, 28-29-333, 28-29-334, 28-29-335 and 28-29-336. A summary of the proposed regulations, environmental benefit and estimated economic impact follows.

#### **Summary of Regulations:**

**K.A.R. 28-29-300.** This regulation defines terms applicable to construction and demolition (C&D) landfills used in these regulations.

K.A.R. 28-29-330, 28-29-331, 28-29-332, 28-29-333, 28-29-334, 28-29-335 and 28-29-336. These regulations concern control of hazardous and explosive gases at C&D landfills. These proposed new regulations will apply to the subset of C&D landfills in Kansas that may produce hazardous and explosive gases such as hydrogen sulfide and methane due to site-specific characteristics. Most of these are located either in flood plains or quarries. Some operational and monitoring requirements will apply to existing units at these landfills. Additional design and operational requirements will apply to new units at these landfills.

**Environmental Benefit:** C&D landfills that are constructed in accordance with these regulations will minimize the potential for waste to become saturated with

water. Saturated C&D waste can produce toxic and/or explosive landfill gases that endanger the health and safety of the public.

**Economic Impact:** Approximately 75 C&D landfills will have to submit documentation of applicability to KDHE. Most landfills will be able to provide this data at little or no cost. Some landfills will have to provide hydrogeologic data. If this data is not already available, it may cost several thousand dollars to obtain. Approximately 10 landfills in Kansas will have to comply with additional design and operating requirements if a new disposal unit is constructed. KDHE estimates that approximately one of these landfills will construct a new unit each year. The additional cost to construct a new 5acre disposal unit is estimated at \$142,000 and the additional operating costs are estimated to be \$500 to \$1,000 per year. It is estimated that seven landfills will have to install gas monitoring systems at a cost of \$25,000 to \$60,000. The cost of monitoring will be approximately \$2,000 to \$12,000 per year. In contrast, conducting corrective action activities at a site where generation of gas threatens human health or safety could cost the C&D landfill owner or operator more than \$1,000,000. There will be no increase in costs to governmental agencies or the general public.

The time period between the publication of this notice and April 19 serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to 5 p.m. April 19 to Christine Mennicke, Kansas Department of Health and Environment, Bureau of Waste Management, 1000 S.W. Jackson, Suite 320, Topeka, 66612, by fax to (785) 296-8909, or by e-mail to cmennicke@kdheks.gov.

During the hearing April 17, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to an appropriate time frame.

Copies of the proposed regulations and the corresponding regulatory impact statement may be obtained on the BWM website at www.kdheks.gov/waste/ or by contacting Christine Mennicke at (785) 296-0724 or cmennicke@kdheks.gov. Questions pertaining to the proposed regulations should be directed to Christine Mennicke.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the corresponding regulatory impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Christine Mennicke.

Robert Moser, M.D. Secretary of Health and Environment

# 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 17, 28-18a-1 through 33, 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-12-031/033 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Rim Rock Ranch	NW/4 of Section 30,	Verdigris River
Kirk Kelso	T31S, R12E, Elk	Basin
P.O. Box 187	County	
Longton, KS 67352	,	

Kansas Permit No. A-VEEK-E001

This permit is being reissued for an existing facility for 150 head (15 animal units) of deer. This represents a decrease in the permitted animal units from the previous permitted capacity of 200 head (20 animal units) of deer.

Name and Address	Legal	Receiving
of Applicant	Description	Water
K-Bar-S Dairy	NE/4 of Section 06,	Little Arkansas
Kendall Knackstedt	T21S, R04W,	River Basin
675 Chisholm Road	McPherson County	
Inman, KS 67546	-	

Kansas Permit No. A-LAMP-M028

This permit is being reissued for an existing facility with a maximum capacity of 150 head (210 animal units) of mature dairy cattle, 50 head (50 animal units) of dairy heifers and 110 head (55 animal units) of dairy calves, for a total of 315 animal units. This represents an increase in animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water		
of Applicant	Description	water		
Eggerman Farms	SE/4 of Section 25,	Big Blue River		
J. Wendell Eggerman	T06S, R04E, Riley	Basin		
17833 Lasita Road	County			
Green, KS 67447	-			

Kansas Permit No. A-BBRL-S012

A permit is being reissued to an existing facility with a maximum capacity for 1,500 head (600 animal units) of swine weighing more than 55 pounds and 1,000 head (100 animal units) of swine weighing 55 pounds or less. The animal unit capacity has not changed since the previous permit.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before March 10 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-12-031/0-33) and name of the applicant/permittee when preparing comments.

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

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

Robert Moser, M.D. Secretary of Health and Environment

Doc. No. 040245

#### State of Kansas

# Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Westar Energy, Inc. (Westar) has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 for the addition of selective catalytic reduction systems for nitrogen oxides (NOx) control on the existing Unit 1 boiler at the Jeffrey Energy Center in St. Marys, Kansas. Emissions of particulate matter (PM), PM equal to or less than 10 microns in diameter (PM $_{10}$ ), PM equal to or less than 2.5 microns in diameter (PM $_{2.5}$ ) and carbon dioxide (CO $_2$ ) were evaluated during the permit review process.

Westar Energy, Inc., 818 S. Kansas Ave., P.O. Box 889, Topeka, 66601, owns and operates Jeffrey Energy Center located at 25905 Jeffrey Road, St. Marys, 66536.

A public comment period has been established until March 12 to allow citizens the opportunity to express any concerns they may have about this proposed permitting action. Written comments should be submitted in writing to Larry Lowry, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, or may be presented at the public hearing.

Any member of the public may request a public hearing be conducted to receive comments on the proposed issuance of the draft air quality construction permit. The request for a hearing shall be in writing and shall set forth the basis for the request. Written requests to hold a public hearing should be sent to the attention of Sharon Burrell at the address listed above or by fax to (785) 291-3953 and must be received by noon March 12.

If a request is received, a public hearing is tentatively scheduled at 5 p.m. March 21 in the commons area of St. Marys High School, 601 E. Lasley, St. Marys, and will continue until all verbal and/or written comments have been submitted by participants.

If no requests to hold the public hearing are received by noon March 12, the public hearing will be cancelled. A notice of the cancellation will be posted at the KDHE website at http://www.kdheks.gov/bar/publicnotice.html.

If a hearing is conducted, all interested parties will be given a reasonable opportunity to present their views orally or by submission of written materials during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentations to a specific time limit.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed materials in an accessible format. Requests for accommodation must be made not later than March 14.

Copies of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process are available for public review for a period of 30 days from the date of publication during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, and copy of the proposed permit can be reviewed at the KDHE Northeast District Office, 800 W. 24th St., Lawrence. To obtain or review the proposed permit and supporting documentation, contact Larry Lowry, (785) 296-6281, at the KDHE central office, and to review the proposed permit only, contact Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Robert Moser, M.D. Secretary of Health and Environment

Doc. No. 040239

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. Oneok Field Services Company, LLC 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.

Oneok Field Services, P.O. Box 871, Tulsa, OK 74102-0871, owns and operates Wellsford compressor station located at Section 25, Township 278 South, Range 16 West, Kiowa County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Lynelle Ladd, (785) 296-1719, at the KDHE central office, and to review the proposed permit only, contact Ethel Evans, (620) 225-0596, at the KDHE Southwest District office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Lynelle Ladd, KDHE, Bureau of Air, 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 March 12.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air, not later than the close of business March 12 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Robert Moser, M.D. Secretary of Health and Environment

Doc. No. 040242

#### State of Kansas

## Real Estate Appraisal Board

## Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, April 10, in Suite 1102 of the Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the adoption of K.A.R. 117-7-1.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, Suite 1102, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sally Pritchett at (785) 296-6736 or cheryl.magathan@kreab.state.ks.us.

The proposed regulation amendments are for adoption on a permanent basis. A summary of the proposed amendments to the regulation and the economic impact follows:

**117-7-1 Fees.** This regulation is being amended to decrease the original license/certification and renewal of license/certification fees from \$275 to \$250.

The economic impact to appraisers will be a savings of \$25 annually. The economic impact to the Real Estate Appraisal Board will be a decrease in revenues of approximately \$27,125. There is no economic impact to other state agencies or to the public.

Copies of this regulation and the economic impact statement may be obtained by contacting the Kansas Real Estate Appraisal Board at (785) 296-6736, fax at (785) 368-6443 or email at cheryl.magathan@kreab.state.ks.us, or from the board's website at http://www.kansas.gov/kreab.

Sally Pritchett Executive Director

#### State of Kansas

### Secretary of State

#### **Notice of Corporations Forfeited**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of January 2012 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

#### **Domestic Corporations**

ACV Services Inc., Kansas City, KS
ADQ Carpet Cleaning, Inc., Overland Park, KS
All Star Painting Inc., Wichita, KS
Alliance Group, Inc., Great Bend, KS
Alphamac Resources, Inc., Winchester, VA
American Silage, Inc., Garden City, KS
Apex Stages Inc., Pittsburg, KS
Archangel Senior and Medical Home Care Services Inc.,
Shawnee, KS
Ashland Auto, Inc., Ashland, KS
B Bar B Farms, Inc., Goodland, KS
Ballard's Sporting Goods, Inc., Manhattan, KS

Bear Channy Sports Group Inc., Concordia, KS Bergman Drilling, Inc., Wichita, KS Blvd. Used Auto Sales Inc., Kansas City, KS Bob's Ornamental Iron Studio, Inc., Kansas City, KS

Bourell's Floors, Inc., Hutchinson, KS Buildings R We, Inc., Horton, KS

Bureau of Lectures and Concert Artists, Inc., Lawrence, KS

Chiaweb Inc., Olathe, KS Clyde Express, Inc., Clyde, KS

Clyde Mercer, Inc., Denver, CO

CMCJ Enterprises, Inc., Wichita, KS Comptech, Inc., Reeds Spring, MO

Concordia Lodge 1428, Loyal Order of Moose, Concordia, KS

Crosspointe Fellowship Church, Wichita, KS Danny's, Inc., Overland Park, KS

Deals on Wheels Incorporated, Russell, KS

Debbie Hudson Insurance Agency, Inc., Haysville, KS

Dickinson of San Antonio, Inc., San Antonio, TX Excel Printing Services, Inc., Overland Park, KS

Free Forklifts, Inc., Haysville, KS

Freight Logistics, Inc., Wichita, KS G. E. Tolman & Co., Overland Park, KS

General Productivity Corporation, Olathe, KS

Glass Homes, Inc., Wichita, KS

Go Airport Shuttle KC, Inc., Mission, KS

Grace Tabernacle Family Life Outreach Church, Olathe, KS

Greg Buchanan Ministries, Inc., Overland Park, KS Highlands Golf Club Homeowners Association, Inc.,

Hutchinson, KS

Holcomb Machine Works, Inc., Lawrence, KS

Hurtt's Enterprises, Inc., Colby, KS

IFR Finance, Inc., Wichita, KS

Imagine Nation Foundation, Gardner, KS

Jensen Oil & Gas Co., Inc., Mankato, KS

Joco Norml Inc., Stilwell, KS

Joyful Song, Inc., Wichita, KS

Kansas City Express Ltd., Shawnee Mission, KS

King's Pit Bar-B-Que, Inc., Liberal, KS

Kitco, Inc., Leawood, KS

Larned Sand and Gravel, Inc., Larned, KS

Larryvillage Institute, Lawrence, KS Lil Scholars Academy Inc., Wichita, KS Linkbird Inc., Wichita, KS Lucy M Belt, Inc., Lenexa, KS Mama Catering, Inc., Olathe, KS MAVRC Inc., Overland Park, KS McIntyre Commercial, Inc., Overland Park, KS Melanie A. Byrd, OTR, L.L.C., Lenexa, KS Men's Gymnastics Booster Club, Andover, KS Mercy Community Services, Inc., Fort Scott, KS Metropolitan Express Service, Inc., Mission, KS Mike Libel and Sons, Inc., Winchester, KS Office Products, Inc., Great Bend, KS One New Man Alliance, Inc., Wichita, KS One New Man Ministries, Inc., Wichita, KS Performance Training and Management Systems, Inc., Towanda, KS Phillips & Meyers Enterprises, Inc., Stilwell, KS Porter & Porter, Inc., Buckner, MO Power Plant Equipment Co., Lenexa, KS Premier Tools, Inc., Wichita, KS Pro-Print of Lawrence, Inc., Lawrence, KS R & R Manufacturing, Inc., Pratt, KS RC Publications, Inc., Merriam, KS Recycling Hands Inc., Overland Park, KS Ronco, Inc., Prairie Village, KS Roselawn Memorial Gardens, Inc., Ottawa, KS Sail-A-Way Estates Homes Association, Inc., Overbrook, KS Seneca Florist, Inc., Seneca, KS Simmons Funeral Home, Inc., Lenexa, KS Solar Transportation Inc., Wakefield, KS Southern Travel and Tours Inc., Coffeyville, KS S5 Cattle Inc., Stafford, KS T & C Convertors, Inc., Frankfort, KS Taco Tico Operations, Inc., Wichita, KS Taco Tico, Inc., Wichita, KS The Karaoke Source, Inc., Wichita, KS The Villager, Inc., Emporia, KS Transportation Enterprises, Inc., Mission, KS United Refreshments, Inc., Lincoln, NE University of Kansas Delta Chi Association, Overland Park, KS US Micron, L.L.C., Lenexa, KS Wichita League of Paranormal Investigators Inc., Wichita, KS Worthing Oil, Inc., Wamego, KS 1Movement Ministries, Inc., Andover, KS 3D Capital Group, Inc., Wichita, KS

#### Foreign Corporations

Administration Specialists of Omaha, LLC, Omaha, NE Aeroflex Wichita, Inc., Wichita, KS American Trainco, Inc., Englewood, CO Ariens Company, Brillion, WI Associated Risk Managers of Mid-America, Inc., Oklahoma City, OK Babbage Net School, Inc., Niles, IL Baldwin Graphic Systems, Inc., Shelton, CT Brilliance Academy, Inc., Niles, IL Chemical Sanitizing Systems, Ltd., Le Mars, IA Cleveland Coin Machine Exchange, Inc., Willoughby, OH Dechra Veterinary Products, LLC, Overland Park, KS Empire Holding, Inc., Kansas City, MO EXP Pharmaceutical Services Corp., Fremont, CA Gentle Dog Training.com, Inc., Overland Park, KS Homestead Farms Flying Service, Inc., Pond Creek, OK Hughes Machinery Company, Lenexa, KS IFR Systems, Inc., Wichita, KS International Architectural Products, Inc., Waxahachie, TX Jerry Meacham LLC, Cocoa, FL Kabredlo's, Inc., Lincoln, NE Koester American Corporation, Virginia Beach, VA Long Lighting Center, Inc., St. Joseph, MO LRM & Associates, of Kansas City, Inc., Greenwood, MO Mid-Continent Coins, Inc., Bonner Springs, KS Oilwell Fracturing Services, Inc., Midland, TX Open Text Inc., Lincolnshire, IL Policyoptions LLC, Irvine, CA Pratt Properties, Inc., Conyers, GA Premier Bathrooms USA, Inc., Topeka, KS Royal Tractor Company, Inc., New Century, KS Seward Insulation Company, Inc., Joplin, MO Sundance Energy, Inc., Broomfield, ĈO Sunrise Medical HHG Inc., Longmont, CO Taher, Inc., Minnetonka, MN Wilson Plumbing Company, Raytown, MO YAK America Inc., Miami Beach, FL

> Kris W. Kobach Secretary of State

Doc. No. 040250

#### State of Kansas

### Department of Revenue Division of Vehicles

#### Notice of Intent to Establish a New Motor Vehicle Dealer License

Notice has been received from Rogers Manufacturing, Inc., dba RMI Golf Carts, of its intent to establish a new and used vehicle dealership inclusive of selling Textron Low Speed Vehicles and Textron EZ Go Golf Carts at its location of 19882 W. 156th St., Olathe, Kansas.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed establishment of the new Textron EZ Go Golf Carts/Low Speed Vehicle dealership, Rogers Manufacturing, Inc., dba RMI Golf Carts, at 19882 W. 156th St., Olathe, Kansas, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale by Rogers Manufacturing, Inc., dba RMI Golf Carts, at 19882 W. 156th St., Olathe, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Textron EZ Go Golf Carts/Low Speed Vehicles dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Director of Vehicles, Kansas Department of Revenue, 11th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

> Donna Shelite, Director Division of Vehicles

### Legislature

#### Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 26-February 1 by the 2012 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 58-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and information may be accessed at http:// www.kslegislature.org/li/.

#### **House Bills**

HB 2546, AN ACT concerning the Kansas military board; relating to the conveyance of certain property, by Representative Garber.

HB 2547, AN ACT concerning the promoting employment across Kansas act; pertaining to qualifications for benefits under the act; Kansas small businesses; amending K.S.A. 2011 Supp. 74-50,211 and 74-50,212 and repealing the existing sections, by Committee on Taxation.

HB 2548, AN ACT concerning property taxation; relating to delinquent taxes; partial payment of certain delinquent personal property taxes; poverty affidavits; amending K.S.A. 79-2024 and repealing the existing section; also repealing K.S.A. 79-2102, by Committee on Local Government.

HB 2549, AN ACT concerning preservation of public records; relating to electronic records; amending K.S.A. 45-402, 45-403, 45-404, 45-405, 45-408 and 75-104 and repealing the existing sections, by Committee on

HB 2550, AN ACT concerning alcoholic beverages; amending K.S.A. 41-2640 and 41-2722 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2551, AN ACT concerning wildlife, parks and tourism; relating to vessel fees; amending K.S.A. 2011 Supp. 32-1172 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2552, AN ACT concerning schools; relating to superintendents; amending K.S.A. 72-8202b and repealing the existing section, by Representatives LeDoux, Boman, DeGraaf, Garber, Goodman, Gordon, Grange, Hayzlett, Hedke, Howell, McLeland, O'Hara, Peck, Powell, Seiwert and Vickrey

HB 2553, AN ACT concerning representation by the attorney general, by Committee on Appropriations.

HB 2554, AN ACT enacting the Kansas roofing contractor registration act, by Committee on Insurance.

HB 2555, AN ACT concerning certain recreation commissions, by Representative O'Neal.

HB 2556, AN ACT concerning traffic regulation; designating certain highway segments as safety corridors; establishing the traffic safety corridor fund; amending K.S.A. 2011 Supp. 8-2118 and 74-7336 and repealing the existing sections, by Committee on Transportation.

HB 2557, AN ACT concerning commercial vehicles; requiring an annual commercial vehicle fee; amending K.S.A. 79-306d and K.S.A. 2011 Supp. 8-1,152, 79-6a01, 79-6a02, 79-6a03, 79-6a04, 79-1439, 79-3425i and 79-5101 and repealing the existing sections, by Committee on Transportation.

HB 2558, AN ACT concerning workers compensation; pertaining to the administration of the state workers compensation self-insurance fund; pertaining to the state workplace health and safety program; pertaining to certain time limitation on filing; pertaining to duties of the secretary of labor; amending K.S.A. 44-512, 44-557, 44-578 and 74-712 and K.S.A. 2011 Supp. 2-224a, 44-523, 44-575 and 44-577 and repealing the existing sections, by Committee on Commerce and Economic De-

HB 2559, AN ACT concerning public school safety; amending K.S.A. 72-89b03 and 72-89b04 and repealing the existing sections, by Representatives Smith, Cassidy, Meigs, Mesa, Montgomery and Rubin.

HB 2560, AN ACT concerning taxation; relating to income tax, rate for individuals, credits, deductions and income determination; sales tax rate and distribution of revenue; severance tax, exemptions; homestead property tax refunds; food sales tax refund; amending K.S.A. 39-7,132, 65-7107, 74-8206, 74-8304, 79-32,118, 79-32,128, 79-32,177, 79-32,190 and 79-32,200 and K.S.A. 2011 Supp. 40-2246, 74-50,173, 74-50,208, 74-8316,

79-32,143a, 79-32,182b, 79-32,196, 79-32,197, 79-32,197a, 79-32,201, 79-32,204, 79-32,207, 79-32,210, 79-32,211, 79-32,212, 79-32,222, 79-3603, 79-3620, 79-3703, 79-3710, 79-4217, 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections; also repealing K.S.A. 79-32,176, 79-32,182, 79-3634, 79-3636 and 79-3638 and K.S.A. 2011 Supp. 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-8137, 79-32,111a, 79-32,120, 79-32,202, 79-32,205, 79-32,213, 79-32,242, 79-3633, 79-3635, 79-3637 and 79-3639, by Committee on Taxation.

HB 2561, AN ACT concerning economic development; concerning the STAR bonds financing act; relating to the provisions regarding STAR bond projects; extending the sunset date; amending K.S.A. 2011 Supp. 12-17,179 and repealing the existing section, by Committee on Taxation.

HB 2562, AN ACT concerning public health; relating to emergency care or assistance at the scene of an emergency or accident, by Committee on Judiciary.

HB 2563, AN ACT designating the annual Kansas wheat festival held in Wellington, Kansas as the official state wheat festival, by Representative Wetta.

HB 2564, AN ACT enacting the massage therapist licensure act; providing for powers, duties and functions of the state board of healing arts, by Committee on Health and Human Services.

HB 2565, AN ACT concerning health care predetermination requests for information relating to health insurance benefits coverage, by Committee on Health and Human Services.

HB 2566, AN ACT concerning school districts; relating to the school district capital improvements fund; amending K.S.A. 2011 Supp. 75-2319 and repealing the existing section, by Committee on Education.

HB 2567, AN ACT concerning crimes and punishments; relating to aggravated endangering a child; amending K.S.A. 2011 Supp. 21-5419 and 21-5601 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2568, AN ACT concerning the Kansas offender registration act; amending K.S.A. 2011 Supp. 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-4907, 22-4908 and 22-4909 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 22-4902a and 22-4906a, by Committee on Corrections and Juvenile Justice.

HB 2569, AN ACT concerning public records; relating to legislative review of exceptions to disclosure; amending K.S.A. 2011 Supp. 45-229 and repealing the existing section, by Committee on Judiciary.

HB 2570, AN ACT concerning taxation; relating to food sales tax refunds and homestead property tax refunds; certain confined persons; amending K.S.A. 79-3632 and 79-4505 and K.S.A. 2011 Supp. 79-3633 and 79-4502 and repealing the existing sections, by Committee on Tax-

HB 2571, AN ACT designating limestone as the official state rock, by Representatives Carlin and Mosier.

HB 2572, AN ACT concerning the adjutant general; relating to the funding for disasters; KUSF; insurance fees and premium taxes; creating the disaster reimbursement fund; amending K.S.A. 2011 Supp. 66-2008 and 66-2010 and repealing the existing sections, by Committee on Ap-

HB 2573, AN ACT concerning health care; enacting the KanCare accountability act, by Representative Ward.

HB 2574, AN ACT concerning the Kansas highway patrol; allowing the superintendent to charge and collect fees for certain services, by Committee on Appropriations.

HB 2575, AN ACT enacting the state government immigration accountability act, by Committee on Federal and State Affairs.

HB 2576, AN ACT concerning immigration; amending K.S.A. 2011 Supp. 21-5918 and 22-2802 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2577, AN ACT concerning the e-verify program and the use thereof by business and governmental entities; penalties, by Committee on Federal and State Affairs.

HB 2578, AN ACT concerning immigration; relating to the enforcement of federal immigration laws; concerning the determination of citizenship; notification; exchange of information; indemnification; implementation; cooperative agreements, by Committee on Federal and State Affairs

HB 2579, AN ACT concerning unborn children; declaring that life begins at conception, by Committee on Federal and State Affairs.

HB 2580, AN ACT concerning public charter schools; creating the Kansas public charter schools act; amending K.S.A. 2011 Supp. 72-6407

and repealing the existing section; also repealing K.S.A. 72-1903, 72-1904, 72-1908, 72-1909 and 72-1911 and K.S.A. 2011 Supp. 72-1906, 72-1907 and 72-1910, by Representatives Garber, Goodman, Gregory, O'Brien and Otto.

**HB 2581**, AN ACT concerning deductions from wages; prohibiting deductions for political purposes; amending K.S.A. 2011 Supp. 44-319 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2582, AN ACT relating to the office of the securities commissioner of Kansas; relating to duties and establishing certain special revenue funds and prescribing functions therefor; employees of the securities commissioner; relating to the Kansas uniform securities act; amending K.S.A. 17-12a101, 17-12a102 and 17-12a410 and K.S.A. 2011 Supp. 17-12a601 and 75-6301 and repealing the existing sections, by Committee on Commerce and Economic Development.

**HB 2583**, AN ACT concerning the Kansas offender registration act; relating to offender registrant admittance to or residence within an adult care home; amending K.S.A. 2011 Supp. 22-4905 and 39-935 and repealing the existing sections, by Committee on Aging and Long-term Care.

**HB 2584**, AN ACT concerning the regulation of knives; relating to certain criminal statutes; amending K.S.A. 2011 Supp. 21-6301 and 21-6302 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2585**, AN ACT concerning property taxation; relating to the appraisal of property; appeals; changes; clerical errors; listing of vessels; amending K.S.A. 79-304 and 79-1475 and K.S.A. 2011 Supp. 74-2433f, 79-1448, 79-1460, 79-1609, 79-1701a and 79-1702 and repealing the existing sections, by Committee on Taxation.

HB 2586, AN ACT concerning property taxation; relating to collection and cancellation of taxes; protesting payment of taxes; amending K.S.A. 2011 Supp. 79-2005 and repealing the existing section, by Representatives LeDoux, Brookens, Goodman, Grant, Gregory, Grosserode, Hedke, Mesa, O'Hara, Peck, Rubin, Smith and Williams.

**HB 2587**, AN ACT concerning real property; relating to conservation easements; amending K.S.A. 58-3811 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2588**, AN ACT concerning water; relating to debt authorization for water districts; amending K.S.A. 19-3553 and K.S.A. 2011 Supp. 82a-619 and repealing the existing sections, by Committee on Energy and Utilities.

 ${\bf HB~2589}, {\rm AN~ACT}$  concerning institutions of higher learning and student athletes, by Representative McCray-Miller.

**HB 2590**, AN ACT concerning roads and bridges; relating to advertising signs; application fees; amending K.S.A. 2011 Supp. 68-2236 and repealing the existing section, by Representative Garber.

**HB 2591**, AN ACT concerning income taxation; relating to credits; amending K.S.A. 79-32,141 and K.S.A. 2011 Supp. 79-32,160a and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-32,160f, by Committee on Taxation.

**HB 2592**, AN ACT concerning employer leave policies for employees; declaring certain city ordinances and county resolutions to be against public policy, by Committee on Commerce and Economic Development.

**HB 2593**, AN ACT concerning interstate banking; relating to commission approval; amending K.S.A. 9-532, 9-533 and 9-534 and K.S.A. 2011 Supp. 9-535 and repealing the existing sections, by Committee on Financial Institutions.

**HB 2594**, AN ACT concerning school districts; relating to changes to the school finance formula; amending K.S.A. 2011 Supp. 72-3607, 72-6407, 72-6410, 72-6412, 72-6414a, 72-6414b, 72-6421, 72-6423, 72-6426, 72-6431, 72-6433, 72-6434, 72-6441, 72-6449, 72-6451, 72-6460, 72-8237, 72-9509, 72-9609 and 79-201x and repealing the existing sections, by Committee on Vision 2020.

**HB 2595**, AN ACT concerning counties; relating to countywide retailers' sales tax; amending K.S.A. 2011 Supp. 12-187 and repealing the existing section, by Committee on Local Government.

**HB** 2596, AN ACT repealing K.S.A. 2011 Supp. 74-509; concerning the duties of the irrigation commissioner, by Committee on Government Efficiency.

HB 2597, AN ACT repealing K.S.A. 2-1426 and K.S.A. 2011 Supp. 2-1424a and 2-1425; concerning agricultural seeds; relating to a seed laboratory, seed testing, the seed examination fee fund, and publication reports of inspections and exams, by Committee on Government Efficiency.

**HB 2598**, AN ACT concerning abortion; relating to restrictions on late term abortions; relating to the woman's-right-to-know act; creating the no taxpayer funding for abortion act; amending K.S.A. 60-1901 and K.S.A. 2011 Supp. 40-2246, 65-6701, 65-6703, 65-6709, 65-6710, 79-32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3606g, by Committee on Federal and State Affairs.

**HB 2599**, AN ACT concerning motor vehicles; relating to certain antique license plates; providing for registration decals; amending K.S.A. 2011 Supp. 8-172 and repealing the existing section, by Committee on Transportation.

#### **House Concurrent Resolutions**

HCR 5030, by Representatives O'Brien, Arpke, Calloway, Garber, Goodman, Gregory, Grosserode, M. Holmes, Huebert, Kelley, Knox, Mast, Meigs, O'Hara and Scapa, A CONCURRENT RESOLUTION urging the United States Congress to adopt the parental rights amendment, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

HCR 5031, by Joint Committee on Kansas Security, A CONCURRENT RESOLUTION urging the United States Department of Defense to reevaluate the types of treatment facilities where the TRICARE military health care program provides coverage of substance abuse treatment and to seriously consider allowing coverage in less restrictive outpatient environments.

**HCR 5032**, by Committee on Corrections and Juvenile Justice, A CONCURRENT RESOLUTION commending the positive approach and best practices of the Crisis Intervention Team program and encouraging the development of active crisis intervention team programs statewide.

#### **House Resolutions**

**HR 6005**, by Committee on Agriculture and Natural Resources, A RESOLUTION recognizing the Commissioner of Forestry and the Kansas Forest Service, Kansas State University for providing 125 years of dedicated forestry services to the owners, managers and stewards of the state's forest, trees, natural resources and related industries.

HR 6006, by Representatives O'Neal, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley, A RESOLUTION in memory of Representative Rocky Fund.

#### **Senate Bills**

SB 339, AN ACT concerning taxation; relating to income tax, rate for individuals, credits, deductions and income determination; sales tax rate and distribution of revenue; severance tax, exemptions; homestead property tax refunds; food sales tax refund; amending K.S.A. 39-7,132, 65-7107, 74-8206, 74-8304, 79-32,118, 79-32,128,79-32,177, 79-32,190 and 79-32,200 and K.S.A. 2011 Supp. 40-2246, 74-50,173, 74-50,208, 74-8316, 74-8401, 79-32,110, 79-32,111, 79-32,117, 79-32,119, 79-32,138, 79-32,143, 79-32,143a, 79-32,182b,79-32,196, 79-32,197, 79-32,197a, 79-32,201, 79-32,204, 79-32,207, 79-32,210, 79-32,211, 79-32,212, 79-32,222, 79-3603, 79-3620, 79-3703, 79-3710, 79-4217, 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections; also repealing K.S.A. 79-32,176 and 79-32,182 and K.S.A. 2011 Supp. 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-8137, 79-32,111a, 79-32,120, 79- $32,202,\ 79-32,205,\ 79-32,213,\ 79-32,242,\ 79-3633,\ 79-3634,\ 79-3635,\$ 3636, 79-3637, 79-3638 and 79-3639, by Committee on Assessment and Taxation.

**SB 340**, AN ACT concerning alcoholic liquor; relating to class A clubs; amending K.S.A. 2011 Supp. 41-2637 and repealing the existing section, by Committee on Transportation.

**SB 341**, AN ACT concerning cities; relating to dissolution of certain cities, by Committee on Transportation.

**SB 342**, AN ACT concerning traffic regulation; designating certain highway segments as safety corridors; establishing the traffic safety corridor fund; amending K.S.A. 2011 Supp. 8-2118 and 74-7336 and repealing the existing sections, by Committee on Transportation.

SB 343, AN ACT concerning motor vehicles; relating to one-way glass and sun screening devices; making an exception for licensed private detectives; amending K.S.A. 2011 Supp. 8-1749a and repealing the existing section, by Committee on Transportation.

SB 344, AN ACT concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 2011 Supp. 4-136, 4-137, 4-138, 4-139, 4-140, 4-141 and 4-142, by Committee on Federal and State Affairs.

SB 345, AN ACT enacting the Kansas management company registration act, by Committee on Financial Institutions and Insurance.

**SB 346**, AN ACT dealing with delinquent taxes and judicial foreclosure; amending K.S.A. 2011 Supp. 79-2804g and 79-2804h and repealing the existing sections, by Committee on Local Government.

**SB 347**, AN ACT concerning the court of tax appeals; amending K.S.A. 2011 Supp. 74-2438a and repealing the existing section, by Committee on Local Government.

**SB 348**, AN ACT concerning property appraisal and taxation; amending K.S.A. 79-304 and 79-1475 and K.S.A. 2011 Supp. 74-2433f, 79-1448, 79-1460, 79-1609, 79-1701a and 79-1702 and repealing the existing sections, by Committee on Local Government.

SB 349, AN ACT relating to the office of the securities commissioner of Kansas; relating to duties and establishing certain special revenue funds and prescribing functions therefor; employees of the securities commissioner; relating to the Kansas uniform securities act; amending K.S.A. 17-12a101, 17-12a102 and 17-12a410 and K.S.A. 2011 Supp. 17-12a601 and 75-6301 and repealing the existing sections, by Committee on Commerce.

**SB 350**, AN ACT concerning school districts; relating to the amount of base state aid per pupil; amending K.S.A. 2011 Supp. 72-6410 and repealing the existing section, by Committee on Ways and Means.

SB 351, AN ACT concerning property tax; transferring moneys to the local ad valorem tax reduction fund; amending K.S.A. 2011 Supp. 79-2959 and repealing the existing section, by Committee on Ways and Means.

SB 352, AN ACT concerning the employment security law; amending K.S.A. 44-702 and K.S.A. 2011 Supp. 44-703, 44-706, 44-706, 44-709, 44-710, 44-714, 44-715 and 44-717 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 44-703a and 44-706b, by Committee on Commerce.

**SB** 353, AN ACT concerning barbers; relating to the powers of the board; fees; licensure; amending K.S.A. 65-1819 and 65-1820a and K.S.A. 2011 Supp. 65-1817 and 65-1824 and repealing the existing sections, by Committee on Ways and Means.

SB 354, AN ACT enacting the cannabis compassion and care act; providing for the legal use of cannabis for certain debilitating medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; establishing the compassion board; providing for administration of the act by the department of health and environment; amending K.S.A. 79-5210 and repealing the existing section, by Committee on Federal and State Affairs.

SB 355, AN ACT concerning labor; relating to employment standards; accident prevention; powers and duties of the secretary of labor regarding labor and wage disputes and workplace inspections; amending K.S.A. 2011 Supp. 44-324, 44-5,104, 44-634 and 44-636 and repealing the existing sections; also repealing K.S.A. 44-603,44-617, 44-625 and 44-628 and K.S.A. 2011 Supp. 44-601b, 44-607, 44-608, 44-609, 44-610, 44-611, 44-612, 44-614, 44-615, 44-616, 44-618, 44-619, 44-620, 44-621, 44-623, 44-624, 44-626 and 44-631, by Committee on Commerce.

**SB** 356, AN ACT concerning amusement rides; relating to regulation of home-owned amusement rides; amending K.S.A. 2011 Supp. 44-1601 and 44-1613 and repealing the existing sections, by Committee on Commerce.

**SB** 357, AN ACT concerning agriculture; relating to soil erosion caused by wind; duties of county commissioners, conservations districts; amending K.S.A. 2-2004 and repealing the existing section, by Committee on Agriculture.

SB 358, AN ACT concerning alcoholic beverages; relating to manufacturer licenses; permitting tastings by such licensees; amending K.S.A. 2011 Supp. 41-305 and repealing the existing section, by Committee on Federal and State Affairs.

**SB** 359, AN ACT concerning interest on judgments; amending K.S.A. 16-201 and repealing the existing section, by Committee on Judiciary.

SB 360, AN ACT concerning the state child death review board; amending K.S.A. 22a-243 and repealing the existing section, by Committee on Judiciary.

SB 361, AN ACT concerning schools; creating the excellence in education act; relating to career technical education; relating to teacher certification; relating to school employee performance and evaluation; amending K.S.A. 12-1677, 72-1412, 72-1413, 72-1414, 72-1415, 72-4417, 72-4419, 72-4463, 72-5333b, 72-6622, 72-6757, 72-8189, 72-8230, 72-8233, 72-8236, 72-8309, 72-8908, 72-9004 and 72-9005 and K.S.A. 2011 Supp. 10-1116a, 71-201, 71-609, 72-978, 72-1046b, 72-1398, 72-3607, 72-3712, 72-3715, 72-3715, as amended by section 50 of this act, 72-5413, 72-6414a, 72-6414b, 72-6420, 72-6421, 72-6423, 72-6426, 72-6460, 72-64b01, 72-64c03, 72-6624, 72-6625, 72-67, 115, 72-8187, 72-8237, 72-8250, 72-8251, 72-8302, 72-8316, 72-8319, 72-8415b, 72-8814, 72-9002, 72-9003, 72-9509, 72-9608, 72-9609, 74-32,141, 74-4939a, 75-2319 and 79-201x and repealing the existing sections; also repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6416, 72-6418, 72-6419, 72-6422, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-6437, 72-6444, 72-6446 and 72-6447 and K.S.A. 2011 Supp. 46-3401, 46-3402, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6417, 72-6420, 72-6421, 72-6423, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6433d, 72-6434, 72-6434b, 72-6435, 72-6438, 72-6439, 72-6439a, 72-6441, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 726453, 72-6454, 72-6455, 72-6456, 72-6457, 72-6458, 72-6459 and 72-6460, by Committee on Education.

**SB 362**, AN ACT concerning the revised Kansas code for care of children; relating to certain persons making reports of abuse or neglect of children; amending K.S.A. 2011 Supp. 38-2223 and repealing the existing section, by Committee on Ways and Means.

**SB** 363, AN ACT concerning racial or other biased-based policing; amending K.S.A. 2011 Supp. 22-4606, 22-4609, 22-4610, 22-4611, 22-4611a and 22-4611b and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 364**, AN ACT concerning school districts; relating to changes to the school finance formula; amending K.S.A. 2011 Supp. 72-3607, 72-6407, 72-6410, 72-6412, 72-6414a, 72-6414b, 72-6421, 72-6423, 72-6426, 72-6431, 72-6433, 72-6434, 72-6441, 72-6449, 72-6451, 72-6460, 72-8237, 72-9509, 72-9609 and 79-201x and repealing the existing sections, by Committee on Education.

**SB** 365, AN ACT concerning property taxation; relating to exemptions; health clubs; amending K.S.A. 2011 Supp. 79-201 and repealing the existing section, by Committee on Assessment and Taxation.

#### **Senate Resolutions**

**SR 1806**, by Committee on Transportation, A RESOLUTION urging the United States Congress to repeal 23 U.S.C. §127(d) concerning the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size and weight limits necessary for the economic needs of the state.

**SR 1807**, by Senator Ostmeyer, A RESOLUTION congratulating and commending the Western Plains High School journalism team on winning the 2011 class 1A Kansas Scholastic Press Association state competition.

SR 1808, by Senator Huntington, A RESOLUTION congratulating Shawnee Mission North High School's Naval Junior Reserve Officer Training Corps program.

SR 1809, by Senators Apple, King and Marshall, A RESOLUTION congratulating Ottawa City Manager Richard Nienstedt as the 2011 recipient of the Buford Watson, Jr. Award for Excellence in Public Management.

Doc. No. 040236

#### State of Kansas

## **Department of Corrections**

## Permanent Administrative Regulations

#### **Article 11.—COMMUNITY CORRECTIONS**

**44-11-111. Definitions.** (a) "Active cases" means those cases that have been supervised in a manner that is *(continued)* 

consistent with contact standards adopted by the secretary.

- (b) "Community corrections agency" means the structure that exists or is proposed to exist within a planning unit and that delivers the community corrections services outlined in a comprehensive plan.
- (c) "Community corrections grant funds" means funds made available to a governing authority by the department of corrections, pursuant to the Kansas community corrections act, K.S.A. 75-5290 et seq. and amendments thereto.
- (d) "Comprehensive plan" means the working document developed by a corrections advisory board at a frequency prescribed by the secretary, setting forth the objectives and services planned for a community corrections agency.

(e) "Corrections advisory board" means a board appointed by a governing authority to develop and oversee

a comprehensive plan.

- (f) "Governing authority" means any county or group of cooperating counties that has established a corrections advisory board for the purpose of establishing a community corrections agency.
- (g) "Grant year" means the year covered in a community corrections agency's comprehensive plan and shall be deemed to begin at the start of a state fiscal year.
- (h) "Line items" means specific components comprising a major budget category.
- (i) "Offender fees" means charges for drug and alcohol testing, electronic monitoring services, supervision services, housing in a residential center, and other services and assistance provided by community corrections agencies.
- (j) "Program" means an adult intensive supervision program (AISP) or adult residential program (ARES) operated by a community corrections agency.
- (k) "Reimbursements" means income generated by community corrections agencies and fees assessed and collected by community corrections agencies in prior fiscal years or in the current fiscal year, for expenses incurred.
  - (l) "Secretary" means the secretary of corrections.
- (m) "Service" means a community corrections activity directed by a public or private agency to deliver interventions to offenders and assistance to victims, offenders, or the community.
- (n) "Standards" means the minimum requirements of the secretary for the operation and management of community corrections agencies.
- (o) "Unexpended funds" means state funds remaining in a program's accounts at the close of a fiscal year that are not obligated for expenses incurred during that fiscal year or that have not been approved for expenditure by the secretary beyond the fiscal year. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2010 Supp. 75-5291, as amended by L. 2011, Ch. 30, Sec. 280, K.S.A. 2010 Supp. 75-5292, K.S.A. 75-5295, K.S.A. 75-5296, K.S.A. 2010 Supp. 75-5297, K.S.A. 75-52,102, K.S.A. 75-52,103, K.S.A. 2010 Supp. 75-52,105, K.S.A. 2010 Supp. 75-52,110; effective May 1, 1981; amended May 1, 1984; amended Feb. 6, 1989; amended March 5, 1990; amended July 23,

1990; amended March 29, 2002; amended June 1, 2007; amended Feb. 24, 2012.)

- **44-11-113.** Comprehensive plan; comprehensive plan review. (a) The comprehensive plan shall be developed by the community corrections agency in collaboration with the corrections advisory board. The comprehensive plan shall minimally include the following:
  - (1) An agency profile;
- (2) signatory approval of the community corrections agency's director, the chairperson of the corrections advisory board, and the governing authority;
- (3) a list of the members of the advisory board, with descriptors that demonstrate compliance with K.S.A. 75-5297, and amendments thereto;
- (4) the name, mailing address, and phone number of the chairperson of the governing authority and, if any, the chairperson's fax number and e-mail address;
- (5) an agency summary of programmatic changes and significant events;
  - (6) an organization chart;
  - (7) personnel data;
  - (8) new position data;
- (9) a description of collaboration that occurred or will occur to identify and address the community's correctional needs;
- (10) a program description, including goals and objectives to be achieved, data elements to be collected, and services to be provided;
  - (11) a new service description;
- (12) an explanation of the relationship among the governing authority, the corrections advisory board, the director of the community corrections agency, and the program or programs described in the comprehensive plan;
- (13) a process for the advisory board to monitor the progress of the program or programs described in the plan;
  - (14) a timeline for implementation of the plan; and
- (15) any other relevant information requested by the secretary in the comprehensive plan form.
- (b) A summary budget, addressing awarded community corrections grant funds, and a detailed narrative describing each line item shall also be submitted annually as prescribed by the secretary.
- (c) Agency outcomes shall be submitted on or before May 1 of each year in a format prescribed by the secretary.
- (d) Each county desiring to establish a community corrections agency shall issue a resolution indicating this intent and include a copy of the resolution in its initial comprehensive plan. A county desiring to enter into an interlocal agreement with another county for the provision of community corrections services, as prescribed in K.S.A. 12-2901 through K.S.A. 12-2907 and amendments thereto, shall include an interlocal agreement, approved by the attorney general, in its initial comprehensive plan.
- (e) A program review committee shall be appointed by the secretary to review each comprehensive plan. The committee shall make a recommendation to the secretary. The comprehensive plan shall be accepted, rejected, or accepted subject to specified modifications by the secretary. (Authorized by K.S.A. 75-5294, K.S.A. 75-5296,

- K.S.A. 75-52,102; implementing K.S.A. 2010 Supp. 75-5292, K.S.A. 75-5296, K.S.A. 75-5299, K.S.A. 75-52,102; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended March 29, 2002; amended June 1, 2007; amended Feb. 24, 2012.)
- **44-11-119.** Local programs. (a) A comprehensive plan may provide for community corrections programs to be administered by public or private agencies. A governing authority may enter into a contractual or other written agreement with a private agency to operate programs identified in the comprehensive plan or to provide specialized services to program participants.
- (b) An annual audit of all programs identified in the comprehensive plan shall be conducted as prescribed by the secretary. The audit may consist of a fiscal audit, standard compliance audit, performance audit, data accuracy audit, or any other type of review prescribed by the secretary.
- (c) Each community corrections agency shall submit notice of the date, time, and location of each advisory board meeting to the deputy secretary of community and field services at least one working day before the scheduled meeting. Each community corrections agency shall submit a copy of the minutes of each advisory board meeting to the secretary within 30 working days after each meeting. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295, 75-5296, 75-52,103; effective May 1, 1981; amended Feb. 6, 1989; amended March 29, 2002; amended Feb. 24, 2012.)
- **44-11-121.** Fiscal management; required reporting. (a) Each governing authority shall designate one person to be responsible for all fiscal matters related to the community corrections grant funds received. This person shall comply with generally accepted accounting principles governing the management of county funds and shall provide information to the corrections advisory board and the secretary on a quarterly basis unless the secretary determines the existence of circumstances that warrant a change in frequency of reporting.
- (b) Each county receiving grant funds shall submit, by either original or electronic copy to the secretary, all portions of its annual financial audit pertaining to community corrections grant funds, including the report's cover letter and any exceptions applicable to community corrections grant funds, in the manner provided by K.S.A. 75-1124, and amendments thereto, within 60 calendar days after receipt by the county.
- (c) All reimbursements maintained from current and prior fiscal years, collected, and expended by a community corrections agency shall be included in the fiscal workbook and the quarterly reconciliation budget report and certification documents.
- (d) Within 60 calendar days after the end of each state fiscal year, each community corrections agency shall submit, by either original or electronic copy to the secretary, a plan approved by the corrections advisory board and governing authority for the use of the reimbursements.
- (e) (1) If a community corrections agency complies with the requirements in subsections (c) and (d) , the agency shall retain its reimbursements and use them in accordance with its approved plan.

- (2) If a community corrections agency chooses not to comply with the requirements in subsections (c) and (d), all current reimbursements and those carried over from previous years may be deducted by the secretary from the agency's current or future allocations. These deductions shall be placed by the secretary in a special fund designated for community corrections.
- (3) Agencies, except those that chose not to comply with the requirements in subsections (c) and (d) during the state fiscal year in question, may apply for these special funds to maintain or enhance current funded services or add new services, or support or enhance agency operations, or any combination of these uses. (Authorized by K.S.A. 75-5294, K.S.A. 75-5296; implementing K.S.A. 75-5296, K.S.A. 75-52,103, K.S.A. 2010 Supp. 75-52,105 and 75-52,111; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended March 29, 2002; amended Feb. 24, 2012.)
- **44-11-123.** Changes in the comprehensive plan, budget, and agency outcomes. (a) If a community corrections agency wishes to change or deviate from the comprehensive plan or agency outcomes, the agency may do so if approval of the corrections advisory board or governing authority is first obtained. Documentation of approval shall be reflected in the board meeting minutes.
- (b) Quarterly grant or carryover reimbursement budget adjustments totaling \$5,000 or one percent of the current grant year award, whichever is higher, shall require signatory approval of the corrections advisory board and the governing authority. The community corrections agency shall submit, by either original or electronic copy to the secretary, documentation of signatory approval along with a description of and justification for the proposed transfer. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2010 Supp. 75-5292, K.S.A. 75-5296, K.S.A. 75-52,102; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended July 23, 1990; amended March 29, 2002; amended June 1, 2007; amended Feb. 24, 2012.)
- **44-11-127.** Prohibition of use of community corrections grant funds; maintenance and documentation of funds. (a) A governing authority shall not use community corrections grant funds to replace available public or private funding of existing programs.
- (b) A governing authority may request community corrections grant funds to continue an existing program that would otherwise cease due to the exhaustion of public or private funds that had been specifically allocated to the program as start-up monies with a predetermined termination date.
- (c) A governing authority may request community corrections grant funds to supplement existing public or private funding of an existing program if these community corrections grant funds would enhance services.
- (d) Community corrections grant funds for adult services shall be maintained in a separate county general ledger account.
- (e) Community corrections grant funds shall not be expended for services, supplies, equipment, or the payment of rent beyond the grant year in which the services, supplies the services of th

plies, equipment, or payments are received or due. Only expenditures incurred within the grant year shall be charged to the community corrections grant.

- (f) All community corrections expenditures shall have supporting documentation.
- (g) Community corrections grant funds shall not be used to fund depreciation.
- (h) Community corrections grant funds shall be expended and obligated for operation and management of programs for adult offenders only. Nothing in this regulation shall prohibit the use of state community corrections grant funds to purchase equipment, supplies, and services shared by programs for adult and juvenile offenders if the use by the adult program is proportionate to the monetary contribution of that program.
- (i) Community corrections grant funds shall not be expended and obligated for association memberships for individuals. Community corrections grant funds may be expended and obligated by community corrections agencies for staff uniforms or clothing and for association memberships for the agency if specifically authorized by the agency's policies and procedures. Nothing in this regulation shall prohibit housing, transportation, clothing, and billing assistance to indigent offenders, or the acquisition of necessary safety equipment for staff, including bulletproof vests and latex gloves. (Authorized by K.S.A. 75-5294; implementing K.S.A. 2010 Supp. 75-5291, K.S.A. 75-5296, K.S.A. 75-52,103, K.S.A. 2010 Supp. 75-52,105; effective, E-82-25, Dec. 16, 1981; effective May 1, 1982; amended March 29, 2002; amended Feb. 24, 2012.)
- **44-11-129.** Unexpended funds. (a) Unexpended funds may be transferred by the secretary to another county or counties. Any county may make application to the secretary for the unexpended funds. The county shall provide the secretary with a statement of why the funds are necessary, documentation of need, a budget summary and narrative describing the proposed services, and, if the funds are for a new program, a listing of measurable goals and objectives. The county shall be notified by the secretary of approval or disapproval of the application within 60 calendar days after the application due date.
- (b) Any community corrections agency may use approved unexpended funds to maintain or enhance current funded services or to support or enhance agency operations, or any combination of these uses as specified in the application. (Authorized by K.S.A. 75-5294; implementing K.S.A. 75-52,103; effective Feb. 6, 1989; amended March 5, 1990; amended March 29, 2002; amended Feb. 24, 2012.)
- **44-11-132.** Use of grant funds to contract for services. (a) Grant funds may be used to contract for services or to provide services directly.
- (b) Each community corrections agency shall make all contracts between the agency and other entities and individuals available to the secretary for review. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295, 75-5296; effective March 5, 1990; amended March 29, 2002; amended Feb. 24, 2012.)

Ray Roberts Secretary of Corrections

State of Kansas

### Department of Health and Environment

#### **Permanent Administrative** Regulations

#### Article 31.—HAZARDOUS WASTE MANAGEMENT STANDARDS AND REGULATIONS

- **28-31-10.** Hazardous waste monitoring fees. Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Fee requirement. Each of the following persons shall pay an annual monitoring fee to the department according to the requirements of subsections (b) through (e):
- (1) Each owner or operator of a hazardous waste treatment, storage, or disposal facility;
  - (2) each hazardous waste transporter; and
  - (3) each hazardous waste generator.
- (b) Hazardous waste treatment, storage, or disposal facilities. The owner or operator of each facility shall pay the annual monitoring fee before January 1 of each year.
- (1) The fee for each active facility shall be based on the following schedule:

following scricture.	
(A) On-site storage facility	\$10,000
(B) Off-site storage facility	\$10,000
(C) On-site nonthermal treatment facility	\$10,000
(D) Off-site nonthermal treatment facility	\$12,000
(E) On-site thermal treatment facility	\$12,000
(F) Off-site thermal treatment facility	\$18,000
(G) On-site landfill or underground injection	
well	\$14,000
(H) Off-site landfill or underground injection	
well	\$18,000
(2) The fee for each facility subject to postclos	ure care

- shall apply upon receipt by the department of the certification of closure specified in 40 CFR 264.115 or 40 CFR 265.115. This fee shall be \$14,000.
- (3) The owner or operator of each facility conducting more than one of the hazardous waste activities specified in paragraphs (b)(1) and (2) shall pay a single fee. This fee shall be in the amount specified for the activity having the highest fee of those conducted.
- (c) Hazardous waste transporters. Each hazardous waste transporter shall pay the annual monitoring fee when the transporter registers with the department in accordance with K.A.R. 28-31-6, and before January 1 of each subsequent year. This fee shall be \$200.
  - (d) Hazardous waste generators.
- (1) Each large quantity generator shall pay the annual monitoring fee before March 1 of each year.
- (A) The fee shall be based on all hazardous waste generated during the previous calendar year according to the following schedule:

Total Yearly Quantity Generated	<b>Monitoring Fee</b>
Less than or equal to 5 tons	\$300
Greater than 5 tons but less than or equal to 5	
Greater than 50 tons but less than or equal to	500 tons \$2,800
Greater than 500 tons	\$8,000

(B) Each large quantity generator that reclaims hazardous waste on-site to recover substantial amounts of energy or materials shall be exempt from payment of monitoring fees for the amount of hazardous waste reclaimed. This exemption shall not apply to hazardous waste residues produced during reclamation.

- (2) Each small quantity generator and each Kansas small quantity generator shall pay the annual monitoring fee of \$150 before April 1 of each year.
- (e) Monitoring fee payments. Each monitoring fee payment that is made by check or money order shall be made payable to the "hazardous waste management fund Kansas department of health and environment."

This regulation shall be effective on and after July 1, 2012. (Authorized by and implementing K.S.A. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-85-2, Jan. 13, 1984; amended May 1, 1984; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended, T-87-49, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended April 25, 1994; amended March 22, 1996; amended June 4, 1999; amended Sept. 20, 2002; amended Oct. 29, 2004; amended April 29, 2011; amended July 1, 2012.)

Robert Moser, M.D. Secretary of Health and Environment

Doc. No. 040252

#### State of Kansas

### Secretary of State

## Permanent Administrative Regulations

#### Article 23.—VOTER REGISTRATION

**7-23-4.** Notice of places and dates of registration. The notice regarding registration required by K.S.A. 25-2310, and amendments thereto, shall be published one time, at least 10 days before the date the registration books will be open additional hours as provided in K.S.A. 25-2311, and amendments thereto. If late hours are not required, the notice shall be published one time, at least 10 days before the date the registration books will be closed. The publication notice shall be made in the following form:

#### "NOTICE OF PLACES AND DATES OF REGISTRATION

In compliance with the provisions of K.S.A. 25-2310, notice is hereby given that the books for registration of voters will be open at the following places during regular business hours:

Per	sons wh	o app	ly for servi	ces at v	oter reg	istration	agencies
may	register	at the	following	places	during	regular	business
hours	S:						

		day of will be provided at	
At	p.m. on the	day of	,, the
books fo	or registration of vot	ers will close and will	remain closed
until the	e day of	,	

A citizen of the United States who is 18 years of age or older, or will have attained the age of 18 years at the next election, must register before he or she can vote. Registration is open until the close of business on the 21st day before the election.

When a voter has been registered according to law, the voter shall remain registered until the voter changes name by marriage, divorce or other legal proceeding or changes residence. The voter may reregister in person, by mail or other delivery when registration is open or the voter may reregister on election day.

Application forms shall be provided by the county election officer or the Secretary of State upon request. The application shall be signed by the applicant under penalty of perjury.

In Witness Whereof I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_\_, \_\_\_\_\_.

County Election Officer

(SEAL)

\* If late hours are not required, omit this paragraph."

(Authorized by K.S.A. 25-2310; implementing K.S.A. 25-2310 and K.S.A. 25-2311, as amended by L. 2011, ch. 112, § 19; effective Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended Sept. 24, 1990; amended Jan. 3, 1997; amended Feb. 24, 2012.)

- **7-23-14.** Assessing documents submitted as evidence of United States citizenship. (a) In assessing documents submitted as evidence of United States citizenship, each election officer shall consider the following factors: first name, middle name or initial, surname, date of birth, place of birth, and sex.
- (1) The first name and the middle name or initial, if provided, shall be consistent with the information provided on the person's application for voter registration. Hyphenated names shall be permitted if not inconsistent with the information provided on the person's application for voter registration.
- (2) If the name on the document is inconsistent with the applicant's name as it appears on the application for voter registration, the election officer shall perform the following:
- (A) Ask the applicant for a second, government-issued document confirming the voter's current name;
- (B) if the applicant is unable or unwilling to provide a second, government-issued document, allow the applicant to sign an affidavit pursuant to K.S.A. 25-2309(q) and amendments thereto, stating the inconsistency related to the applicant's name and swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship; and
- (C) if the applicant is either unable or unwilling to provide a second, government-issued document and refuses to sign an affidavit, inform the applicant of the applicant's right to appeal to the state election board, pursuant to K.S.A. 25-2309(m) and amendments thereto.
- (3) The date of birth indicated on the document submitted as evidence of United States citizenship shall match the date of birth provided on the application for voter registration. If the dates of birth are inconsistent, the election officer shall inform the applicant of the applicant's right to appeal to the state election board, pursuant to K.S.A. 25-2309(m) and amendments thereto.

- (4) If the place of birth is indicated on the document submitted as proof of United States citizenship, the place of birth may be used to assess the applicant's status as a United States citizen. If the document does not contain a place of birth, this fact shall not result in an unsatisfactory assessment.
- (5) If the sex indicated on the document does not match the sex indicated on the application for the voter registration, the election officer shall perform the following:
- (A) Ask the applicant for a second, government-issued document confirming the voter's sex;
- (B) if the applicant is unable or unwilling to provide a second, government-issued document, allow the applicant to sign an affidavit pursuant to K.S.A. 25-2309(q) and amendments thereto, stating the inconsistency related to the applicant's sex and swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship; and
- (C) if the applicant is unable or unwilling to provide a second, government-issued document and refuses to sign an affidavit, inform the applicant of the applicant's right to appeal to the state election board, pursuant to K.S.A. 25-2309(m) and amendments thereto.
- (6) If a document submitted as evidence of United States citizenship contains an expiration date and this date has passed when the document is submitted for purposes of voter registration, the document shall nonetheless be considered in assessing qualifications to register to vote.
- (b) If an applicant for voter registration fails to submit evidence of United States citizenship before the deadline to register to vote before an election, the applicant may submit a valid citizenship document by mail or personal delivery to the county election office by the close of business on the day before the election or a valid citizenship document by electronic means before midnight on the day before the election. "Electronic means" shall include facsimile, electronic mail, and any other electronic means approved by the secretary of state. For each document received in accordance with this subsection, the county election officer shall perform the following:
  - (1) Accept and assess the citizenship document;
- (2) add the applicant's name to the voter registration list as a registered voter; and
- (3) if practicable, include the registrant's name in the poll book for the upcoming election. If poll books have already been printed, the county election officer shall, if practicable, communicate the registrant's name to the appropriate polling place with instructions to allow the registrant to vote a regular ballot. If the registrant's name is not communicated to the election board at the appropriate polling place by the county election officer before the opening of the polls on election day, the registrant shall be allowed to cast a provisional ballot. If any applicant to whom this subsection applies fails to submit satisfactory evidence of United States citizenship in accordance with this subsection and the applicant casts a provisional ballot, the ballot shall not be counted.
- (c) If any registered voter is removed from the voter registration list for any reason consistent with federal or state law and the person submits a new application for

- voter registration, the person's evidence of United States citizenship shall be assessed.
- (d) Each person who meets all of the following conditions shall submit evidence of United States citizenship:
- (1) The person was registered to vote before January 1, 2013 and was therefore deemed to have provided satisfactory evidence of United States citizenship pursuant to K.S.A. 25-2309(n), and amendments thereto.
- (2) The person has been removed from the voter registration list for any reason in accordance with federal or state law.
- (3) The person submits a new application for voter registration.

This regulation shall be effective on and after January 1, 2013. (Authorized by and implementing K.S.A. 2010 Supp. 25-2309, as amended by L. 2011, ch. 56, sec. 8; effective Jan. 1, 2013.)

#### Article 36.—ABSENTEE AND ADVANCE VOTING

- **7-36-7.** Processing advance voting ballot applications. This regulation shall govern the processing of each application for an advance voting ballot received by a county election officer if the applicant is registered to vote in that election officer's county and wants to receive the ballot by mail.
- (a) If the application does not contain sufficient information or if the information is illegible, the county election officer shall contact the applicant to obtain the information before election day, if practicable.
- (b) If the application is not signed or the signature on the application is not consistent with the applicant's signature on the official voter registration list, the election officer shall attempt to contact the applicant by any means to confirm that the applicant intended to apply for an advance voting ballot and shall attempt to obtain an updated signature.
- (c) If the application does not contain the number of the applicant's Kansas driver's license or Kansas non-driver's identification card or if the number is illegible, the county election officer shall attempt to contact the applicant by any means to obtain the information. The county election officer shall provide the applicant with the information required by K.S.A. 25-1122(e)(2), and amendments thereto.
- (d) The county election officer may collect an applicant's Kansas driver's license number or Kansas non-driver's identification card number by any legal means. If the applicant provides the necessary number and the number is consistent with the number on the voter registration list, the county election officer shall issue a regular advance voting ballot.
- (e) If an applicant submits a photocopy of the qualifying photographic identification document and the document contains information that is illegible or inconsistent with the information on the voter registration list, the county election officer shall attempt to contact the applicant by any means to confirm that the applicant intended to apply for an advance voting ballot and shall attempt to obtain a satisfactory photocopy of the qualifying photographic identification document.
- (f) If it is not practicable to contact the applicant before the election or if the information, signature, or photocopy

provided is incomplete or inconsistent with the voter registration list, the county election officer shall issue a provisional advance voting ballot.

(g) The county election officer shall present each provisional advance voting ballot to the county board of canvassers for a determination of validity. If the voter provided additional information, an updated signature, or an additional photocopy upon request by the county election officer and if the information, signature, or photocopy is consistent with the voter registration list, the ballot shall be counted unless the ballot is determined to be invalid for another reason. If the voter did not provide additional information, an updated signature, or an additional photocopy upon request by the county election officer or if the information, signature, or photocopy is inconsistent with the information on the voter registration list, the ballot shall not be counted. (Authorized by and implementing K.S.A. 2010 Supp. 25-1122, as amended by L. 2011, ch. 56, sec. 2; effective Feb. 24, 2012.)

**7-36-8.** Uniformed and overseas citizens absentee voting act; ballot distribution deadline in local mail bal**lot elections.** When conducting a local mail ballot election pursuant to K.S.A. 25-431 et seq. and amendments thereto, the county election officer shall transmit a ballot to any person who is qualified to vote under the uniformed and overseas citizens absentee voting act and who has submitted an application for a federal services ballot 45 or more days before the date of the election. If a person submits an application for a federal services ballot less than 45 days before the date of the election, the county election officer shall transmit a ballot to the person within two business days after receipt of the application. (Authorized by K.S.A. 25-440 and 25-1225; implementing K.S.A. 25-435, K.S.A. 25-438, and K.S.A. 2011 Supp. 25-1218; effective Feb. 24, 2012.)

# Article 46.—PHOTOGRAPHIC IDENTIFICATION REQUIREMENTS

- **7-46-1.** Postelection submission of photographic identification by provisional voter. (a) Any voter who has cast a provisional ballot due to a failure or refusal to provide a valid photographic identification document at the time of voting may submit a valid photographic identification document by mail, in person, or by electronic means to the county election office in the county where the voter is registered to vote. "Electronic means" shall include facsimile, electronic mail, and any other electronic means approved by the secretary of state.
- (b) If the voter submits a valid photographic identification document to the county election office before the county board of canvassers convenes, the county election officer shall present the document to the board of canvassers to determine the validity of the provisional ballot. If the board of canvassers determines the photographic identification document to be valid and the provisional ballot is not determined to be invalid for any other reason, the ballot shall be counted. (Authorized by and implementing K.S.A. 2010 Supp. 25-1122, as amended by L. 2011, ch. 56, sec. 2, and K.S.A. 2010 Supp. 25-2908, as amended by L. 2011, ch. 56, sec. 11; effective Feb. 24, 2012.)

- **7-46-2.** Election board worker assessment of validity of photographic identification documents. (a) Each election board worker to whom a photographic identification document is presented by a voter shall assess the sufficiency and validity of that document as follows:
- (1) The election board worker shall perform the following:
- (A) Verify that the name on the photographic identification document is consistent with the name on the poll book:
- (B) allow for abbreviations and nicknames, including "Wm." or "Bill" for "William";
- (C) if the name of the voter is consistent with the name in the poll book, proceed to paragraph (a)(2); and
- (D) if the voter's name is different from the name in the poll book or the name as stated by the voter due to marriage, divorce, hyphenation, or legal action, issue the voter a provisional ballot on the condition that the voter first completes an application for voter registration.
- (2) The election board worker shall compare the photograph to the voter to determine whether the voter is the person depicted in the photograph, considering hair color, glasses, facial hair, cosmetics, weight, age, injury to the voter, and other physical characteristics.
- (A) If the election board worker is satisfied that the voter is the person depicted in the photographic identification document and the voter's name is consistent with the name in the poll book, then the election board worker shall issue the voter a regular ballot.
- (B) If the election board worker is unable to determine whether the voter is the person depicted in the photographic identification document because of degradation or insufficient photograph quality, then the election board worker shall issue a regular ballot to the voter if one of the following conditions is met:
- (i) The voter's date of birth on the presented photographic identification document matches the voter's date of birth in the poll book.
- (ii) The voter submits a different photographic identification document that contains a photograph that appears to the election board worker to depict the voter.
- (iii) An election board worker at the polling place possesses knowledge that the person depicted in the photographic identification document is the voter.
- (3) If the election board worker determines that the photographic identification document does not depict the voter, then the election board worker shall issue a provisional ballot unless the voter submits a different photographic identification document that contains a photograph that appears to the election board worker to depict the voter.
- (b) The photographic identification document shall not be used to verify the address of the voter if the document contains an address. The photographic identification document shall be used to verify only the name and appearance of the voter. The poll book shall be used to verify the address of the voter by comparing the voter's address in the poll book to the address stated by the voter.
- (c) If there is a dispute regarding the application of this regulation to a voter or if the election board worker is unable to determine a voter's eligibility, the supervising

judge shall make a decision regarding whether a regular ballot or a provisional ballot shall be issued.

- (d)(1) The county election officer shall present all provisional ballots to the county board of canvassers for a determination of validity.
- (2) Each provisional ballot issued under this regulation shall be counted if both of the following conditions are met, unless the provisional ballot is determined to be invalid for another reason:
- (A) Before the county board of canvassers convenes, the voter provides information to the county officer that remedies each deficiency or inconsistency that led to the issuance of the provisional ballot.
- (B) The county board of canvassers determines that the voter's provisional ballot is valid.
- (e) Nothing in this regulation shall require an election board worker to issue a regular ballot if the election board worker determines that a voter is attempting to circumvent the photographic identification requirement. Except as specified in K.S.A. 25-2908(i) and amendments thereto, nothing in this regulation shall exempt the voter from providing a photographic identification document. (Au-

thorized by and implementing K.S.A. 2010 Supp. 25-2908, as amended by L. 2011, ch. 56, sec. 11; effective Feb. 24, 2012.)

- **7-46-3. Declarations of religious objection.** (a) Each person who is otherwise entitled to vote and who seeks an exemption from the photographic identification requirement pursuant to K.S.A. 25-2908(i)(5), and amendments thereto, shall sign and submit a declaration form concerning the person's religious beliefs before receiving a ballot in each election in which the person intends to vote. The person may sign and submit the declaration form to the secretary of state or the county election officer before each election or when applying for a ballot.
- (b) A voter shall not submit a declaration of religious objection in place of a valid photographic identification document after casting a ballot. (Authorized by and implementing K.S.A. 2010 Supp. 25-2908, as amended by L. 2011, ch. 56, sec. 11; effective Feb. 24, 2012.)

Kris W. Kobach Secretary of State

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