

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 8, No. 35

August 31, 1989

Pages 1265-1302

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## State of Kansas

**STATE CONSERVATION COMMISSION****NOTICE OF MEETING**

The State Conservation Commission will meet at 8:30 a.m. Monday, September 11, at the Best Western Sun Dome Inn, 11 Des Moines, Hutchinson.

A copy of the agenda may be obtained by contacting Donna Uphaus, 109 S.W. 9th, Room 300, Topeka 66612, (913) 296-3600.

**KENNETH F. KERN**  
Executive Director

Doc. No. 008226

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT  
BOARD OF ADULT CARE HOME  
ADMINISTRATORS**

**NOTICE OF MEETING**

The Board of Adult Care Home Administrators will meet at 9:30 a.m. Friday, September 15, in conference room 106, Landon State Office Building, 900 S.W. Jackson, Topeka.

**CATHY ROONEY**  
Director, Health Occupations  
Credentialing Unit

Doc. No. 008240

## State of Kansas

**KANSAS VALUE ADDED  
PROCESSING CENTER****NOTICE OF MEETING**

The Leadership Council of the Kansas Agricultural Value Added Processing Center (KVAC) will meet from 9 a.m. to noon Wednesday, September 6, in Room 125 of Umberger Hall, Kansas State University, Manhattan.

For further information contact Richard R. Hahn, Director, (913) 532-7033.

**RICHARD R. HAHN**  
Director

Doc. No. 008246

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT  
STATE EMERGENCY RESPONSE  
COMMISSION**

**NOTICE OF MEETING**

The State Emergency Response Commission will meet at 9 a.m. Wednesday, September 20, in the State Defense Building, 2800 S. Topeka Blvd., Topeka.

**STANLEY C. GRANT**  
Secretary of Health  
and Environment

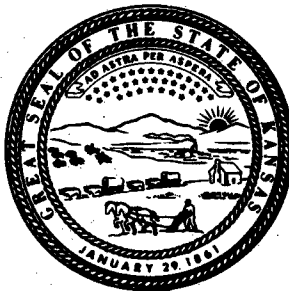
Doc. No. 008258

The *Kansas Register* (ISSN No. 0744-2254) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.15 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

*Postmaster.* Send change of address form to *Kansas Register*, Secretary of State, State Capitol, Topeka, KS 66612-1594.

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**PUBLISHED BY**  
**Bill Graves**  
Secretary of State  
2nd Floor, State Capitol  
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of September 4 through September 14:

Date	Room	Time	Committee	Agenda
September 5	521-S	10:00 a.m.	Legislative Budget	<p><i>5th:</i> Proposal 38—State General Fund, staff reports. Also, staff reports re: lottery finances, unemployment compensation claims paid to former employees of SRS area offices, and interim studies in other committees.</p> <p><i>6th:</i> Hearings re: certificates of participation and lease-purchase agreements, future plans of Kansas Development Finance Authority, and state group health insurance contract for 1990.</p>
September 6	521-S	9:00 a.m.	Committee	
September 7	519-S	10:00 a.m.	Special Committee on	<p><i>7th:</i> Briefings on Proposals No. 8 and 11.</p> <p><i>8th:</i> Briefing on Proposal No. 10; Hearings on Proposal No. 9—Motor Vehicle Revenue Shortfalls. Possible action on Proposals No. 9 and 13.</p>
September 8	519-S	9:00 a.m.	Assessment and Taxation	
September 11	514-S	10:00 a.m.	Joint Committee on	<p>Agenda not available.</p>
September 12	514-S	9:00 a.m.	Administrative Rules and Regulations	
September 11	Pittsburg		Joint Committee on	<p><i>11th:</i> Review of economic development programs at Pittsburg State University.</p> <p><i>12th:</i> Report by Kansas Technology Enterprise Corporation on industrial liaison study and visit to southeast Kansas education service center (Girard).</p>
September 12	Pittsburg		Economic Development	
September 13	519-S	10:00 a.m.	Special Committee on	<p>Agenda unavailable.</p>
September 14	519-S	9:00 a.m.	Corrections/Mental Health	
September 14	529-S		Joint Committee on Special	<p>Hearing on claims filed to date.</p>
September 15	529-S		Claims Against the State	

EMIL LUTZ  
 Director of Legislative  
 Administrative Services

Doc. No. 008252

## State of Kansas

**ATTORNEY GENERAL****NOTICE OF ACCEPTANCE OF APPLICATIONS  
FOR EXECUTIVE DIRECTOR OF  
THE KANSAS SENTENCING COMMISSION**

The Kansas Sentencing Commission determined at its August 21 meeting to continue to accept applications for the position of its executive director, who will serve at the will and pleasure of the commission. (See L. 1989, Ch. 225.) At its meeting, the commission determined the salary of its executive director will be set at an amount equal to the salary of a District Court Judge, subject to the approval of the Governor.

Application can be made by sending letter and resumé for receipt on or before September 6 to Attorney General Robert T. Stephan, Chairman, Kansas Sentencing Commission, 2nd Floor, Kansas Judicial Center, Topeka 66612. The State of Kansas is an Equal Opportunity Employer.

ROBERT T. STEPHAN  
Attorney General

Doc. No. 008237

## State of Kansas

**ATTORNEY GENERAL****Opinion No. 89-106**

**Laws, Journals and Public Information—Records Open to Public—Disclosure of Names and Addresses of School District Employees.** John C. Vratil, Attorney, U.S.D. No. 229, Overland Park, August 21, 1989.

A school district is required to disclose the names and mailing or residence addresses of teachers upon request for such records by any individual. K.S.A. 1988 Supp. 45-221(4), (30), as amended, do not give the district discretion to refuse to disclose this information. Computerized public information must be provided in the form requested if the public agency has the capability of producing that form. The agency is not required to acquire or design a special program to produce information in a desired form, but has discretion to allow an individual who requests information to design or provide a computer program to obtain the information in the desired form. Cited herein: K.S.A. 21-3914; 45-215; 45-216; 45-217; 45-220; K.S.A. 1988 Supp. 45-221. RLN

ROBERT T. STEPHAN  
Attorney General

Doc. No. 008251

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES****NOTICE OF MEETING**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, September 12, in the SRS Staff Development Training Center, 300 S.W. Oakley, Topeka.

The scheduled agenda includes reports by SRS commissioners and other items as necessary.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Kansas City, Lawrence, Manhattan, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

WINSTON BARTON  
Secretary of Social and  
Rehabilitation Services

Doc. No. 008243

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES****REQUEST FOR PROPOSALS FOR  
OFFICE FACILITY SPACE**

The Department of Social and Rehabilitation Services is accepting proposals for a leased facility to house its new Automated Equipment Training Center to be located in Topeka. The project guidelines outlining the functional needs for the facility will be distributed through the SRS Facilities Management Unit, sixth floor, Docking State Office Building, Topeka. Interested proposers are invited to make initial contact and secure a copy of the project guidelines by 5 p.m. Monday, September 11.

Preliminary space requirements include the need for a gross square footage of 6,160 square feet. The requested space will be used to house the department's Automated Equipment Training Center, which will include three training rooms, office space, ancillary service areas and parking to accommodate 30 staff and trainees.

Five copies of the proposals shall be submitted for evaluation to Division of Purchases, State Department of Administration, Attention: Fran Welch, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, no later than 4 p.m. Monday, October 2. Questions related to acquiring the project guidelines may be directed to Mary Benaka, (913) 296-2067.

WINSTON BARTON  
Secretary of Social and  
Rehabilitation Services

Doc. No. 008244

**State of Kansas**  
**STATE FAIR BOARD**  
**NOTICE OF MEETING**

The State Fair Board will meet during the period of the Kansas State Fair, September 8-16, in the administration office on the state fairgrounds in Hutchinson. For further information contact Deana Novak, (316) 662-6611.

**DEANA K. NOVAK**  
 Administrative Officer

Doc. No. 008239

**State of Kansas**  
**UNIVERSITY OF KANSAS**  
**NOTICE TO BIDDERS**

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

**Monday, September 11, 1989**  
 RFQ 90 0319

Liquid Chromatography/Mass Spectrometry Workstation.

**GENE PUCKETT, L.C.P.M.**  
 Director of Purchasing

Doc. No. 008225

**State of Kansas**  
**DEPARTMENT OF HEALTH AND ENVIRONMENT**

**NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMITS**

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council c/o City Clerk 205 E. 2nd, P.O. Box 38 Bonner Springs, KS 66012 Wyandotte County, Kansas	Kansas River	Secondary Wastewater Treatment Facility

Kansas Permit No. M-KS06-0002      Fed. Permit No. KS-0082881  
 Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council c/o City Clerk City Hall, P.O. Box 499 Garden City, KS 67846 Finney County, Kansas	Arkansas River	Secondary Wastewater Treatment Facility

Kansas Permit No. M-UA14-0001      Fed. Permit No. KS-0038962  
 Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are water quality limited.

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Aggregates Piedmont Quarry P.O. Box 549 Carmel, IN 46032 Greenwood County, Kansas	Verdigris River via Fall River via Otter Creek Verdigris River Basin	Quarry Pit Dewatering Discharge

Kansas Permit No. I-VE08-PO01      Fed. Permit No. KS-0082678  
 Description of Facility: Limestone crushing operation with washing. The wastewater from the washing operation is directed to a non-over-flowing settling pond and freshwater pond to be recycled. The only discharge is an occasional pit dewatering discharge. This is an existing permit (formerly known as Quality Rock, Inc.) and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to September 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-89-43/45) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

**STANLEY C. GRANT**  
 Secretary of Health and Environment

Doc. No. 008248

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE CONCERNING VARIANCE REQUEST FROM HAZARDOUS WASTE REGULATIONS

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on July 21, 1989, Hackney & Sons Midwest, Inc., located at West Laurel St. and Hackney Ave. in Independence, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4 and 40 CFR 265.176, which requires that the storage of containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Hackney & Sons Midwest generates ignitable hazardous waste. The hazardous waste is stored prior to being shipped off-site for reclamation. Hackney & Sons Midwest proposes to store this waste in a concrete pit that has a chain link fence surrounding the property. KDHE has reviewed the variance request and concluded that the variance is justified. In accordance with K.A.R. 28-31-13(b), public notice is being provided of the tentative decision to grant the variance.

Copies of the variance request will be available for public review until September 30 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 730, Forbes Field, Topeka, and at the KDHE district office, 1500 W. 7th, Chanute.

Comments concerning this variance request may be directed to Glynis Perry, Hazardous Waste Section, Kansas Department of Health and Environment, Topeka 66620. Comments must be submitted in writing prior to September 30. Requests for additional information may be made by contacting KDHE at (913) 296-6898.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting, a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision shall be made by the secretary and a notice of the final decision shall be published in the Kansas Register. If approved, any conditions or time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment shall be specified by the secretary. A date upon which the variance will no longer be valid shall be prescribed in the final decision.

STANLEY C. GRANT Secretary of Health and Environment

Doc. No. 008242

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMITS

In accordance with state regulations 28-16-57 through 28-16-83, 28-16-83 through 28-16-98, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to publicly-owned treatment works for the applicants described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Liberal Industries, Inc. P.O. Box 1197 Liberal, KS 67901 Seward County, Kansas	Liberal MWWTP	Process Wastewater

Kansas Permit No. P-C110-0001

Description of Facility: This facility manufactures truck platforms and sides, warehouse grocery carts and U.S. Postal Service carts. Regulated operations include zinc, electroplating and a conversion coating (chromating) process.

Name and Address of Applicant	Waterway	Type of Discharge
Yuasa-Exide Corporation 1 Exide Road Hays, KS 67601 Ellis County, Kansas	Hays MWWTP	Process Wastewater

Kansas Permit No. P-SH16-0001

Description of Facility: This facility manufactures sealed lead acid batteries for computers and emergency lighting equipment.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to September 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-PT-89-13/14) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

STANLEY C. GRANT Secretary of Health and Environment

Doc. No. 008247

## State of Kansas

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES

## NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**Monday, September 11, 1989**

#25258

Kansas State Industrial Reformatory—TWO-WAY RADIO EQUIPMENT MAINTENANCE

#27879

University of Kansas—REDUCE AND LAMINATE CERTIFICATES

#27900

University of Kansas—PROFESSIONAL VIDEO POST-PRODUCTION EDITING

#80865

Department of Transportation—AGGREGATE, Blaine

#80866

Department of Transportation—ASPHALTIC CONCRETE MIX, various locations

#80869

Department of Transportation—FURNISH AND INSTALL AIR HANDLING UNITS

#80932

University of Kansas—DESIGN AND CONSTRUCT A TRANSMITTER BUILDING

**Tuesday, September 12, 1989**

#A-6111(j)(k)

Kansas State University—A-6 PARKING LOT, IRRIGATION AND LANDSCAPE

#27877

University of Kansas—COMPUTER GENERATED AND MULTIPLE COPIES OF SLIDES

#80877

Department of Transportation—CARD CONTROL FUEL SYSTEM

**Wednesday, September 13, 1989**

#A-6314

Emporia State University—RACQUETBALL COURT REPAIRS

#27358

Winfield State Hospital and Training Center—ELECTRIC ELECTRONIC TYPEWRITER MAINTENANCE

#80427A

Pittsburg State University—COOLING TOWER ONLY

#80870

University of Kansas Medical Center—IBM 7171 COMMUNICATIONS CONTROLLER

#80876

Kansas State University—MAINFRAME COMPUTER AND PERIPHERALS

#80887

University of Kansas—LETTERING SYSTEM

Thursday, September 14, 1989

#A-6151

Adjutant General's Department—REROOF ARMORY AT COFFEYVILLE

#A-6227

Youth Center at Topeka—REROOF OSAGE COTTAGE, Building 31900-00014

#80853

Fort Hays State University—DUST COLLECTOR

#80898

Kansas State University—CONDENSATE RETURN PUMPS

#80921

Department of Transportation—FURNISH AND INSTALL NATURAL GAS UNIT HEATERS AND NATURAL GAS FURNACE, various locations

#80922

Kansas State Penitentiary—METAL DETECTORS

#80931

University of Kansas—FREEZE DRYER

#80933

Emporia State University and Department of Transportation—BRUSH CHIPPERS, Emporia and Hutchinson

**Monday, September 18, 1989**

#80888

University of Kansas Medical Center—PULSE OXIMETER AND AIRWAY MONITOR

#80902

University of Kansas Medical Center—INFUSION SYSTEM

#80903

University of Kansas Medical Center—COAGULATION ANALYZER

**Wednesday, September 20, 1989**

#80911

University of Kansas Medical Center—ELECTROSURGICAL GENERATOR

#80923

University of Kansas Medical Center—ANESTHESIA MACHINE

**Monday, September 25, 1989**

#80926

Department of Health and Environment—SURVEY EQUIPMENT

**Monday, October 16, 1989**

#28074

Osawatomie State Hospital—WATER CHEMICAL TREATMENT

#28075

Emporia State Hospital—WATER CHEMICAL TREATMENT

#28076

Pittsburg State University—WATER CHEMICAL TREATMENT

(continued)

#28077

Parsons State Hospital and Training Center—WATER  
CHEMICAL TREATMENT

#28078

Winfield State Hospital and Training Center—  
WATER CHEMICAL TREATMENT

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**REQUEST FOR PROPOSALS**

Tuesday, September 12, 1989

#80875

STUDENT FINANCIAL SYSTEM FOR KANSAS  
STATE UNIVERSITY

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 008250

State of Kansas

**SECRETARY OF STATE****NOTICE OF PLACES AND DATES  
OF VOTER REGISTRATION**

In compliance with the provisions of Chapter 109 of the 1989 *Session Laws of Kansas*, K.S.A. 25-2310 and K.S.A. 25-2313, notice is hereby given that the books for registration of voters will be open at the following places at the time specified:

Office of the Kansas Secretary of State, 2nd Floor, State Capitol, Topeka, Kansas, from 8 a.m. to 5 p.m. every business day.

Industrial Building, exhibit spaces IB-193 and IB-194, Kansas State Fair Grounds, Hutchinson, Kansas, from 9 a.m. to 9 p.m. Friday, September 8, 1989, through Saturday, September 16, 1989; and Sunday, September 17, 1989, from 9 a.m. to 6 p.m.

A citizen of the United States who is eighteen (18) years of age and upwards, or will have attained the age of eighteen (18) years at the next election, must register before he or she can vote. Registration closes twenty (20) days prior to every election.

When a voter has been registered according to law his or her registration shall continue to be valid until one of the following occurs:

- (1) The voter changes name by marriage, divorce or legal proceeding.
- (2) The voter changes residence.

If either of the above occurs, you must re-register.

Any person may apply in person, by telephone, or by mail to the Secretary of State or the county election officer to be registered. Application forms shall be provided by the county election officer upon request in person or in writing by an individual applicant. Such application shall be signed by the applicant under penalty of perjury.

In Witness Whereof, I have hereunto set my hand and seal this 24th day of August, 1989.

(SEAL)

BILL GRAVES  
Secretary of State

Doc. No. 008205

State of Kansas

**DEPARTMENT OF TRANSPORTATION****NOTICE TO CONSULTING ENGINEERING FIRMS**

The Kansas Department of Transportation is inviting all consulting engineering firms who wish to become pre-qualified to contact K.D.O.T. Consultants already pre-qualified are not required to submit new applications.

Prequalification is based on the following criteria:

1. Firm principals or employees include qualified and licensed professionals who can be assigned the responsibility of performing the type of projects for which the firm has applied.
2. A staff of sufficient size is available to perform the work required within reasonable timeframes.
3. The firm has met or is willing to meet the statutory requirements to do business in Kansas. (K.S.A. 17-7301 and K.S.A. 60-306)
4. Evidence of work experience of the firm or individuals of the firm which indicates that work of a similar type has been successfully accomplished.
5. Employees include licensed individuals with one or more such individuals licensed with the Kansas State Board of Technical Professions or a willingness to obtain such licensure prior to receiving work. (K.S.A. 74-7001)
6. The firm's willingness to submit to reasonable audits and to maintain accounting systems adequate to isolate and to accumulate project costs.

The Kansas Department of Transportation is an equal opportunity employer. It will negotiate contracts with pre-qualified firms on the basis of the services required and at a just, reasonable fee in accordance with K.S.A. 75-5801.

Prequalification information is available upon request by contacting: Kansas Department of Transportation, State Transportation Engineer, Docking State Office Building, Topeka 66612, Attention: Office of Engineer Support.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 008256

State of Kansas

**DEPARTMENT OF TRANSPORTATION****NOTICE TO CONTRACTORS**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. September 21, 1989, and then publicly opened:

**DISTRICT ONE—Northeast**

Johnson—46 U-1137-01—Kansas City Road and Ridgview in Olathe, intersection improvement. (Federal Funds)

Johnson/Wyandotte—435-106 K-3996-01—I-435, from Lackman Road north to just north of 75th Street in Johnson County and from 1/4 mile south of U.S. 24 (State Avenue) north to the Missouri River bridge in Wyandotte



County, 7.73 miles, concrete pavement patching. (State Funds)

**Lyon**—56 C-1675-01—County road, 1.5 miles east of K-57 at Emporia, then south, 0.6 mile, bridge replacement. (Federal Funds)

**Wyandotte**—132-105 K-3834-01—K-132, Kansas River bridge 107, 0.6 mile southeast of K-32, bridge repair. (State Funds)

#### DISTRICT TWO—Northcentral

**Chase**—50-9 K-2339-01—U.S. 50, Fox Creek bridge 17, 0.3 mile east of K-177, bridge replacement. (Federal Funds)

**Chase**—50-9 K-2813-01—U.S. 50, 0.2 mile west of K-177 east to the west city limits of Strong City, 1.0 mile, grading, surfacing and bridge. (Federal Funds)

**Dickinson**—18-21 K-3815-01—K-18, Chapman Creek bridge 70, 4.8 miles east of the east junction of K-15, bridge painting. (State Funds)

**Mitchell**—14-62 K-2101-01—K-14, Solomon River bridge 29, 2.2 miles south of U.S. 24, bridge painting. (State Funds)

**Mitchell**—24-62 K-3952-01—U.S. 24, Asher Creek bridge 18, 6.7 miles southeast of K-124, bridge overlay. (State Funds)

**Saline**—85 C-2501-01—County road, 2.0 miles south of Magnolia Road at Old U.S. 81, then west, 1.1 miles, grading, surfacing and bridge. (Federal Funds)

#### DISTRICT FOUR—Southeast

**Coffey**—16 C-1187-01—County road from Burlington, then east, 0.2 mile, grading and bridge. (Federal Funds)

**Montgomery**—63 C-2389-01—County road, 6 miles south of Independence, then east, 5.1 miles, grading and bridge. (Federal Funds)

**Wilson**—103 C-2250-01—County road, 1.1 miles west and 1.5 miles north of Benedict, then northeast, 0.2 mile, bridge replacement. (Federal Funds)

#### DISTRICT FIVE—Southcentral

**Edwards**—50-24 K-3934-01—U.S. 50, Big Coon Creek bridge 10, 0.9 mile northeast of U.S. 183, 0.9 mile, bridge overlay. (State Funds)

**Kiowa**—54-49 K-3989-01—U.S. 54, from the east city limits of Greensburg east to the Kiowa-Pratt county line, 14.7 miles, overlay. (State Funds)

**Sedgwick**—87 K-3844-01—K-96, I-135 and I-235 (various locations in the Wichita area), mudjacking. (State Funds)

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

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

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

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

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 008223

### State of Kansas

## DEPARTMENT OF TRANSPORTATION

### NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. September 21, 1989, and then publicly opened:

#### DISTRICT ONE—Northeast

**Johnson**—69-46 K-3726-01—U.S. 69, from the Miami-Johnson county line north to north of K-150, north and south bound lanes, 11.4 miles, overlay. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerks or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 008257

## State of Kansas

## BOARD OF EDUCATION

NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, October 10, in Room 121 of the State Education Building, 120 E. 10th, Topeka, to consider proposed changes in State Board of Education regulations K.A.R. 91-12-22, 91-12-23, 91-12-25, 91-12-32, 91-12-34, 91-12-38, 91-12-40, 91-12-41, 91-12-42, 91-12-44, 91-12-51, 91-12-52, 91-12-53, 91-12-54, 91-12-55, 91-12-56, 91-12-57, 91-12-58, 91-12-59, 91-12-60, 91-12-61, 91-12-62, 91-12-63, 91-12-65, and 91-12-70, and the adoption of new K.A.R. 91-12-73.

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

1. K.A.R. 91-12-22 contains special education definitions. Several terms are changed for clarity, and "school age" is redefined to assist in assuring that services for handicapped students aged three to five are mandated after September 1, 1991, in compliance with federal law. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

2. K.A.R. 91-12-23 concerns state approval of special education services. The language of the regulation is being changed to conform with federal provisions, which require that the special education and related services needed by a child be listed on his or her IEP. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

3. K.A.R. 91-12-25 concerns interrelated (cross-categorical) special education programs. The regulation is being rewritten to clarify its intent and to reduce the amount of information that school districts are required to submit to the State Department of Education. Also, the class size/caseload table contains errors and is being corrected. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

4. K.A.R. 91-12-32 concerns graduation recognition. Districts will be required to specify the program required to meet any approved alternative graduation requirements in the special education student's records during the school year in which the student is enrolled in the ninth grade. Progress towards graduation is to be monitored annually and recorded on an official transcript. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

5. K.A.R. 91-12-34 concerns the local comprehensive plan. It is amended to reflect federal application requirements. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

6. K.A.R. 91-12-38 concerns the location of services. Exceptional children are to be served in age appropriate environments that are suitable to the instructional pro-

gram being provided. The requirement that special teachers and supervisors be provided office space and secretarial assistance is deleted. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

7. K.A.R. 91-12-40 concerns screening and evaluation. It is amended to reflect current practices regarding screening and preassessment and to include specific federal language regarding evaluation procedures. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

8. K.A.R. 91-12-41 concerns individual education programs (IEPs). It is amended to reflect federal requirements for team membership for first-time evaluated students, students for whom services are contracted and students in private schools. Also, the amount of time for parental notification of an IEP meeting is specified as a minimum of 10 days. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

9. K.A.R. 91-12-42 concerns placement and review. The requirement that each exceptional student's placement be reviewed at least every 12 weeks is changed to annual review to conform with federal provisions. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

10. K.A.R. 91-12-44 concerns procedural due process. It is amended to conform with state and federal statutory provisions. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

11. K.A.R. 91-12-51 concerns early childhood education for the handicapped. The requirement for information and training for parents is deleted, as are training requirements for personnel. (This is provided for in other regulations.) The class size/caseload table is being revised for clarification and standardization. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

12. K.A.R. 91-12-52 concerns intellectually gifted. The curriculum requirement is deleted and the format of the class size/caseload table is amended. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

13. K.A.R. 91-12-53 concerns language, speech and hearing impaired. The requirements for peripheral speech mechanism examination, mobile speech and hearing vans, and demonstration programs are deleted. The format of the class size/caseload table is being revised. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

14. K.A.R. 91-12-54 concerns mental retardation. The curriculum requirement is deleted and the format of the class size/caseload table is amended. All references to semi-dependent and semi-independent dependency levels are deleted and more common terminology is used. There will be no economic impact upon the State Department

of Education or upon other governmental agencies, private business or individuals.

15. K.A.R. 91-12-55 concerns behavior disorders. The curriculum requirement is deleted and the format of the class size/caseload table is amended. Also, the requirements for consulting and itinerant programs and related services are deleted from this regulation. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

16. K.A.R. 91-12-56 concerns physically and other health impaired. The IEP and homebound requirements are deleted and editorial changes are made to conform with federal terminology. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

17. K.A.R. 91-12-57 concerns severely multiple handicapped. The curriculum requirement is deleted and the format of the class size/caseload table is amended. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

18. K.A.R. 91-12-58 concerns specific learning disabled. The requirement for inclusion of a teacher of the learning disabled on the multidisciplinary team is deleted and the class size/caseload table is standardized. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

19. K.A.R. 91-12-59 concerns visually impaired. The curriculum and facilities requirements are deleted from this regulation. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

20. K.A.R. 91-12-60 concerns related services. The regulation is amended to reflect federal changes and to delete reference to class size/caseloads limitations for related services personnel. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

21. K.A.R. 91-12-61 concerns paraprofessionals in special education. The regulation is amended to clarify paraprofessional responsibilities regarding tests and supervision at work sites which are off school property. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

22. K.A.R. 91-12-62 concerns school psychology and is amended to include federal wording and for editorial purposes. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

23. K.A.R. 91-12-63 concerns school social work and is amended to include federal wording and for editorial purposes. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

24. K.A.R. 91-12-65 concerns vocational programs. It is amended to reflect requirements of the federal Carl Perkins Act concerning assessments, individualized curriculum, counseling and informational activities. There will be no economic impact upon the State Department

of Education or upon other governmental agencies, private business or individuals.

25. K.A.R. 91-12-70 concerns compulsory attendance for special education services. The regulation is amended to change the compulsory attendance age period from five-to-eighteen years, to five-to-sixteen years. Information concerning availability of services is being moved to a new regulation. There will be no economic impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

26. K.A.R. 91-12-73. This is a new regulation that concerns availability of services. Language previously included in the definitions regulation is moved to this regulation. Services for handicapped children aged three to five are mandated as of September 1, 1991, in compliance with federal law. The estimated number of handicapped children ages three, four and five, to be in full service in the 1991-92 school year, is 5,265. The cost of providing services to these children is expected to be approximately \$6 million in fiscal year 1991 and approximately \$9.5 million in fiscal year 1992. Federal money awarded to the state for this population includes Title VI-B funds, which average \$260 per child and would amount to \$1,368,900 annually. Public Law 99-457 preschool incentive funds are estimated at \$650 per child and would total \$3,422,250 annually. Kansas receives \$2,500,000 annually in grants to institutions of higher education for research, demonstration and outreach. This federal money would be lost if services to these children are not provided. The total estimated annual income to Kansas from federal funds would be \$7,291,150. Some local districts are already serving these children; others are not. Therefore, the impact will vary from district to district at the local level.

A copy of each of the proposed regulations and complete economic impact statements may be obtained by contacting the secretary of the Board of Education, at the address above, prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted to the secretary of the board at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the board.

DR. LEE DROEGEMUELLER  
Commissioner of Education

Doc. No. 008230

(Published in the *Kansas Register*, August 31, 1989.)**NOTICE OF BOND SALE****\$340,000****General Obligation Bonds****Park Series A, 1989****of****The City of Quinter****Gove County, State of Kansas****(general obligation bonds payable  
from unlimited ad valorem taxes)****Sealed Bids**

Sealed bids will be received by the undersigned, city clerk of the city of Quinter, Gove County, Kansas, on behalf of the City Council of said city at 409 Main, P. O. Box 555, Quinter, KS 67752, until 7:30 p.m. C.D.T. on Tuesday, September 19, 1989, for the purchase of \$340,000 principal amount of General Obligation Bonds, Park Series A, 1989, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the city council immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 each or any integral multiple thereof. The bonds will be dated September 1, 1989, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1990	\$ 5,000.00
1991	25,000.00
1992	25,000.00
1993	40,000.00
1994	40,000.00
1995	40,000.00
1996	40,000.00
1997	40,000.00
1998	40,000.00
1999	45,000.00

The bonds will bear interest from the date thereof, said rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year beginning on April 1, 1990.

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day (whether or not a business day) of the calendar month next preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

**Redemption of Bonds Prior to Maturity**

At the option of the city, bonds maturing on October 1, 1995, and thereafter, will be subject to redemption and payment prior to maturity on October 1, 1994, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, without premium, plus accrued interest to the redemption date.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by the United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

**Authority, Purpose and Security**

The bonds are being issued pursuant to K.S.A. 12-1302 *et seq.* for the purpose of paying the cost of certain park improvements (swimming pool). The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property, real and personal, within the territorial limits of the city.

**Condition of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly *Muniweek*, *f/k/a Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct,

and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$6,800 (2 percent of the principal amount of the bonds) payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

**Basis of Award**

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city council will determine which bid, if any, will be accepted, and its determination is final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 7:30 p.m. on the date of sale will be returned to the bidder unopened.

**Bid Forms**

All bids must be made on forms which may be procured from the city clerk or bond counsel. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

**Submission of Bids**

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the city's central office and must be received by the undersigned prior to 7:30 p.m. C.D.T. on Tuesday, September 19, 1989.

**CUSIP Numbers**

It is anticipated that CUSIP identification numbers will be printed on or assigned to the bonds, but neither the failure to print such number on or assign such number

to any bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

**Delivery and Payment**

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before October 2, 1989, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity.

Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 10 a.m. C.D.T. on September 1, 1989. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 10 a.m. C.D.T. on October 2, 1989, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

**Official Statement**

The city has prepared an informational statement dated September 1, 1989, copies of which may be obtained from the city clerk or from bond counsel. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable, tangible property within the city, for the year 1988, is as follows:

Equalized assessed valuation of taxable, tangible property including motor vehicles computed pursuant to K.S.A. 1988 Supp. 10-310, for computation of bond debt limitation.....	2,563,724
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The *estimated* assessed, taxable tangible valuation of the city for 1989 is *approximately* \$3,241,040.

The total general obligation bonded indebtedness of the

(continued)

city as of the date of the bonds, including the bonds being sold, is \$485,000.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Opinion of Bond Counsel and Internal Revenue Code of 1986

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds: (a) is excludable from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the city comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be included in federal gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds. The city does not intend to issue bonds in excess of \$10,000,000 during 1989.

Prospective purchasers of the bonds should be aware that: (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be

subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships. Interest on the bonds is excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Additional Information

Additional information regarding the bonds may be obtained from the undersigned, any city employee, bond counsel, or any other source available to a prospective bidder.

Dated August 21, 1989.

The City of Quinter  
Gove County, Kansas  
By Dan R. Pickett, City Clerk  
409 Main  
Quinter, KS 67752  
(913) 754-3821

Doc. No. 008228

(Published in the *Kansas Register*, August 31, 1989.)

#### NOTICE OF BOND SALE \$14,290,000

#### Internal Improvement Bonds

Series "N" No. 1

Series "O" No. 1

Series "P" No. 1

City of Kansas City, Kansas

(general obligation bonds payable from  
unlimited ad valorem taxes)

#### Sealed Bids

Sealed bids will be received by the city clerk of Kansas City, Kansas, on behalf of the governing body of the city in the office of the city clerk in the Municipal Office Building, One McDowell Plaza, Kansas City, KS 66101, until 10 a.m. C.D.T. on Tuesday, September 12, 1989, for the purchase of \$14,290,000 aggregate principal amount of Internal Improvement Bonds, Combined Series "N" No. 1, "O" No. 1 and "P" No. 1, of the city hereinafter described. All bids will be publicly opened and read at said time and will be acted upon by the city at a council meeting to be held in the council chambers at 10 a.m. on such date.

#### Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated September 1,

1989, and become due serially on September 1 of each year in the years as follows:

Year	Series "N" No. 1	Series "O" No. 1	Series "P" No. 1	Total
1990	185,000	560,000	645,000	1,390,000
1991	185,000	560,000	645,000	1,390,000
1992	185,000	560,000	645,000	1,390,000
1993	185,000	560,000	645,000	1,390,000
1994	185,000	555,000	640,000	1,380,000
1995	180,000	555,000		735,000
1996	180,000	555,000		735,000
1997	180,000	555,000		735,000
1998	180,000	555,000		735,000
1999	180,000	555,000		735,000
2000	180,000	555,000		735,000
2001	180,000	555,000		735,000
2002	180,000	555,000		735,000
2003	180,000	555,000		735,000
2004	180,000	555,000		735,000
	<u>2,725,000</u>	<u>8,345,000</u>	<u>3,220,000</u>	<u>14,290,000</u>

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 of each year beginning on March 1, 1990.

#### Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General. The bonds will be registered as either fully registered certificated bonds or uncertificated (book entry) bonds.

The city will pay the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

#### Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1990 to 1996, inclusive, will become due without option of prior payment. At the option of the city, bonds maturing in the years 1997 to 2004, inclusive, may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on September 1, 1996, or on any interest payment date thereafter at par, plus accrued interest thereon to the date of redemption.

Whenever the city is to select the bonds for the purpose of redemption, it will, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered

bond as though it were a separate bond of the denomination of \$5,000.

If the city elects to call any bonds for redemption and payment prior to the maturity thereof, the city will give written notice of its intention to call and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, all interest on such bond will cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No specified interest rate may exceed the index of treasury bonds published by the weekly *Muniweek* in New York, New York, on the Monday preceding the day on which the bonds are sold, plus 2 percent. No rate specified shall be less than that specified for any earlier maturity. No bid of less than 100 percent of the principal amount of the bonds and accrued interest will be considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of such bid, the premium, if any, offered by the bidder and the net interest cost to the city on the basis of such bid. Each bid must also specify the average annual net interest rate on the basis of such bid.

#### Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost on the bonds. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid must be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body of the city will determine which bid, if any, will be accepted, and its determination will be final.

#### Authority, Purpose and Security for the Bonds

The bonds are being issued pursuant to and in full compliance with the constitution and laws of the state of Kansas, including K.S.A. 12-6a01 to 12-6a17, inclusive; K.S.A. 12-614; K.S.A. 12-631r and 12-631s; K.S.A. 12-685 to 12-690, inclusive; K.S.A. 13-1055a; and 13-1055b, inclusive, all as amended; Article 12, Section 5, of the Constitution of the State of Kansas; Charter, Ordinance No. 99; and Ordinance No. 65222, for the purpose of paying the cost of certain sewer and storm drainage improvements, street and street lighting improvements and park improvements.

(continued)

The Internal Improvement Bonds, Series "N" No. 1, will be general obligations of the city, payable as to both principal and interest from special assessments levied upon the property benefited by such improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

The Internal Improvement Bonds, Series "O" No. 1 and Series "P" No. 1, will be general obligations of the city, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

#### Legal Opinion and Tax Exemption

In the opinion of Burke, Williams, Sorensen and Gaar, Overland Park, Kansas, bond counsel, assuming continued compliance by the city with the terms of the ordinances authorizing the issuance of the bonds, under existing law, the interest on the bonds: (a) is excludable from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. No opinion is expressed regarding other federal tax consequences arising with respect to the bonds.

The Internal Revenue Code of 1986, as amended, imposes certain requirements that must be met subsequent to the issuance of the bonds in order for the interest thereon to be and remain excluded from gross income for federal income tax purposes. Noncompliance with such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issue of the bonds. These requirements include, but are not limited to, limitations on the use of bond proceeds and restrictions on the yield that may be earned on the investment of bond proceeds and other amounts. In the bond ordinances, the city will covenant to comply with the provisions of the code relating to the exclusion of the interest on the bonds from gross income for federal income tax purposes.

The interest on the bonds is excludable from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

The city has not designated the bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code.

Prospective purchasers of the bonds should be aware that: (1) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds or, in the case of a financial institution (within the meaning of Section 265(b)(5) of the code), that portion of an owner's interest expense allocable to interest on the bonds; (2) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31,

1986, Section 832 (b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (3) for taxable years beginning after December 31, 1986, and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (4) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (5) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (6) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

#### Delivery and Payment

The city will pay for printing the bonds and the expense of all legal services rendered to the city in connection with the issuance of the bonds, and will deliver the same properly prepared, executed, and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company as may be suggested by the successful bidder and is acceptable to the city, without cost to the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the bonds affecting their validity. Payment for the bonds must be made in Federal Reserve funds, immediately subject to use by the city.

The number, type and denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners must be submitted in writing by the successful bidder to the city and bond registrar no more than 10 days after the sale date. In the absence of such information, the city will deliver the bonds in the denominations of each maturity registered in the name of the successful bidder. The successful bidder shall make a bona fide public offering of the bonds, and as a condition to the city's obligation to deliver the bonds, the successful bidder must furnish to the city, no more than 10 days after the sale date, a certificate acceptable to bond counsel: (i) specifying the reoffering price at which a substantial amount (at least 10 percent of the bonds of each maturity) of the bonds was sold to the public (excluding bond houses, brokers and other intermediaries), and (ii) certifying as to the accuracy of such reoffering prices.

#### CUSIP Numbers

CUSIP identification numbers will be printed on certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for



failure or refusal by the successful bidder thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assigning and printing of CUSIP numbers on the bonds will be paid for by the city.

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$285,800 payable to the order of the city to secure the city from any loss resulting from the failure of the successful bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by any bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check will be held by the city until the bidder has complied with all of the terms and conditions of the bid and this notice, at which time the check will be returned to the successful bidder or deducted from the purchase price at the option of the city. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of the bid and this notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of the bid and this notice, the proceeds of such check will be retained by the city as and for liquidated damages.

#### Bid Forms

All bids must be made on forms that may be procured from the city's finance director. No additions or alterations in such forms may be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any and all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the city clerk and marked "Proposal for the Purchase of City of Kansas City, Kansas, Internal Improvement Bonds." Bids may be mailed or delivered in person and must be received by the city clerk prior to 10 a.m. C.D.T. on Tuesday, September 12, 1989, at the city clerk's office in the Municipal Office Building, One McDowell Plaza, Kansas City, KS 66101.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1988 is \$466,607,445. The total general obligation bonded indebtedness of the city for purposes of determining statutory debt limitations, as of the date of the bonds, including the bonds being sold, is \$100,995,000. In addition, the city has outstanding \$37,404,720 of temporary notes, including temporary notes in the amount of \$15,050,000 that will be retired from the proceeds of the bonds, special assessment payments, federal grants and restricted sales tax revenue either prior to or after bonding. Of the city's total outstanding general obligation indebtedness in the amount of \$100,995,000, \$28,070,322 of outstanding bonds and \$4,021,578 of outstanding temporary notes are exempt from statutory debt limitations. A portion of the city's general obligation indebtedness has been refunded and defeased with cash or U.S. Government obligations. Notwithstanding the total amount of general obligation indebtedness of the city set forth above for the purposes

of determining the statutory debt limitations, the amount of general obligation indebtedness of the city including the bonds being sold which, as of the date of the bonds, remains to be retired from general ad valorem taxation, sales tax revenue, and special assessments, is \$106,185,000, of which amount \$29,060,172 is exempt from statutory debt limitations.

The temporary note balance herein mentioned is scheduled for payment from the following funding sources: benefit district special assessment payments, \$7,983,885; general obligation bonds, \$25,603,665; federal grant, \$2,969,170; and restricted sales tax revenue, \$848,000, either prior to or after bonding. Collection and projection of restricted sales tax revenues are as follows: 1984 actual, \$2,763,428; 1985 actual, \$4,866,539 (includes \$337,899 due from previous year); 1986 actual, \$4,646,616; 1987 actual, \$4,648,525; 1988 actual, \$4,880,019; and 1989 projected, \$4,886,946. The unencumbered cash balance of restricted sales tax revenues as of July 17, 1989, is \$3,423,937.23.

#### Bond Ratings

The city has applied to Moody's Investors Service, Inc. and Standard and Poor's Corporation for a rating on the bonds. The city's outstanding general obligation bonds are rated "A-1" by Moody's and "AA" by Standard and Poor's.

#### Official Statement

The city has prepared an official statement dated August 17, 1989, copies of which may be obtained from the city's finance director. Upon the sale of the bonds, at the request of the successful bidder, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost. Additional copies may be ordered at the successful bidder's expense.

#### Additional Information

Additional information regarding the bonds may be obtained from the undersigned finance director.

Dated August 17, 1989.

City of Kansas City, Kansas  
David T. Isabell, Finance Director  
Municipal Office Building  
One McDowell Plaza  
701 N. 7th  
Kansas City, KS 66101  
(913) 573-5270

Doc. No. 008235

(Published in the *Kansas Register*, August 31, 1989.)

## NOTICE OF BOND SALE

\$112,840.46

General Obligation Bonds

Street Series A, 1989

of

The City of Smith Center  
Smith County, State of Kansas

(general obligation bonds payable  
from unlimited ad valorem taxes)

### Sealed Bids

Sealed bids will be received by the undersigned, city clerk of the city of Smith Center, Smith County, Kansas, on behalf of the City Council of said city at 119 W. Court St., Smith Center, KS 67967, until 7:30 p.m. C.D.T. on Monday, September 25, 1989, for the purchase of \$112,840.46 principal amount of General Obligation Bonds, Street Series A, 1989, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the city council immediately thereafter. No oral or auction bids will be considered.

### Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 each or any integral multiple thereof, except one bond in the amount of \$7,840.46. The bonds will be dated September 1, 1989, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1990	\$ 7,840.46
1991	10,000.00
1992	10,000.00
1993	10,000.00
1994	10,000.00
1995	10,000.00
1996	10,000.00
1997	15,000.00
1998	15,000.00
1999	15,000.00

The bonds will bear interest from the date thereof, said rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year beginning on April 1, 1990.

### Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day (whether or not a business day) of the calendar month next preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

### Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on October 1, 1995, and thereafter, will be subject to redemption and payment prior to maturity on October 1, 1994, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, without premium, plus accrued interest to the redemption date.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by the United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

### Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-601 *et seq.*, for the purpose of paying the cost of certain street improvements. The bonds and the interest thereon will constitute general obligations of the city, payable from special assessments levied against property especially benefited by said street improvements and from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property, real and personal, within the territorial limits of the city.

### Condition of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly *Muniweek*, *f/k/a Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the

basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$2,256.81 (2 percent of the principal amount of the bonds) payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

#### Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city council will determine which bid, if any, will be accepted, and its determination is final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 7:30 p.m. on the date of sale will be returned to the bidder unopened.

#### Bid Forms

All bids must be made on forms which may be procured from the city clerk or bond counsel. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the city's central office and must be received by the undersigned prior to 7:30 p.m. C.D.T. on Monday, September 25, 1989.

#### CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on or assigned to the bonds, but neither the

failure to print such number on or assign such number to any bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

#### Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before November 15, 1989, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity.

Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 10 a.m. C.D.T. on October 15, 1989. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 10 a.m. C.D.T. on October 10, 1989, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### Official Statement

The city has prepared an informational statement dated September 10, 1989, copies of which may be obtained from the city clerk or from bond counsel. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable, tangible property within the city, for the year 1988, is as follows:

Equalized assessed valuation of taxable, tangible property including motor vehicles computed pursuant to K.S.A. 1988 Supp. 10-310, for computation of bond debt limitation.....	\$6,723,122
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(continued)

At the present time, it is estimated that the 1989 assessed taxable, tangible valuation of the city will be \$6,772,077, as a result of the state-wide reappraisal of property ordered by the Kansas Legislature. This is only an *estimate* and should not be relied upon by any bidder as to the valuation that will ultimately be certified by the county clerk of Smith County, Kansas.

The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$1,064,509.46.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Opinion of Bond Counsel and Internal Revenue Code of 1986

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds: (a) is excludable from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the city comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be included in federal gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds. The city does not intend to issue bonds in excess of \$10,000,000 during 1989.

Prospective purchasers of the bonds should be aware that: (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and before January 1,

1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships. Interest on the bonds is excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Additional Information

Additional information regarding the bonds may be obtained from the undersigned, any city employee, bond counsel, or any other source available to a prospective bidder.

Dated August 21, 1989.

The City of Smith Center  
Smith County, Kansas  
By Rhonda Hyman, Clerk  
119 W. Court St.  
Smith Center, KS 66967  
(913) 282-3812

Doc. No. 008229

(Published in the *Kansas Register*, August 31, 1989.)

#### NOTICE OF REDEMPTION

Industrial Revenue Bonds  
(Cedar Crest, Inc.)

Series A, 1982, Dated October 1, 1982  
of the  
City of Kingman, Kansas

Subject to the provisions of the second paragraph of this notice, notice is hereby given that pursuant to Section 4 of the Ordinance No. 1583 of the city of Kingman, Kansas, all of the outstanding Industrial Revenue Bonds, Series A, 1982 (Cedar Crest, Inc.), of the city of Kingman, Kansas, maturing on and after October 1, 1990, will be redeemed and prepaid on October 1, 1989 (the redemption date) prior to their respective maturities subject to the provisions and limitations set forth herein.

Bond Numbers	Maturity Date	Interest Rate
30- 38	October 1, 1989	10.00%
39- 49	October 1, 1990	10.00%
50- 61	October 1, 1991	10.00%
62- 75	October 1, 1992	10.00%
76- 90	October 1, 1993	10.00%
91-230	October 1, 1999	13.50%

This notice of redemption, and the payment of the principal of and interest on the aforesaid 1982 bonds on the specified redemption date, are subject to the issuance and delivery by the city of its refunding revenue bonds on or before such redemption date in an amount sufficient to provide funds to pay the specified redemption price of the 1982 bonds. In the event such refunding bonds have not been issued by the redemption date, this notice shall be null and void and of no force and effect, and the 1982 bonds delivered for redemption shall be returned to the respective owners thereof, said 1982 bonds shall remain outstanding as though this notice of redemption had not been given.

The principal amount of the above described 1982 bonds shall become due and payable on October 1, 1989, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, without premium.

On October 1, 1989, provided that funds are on hand to pay the specified redemption price, all the 1982 bonds will be due and payable at the principal office of the Southwest National Bank of Wichita, Wichita, Kansas, and on and after October 1, 1989, interest on the 1982 bonds will cease to accrue.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the 1982 bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

Dated August 15, 1989.

The Southwest National Bank  
of Wichita  
P.O. Box 1401  
Wichita, KS 67201  
Trustee

Doc. No. 008253

State of Kansas  
**WILDLIFE AND PARKS COMMISSION**

**NOTICE OF MEETING**

Two meetings are scheduled by the Kansas Wildlife and Parks Department to provide information and allow public comment regarding the new management plan for Cheyenne Bottoms Wildlife Area.

The first meeting will take place at 7 p.m. Monday, September 18, in the Washburn University Student Union, Kansas Room. The Union is located immediately south of White Concert Hall, near the corner of 17th and Jewel streets in Topeka.

The second meeting will take place at 7 p.m. Tuesday, September 19, in the Great Bend High School auditorium at 2027 Morton Street in Great Bend. All interested individuals are welcome to attend the meetings.

**RONALD HOPKINS**  
Chairman

Doc. No. 008241

(Published in the Kansas Register, August 31, 1989.)

**NOTICE OF CALL FOR REDEMPTION**

to the holders of  
the City of Wichita, Kansas  
Water Utility Revenue Bonds  
Series 1982  
Cusip Numbers  
967341FF0  
967341FG8  
967341FH6

Notice is hereby given that pursuant to the provisions of Article III of Ordinance No. 37-837 of the city of Wichita, Kansas, the above mentioned bonds maturing in the years 1990 and thereafter have been called for redemption and payment on October 1, 1989, at the office of the principal corporate trust office of Kansas State Bank & Trust Co., Wichita, Kansas, or at the principal corporate trust office of The Chase Manhattan Bank, N.A., New York, New York.

On such redemption date there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 102 percent of the principal amount of each bond together with interest accrued to the redemption date (upon the presentation and surrender of each such bond, together with all unmatured coupons appertaining thereto attached). Interest shall cease to accrue on the bonds so called for redemption on and after October 1, 1989.

Bank IV Wichita, N.A., Wichita, Kansas  
As Escrow Trustee and Agent for  
The City Clerk, City of Wichita, Kansas

Doc. No. 008234

(Published in the Kansas Register, August 31, 1989.)

**Notice of Redemption**  
**SEDGWICK COUNTY, KANSAS**

**Single Family Mortgage Revenue Bonds**  
**(Multiple Originators and Servicers)**  
**1980 Series A**

**Due April 1, 1990/1995 and April 1, 2011**

NOTICE IS HEREBY GIVEN that, pursuant to Section 3.01 of the Indenture dated as of April 1, 1980, and as amended by the First Supplemental Trust Indenture, dated as of September 1, 1986, \$1,280,000 principal of Bonds has been drawn pro-rata among maturities and by lot within each maturity, for redemption at par on October 1, 1989.

**Coupon Bonds of \$5,000 Denominations, called in full, bearing CUSIP No. 815618 and Suffix:**

<b>AJ2</b>	3440	4625	6006	6955	7798	8638	9323
<b>756</b>	3499	4740	6052	6982	7853	8642	9391
<b>866</b>	3784	4807	6072	6983	7891	8666	9425
<b>AK9</b>	3800	4812	6179	7194	7893	8669	9433
<b>919</b>	3840	4819	6188	7198	7894	8672	9443
<b>922</b>	3846	4844	6192	7201	7907	8691	9445
<b>AL7</b>	3857	4877	6232	7210	7909	8703	9543
<b>1107</b>	3874	4914	6263	7218	7935	8707	9558
<b>1195</b>	3908	4918	6267	7226	7976	8722	9565
<b>AM5</b>	3936	4973	6270	7229	8046	8879	9573
<b>1308</b>	3962	4982	6351	7240	8049	8881	9587
<b>1333</b>	3972	5007	6382	7289	8053	8902	9771
<b>1425</b>	3983	5120	6406	7311	8070	8933	9775
<b>AN3</b>	4120	5125	6407	7330	8222	8946	9825
<b>1509</b>	4164	5127	6443	7334	8245	8954	9889
<b>1631</b>	4166	5139	6536	7345	8278	9010	10041
<b>AP8</b>	4173	5160	6552	7367	8293	9031	10045
<b>1742</b>	4176	5169	6563	7385	8294	9059	10063
<b>1772</b>	4244	5223	6575	7392	8367	9066	10085
<b>AQ6</b>	4279	5357	6633	7431	8405	9090	10087
<b>2525</b>	4358	5547	6648	7526	8406	9114	10227
<b>2740</b>	4430	5573	6655	7590	8475	9144	10262
<b>3038</b>	4453	5674	6680	7603	8502	9190	10314
<b>3296</b>	4487	5681	6703	7673	8538	9254	10326
	4504	5749	6779	7675	8559	9280	10363
	4595	5798	6822	7681	8592	9290	10370
	4608	5974	6834	7744	8600	9311	

The serial numbers of the Registered Bonds, bearing CUSIP No. 815618, to be redeemed in whole or in part, and the principal amount to be redeemed are as follows:

Bond Number	Par Amount	Amount Called	Suffix
R219	\$ 5,000	\$ 5,000	AK9
R330	5,000	5,000	AL7
R318	10,000	5,000	AN3
R284	5,000	5,000	AP8
R148	5,000	5,000	AQ6
R215	5,000	5,000	AQ6
R290	5,000	5,000	AQ6
R297	100,000	15,000	AQ6

R298	45,000	10,000	AQ6
R319	465,000	20,000	AQ6
R320	2,410,000	85,000	AQ6
R321	665,000	45,000	AQ6
R322	215,000	15,000	AQ6
R323	275,000	10,000	AQ6
R326	85,000	5,000	AQ6
R328	35,000	5,000	AQ6
R377	110,000	10,000	AQ6

Coupon Bonds with the October 1, 1989 and all subsequent coupons attached and all Registered Bonds should be presented to one of the offices of the Paying Agents:

**Continental Bank, National Association**  
**Attention: Corporate Trust Operations**  
**231 South LaSalle Street-19th Floor**  
**Chicago, Illinois 60697**

**Southwest National Bank of Wichita**  
**Attention: Corporate Trust Department**  
**P.O. Box 1401**  
**Wichita, Kansas 67201**

**Morgan Guaranty Trust Company of New York**  
**Attention: Corporate Trust Department**  
**30 West Broadway-12th Floor**  
**New York, New York 10015**

Where a fully Registered Bond is redeemed in part, a new fully Registered Bond for the unredeemed portion will be issued and returned without charge. While registered bondholders have the option of presenting Bonds to any of the above-mentioned Paying Agents, there will be a delay in the issuance of Bonds for any unredeemed portion unless such presentment is made to the principal Paying Agent in Chicago at the above given address.

Interest on the Bonds or portions of Bonds called for redemption will cease to accrue on October 1, 1989.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, Paying Agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities, may be obligated to withhold a 20% tax from remittances to individuals who have failed to furnish the Paying Agent with a valid Taxpayer Identification Number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified Taxpayer Identification Numbers when presenting their securities for collection.

**By: Continental Bank, National Association,**  
**Trustee for Sedgwick County, Kansas.**

August 31, 1989

(Published in the *Kansas Register*, August 31, 1989.)

Dated August 15, 1989.

**NOTICE OF REDEMPTION**

**Industrial Revenue Bonds  
(Cedar Crest, Inc.)**

**Series A, 1982, Dated October 1, 1982  
of the  
City of Anthony, Kansas**

The Southwest National Bank  
of Wichita  
Wichita, Kansas  
P.O. Box 1401  
Wichita, KS 67201  
Trustee

Subject to the provisions of the second paragraph of this notice, notice is hereby given that pursuant to Section 4 of Ordinance No. S-43 of the city of Anthony, Kansas, all of the outstanding Industrial Revenue Bonds, Series A, 1982 (Cedar Crest, Inc.), of the city of Anthony, Kansas, maturing on and after October 1, 1989, will be redeemed and prepaid on October 1, 1989 (the redemption date) prior to their respective maturities subject to the provisions and limitations set forth herein.

Doc. No. 008255

(Published in the *Kansas Register*, August 31, 1989.)

**NOTICE OF REDEMPTION**

**City of Hillsboro, Kansas  
Industrial Revenue Bonds**

**Series A, 1973  
(Parkside Homes, Inc.)  
Dated October 1, 1973**

Notice is hereby given that pursuant to the provisions of Ordinance No. 617, adopted by the governing body of the city of Hillsboro, Kansas, on October 9, 1973, all bonds maturing October 1, 1990, and October 1 of any year thereafter of the referenced bond issue, the bonds will be called for redemption on October 1, 1989 (the redemption date), at a redemption price of 103.5 percent of the principal amount thereof together with accrued interest to the redemption date.

This notice of redemption, and the payment of the principal of and interest on the aforesaid 1982 bonds on the specified redemption date, are subject to the issuance and delivery by the city of its refunding revenue bonds on or before such redemption date in an amount sufficient to provide funds to pay the specified redemption price of the 1982 bonds. In the event such refunding bonds have not been issued by the redemption date, this notice shall be null and void and of no force and effect, the 1982 bonds delivered for redemption shall be returned to the respective owners thereof, and said 1982 bonds shall remain outstanding as though this notice of redemption had not been given.

The bonds to be called are in bearer form with bonds 117 through 122, inclusive, having a par value of \$5,000 each, and bonds 123 through 162, inclusive, having a par value of \$1,000 each. The bond numbers, interest rate per annum, and maturity dates of the bonds are:

The principal amount of the above described 1982 bonds shall become due and payable on October 1, 1989, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, without premium.

Bond Numbers (Inclusive)	Interest Rate Per Annum	Maturity Date
107-114	8 1/4%	10-1-90
115-122	8 1/4%	10-1-91
123-162	8 1/4%	10-1-92

On October 1, 1989, provided that funds are on hand to pay the specified redemption price, all 1982 bonds will be due and payable at the principal office of the Southwest National Bank of Wichita, Wichita, Kansas, and from and after October 1, 1989, and interest on the 1982 bonds will cease to accrue.

All such coupon bonds together with the October 1, 1989, coupon and all unmatured coupons thereunto appertaining should be presented for payment on the redemption date to Union National Bank of Wichita, 150 N. Main, Wichita, KS 67202. The method of presentation and delivery of such bonds for redemption is at the option and risk of the owners of each bond. If mail is used, insured, registered mail, return receipt requested, is suggested.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the 1982 bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of principal or interest on corporate securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Owners of the above described bonds who wish to avoid imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

On and after October 1, 1989, interest on all bonds called for redemption shall cease to accrue.

Dated August 31, 1989.

**Union National Bank of Wichita  
Trustee**

Doc. No. 008233

(Published in the *Kansas Register*, August 31, 1989.)

**NOTICE OF REDEMPTION**  
**Industrial Revenue Bonds**  
**(Cedar Crest, Inc.)**  
**Series A, 1985, Dated January 1, 1985**  
**of the**  
**City of Anthony, Kansas**

Subject to the provisions of the second paragraph of this notice, notice is hereby given that pursuant to Section 4 of Ordinance No. S-52 of the city of Anthony, Kansas, all of the outstanding Industrial Revenue Bonds, Series A, 1985 (Cedar Crest, Inc.), of the city of Anthony, Kansas, maturing on and after October 1, 1989, will be redeemed and prepaid on October 1, 1989 (the redemption date), prior to their respective maturities subject to the provisions and limitations set forth herein.

Bond Numbers	Maturity Date	Interest Rate
11- 14	October 1, 1989	10.00%
15- 19	October 1, 1990	10.00%
20- 25	October 1, 1991	10.00%
26- 31	October 1, 1992	10.00%
32- 38	October 1, 1993	10.00%
39-110	October 1, 1999	13.50%

This notice of redemption, and the payment of the principal of and interest on the aforesaid 1985 bonds on the specified redemption date, are subject to the issuance and delivery by the city of its refunding revenue bonds on or before such redemption date in an amount sufficient to provide funds to pay the specified redemption price of the 1985 bonds. In the event such refunding bonds have not been issued by the redemption date, this notice shall be null and void and of no force and effect, the 1985 bonds delivered for redemption shall be returned to the respective owners thereof, and said 1985 bonds shall remain outstanding as though this notice of redemption had not been given.

The principal amount of the above described 1985 bonds shall become due and payable on October 1, 1989, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, without premium.

On October 1, 1989, provided that funds are on hand to pay the specified redemption price, all 1985 bonds will be due and payable at the principal office of the Southwest National Bank of Wichita, Wichita, Kansas, and from and after October 1, 1989, and interest on the 1985 bonds will cease to accrue.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the 1985 bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

Dated August 15, 1989.

The Southwest National Bank  
of Wichita  
Wichita, Kansas  
P.O. Box 1401  
Wichita, KS 67201  
Trustee

Doc. No. 008254

**State of Kansas**  
**KANSAS RACING COMMISSION**  
**TEMPORARY ADMINISTRATIVE**  
**REGULATIONS**  
**(Effective August 22, 1989)**

The complete text of the following regulations has not been published because of its length and the resulting cost of publication. Copies of the complete text of any of the following regulations may be obtained by contacting the Kansas Racing Commission, 3400 Van Buren, Topeka 66611, (913) 296-5800.

**Article 4.—OCCUPATION AND**  
**CONCESSIONAIRE LICENSES**

**112-4-1. Occupation Licenses.** This amended regulation more clearly and economically reflects the occupations at a parimutuel racing facility. This regulation is further amended to prohibit the supply of false information while applying for an occupation license and to prohibit altering the license itself. Other amendments are determinations of commencement and termination dates of licenses and the availability of a waiver by the trainer to witness the collection of a test specimen. This regulation creates no new cost to any agency or person because the amendments largely reduce the amount of effort in the licensing process, rather than increase it.

**112-4-3. Knowledge of the law and regulations.** This amended regulation clarifies reference to the racing regulations and reflects a proper reference to an occupation license. The amendment creates no economic impact.

**112-4-4. Certain prohibited licenses.** This amended regulation corrects a grammatical error and adds the occupation license of photo finish operator to the list of licenses where ownership of a racing horse is prohibited to prevent a conflict of interest. Other than precluding a racing horse owner from being employed as a photo finish operator, there is no economic impact.

**112-4-5. License identification requirements.** This amended regulation no longer requires a photograph, thumbprint or Social Security number when applying for an occupation license. It creates no economic impact except for a savings to the agency in filing this information and a savings to the applicant in no longer supplying this material.

**112-4-8. Examinations.** This amended regulation states the schedule for retesting unsuccessful examinees. It creates no economic impact to any agency or person because retesting has previously been available, but without a schedule set by regulation.

**112-4-10.** This amended regulation expands the requirement of a physical examination to any person or



driver mounted on or driving a race horse within the enclosure of the racetrack.

**112-4-11. Qualifications for jockey.** This amended regulation deletes the requirement for a jockey-in-training license. Its economic impact is not determinable because it is not known how many individuals will ride or drive a race horse or how many apprentice or jockey licenses will be applied for in one year.

**112-4-20. Stable name registration.** This amended regulation requires annual registration and allows a registrant to register more than one stable name. The economic impact of this amendment will increase the wagering interest. The cost of registration will be borne by the registrant.

**112-4-22. Licensing required.** This amended regulation allows the horse trainer to apply for a 30-day temporary license on behalf of an absentee owner. The economic impact of this regulation allows more horses to be entered in parimutuel races, thus increasing the wagering interest.

#### Article 10.—ANIMAL HEALTH

**112-10-32. Assistant animal health officers.** This regulation outlines the qualifications, duties, responsibilities and prohibitions of an assistant animal health officer employed by the commission at a parimutuel greyhound racetrack. The cost of this regulation cannot be measured because the number of days to be worked by greyhound assistant animal health officers has not yet been determined.

**112-10-33. Practicing veterinarians, greyhound.** This regulation outlines the qualifications and duties of a practicing veterinarian at a parimutuel racetrack facility.

**112-10-34. Drugs or medication, greyhound.** This regulation outlines the requirements and limits upon the use of any medication, whether internally or externally administered to a racing greyhound, or the use of equipment for such administration at a parimutuel greyhound racetrack.

**112-10-35. Testing.** This regulation outlines the requirements for the taking of a test sample from a racing greyhound entered in a race. The regulation outlines the procedure, personnel assigned, witnessing and custody requirements for the taking of the sample. The cost of this regulation shall be paid by the Kansas Racing Commission.

**112-10-36. Split Samples.** This regulation outlines the procedure and requirements surrounding split samples taken from racing greyhounds. The regulation allows the trainer or owner to submit a second sample to a laboratory for testing. The cost of this regulation will be paid by owners or trainers who request split sample testing.

**112-10-37. Postmortem Examination.** This regulation outlines the authority for ordering a postmortem examination for any greyhound that dies at a racetrack facility. The regulation protects racing animals from disease and allows determination whether foreign substances are present in the system of the greyhound.

JIMMY D. GRENZ  
Executive Director

#### State of Kansas

### KANSAS RACING COMMISSION

#### TEMPORARY ADMINISTRATIVE REGULATIONS

(Effective August 22, 1989)

The complete text of the following regulations has not been published because of its length and the resulting cost of publication. Copies of the complete text of any of the following regulations may be obtained by contacting the Kansas Racing Commission, 3400 Van Buren, Topeka 66611, (913) 296-5800.

#### Article 4.—OCCUPATION AND CONCESSIONAIRE LICENSES

**112-4-14a.** This regulation places the entire responsibility for horses upon the trainer charged with care of those horses, to include eligibility, penalties or allowances, proper equipment, arrival in the paddock, proper handling of the horse in the test barn, absence of prohibited substances, positive tests for foreign substances and puncture marks on the horse. The economic impact of this regulation cannot be stated.

**112-4-19.** This regulation is being amended to require annual registration of owners with a 10 percent or greater ownership of a horse or greyhound by corporation, partnership, syndicate or other association or entity. The economic impact of this regulation is the \$10 annual fee, paid by the owners with a 10 percent or greater interest in a racing animal.

#### Article 9.—PARIMUTUEL WAGERING

**112-9-39. Superfecta.** This regulation outlines the requirements for calculating the form of wagering known as the superfecta, which is the purchase of a ticket that combines four entries in a single race that will finish first, second, third and fourth in the same order of finish as officially posted. The economic impact will bear upon the racing facility management, the wagerer and the racing fund, each of which will receive a part whose amount is as yet unknown.

**112-9-40. Tri-super pool.** This regulation outlines the requirements for calculating the parlay form of wagering known as the tri-super, which is the purchase of a ticket that combines three entries that will finish first, second and third in the same order of finish as officially posted in the first of two consecutive tri-super races. The holders of tickets containing this winning combination may then exchange the first ticket for a tri-super exchange ticket wherein the wagerer may then select the four entries to finish in the exact order as officially posted in the second tri-super race. The economic impact will bear upon the racing facility management, the wagerer and the racing fund, each of which will receive a benefit from the monies wagered that is as yet unknown.

**112-9-41. Twin trifecta.** This regulation outlines the requirements for calculating the parlay form of wagering known as the twin trifecta, which is the purchase of a ticket that combines three entries that will finish first, second and third in the first of two consecutive twin trifecta races. The wagerer who has selected the winning combination in the first race is allowed to exchange the

(continued)

winning ticket for a second opportunity to select the three entries that will finish first, second and third in the second race in the exact order of finish. The economic impact of this regulation will bear upon the racing facility management, the wagerer and the racing fund, each of which will receive a benefit that is as yet undetermined.

JIMMY D. GRENZ  
Executive Director

Doc. No. 008232

**State of Kansas**  
**GRAIN INSPECTION DEPARTMENT**  
**PERMANENT ADMINISTRATIVE**  
**REGULATIONS**

**Article 4.—FEES AND CHARGES**

**25-4-1. Fees.** (a) Definitions. (1) "Regular hours" means 7:00 a.m. to 4:30 p.m.; Monday through Friday. Regular hours for samplers may be adjusted to the elevator's hours of operation not to exceed eight hours per day.

(2) "Overtime" means work performed during any hours other than the regular hours defined in paragraph (1) of this subsection.

(3) "Travel time" means time spent in roundtrip travel from portal to portal. If an employee performs inspections at several locations on one trip, travel time may be prorated.

(4) Holidays include New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and Martin Luther King Day.

(5) "Call in" and "call back" means any work performed for which the employee is called in to work on a regular day off or called back to work after a regular work schedule.

(b) This revised schedule supersedes all other schedules issued by this agency. The following fees shall be charged for the services rendered by this department under the U.S. grain standards act (as amended):

Official Inspection, includes grading and sampling EXCEPT WHERE INDICATED (FGIS users' fees not included)

Carlot.....	\$12.00/per inspection or reinspection
Extra sample secured at time of original.....	4.50/per request
New sample secured after original.....	6.00/per request
Truck or trailer.....	7.00/per inspection or reinspection
Extra sample secured at time of original.....	3.50/per request
Bin inspection.....	6.00/per bin, plus sampler regular hourly rate
Submitted sample inspection.....	5.00/per sample
DHV Count.....	3.00
Warehouseman sample-lot inspection.....	7.00/per sample
Diverter-type (D/T) sample at points outside inspection point switching limits.....	7.00/plus sampler regular hourly rate, travel time hourly rate and mileage

Barge inspection or reinspection.....	2.50/per 1,000 bushels or fraction thereof
All reinspections of above carriers based on file sample.....	5.00
Initial checktest, approval of country point diverter-type (D/T) samplers, and train elevator sampler.....	50.00/per D/T sampler plus regular hourly rate, travel time rate and mileage
Diverter-type (D/T) review checktest visits at country points.....	regular hourly rate plus mileage
Checktesting diverter-type (D/T) samplers at inspection points.....	regular hourly rate (1 hour minimum charge)
Protein, grains other than wheat.....	3.25
Oil, grains other than wheat.....	3.25
Protein, initial or reinspection.....	3.25
Factor-only determination, one factor.....	3.00
Factor-only determination, 2 or more factors, per factor (not to exceed full grade fee).....	2.00
Approved statements requested in addition to grade requirements.....	2.50
Duplicate certificate.....	1.50
Stowage examination, carlot.....	3.00/per request
Stowage examination, barge.....	6.00/per request
Report grades by telephone.....	CALL COLLECT

(c) Miscellaneous fees.

(1) The regular hourly rate shall be \$13.50. The number of regular hours shall be calculated in 1/4-hour increments.

(2) The overtime hourly rate shall be \$13.50 per hour. The number of overtime hours shall be calculated in 1/4-hour increments. For those inspections for which the fee is based on a per unit charge, the overtime hourly rate shall be applied in addition to that per unit fee. For those inspections for which fees are based on an hourly rate, the overtime hourly rate shall not be imposed in addition to the regular hourly rate.

(3) The holiday hourly rate shall be \$13.50 per hour. The number of holiday hours shall be calculated in 1/4-hour increments. For those inspections for which fees are based on a per unit charge, the holiday hourly rate shall be applied in addition to that per unit fee. For inspections for which fees are based on an hourly rate, the holiday rate shall not be applied in addition to the regular hourly rate.

(4) If an employee is called in or called back, a minimum of two hours at the overtime hourly rate shall be charged.

(5) Travel time. The travel time rate shall be \$13.50 per hour.

(6) Mileage expenses shall be a charge, per mile driven, at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto. If any employee performs inspections at several locations on one trip, the mileage expenses may be prorated.

(d) The following fees shall be charged for the services rendered by this department which are not under the U.S. grain standards act (as amended):

Edible Bean Inspection Service	
Edible bean inspection (official warehouse lot).....	16.00/per certificate
Edible bean inspection (official car sample).....	16.00/per certificate

Edible bean inspection (official truck sample).....	11.00/per certificate
Edible bean inspection (submitted sample).....	8.00/per certificate
Edible bean inspection sampling fee, check weighing, or checkloading.....	13.50/per hour
Weights	
Carlot or direct transfer, per class I weight, 100% supervision (minimum of 2 cars weighed per hour or hourly charges apply on top of weighing charge).....	6.00/per certificate
Carlot or direct transfer per class II weight, 25% supervision.....	4.00/per certificate
Barges, in or out.....	2.25/per 1,000 bushels or fraction thereof
Truck or trailer.....	6.00
House transfers.....	1.50/per 1,000 bushels or fraction thereof
Weigh-up, annual.....	1.00/per 1,000 bushels or fraction thereof
In-weighing, sacked cars.....	regular hourly rate
Out-weighing, sacked cars, with count.....	regular hourly rate
Out-weighing, sacked cars, with count and weight each sack.....	regular hourly rate
DHV count.....	3.00
Hopper scale, first test at elevator.....	125.00
Hopper scale, each additional test at elevator.....	100.00/per scale
Hopper scale per F.G.I.S. test.....	125.00/plus regular hourly rate on site
Hopper scale at points where certified weights are not issued.....	125.00/plus mileage and subsistence
Mileage charge for special trips by the hopper testing scale truck.....	.55/per mile driven
Labor of scale inspector for repair work outside regular inspecting or adjusting of scale.....	13.50/per hour
Charge for weigher, by special arrangement, per weigher.....	13.50/per hour

(Authorized by K.S.A. 1988 Supp. 34-103a, as amended by 1989 S.B. 277, § 2; 34-2,100, implementing K.S.A. 1988 Supp. 34-103a, as amended by 1989 S.B. 277, § 2; 34-251, 34-2,108, effective Jan. 1, 1966; amended Jan. 1, 1967; amended, E-68-7, Feb. 20, 1968; amended Jan. 1, 1969; amended, E-69-7, May 28, 1969; amended Jan. 1, 1970; amended, E-71-26, June 18, 1971; amended Jan. 1, 1972; amended, E-72-8, Feb. 26, 1972; amended Jan. 1, 1973; amended, E-74-27, June 26, 1974; amended, E-74-61, Sept. 30, 1974; amended May 1, 1975; amended, E-78-10, March 24, 1977; modified, L. 1978, ch. 448, May 1, 1978; modified, L. 1980, ch. 345, May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended, T-83-20, July 21, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended T-88-16, July 26, 1987; amended May 1, 1988; amended T-25-6-13-88, June 13, 1988; amended Sept. 26, 1988; amended Oct. 16, 1989.)

T.D. WILSON  
Director

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

PERMANENT ADMINISTRATIVE REGULATIONS

Article 19.—AMBIENT AIR QUALITY STANDARDS AND AIR POLLUTION CONTROL

**28-19-7. Definitions.** All terms and abbreviations used in these emission and open burning control regulations shall have the following meanings unless otherwise defined in an individual regulation.

(a) "Agricultural-related" activity means processes used in the production of popcorn that is packaged but not popped; ornamental floriculture and nursery products; shortening, table oils and margarine; prepared feeds and feed ingredients for animals and fowl; molasses, which is mixed or blended; cotton ginnings; flour and other grain mill products. Agricultural-related activity also includes sunflower oil reclaiming, seed cleaning and operations related to alfalfa dehydrators, sun-cured alfalfa plants, soybean oil mills and grain elevators.

(b) "Alter" means any physical change to, or any change in operating any machine, equipment, device, or other article, or any combination of the above, that constitutes a source of air contaminant emissions subject to the provisions of these regulations, if that change affects the amount or nature of these emissions. Routine maintenance or parts replacement shall not be an alteration. Each increase or decrease in operating hours or production rates shall not be considered to be an alteration if production rate increases do not exceed the originally approved design capacity of the articles involved and if the increased emissions resulting from these changes do not exceed any emission or operating limitations imposed as a condition to any permit issued under K.A.R. 28-19-14.

(c) "Control device" means any equipment, device or other article that is designed, installed or both for the purpose of reducing or preventing the discharge of contaminant emissions to the air.

(d) "Department" means the Kansas state department of health and environment or an authorized representative of the department.

(e) "Direct heating equipment" means any device in which fuel is burned in direct contact with, and for the purpose of heating, air that comes in direct contact with the material being processed.

(f) "Director" means the secretary of health and environment or a designated representative of the secretary.

(g) "Emission limitation and standard" means a requirement established by the director that limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements that limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(h) "Emission source" means any machine, equipment,

(continued)

device or other article or operation that directly or indirectly releases contaminants into the outdoor atmosphere.

(i) "Existing" means any processing machine, equipment, device or other article, or any combination of the above, any indirect heating equipment or incinerator that is completed, under construction, or under purchase contract on the effective date of any applicable regulation.

(j) "Indirect" heating equipment means any device in which fuel is burned to produce heat that is transferred through a heat conducting materials barrier or by a heat storage medium to a material that is to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.

(k) "Incinerator" means any device or structure used for the destruction, or volume reduction of garbage, rubbish, or other liquid or solid waste materials, by combustion, for the purpose of disposal or salvage.

(l) "Modified open burning operation" means an open burning operation in which the contaminants emitted to the ambient air as a result of combustion are reduced, controlled or both through positive regulation of fuel to air ratios, air screens or other control techniques. Combustion devices used solely for the purpose of disposing of flammable gases shall not be considered to be modified open burning operations.

(m) "Official observer" means a designated representative of the department who has been certified by the department as being trained, and qualified on the basis of actual testing, to determine the degree of opacity of visible plumes by direct visual observation. The testing procedure shall be established and published by the department. Each certified individual shall be required to be re-tested at least once every six months to maintain certification.

(n) "Opacity" means the degree to which a contaminant emission obscures an official observer's view of transmitted light passing through that contaminant. Zero percent opacity is perfect transparency and 100 percent opacity is impenetrable to light.

(o) "Open burning operation" means the burning of any materials in which contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. A chamber shall be considered enclosed when only those apertures, ducts, stacks, flues or chimneys that are required to supply combustion air and to permit the escape of exhaust gases are open during the combustion process.

(p) "Particulate matter" means any airborne finely divided solid or liquid material, except uncombined water.

(q) "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR 53.8 or by an equivalent method designated by the administrator of U.S. environmental protection agency in accordance with 40 CFR 53.8, as amended on July 31, 1987. Appendix J of 40 CFR Part 50 and 40 CFR 53.8, as amended on July 31, 1987 are adopted by reference.

(r) "Person" means any individual, corporation, part-

nership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

(s) "Potential contaminant emission factor" means the mathematical expression derived by dividing the average value of the amount of air contaminant emissions associated with a specific type of processing or combustion operation by the quantity of material that is being processed at the time the emissions are determined or by some other meaningful parameter.

(t) "Potential contaminant emission rate" means the total weight of a contaminant that is or, in the absence of control equipment, would be emitted from an air contaminant source when that source is operating at its maximum capacity. The potential contaminant emissions rate shall be determined by:

(1) Sampling in a flue or duct prior to the inlet of any control device serving the flue or duct;

(2) estimating such emissions by performing a "material balance" calculation that indicates the difference between processing input weight and output weight of materials;

(3) using potential contaminant emission factors as recognized by the department; or

(4) by using any other estimating technique mutually agreeable to the department and the person responsible for operation of the source.

(u) "Premises" means one or more contiguous or adjacent parcels of land and any structures or equipment located on the parcels under one ownership. For the purpose of this definition, a parcel of land that is bordering another parcel solely divided by a public roadway or a railroad right of way shall be considered to be adjacent.

(v) "Processing" means any operation related to the handling, storage, treatment or conversion of input materials to produce a saleable or usable end product.

(w) "Smoke" means particulate matter emissions, resulting from incomplete combustion, that consist primarily of carbon, ash and other material and that form a visible plume in the ambient atmosphere.

(x) "Total suspended particulate" means particulate matter as measured by the method described in appendix B of 40 CFR Part 50, as in effect on July 31, 1987. Appendix B of 40 CFR Part 50 as amended on July 31, 1987 is adopted by reference.

(y) "Waste" means garbage, refuse and other discarded materials including, but not limited to solids, semisolids, sludges, liquids and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. The term "waste" shall not include hazardous wastes which is defined in K.A.R. 28-31-3. (Authorized by and implementing K.S.A. 65-3005; effective Jan. 1, 1971; amended Jan. 1, 1972; amended, E-73-8, Dec. 27, 1972; amended January 1, 1974; amended May 1, 1975; amended, T-84-39, Dec. 21, 1983; amended May 1, 1984; amended, T-85-29, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1988; amended Oct. 16, 1989.)

**28-19-8. Reporting required.** (a) Each person who proposes to construct, alter, use or operate any processing

machine, equipment, device or other article, or any combination thereof, that is capable of emitting any potential contaminant emissions equal to or in excess of the levels specified in subsection (b) of this regulation shall report this proposed activity to the department at least 90 days before initiating the activity. Each report required by this section shall be on forms provided by the department and shall contain all information required by the department that is relevant to air pollution and that is available to, or that is reasonably capable of being assembled by, the person that completed the report. If the construction, alteration, use or operation of any article that is subject to this reporting requirement was not previously required to be reported under these regulations and if the construction, alteration, use or operation was initiated before January 1, 1984, then this alteration, construction, use or operation shall not be considered in violation of this regulation until 60 days after the department has notified the person responsible for the use or operation of the article that this use or operation must be reported. This notification must be in writing.

(b) The following levels and types of air contaminant emissions shall be reported under the provisions of subsection (a) of this regulation:

(1) One or more pounds of particulate matter including but not limited to  $PM_{10}$  during any hour of operation;

(2) for any agricultural-related activity, five or more pounds of particulate matter including but not limited to  $PM_{10}$  during any hour of operation;

(3) two or more pounds of sulfur dioxide or sulfur trioxide, or a combination of both, during any hour of operation;

(4) fifty or more pounds of oxides of nitrogen, calculated as nitrogen dioxide, during any cumulative 24-hour period;

(5) fifty or more pounds of carbon monoxide during any cumulative 24-hour period;

(6) fifty or more pounds of gaseous hydrocarbons, excluding methane, during any cumulative 24-hour period; 15 or more pounds of gaseous hydrocarbons, excluding methane, during any cumulative 24-hour period, or three or more pounds during any one hour period, when sources of emissions are located in areas which have been identified as not meeting the national primary ambient air quality standard for ozone in the manner prescribed by the provisions of section 107(d) of the federal clean air act, 42 U.S.C. 7407 as promulgated at 40 CFR 81.317 as amended on July 31, 1987. 40 CFR 81.317 as amended on July 31, 1987 is adopted by reference;

(7) any measurable quantity of lead or lead compounds;

(8) any air contaminant emissions from any incinerator used to dispose of refuse by burning or for the processing of salvageable materials, except incinerators installed on residential premises that contain less than six dwelling units and that are used to burn waste materials associated with normal habitation to those dwelling units; and

(9) any other air contaminant emissions that the secretary of health and environment or an authorized representative of the secretary determines may cause or contribute to air pollution within the state because of its specific chemical or physical nature or because of the quantity discharged. Failure to report sources of a con-

taminant subject to provisions of this paragraph shall not be considered in violation of the requirement of subsection (a) until 60 days after the person responsible for construction, alteration, use or operation of the source has received written notice from the department requiring that emissions from the source are to be reported.

(c) Construction required for activities subject to this regulation shall not be initiated until the department has provided written notice that the activity is approved or until any permit required for this activity has been issued under K.A.R. 28-19-14. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3007, 65-3010, effective Jan. 1, 1971; amended Jan. 1, 1972; amended, E-73-8, Dec. 27, 1972; amended Jan. 1, 1974; amended May 1, 1975; amended, T-84-39, Dec. 21, 1983; amended May 1, 1984; amended, T-85-29, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1988; amended Oct. 16, 1989.)

**28-19-14. Permits required.** (a) Each person who proposes to construct, alter, use, or operate any air contaminant emission source that is required to be reported under K.A.R. 28-19-8 and that has a potential contaminant emission rate in excess of the following limitations shall obtain a permit from the department of health and environment before beginning this activity:

(1) Ten tons per year or more of particulate matter;

(2) for agricultural-related activity, 100 tons per year or more of particulate matter, or 25 tons per year or more of particulate matter when a review and approval under the provisions of K.A.R. 28-19-16 or 28-19-17 is required;

(3) ten tons per year or more of sulfur oxides;

(4) ten tons per year or more of carbon monoxide;

(5) ten tons per year or more of volatile organic compounds, excluding methane;

(6) fifty tons per year or more of oxides of nitrogen;

(7) any measurable amount of lead or lead compound; and

(8) any emission sources required to be reported under K.A.R. 28-19-8(b)(9).

The above limitations shall be determined on the basis of net potential contaminant emission rate. Each emission rate shall be the total new potential contaminant emission rate or rates resulting from a particular physical change, from a change in the method of operation of a stationary source or both, minus the sum of the total potential contaminant emission rate or rates prior to the physical change or change in the method of operation of a stationary source or both.

(b) Application for a permit for the construction, alteration, use or operation of an emission source shall be made on forms provided by the department. Forms shall be sent to the person proposing the activity after that person reports in accordance with K.A.R. 28-19-8. Any applicant may be required to furnish additional relevant information to determine compliance with regulations.

(c) Each completed application shall be reviewed and written notice shall be provided to the applicant that the permit has been approved, given conditional approval or denied, within 180 days of receipt of the completed application. The reasons for denial of each application shall be specified.

(d) Each permit issued for the construction or alteration

(continued)

of a source shall become void if the construction or alteration has not commenced within 18 months after permit issuance, or if the activity required to complete the alteration or construction has been discontinued for 18 months or more.

(e) Each permit required for the construction or alteration of a source shall not be issued if the department determines that the air contaminant emissions from the source will interfere with the attainment or maintenance of any ambient air quality standard that has been established under the provisions of the federal clean air act, and amendments to it, or under the provisions of state law.

(f) Each permit required by this regulation shall not be issued or renewed unless the fee required by K.A.R. 28-19-14a or 28-19-14b has been paid.

(g) An annual operating permit fee shall be collected by the department for an approved new or altered source only for each year following the year in which the construction of the new source or the alteration of an existing source has been completed.

(h) Subject to the provisions of subsection (k), an operating permit shall be issued by the secretary for any source that is operating, under construction, under purchase contract, or that is being altered on January 1, 1984. The sources shall be considered existing sources for the purpose of initially complying with permit requirements and shall be subject only to provisions that are applicable to the renewal of permits at this time.

(i) Each permit that is issued or renewed may be conditioned upon compliance by the owner or operator with any special restrictions that are deemed necessary to insure compliance with these regulations, or otherwise prevent air pollution. The restrictions may include, but need not be limited to, special requirements concerning methods of operation, emissions limitations or control procedures to be implemented. The restrictions shall be stipulated in writing as part of, or as an attachment to, the permit.

(j) Each permit that is issued or renewed may stipulate one or more air contaminant emission sources that are approved to be constructed, altered, used, or operated. The sources shall be located on the same premises, shall be under one ownership, and shall be considered as part of the same industrial grouping as determined by the department. The industrial grouping shall be identified by using the industrial titles and descriptions provided in the "standard industrial classification manual 1987," as published by the U.S. government printing office (U.S. government printing office stock number 041-001-00314-2). Standard industrial classification manual 1987 is adopted by reference. For the purpose of establishing the annual operating permit fee to be collected under K.A.R. 28-19-14b, the industrial grouping that is considered to be the primary activity covered by the permit shall be stipulated by the department.

(k) The secretary may refuse to issue or renew any permit, or may suspend or revoke any previously issued or renewed permit, that is required by this regulation if it is determined that the air contaminant emissions from the source are in violation of any of the requirements of these regulations or any applicable provision of state stat-

ute. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008; effective, E-78-8, December 27, 1972; effective Jan. 1, 1974; amended, T-84-39, effective Dec. 21, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended Oct. 16, 1989.)

**28-19-16a. Definitions.** The following words and terms when used in K.A.R. 28-19-16 through K.A.R. 28-19-16m shall have the following meanings:

(a) "Actual emissions" means, in regard to determining creditable previous emissions of a pollutant, the actual average rate (in tons per year) at which a unit actually emitted the pollutant during a two-year period which precedes the particular date of interest and which is representative of normal source operation. This shall apply unless the department allows the use of a different time period upon a determination that it is more representative of normal source operation. These emissions shall be calculated using the unit's actual operating hours, production rates, and type of materials processed, stored, or combusted during the selected time period. Where specific emission limitations have been established for an individual source under the provisions of K.A.R. 28-19-13, K.A.R. 28-19-16b, K.A.R. 28-19-17b or any permits issued prior to the effective date of K.A.R. 28-19-17b by U.S. environmental protection agency under the provisions of federal regulation 40 CFR 52.21(i), as amended on July 31, 1987, then actual emissions may be presumed to be equal to these limitations. For any emissions unit that has not begun normal operations on a date of interest, actual emissions shall mean the potential of the unit to emit on that date.

(b) "Allowable emissions" means the emissions rate of a stationary source calculated by using:

(1) The maximum rated capacity of the source (unless the source is subject to federally enforceable limits that restrict the operating rate, hours of operation, or both); and

(2) limitations imposed by this or any other applicable state, federal or local governmental air pollution control regulation, including those with a future compliance date.

(c) "Begin actual construction" means the initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. These activities include but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(d) "Building, structure, facility or installation" means all of the pollutant-emitting activities that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group," i.e. those that have the same two-digit code as described in the "Standard Industrial Classification Manual 1987," as published by the U.S. government printing office (U.S. government printing office stock number 041-001-00314-2) as adopted at K.A.R. 28-19-14(j).

(e) "Commence, as applied to construction of a major stationary source or major modification," means that the owner or operator has all necessary state, local, and federal approvals or permits; and either:

(1) has begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or

(2) has entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(f) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in actual emissions.

(g) "Contemporaneous emission increase or decrease" means emission changes from the source that have occurred since December 2, 1976 or since the most recent permit was issued under the provisions of K.A.R. 28-19-16b, whichever date is the most recent.

(h) "Creditable emission decrease" means the amount by which the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions. No emission decrease shall be creditable if the secretary has previously given credit for it in a permit issued under the provisions of this regulation that is presently in effect or the decrease has been previously credited by the secretary as a result of actions initiated under the provisions of other state, federal, or local governmental air pollution control regulations. Credit shall be allowed only for decreases in emissions that have approximately the same qualitative significance for public health and welfare as do those emissions that increase as a result of a particular change.

(i) "Creditable emission increase" means the amount by which a new level of actual emissions exceeds the old level of actual emissions.

(j) "Emissions unit" means any part of a stationary source that emits or would have the potential to emit any pollutant subject to the provisions of this regulation.

(k) "Federally enforceable" means:

(1) All limitations and conditions that are enforceable by the administrator of the U.S. environmental protection agency;

(2) requirements of regulations included in the federally approved Kansas implementation plan; and

(3) any permit requirements established pursuant to these requirements.

(m) "Fugitive emissions" means those emissions that directly result from operation of a stationary source but that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(n) "Implementation plan" means any documents, including state or locally adopted regulations, submitted by a state to the U.S. environmental protection agency as required by the provisions of Section 110 of the federal clean air act, 42 U.S.C. 7410 and any regulations promulgated by the administrator of the U.S. environmental protection agency pursuant to the provisions of that section. For the purpose of this regulation a state plan is

approved when the administrator has published the approval or conditional approval of the applicable provisions of the plan in the federal register.

(o) "Lowest achievable emission rate" means, for any source, the more stringent emission standard established by the secretary based on either:

(1) the most stringent emissions limitation that is contained in the approved implementation plan of any state for that class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that these limitations are not achievable, or

(2) the most stringent emissions limitation that is achieved in practice by that class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event will the secretary establish a lower emission rate for a proposed new or modified stationary source that is less stringent than the amount allowable under an applicable new source standard of performance promulgated by the U.S. environmental protection agency under the provisions of Section 111 of the federal clean air act.

(p) "Major modification" means any modification of a major stationary source that would result in a significant net emissions increase of any pollutant subject to the provisions of this regulation.

(q) "Modification" means any physical change in, or change in the method of operation of, a stationary source that would result in an emissions increase of any pollutant subject to the provisions of this regulation. Each net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone. Each physical change or change in the method of operation shall not include:

(1) Routine maintenance, repair and replacement;

(2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the federal energy supply and environmental coordination act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the federal power act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal clean air act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a stationary source that:

(A) The source was capable of accommodating before December 21, 1976, unless the secretary determines that this change would be prohibited under any federally enforceable permit condition that was established after December 21, 1976 according to 40 CFR 52.21 as amended on July 31, 1987;

(B) the source is approved to use under any permit issued under the provisions of this regulation;

(6) an increase in the hours of operation or in the production rate, unless the secretary determines that this change is prohibited under any federally enforceable permit condition that was established after December 21, 1976 according to 40 CFR 52.21, as amended on July 31, 1987; or

(continued)

(7) any change in ownership at a stationary source.

(r) "Major stationary source" means any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to the provisions of this regulation, or any physical change that would occur at a stationary source not qualifying as a major stationary source under the previous definition, if the change would create a major stationary source by itself. A major stationary source that is considered major for volatile organic compounds shall also be considered major for ozone.

(s) "Net emissions increase" means the amount by which the sum of:

(1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change, and are otherwise creditable, exceeds zero.

(t) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical or operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions are not considered in determining the potential to emit of a stationary source.

(u) "Secondary emissions" means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but would not be from the major stationary source or major modification itself.

(v) "significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- (1) One hundred tons per year of carbon monoxide;
- (2) forty tons per year of nitrogen oxides;
- (3) forty tons per year of sulfur dioxide;
- (4) twenty-five tons per year of particulate matter emissions;
- (5) fifteen tons per year of PM<sub>10</sub> emissions;
- (6) forty tons per year at volatile organic compounds for ozone;
- (7) 0.6 tons per year of lead;

(w) "Stationary source" means any building, structure, facility or installation that emits or may emit any air pollutant subject to the provisions of this regulation. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008, 65-3010; effective, E-81-35, Nov. 12, 1980; effective May 1, 1981; amended May 1, 1982; amended Oct. 16, 1989.)

**28-19-17a. Definitions.** The following words and terms, when used in K.A.R. 28-19-17 through 18-19-17k, shall have the following meanings: (a) Incorporation of definitions. The definitions found in 40 CFR 52.21(b), as amended on July 31, 1987, are adopted by reference, except for subsection (b)(17), and except that the refer-

ences to "40 CFR 52.21" in subsection (b)(14) shall be replaced with the statement: "K.A.R. 28-19-17b or 40 CFR 52.21(i) as in effect prior to May 1, 1983, the effective date of K.A.R. 28-19-17b."

(b) "Act" means the federal clean air act (42 U.S.C. 7401 et seq.).

(c) "Applicable maximum allowable increase" means air pollutant concentration increases allowed for any Class I, II or III area of the state under the provisions of Section 163 of the federal clean air act (42 U.S.C. 7473). Particulate matter as used in this definition means "total suspended particulate."

(d) "Class I, II or III area" means a classification assigned to any area of the state under the provisions of Section 162 and 164 of the federal clean air act (42 U.S.C. 7472 and 7474, as amended).

(e) "Federal enforceable" means:

(1) All limitations and conditions which are enforceable by the administrator of the U.S. environmental protection agency; and

(2) all limitations and conditions that are established under the requirements of regulations included in the federally approved Kansas implementation plan.

(f) "Temporary" means, in relation to the emissions from a source, that the emissions will not occur at a particular location for a period of more than two years unless a longer time is approved by the secretary or an authorized representative of the secretary. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008 and K.S.A. 65-3010; effective May 1, 1983; amended May 1, 1986; amended Oct. 16, 1989.)

**28-19-17b. Permit required.** (a) Each major stationary source shall not begin actual construction or major modification unless the owner or operator of the source has been issued a permit approving this activity in accordance with the requirements of K.A.R. 28-19-17d through 28-19-17k. Each permit shall be signed by the secretary or an authorized representative of the secretary and shall specify the emission rate limitations allowable for the source and any special conditions to be imposed on its operations to insure compliance with the regulations.

(b) Application for a permit shall be submitted on forms provided by the secretary or an authorized representative of the secretary. The application shall include, in addition to that information required by K.A.R. 28-19-8(c), information required by the secretary or an authorized representative of the secretary to determine compliance with regulations K.A.R. 28-19-17d through 28-19-17i.

(c) Each action reported under the provisions of K.A.R. 28-19-8 shall be reviewed by the secretary or an authorized representative of the secretary to determine the possible applicability of the permit requirements of this regulation to the action and shall advise the source owner or operator of the need to submit a special permit application as required by this regulation. The applicant shall be advised of any deficiencies in the submission. In the event of such a deficiency the date on which the department of health and environment or its designated representative received all required information shall be considered the date of receipt of a completed application.

(d) Each determination to approve or disapprove the



construction or modification of a source shall be made within one year of receipt of a completed application and shall provide notice of the determination in accordance with the provisions of K.A.R. 28-19-17k.

(e) Each construction approval shall become invalid if construction is not commenced within 18 months after receipt of approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time as determined by the secretary or an authorized representative of the secretary. The provision shall not apply to the time period between construction of the approved phases of a phased construction project. In these cases, the 18 month allowable time period shall apply to the projected and approved dates for commencement of construction of individual phases of these projects. The deadlines prescribed by this section may be extended upon a satisfactory showing that the extension is justified.

(f) Each construction approval shall not relieve the owner or operator of the responsibility to comply fully with other applicable provisions of these regulations or other provisions of local, state or federal law.

(g) Each source or modification that becomes a major stationary source or major modification solely by virtue of a relaxation of an enforceable pollutant emission limitation established after August 7, 1980 shall be subject to the requirements of K.A.R. 28-19-17d through 28-19-17i as though construction had not commenced on the source or modification.

(h) Except as explained below, a permit shall not be issued to any new major stationary source or major modification as defined in K.A.R. 28-19-16a(p) and (r) if the source or modification will be located in any area that has been identified as meeting any national ambient air quality standard as required by Section 107(d) of the federal clean air act, 42 U.S.C. 7407 as promulgated at 40 CFR 81.317, as amended on July 31, 1987, as adopted at K.A.R. 28-19-8(b)(6) and if the source or modification would cause or contribute to a violation of any national ambient air quality standard. Each major source or major modification shall be considered to cause or contribute to a violation of a national ambient air quality standard when the air quality impact of the source or modification at any locality that does not or would not meet the applicable national standard, would exceed the following significance levels:

Pollutant	Averaging Time				
	Annual	24 hrs.	8 hrs.	3 hrs.	1 hr.
Sulphur dioxide	1.0 ug/n <sup>3</sup>	5 ug/n <sup>3</sup>			25 ug/n <sup>3</sup>
Particulate Matter (PM <sub>10</sub> )	1.0 ug/n <sup>3</sup>	5 ug/n <sup>3</sup>			
Nitrogen dioxide	1.0 ug/n <sup>3</sup>				
Carbon monoxide			0.5 mg/n <sup>3</sup>		2 mg/n <sup>3</sup>

However a permit may be granted to a major source or major modification as identified above if it reduces the impact of its emissions upon air quality by a sufficient amount to compensate for its adverse ambient impact where the major source or major modification would otherwise cause or contribute to a violation of any national ambient air quality standard. This section shall not apply to a major source or major modification with respect to a particular pollutant if the owner or operator demon-

strates that the source is located in an areas which has been identified as not meeting the national primary ambient air quality standard for that pollutant as required by Section 107(d) of the federal clean air act, 42 U.S.C. 7407 as promulgated at 40 CFR 81.317, as amended on July 31, 1987 as adopted at K.A.R. 28-19-8(b)(6). (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008 and K.S.A. 65-3010; effective May 1, 1983; amended May 1, 1986; amended Oct. 16, 1989.)

**28-19-17c. Exemptions.** (a) K.A.R. 28-19-17b shall not be applicable to new major source construction or major modifications if:

(1) The source or modification was subject to the review requirements of 40 CFR 52.21, as in effect before May 1, 1983, the effective date of this regulation and a permit was issued under 40 CFR 52.21; and

(2) the source owner or operator did not discontinue construction for a period of 18 months or more and completes construction within a reasonable period of time as determined by the U.S. environmental protection agency.

(b) The requirements of K.A.R. 28-19-17b shall not apply to a particular major stationary source or major modification if:

(1) The source or modification will be, or will occur at, a nonprofit health or nonprofit educational institution;

(2) the source or modification meets the criteria included in 40 CFR 52.21(i)(4)(vii) as in effect on July 1, 1981, which is adopted by reference;

(3) the source is a portable stationary source which is operated in accordance with emission limitations prescribed by a permit previously issued for it under K.A.R. 28-19-17b and if at least 10 days advance written notification is given to the department of health and environment that the source will be temporarily relocated to an area where these emissions will not affect any Class I area or any area where an applicable increment is known to be violated; or

(4) with respect to a particular pollutant, if the owner or operator demonstrates that the source or modification is located in an area designated as nonattainment for that pollutant under Section 107 of the Act.

(c) The requirements of K.A.R. 28-19-17e, 28-19-17g and 28-19-17h shall not apply to a major stationary source or major modification with respect to a particular pollutant from the source if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification would be temporary and would not affect any Class I area of any area where an applicable increment is known to be violated.

(d) The requirement of K.A.R. 28-19-17e, 28-19-17g and 28-19-17h as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification if the major modification occurs at a stationary source that was in existence on March 1, 1978, and if the net increase in allowable emissions of the pollutant after the application of best available control technology would be less than fifty tons per year.

(e) 40 CFR 52.21(i)(8) as amended on July 31, 1987, is adopted by reference except for the statement "the requirements of paragraph (m) of this section." This statement shall read "the requirements of K.A.R. 28-19-17g."

(continued)

(Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended Oct. 16, 1989.)

**28-19-17g.** Air quality analysis. 40 CFR 52.21(m), as amended on July 31, 1987, is adopted by reference except for subsection 52.21(m)(1)(v). (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended Oct. 16, 1989.)

**28-19-17i.** Source affecting federal Class I areas. If the emissions from any proposed major stationary source or major modification subject to K.A.R. 28-19-17b will affect any federal Class I area, a copy of the permit application for this source or modification shall be immediately transmitted by the secretary or an authorized representative of the secretary to the administrator of the U.S. environmental protection agency. The administrator shall also be notified of every action taken relative to consideration of this application. A permit shall not be issued for this source except as authorized by the administrator under the provisions of 40 CFR 52.21(p) as amended on July 31, 1987 as adopted at K.A.R. 28-19-17. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended Oct. 16, 1989.)

**28-19-20. Particulate matter emission limitations.**

(a) Subject to the provisions of K.A.R. 28-19-9 and 28-19-11, no person shall cause, suffer, allow or permit the emission of particulate matter from any processing machine, equipment, device or other articles, or combination thereof, excluding indirect heating equipment and incinerators, in excess of the amounts allowed in table P-1 during any one hour.

(b) For the purposes of this regulation, the following definitions shall apply:

(1) "process weight" shall mean the total weight of all materials introduced into a source operation which may constitute, or form, a source of particulate matter emissions. In the case of direct heating operations, any solid fuel used shall be included as part of the process weight, but liquid and gaseous fuels and combustion air shall not be included.

(2) "Process weight rate" shall mean the total process weight introduced into the source operation over a specific time period divided by that time period in hours. For a cyclical or batch operation, the time period shall be that time required to complete one operation or an integral number of cycles, and for continuous or long-run steady-state operations, time period shall be the total operating time or a typical portion.

(3) "Source operation" shall mean the last operation preceding the emission of particulate matter, which results in the separation of the particulate matter emissions from the processed materials or the conversion of the processed materials into the particulate matter emissions, excluding those operations which are an integral part of the functioning of a control device.

TABLE P-1—Process Weight Table  
Maximum Allowable Emission Rate

Process weight rate		Rate of emission	Process weight rate		Rate of emission
lb/hr.	tons/hr.	lb/hr.	lb/hr.	tons/hr.	lb/hr.
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Interpolation of the data in table P-1 for other process weights shall be accomplished by use of the following equations:

$$\text{Process weight} \leq 30 \text{ ton/hr, } E = (4.1) (P^{0.87})$$

$$\text{Process weight} > 30 \text{ ton/hr, } E = (55) (P^{0.11}) - 40$$

Where: E = rate of emissions in lb/hr.

P = process weight in ton/hr.

Where the nature of any process or operation or design of any equipment permits more than one interpretation of these definitions, the interpretation that results in the minimum allowable emission rate shall apply. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3010; effective Jan., 1, 1971, amended Oct. 16, 1989.)

**28-19-21. Additional emission restrictions.** If particulate matter emissions, because of their chemical and/or physical nature, require emission rates lower than those provided for in K.A.R. 28-19-20, the person responsible for the emission shall be notified by the department, in writing, of the reasons for lower emission rate restrictions for an existing or proposed contaminant emission and specify an alternate emission rate that shall not be exceeded. Such notification shall be an order as provided for in K.S.A. 65-3011 and subject to administrative and legal procedures. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3011, as amended by L. 1988, Ch. 356, Sec. 201; effective Jan. 1, 1971; amended Oct. 16, 1989.)

**28-19-56. Episode criteria.** (a) Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall exist whenever the director determines that the accumulation of air contaminants at any sampling location has attained levels which could, if such levels are sustained or exceeded, threaten the public health. In making this determination, the following criteria shall guide the director:

(1) An air pollution forecast, which is the issuance of a weather bureau high pollution potential advisory, or equivalent indication by any local weather bureau meteorologist that a stagnant atmospheric condition will exist for 36 consecutive hours.

(2) An air pollution alert, where the average sulphur dioxide level for the previous 24 consecutive hours equals

0.3 ppm (800 ug/m<sup>3</sup> or the PM<sub>10</sub> level for the previous 24 consecutive hours equals 350 ug/m<sup>3</sup>, or the average carbon monoxide level for the previous eight consecutive hours equals 15 ppm, or the average ozone level for the preceding one hour equals 0.1 ppm, or the average nitrogen dioxide concentration for the preceding one hour equals 0.6 ppm, or the average nitrogen dioxide concentration for the preceding 24 consecutive hours equals 0.15 ppm, and the local meteorologist predicts no major changes in existing adverse meteorological conditions for at least an additional 12 hours.

(3) Air pollution warnings, where the average sulphur dioxide level for the previous 24 consecutive hours equals 0.60 ppm, (1600 ug/m<sup>3</sup>, or the PM<sub>10</sub> level for the previous 24 consecutive hours equals 420 ug/m<sup>3</sup>, or the average carbon monoxide level for the previous eight consecutive hours equals 30 ppm, or the average ozone level for the previous one hour equals 0.4 ppm, or the average nitrogen dioxide concentration for the previous one hour equals 1.2 ppm, or the average nitrogen dioxide concentration for the previous 24 consecutive hours equals 0.3 ppm, and the local meteorologist predicts no major changes in existing adverse meteorological conditions for the next 12 hours.

(4) An air pollution emergency, where the average sulphur dioxide level for the previous 24 consecutive hours equals 0.8 ppm (2100 ug/m<sup>3</sup>, or the PM<sub>10</sub> level for the previous 24 consecutive hours equals 500 ug/m<sup>3</sup>, or the

average ozone level for the previous one hour equals 0.5 ppm, or the average carbon monoxide level for the previous eight consecutive hours equals 40 ppm, or the average nitrogen dioxide concentration for the previous one hour equals 1.6 ppm or the average nitrogen dioxide concentration for the previous 24 consecutive hours equals 0.4 ppm, and the local meteorologist predicts no major changes in existing adverse meteorological conditions for at least an additional 12 hours.

(b) Any status prescribed in subsection (a) may be declared by the director on the basis of deterioration of air quality to the criteria levels alone without the issuance of a high air pollution potential advisory or equivalent advisory from a local weather bureau meteorologist if deemed necessary to protect the public health.

(c) Once declared, any status established on the basis of this regulation shall remain in effect until the criteria for that level are no longer met. At such time the next lower status will be assumed. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3006, 65-3010, 65-3012; effective Jan. 1, 1972; amended, E-73-8, Dec. 27, 1972; amended Jan. 1, 1974; amended Oct. 16, 1989.)

STANLEY C. GRANT  
Secretary of Health  
and Environment

Doc. No. 008238

**INDEX TO ADMINISTRATIVE REGULATIONS**

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1-5-10	Amended	V. 8, p. 1207
1-5-11	Amended	V. 8, p. 130
1-5-13	Amended	V. 8, p. 130
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1-5-19b	Amended	V. 8, p. 1208
1-5-19c	Amended	V. 8, p. 1208
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1-5-29	New	V. 8, p. 1210
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82-3-143	New	V. 8, p. 430
82-3-202	Amended	V. 8, p. 431
82-3-205	Amended	V. 8, p. 431
82-3-305	Amended	V. 8, p. 431
82-3-311	Amended	V. 8, p. 431
82-3-400	Amended	V. 8, p. 432
82-3-401	Amended	V. 8, p. 432
82-3-402	Amended	V. 8, p. 434
82-3-405	Amended	V. 8, p. 434
82-3-407	Amended	V. 8, p. 435
82-3-408	Amended	V. 8, p. 435
82-3-409	Amended	V. 8, p. 435
82-11-1		
through		
82-11-7	Revoked	V. 8, p. 517

82-11-1		
through		
82-11-9	New	V. 8, p. 377-383.

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-27b	Amended	V. 8, p. 94
91-1-32	Amended	V. 8, p. 94
91-1-32a	Revoked	V. 8, p. 94
91-1-33	Amended	V. 8, p. 94
91-1-38	Revoked	V. 8, p. 95
91-1-58	Amended	V. 8, p. 95
91-1-60	Amended	V. 8, p. 95
91-1-79	Amended	V. 8, p. 95
91-1-85	Amended	V. 8, p. 95
91-1-92	Amended	V. 8, p. 96
91-1-107a	Amended	V. 8, p. 96
91-1-128a	Amended	V. 8, p. 98
91-1-129a	Amended	V. 8, p. 98
91-1-131	Amended	V. 8, p. 99
91-1-132a	Amended	V. 8, p. 100
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101
91-16-30	New	V. 8, p. 423
91-19-1	Amended	V. 8, p. 101
91-19-2	Amended	V. 8, p. 101
91-19-6	Amended	V. 8, p. 102
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-7	Amended	V. 8, p. 103
91-31-12a	Amended	V. 8, p. 104
91-31-13	Amended	V. 8, p. 104
91-31-14	New	V. 8, p. 105
91-31-14a	Amended	V. 8, p. 105
91-33-1	Amended	V. 8, p. 105
91-33-5	Amended	V. 8, p. 106
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106
91-34-3	Amended	V. 8, p. 107

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-9-6	Revoked	V. 8, p. 751
92-9-6a	New	V. 8, p. 751

**AGENCY 98: KANSAS WATER OFFICE**

Reg. No.	Action	Register
98-6-1		
through		
98-6-4	New	V. 8, p. 1121, 1122

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

Reg. No.	Action	Register
99-25-1	Amended	V. 8, p. 1005
99-25-3	Amended	V. 8, p. 1005
99-31-1	Amended	V. 8, p. 132

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 8, p. 654
100-11-1	Amended	V. 8, p. 1069
100-49-4	Amended	V. 8, p. 654
100-49-4	Amended	V. 8, p. 1069

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-7	Amended	V. 8, p. 906
102-1-15	Amended	V. 8, p. 906
102-2-1a	Amended	V. 8, p. 204
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
102-4-3		
through		
102-4-11	New	V. 8, p. 205-209
102-4-3		
through		
102-4-11	New	V. 8, p. 335-339

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

Reg. No.	Action	Register
105-10-1	Amended	V. 8, p. 1070

**AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD**

Reg. No.	Action	Register
109-1-1	Amended	V. 8, p. 873
109-2-1	Amended	V. 8, p. 874
109-2-2	Amended	V. 8, p. 874
109-2-4	Amended	V. 8, p. 874
109-2-5		
through		
109-2-9	Amended	V. 8, p. 874-877
109-2-10	Revoked	V. 8, p. 877
109-2-11	Amended	V. 8, p. 877
109-2-12	Amended	V. 8, p. 878
109-3-1	New	V. 8, p. 879
109-4-1	Amended	V. 8, p. 879
109-4-2	Amended	V. 8, p. 880
109-4-3	Amended	V. 8, p. 880
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109-5-2	Amended	V. 8, p. 881
109-5-3	Amended	V. 8, p. 881
109-8-1	New	V. 8, p. 882
109-9-1	New	V. 8, p. 882
109-9-2	New	V. 8, p. 882
109-9-4	New	V. 8, p. 882
109-10-1	New	V. 8, p. 883
109-11-1		
through		
109-11-8	New	V. 8, p. 883-885
109-12-1	New	V. 8, p. 885
109-12-2	New	V. 8, p. 886

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-3-1		
through		
110-3-11	New	V. 8, p. 28-30

**AGENCY 111: THE KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-5	Revoked	V. 8, p. 1085
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-8	New	V. 8, p. 376
111-2-9	New	V. 8, p. 587
111-2-10	New	V. 8, p. 587
111-2-11	New	V. 8, p. 751
111-2-12	Amended	V. 8, p. 800
111-3-1	Amended	V. 7, p. 1061
111-3-3	Revoked	V. 7, p. 1062
111-3-4	Revoked	V. 7, p. 1062
111-3-7	Revoked	V. 7, p. 1714
111-3-9	Amended	V. 8, p. 1085
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-10	Revoked	V. 7, p. 1062
111-3-11	Amended	V. 8, p. 299
111-3-12	New	V. 8, p. 587
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 8, p. 587
111-3-14a	Amended	V. 8, p. 1085
111-3-16	Amended	V. 7, p. 1309
111-3-17	Revoked	V. 7, p. 1714
111-3-19		
through		
111-3-22	Amended	V. 7, p. 1309, 1310
111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-22a	New	V. 8, p. 589
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-30	Revoked	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945

111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-16	Revoked	V. 8, p. 209
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111-4-40	Revoked	V. 7, p. 206, 207
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111-4-46		
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111-4-64	Revoked	V. 7, p. 207
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111-4-77	New	V. 7, p. 207-209
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111-4-67	Amended	V. 8, p. 590
111-4-68	Amended	V. 7, p. 931
111-4-69	Amended	V. 7, p. 931
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112-4-11	Amended	V. 8, p. 1246
112-4-14a	New	V. 8, p. 1214
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112-7-22	New	V. 8, p. 593, 594
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**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

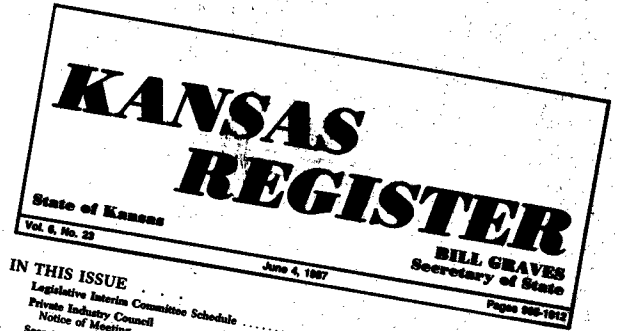
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