



Kansas Register

Bill Graves, Secretary of State

Vol. 10, No. 34 August 22, 1991 Pages 1221-1258

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State of Kansas

Kansas Advocacy and Protective Services, Inc.**Notice of Meeting**

The Kansas Advocacy and Protective Services will conduct its governing board meeting at 7 p.m. Monday, August 26, at the Holidome, 605 Fairlawn Road, Topeka. For more information, call (913) 776-1541.

Joan Strickler
Executive Director

Doc. No. 010993

State of Kansas

Kansas Technology Enterprise Corporation**Notice of Meeting**

The Mid-America Manufacturing Technology Board of Directors will meet at 10 a.m. Thursday, August 29, at the Johnson County Community College, Cultural Education Center, Room 234, 12345 College at Quivira, Overland Park.

Carol Wiebe
Chairman, KTEC

Doc. No. 010999

State of Kansas

Employee Award Board**Notice of Meeting**

The Employee Award Board will meet at 1 p.m. Wednesday, August 28, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

Ben Barrett
Chairperson

Doc. No. 010988

State of Kansas

Kansas State University**Notice to Bidders**

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Wednesday, September 4, 1991

#20013

Video equipment

William H. Sesler
Director of Purchasing

Doc. No. 010997

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Secretary of State
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(913) 296-2236



Register Office:
235-N, State Capitol
(913) 296-3489

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 39,700 cubic yard detention dam, Site 7-34 in Douglas County, will be received by the Tauy Creek Watershed Joint District No. 82 at the contracting officer's residence, 3020 Sage Brush Drive, Lawrence 66047, until 2 p.m. September 9, and opened at 8 p.m. at the Soil Conservation Service Office, 209 W. 2nd, Ottawa. A copy of the invitation for bids and plans and specifications can be obtained from the contracting officer, (913) 842-9196.

Kenneth F. Kern
Executive Director

Doc. No. 010980

State of Kansas

State Historical Society

**Notice of Availability of
Federal Historic Preservation Funds**

The Kansas Historic Preservation Office will accept applications for federal fiscal year 1992 historic preservation funds until October 1. About \$75,000 in 50-50 matching funds will be available for such projects as local historic resource surveys; archeological surveys; preparation of local historic context statements and preservation plans; and various preservation education projects for certified local governments. A minimum of \$30,000 of these funds will be restricted to those cities that have attained certified local government status.

For FFY 1992, applications for the following activities will be given priority: Re-survey of the Potwin Place Historic District, Topeka; surveys in Kansas Main Street designated program areas; completion of the Graham County and Sheridan County surveys and multiple property nominations; ethnic cultural settlement surveys; historic/architectural surveys in rural areas facing development pressures; and archeological surveys in the Rattlesnake Creek drainage in south central Kansas or in the sandhills region of Finney and Kearny counties.

Applications will be evaluated on such factors as the basis of their relationship to the priorities stated above, the ability and experience of the applicant in managing grants, and the relation of the project to local, regional, or statewide planning activities, etc. For applications, instructions, and complete evaluation information contact the Historic Preservation Department, Kansas State Historical Society, 120 W. 10th, Topeka 66612, (913) 296-7080.

Ramon Powers
Executive Director

Doc. No. 010992

State of Kansas

Department of Administration

Division of Architectural Services

**Notice of Commencement of Negotiations
for Engineering Services**

Notice is hereby given of the commencement of negotiations for the replacement of the HVAC system in Spooner Hall, University of Kansas, Lawrence. The estimated project cost is \$670,000. This building is on the National Register of Historic Preservation. The project engineer will be required to retain an architectural consultant with historic preservation experience. A preliminary mechanical design has previously been approved by the National Historic Trust.

Any questions or expressions of interest should be directed to George Steele, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before September 6. An original and four copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

Edward A. Martin, AIA
Director, Division of
Architectural Services

Doc. No. 010989

State of Kansas

**Board of Agriculture
Division of Water Resources**

**Notice Concerning Multi-Purpose
Small Lakes Program**

As per the requirements of amendments to Multi-purpose Small Lakes Program Act of 1991, the chief engineer of the Division of Water Resources will review the cost-benefit analysis of alternatives to projects proposed for state funding under the program. Public comments are invited on this review for the proposed project as follows:

The Bourbon County Rural Water District No. 4 proposes a new dam for water supply and flood control purposes. The dam would be located in the SW¹/₄ of Section 10, Township 24 South, Range 22 East in Bourbon County.

Copies of the general plan for the proposed project are on file with the Division of Water Resources, 901 S. Kansas Ave., second floor, Topeka, and are available for review from 8 a.m. to 4:30 p.m. weekdays. Written comments will be received for 30 days following publication of this notice.

David L. Pope, P.E.
Chief Engineer-Director

Doc. No. 010991

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 55,000 cubic yard detention dam, Site No. 63 in Pottawatomie County, will be received by the Rock Creek Watershed Joint District No. 45 at King Engineering Inc., 125 W. 4th, Holton 66436, until 5 p.m. September 10, or hand carried and submitted prior to the bid opening at 8 p.m. September 10 at the Soil Conservation Service Office, 501 State St., Westmoreland. A copy of the invitation for bids and plans and specifications can be reviewed at the Soil Conservation Service Office, (913) 457-3398, or obtained from the office of King Engineering, Inc., (913) 364-4312. A \$25 returnable deposit is required for each set of plans.

Kenneth F. Kern
Executive Director

Doc. No. 010979

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officers are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office.

The following appointments were filed August 5-16:

Anderson County Register of Deeds

Sandra J. Baugher, Route 1, Box 150, Greeley 66033. Effective September 1, 1991. Term expires when a successor is elected and qualifies according to law. Succeeds Deborah Wilper, resigned.

Advisory Council on Aging

Rep. Joann Flower, Route 2, Box 5, Oskaloosa 66066. Appointed by the House Minority Leader. Succeeds Rep. Al Ramirez.

Kansas Apprenticeship Council

(Executive Order No. 91-140. Members serve at the pleasure of the Secretary of Human Resources.)

Frank Barnett, Sheet Metal Local #2, 11910 River-view, Bonner Springs 66012.

Smitty Belcher, Huxatable & Associates, P.O. Box 630, Lawrence 66044.

Harold Marconnette, Center for Business and Industry, Dodge City Community College, 2501 N. 14th, Dodge City 67801.

Bill McGinnis, Electricians Local #271, 810 W. 13th, Wichita 67203.

Dwayne Peaslee, Plumbers & Pipefitters #763, P.O. Box 4041, Lawrence 66046.

Milt Pollitt, Milt Pollitt Company, Inc., 900 E. Indianapolis, Wichita 67211.

Tom Slattery, Associated General Contractors of Kansas, 200 W. 33rd, Topeka 66611.

Bob Thiry, Kaw Valley Training Center, P.O. Box 417, Perry 66073.

Companion Animal Advisory Board

(Created pursuant to 1991 Session Laws of Kansas, Chapter 152.)

Dr. Richard Barta, Veterinarian Representative, Barta Animal Hospital, 1905 S. 10th, Independence 67301. Term expires June 30, 1993.

Opal Featherston, APPDI Breeder Representative, Royale Farms, Inc., Route 1, Box 47, Whiting 66552. Term expires June 30, 1993.

Dr. William Fortney, Research Facility Representative, Department of Clinical Sciences, College of Veterinary Medicine, Kansas State University, Manhattan 66506. Term expires June 30, 1992.

Marcia Gitelman, Humane Society Representative, 2625 N.W. Rochester Road, Topeka 66617. Term expires June 30, 1994.

JoAnne Kieffer, APPDI Broker Representative, Wacanda Kennels, Box 158, Glen Elder 67446. Term expires June 30, 1992.

Kirk Smith, Pet Shop Operator Representative, 6218 Nieman Road, Shawnee 66203. Term expires June 30, 1994.

Kansas Development Finance Authority

Lowell F. Miller, 2742 Plass, Topeka 66611. Term expires June 30, 1995. Succeeds Dennis McKinney.

Terence J. Scanlon, President, 132 N. Fountain, Wichita 67208. Serves at the pleasure of the Governor. Succeeds Carl Allen Bell III.

Kansas Film Services Commission

Richard Shank, 1002 Bannock Burn Road, Hutchinson 67502. Term expires June 30, 1994. Reappointment.

Governor's Criminal Justice Advisory Commission

(Executive Order No. 91-139. Members serve at the pleasure of the Governor.)

Dean Akings, Great Bend Police Dept., 1217 Williams, Great Bend 67530.

Terry Campbell, Leavenworth County Sheriff, 503 S. 3rd, Leavenworth 66048.

Bert Cantwell, Superintendent, Kansas Highway Patrol, 122 S.W. 7th, Topeka 66603.

James Clark, 827 S. Topeka Blvd., Topeka 66612.

Paul Clark, Sedgwick County District Court, Courthouse, 535 N. Main, Wichita 67203.

Harry Craghead, Kansas Sheriff's Association, P.O. Box 523, Jctmore 67854.

Carolyn Hill, Dept. of Social and Rehabilitation Services, Smith-Wilson Building, 2700 W. 6th, Topeka 66606.

Jim Malson, Director, Kansas Bureau of Investigation, 1620 S.W. Tyler, Topeka 66612.

Sam Mason, 210 S. National, Fort Scott 66701.

Dr. W. Walter Menninger, Chairman, The Menninger Clinic, Box 829, Topeka 66601.

Edmond Pearson, Community Corrections Office, 905 N. Main, Wichita 67203.

Bill Rice, Arkansas City Police Dept., P.O. Box 778, Arkansas City 67005.

Joseph Ruskowitz, Community Corrections, 2358 S.W. Ashworth Place, Topeka 66614.

Karen Schadel, Area Resource Center of Central Kansas, 1921 Harrison, Great Bend 67530.

Terry Showalter, Juvenile Court, 607 Tauomee, Kansas City 66101.

Terry Stevens, Topeka Police Dept., 205 S.W. 5th, Topeka 66603.

Garry Stotts, Secretary of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

Larry Welch, P.O. Box 647, Hutchinson 67501.

Sheila Zuschek, Kansas Highway Patrol, 122 S.W. 7th, Topeka 66603.

State Historic Sites Board of Review

Jeanne McKenna, 1301 S.W. Harrison, Topeka 66612. Term expires June 30, 1994. Succeeds Craig Crosswhite.

Kansas Committee for the Humanities

Robert Quinn Rohde, 1191 S.W. Oakley, Topeka 66604. Term expires June 30, 1994. Succeeds Sharon Hixon.

Commission on Natural Gas Policy

(Created by 1991 Senate Concurrent Resolution 1626. Members appointed by the President of the Senate.)

Paul Cain, Mesa Limited Partnership, P.O. Box 2009, Amarillo, TX 79189. Major Gas Producer.

Steve M. Dillon, 240 Penrose Drive, Wichita 67206. Small Gas Producer.

Sen. Ross Doyen, 434 W. 9th, Concordia 66901.

Jim Ingram, 2301 Pepperwood, Topeka 66614. Transporter.

Bernard E. Nordling, 218 N. Jackson, Hugoton 67951. Royalty Owner.

Kansas Public Employees Retirement Study Commission

(Created pursuant to 1991 Session Laws of Kansas, Chapter 237.)

Sen. Marge Petty, 106 Woodlawn, Topeka 66606. Term expires January 11, 1993. Appointed by the President of the Senate.

Sen. Wint Winter, Jr., P.O. Box 189, Lawrence 66044. Term expires January 11, 1993. Appointed by the President of the Senate.

Bill Graves
Secretary of State

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission has directed that an investigation be conducted and a hearing held to determine the reasonable market demand for gas produced from the fields and pools listed below for the period extending from October 1, 1991, through March 31, 1992; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for wells within the fields and pools.

Evidence will be received for the above purposes and for determining and fixing the allowables for each of the wells in the following fields and pools in the proration period:

- Hugoton gas field in Finney, Grant, Gray, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Panoma-Council Grove gas field in Finney, Grant, Hamilton, Haskell, Kearny, Morton, Stanton, Stevens, Wichita and Seward counties
- Glick (Mississippi) gas pool in Barber, Comanche and Kiowa counties
- Salley (Lower Morrow) gas pool in Seward County
- Richfield (Morrow Sand) gas pool in Morton County
- Gentzler (Lower Morrow) Mississippi gas pool in Stevens County
- Harding West gas pool in Barber and Pratt counties
- Wall-Mississippi gas pool in Harvey County
- Zenith-Peace Creek (Mississippi) gas pool in Reno County
- McKinney East Mississippi gas pool in Clark County
- Komarek Indian Cave gas field in Kingman County
- Greenwood gas field in Morton County
- Negro Creek (Indian Cave) gas pool in Kingman County
- Beauchamp South Middle Morrow gas pool in Morton and Stanton counties
- Shepherd Conglomerate gas field in Stafford County

The hearing will be at 9 a.m. Thursday, September 19, in the third floor hearing room, Conservation Division, 300 Colorado Derby Building, 202 W. 1st, Wichita. All transporters of gas produced from the above fields and pools must furnish to the commission at the hearing their nominations from the fields and pools for the calendar months included in the proration period.

Further information may be obtained by contacting John McCannon or William J. Wix, State Corporation Commission, Conservation Division, 202 W. 1st, Wichita 67202, (316) 263-3238.

Judith McConnell
Executive Director

Doc. No. 010990

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard on the date indicated before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, at 9:30 a.m. unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3149.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for September 10, 1991

Application for Extension of Certificate of Convenience and Necessity:

Acord Transportation, Inc.) Docket No. 172,852 M
1125 S. Industrial Road)
Chandler, OK 74834) MC ID No. 103744

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

General commodities,

Between all points and places in Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, Washington, Clay, Dickinson, Marion, Butler, Cowley, Riley, Geary, Morris, Chase, Marshall, Pottawatomie, Wabaunsee, Lyon, Greenwood, Elk, Chautauqua, Nemaha, Jackson, Shawnee, Osage, Coffey, Woodson, Wilson, Montgomery, Brown, Doniphan, Atchison, Jefferson, Leavenworth, Wyandotte, Douglas, Johnson, Franklin, Miami, Anderson, Linn, Allen, Bourbon, Neosho, Crawford, Labette and Cherokee counties.

Also,

Between all points and places in the above-described counties, on the one hand, and in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Grand Island Contract) Docket No. 177,569 M
Carriers, Inc.)
2107A S. North Road)
Grand Island, NE 68803) MC ID No. 107922

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

General commodities (except hazardous materials, household goods and liquid bulk commodities),

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Hartford Elevator, Inc.) Docket No. 177,570 M
Main Street)
Hartford, KS 66854) MC ID No. 113439

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

Grain, feed, feed ingredients, fertilizer ingredients, building and construction materials, concrete products, seed, salt, machinery and equipment (restricted against the transportation of hazardous materials),

Between all points and places in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

The Hub of Syracuse, Inc.) Docket No. 127,858 M
P.O. Box 638)
Syracuse, KS 67878) MC ID No. 104361

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

Fresh water, salt water and crude oil,

Between points in Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Wallace, Logan, Gove, Trego, Ellis, Russell, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Edwards, Stafford, Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Morton, Stevens, Seward, Meade, Clark, Comanche and Barber counties, on the one hand, and on the other, all points in Kansas.

Application for Certificate of Convenience and Necessity:

Titan Transfer, Inc.) Docket No. 177,571 M
9949 J St.)
Omaha, NE 68127) MC ID No. 127298

Applicant's Attorney: Marshall Becker, 600 Professional Tower, 105 S. 17th, Omaha, NE 68102-1405

General commodities (except class A and B explosives, household goods, hazardous materials and commodities in bulk),

Between all points and places in Kansas.

Don Carlile
Administrator
Transportation Division

Doc. No. 010981

State of Kansas

Attorney General

Opinion No. 91-84

Constitution of the State of Kansas—Education—Members of State Board of Education and State Board of Regents; Effect of Redistricting.

Schools—State Board of Education; General Provisions—Vacancies on State Board; When Vacancy Occurs; Effect of Redistricting. Senator Ben Vidricksen, Chairman, Senate Committee on Apportionment, 24th District, Salina, August 2, 1991.

A member of the State Board of Education who, because of redistricting, no longer resides in the district which elected the member, may continue to serve on the State Board of Education until the member's term of office expires. Cited herein: K.S.A. 25-1911; 72-7503; 72-7504; Kan. Const., art. 6, § 2, 3; art. 10, § 1. RDS

Opinion No. 91-85

Counties and County Officers—Jails—County Jails; Compensation for Maintenance by City. Ivan D. Krug, Rush County Attorney, LaCrosse, August 2, 1991.

If the LaCrosse police officers are arresting a person for violating K.S.A. 1990 Supp. 8-1567 or any other state law, Rush County is responsible for any of the jail expenses incurred. The city of LaCrosse is responsible for the jail fees and costs incurred if the prisoner was arrested for violation of city ordinances. Cited herein: K.S.A. 19-1916; K.S.A. 1990 Supp. 19-1930. MJS

Opinion No. 91-86

Cities of the First Class; Commission Government—Board of Commissioners—Holding Other Office; State Representative.

Elections—Filling Vacancies in Offices and Candidacies—Procedure for Filling Vacancy in District Office Other Than Judge of District Court; District Convention; Time.

Legislature—State Governmental Ethics—Opinions; Incompatibility of Offices; State Representative and Member of Board of Commissioners of City of the First Class; State Representative and President of Registered Lobbying Group. Representative Donna L. Whiteman, 102nd District, Hutchinson, August 6, 1991.

A district convention held to elect a person to be appointed to fill a vacancy in a district office is subject to K.S.A. 1990 Supp. 25-3902. The county chairperson must, within 10 days of receipt of notice that a vacancy has occurred or will occur, call a convention by mailing a notice to the persons designated in subsection (b) or (c) of K.S.A. 1990 Supp. 25-3902. The convention is to be convened and held as soon as is reasonable and practicable after the appropriate time as set forth in subsection (b) or (c) has elapsed. An actual vacancy need not exist before the convention is called and held.

K.S.A. 13-1802 precludes a member of the board of commissioners of a city of the first class from simultaneously serving as a state representative.

The common law doctrine of incompatibility of offices does not preclude an individual from simultaneously serving as a state representative and as president of a registered lobbying group. However, the ability of an individual to simultaneously serve in both roles is subject to the findings of the Kansas Commission on Governmental Standards and Conduct. Cited herein: K.S.A. 13-1802; K.S.A. 1990 Supp. 25-3902; 25-3903a; 46-160; K.S.A. 46-254; K.S.A. 1990 Supp. 75-4303a, as amended by L. 1991, ch. 150, § 42. RDS

Opinion No. 91-87

Public Health—Uniform Vital Statistics Act—Disclosure of Records; Death Certificates; Recordation with County Register of Deeds.

Laws, Journals and Public Information—Records Open to Public—Certain Records Not Required to be Open; Death Certificates; Recordation with County Register of Deeds. Wayne R. Tate, Stevens County Attorney, Hugoton, August 6, 1991.

K.S.A. 1990 Supp. 65-2422 does not mandate the closure of death certificates which have been filed with the office of register of deeds for the purpose of terminating a life estate or joint tenancy. K.S.A. 58-501 contemplates the provision of notice to the public as a result of such filings and authorizes, but does not require, filing alternative evidence of death. Cited herein: K.S.A. 19-1201; 19-1204; 45-215; 45-217; K.S.A. 1990 Supp. 45-221, as amended by L. 1991, ch. 149, § 11; K.S.A. 58-501; 58-2221; 58-2222; K.S.A. 1990 Supp. 59-2286; 65-2412; 65-2422; 65-2422d; K.A.R. 28-17-1; 28-17-3. TMN

Opinion No. 91-88

Elections—Campaign Finance Act—Kansas Commission on Governmental Standards and Conduct; Members. Dennis D. Prater, General Counsel, Kansas Public Disclosure Commission, Topeka, August 6, 1991.

Section 2(b)(10) of chapter 150 of the 1991 Session Laws does not preclude endorsements by a newspaper, the publisher and editor of which is a member of the Commission on Governmental Standards and Conduct. Cited herein: L. 1991, ch. 150, § 2. JLM

Opinion No. 91-89

Counties and County Officers—Economic Development Programs—Economic Development Program; Financing; Tax Levy, Use of Proceeds; Financial Assistance to a Radio Station.

Counties and County Officers—General Provisions—Home Rule Powers; Economic Development; Radio Station Funding. Brad L. Jones, Coffey County Attorney, Burlington, August 8, 1991.

(continued)

A grant of economic development monies by a county to a local radio station, while remaining a discretionary decision, is not prohibited by first amendment constitutional principles and is permissible if such a grant furthers a valid public purpose. It is our opinion that funding a local radio station may promote a valid public purpose; however, the county must ultimately make that determination based upon the facts before it. Cited herein: K.S.A. 12-1740; K.S.A. 1990 Supp. 19-101a; K.S.A. 19-4101; 19-4103; 75-4905; U.S. Const., Amend. I. TMN

Opinion No. 91-90

Taxation—Judicial Foreclosure and Sale of Real Estate by County—Order of Sale; Deed; Execution and Recordation.

Personal and Real Property—Conveyances of Land—Recordation; Payment of Filing Fees; Purchase by County or City. Vernon L. Steerman, Osborne County Attorney, Osborne, August 8, 1991.

K.S.A. 79-401 *et seq.* permit real estate to be placed on tax assessment rolls based upon consultation of the real estate transfer record in the office of the clerk and other documents. Although there is no general statutory authority requiring all instruments affecting title to real estate to be filed with the register of deeds' office, the deed to property sold at a judicial foreclosure sale conducted pursuant to K.S.A. 79-2801 *et seq.* must be recorded and filing fees paid by the successful bidder. If a county or city is the successful bidder at a judicial foreclosure sale, the deed must be filed in the office of the register of deeds and the filing fee paid by the city or county. Deeds to property sold by a county pursuant to K.S.A. 79-2804f or K.S.A. 19-211 may discretionarily be filed with the office of register of deeds. Cited herein: K.S.A. 1990 Supp. 19-211; K.S.A. 19-1201; K.S.A. 1990 Supp. 28-115; K.S.A. 58-2221; 58-2222; 58-2239; K.S.A. 1990 Supp. 58-2242a; K.S.A. 79-401; 79-408; 79-2301; 79-2801; 79-2804; 79-2804f. TMN

Opinion No. 91-91

Intoxicating Liquors and Beverages—Licensure and Regulation of Sale of Liquor by the Drink—Election to Prohibit or Permit; City's Authority to Prevent Licensure. Jack A. Murphy, Baldwin City City Attorney, Baldwin City, August 13, 1991.

A city has no authority to prevent licensure under the drinking establishment act, unless the applicant's premises is located in an area not zoned for such purposes. Pursuant to K.S.A. 41-301, the director of alcoholic beverage control may not issue a retailer's license for a premises located in a city or township which has elected to prohibit packaged sales. Cited herein: K.S.A. 1990 Supp. 19-101a; K.S.A. 41-301; 41-302; K.S.A. 1990 Supp. 41-2605; 41-2606; 41-2608; 41-2609; 41-2611, as amended by L. 1991, ch. 148, § 1; 41-2620; 41-2622; K.S.A. 41-2631; K.S.A. 1990 Supp. 41-2646; Kan. Const., Art. 12, § 5; Art. 15, § 10. JLM

Robert T. Stephan
Attorney General

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for the purchase of 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.

Tuesday, September 3, 1991

- 27370
Kansas State University—Snow removal
- 27496
University of Kansas—Snow removal services
- 27860
Statewide—Motor vehicles
- 28094
University of Kansas—DNA synthesis reagents
- 89535
University of Kansas—486/33 MHZ microcomputers
- 89536
University of Kansas Medical Center—386/25 MHZ microcomputers
- 89563
University of Kansas—Paper, printing and binding
- 89583
Kansas Bureau of Investigation—Photographic supplies and chemicals

Wednesday, September 4, 1991

- 26768
Kansas State University—Laboratory equipment service
- 28574
Emporia State University—Boiler service
- 89541
Division of Printing—Watermark rag bond
- 89553
Norton Correctional Facility—Utility vehicle
- 89554
University of Kansas—Ammunition

Thursday, September 5, 1991

- 89542
Lansing Correctional Facility—Mailing equipment
- 89569
Department of Social and Rehabilitation Services—Electric wheelchair, Salina and Garden City
- 89578
Kansas State University—Steel pipe, Hays

Friday, September 6, 1991

- 89529
Department of Administration, Division of Information Systems and Communications—Mainframe equipment maintenance
- 89584
University of Kansas Medical Center—Office furniture

Tuesday, September 10, 1991

- 27314
Statewide—Surgical instruments, parts and supplies (Class 05)

Tuesday, September 24, 1991

A-6648

Kansas Department of Wildlife and Parks—Office facility building, Hillsdale State Park

Request for Proposals

Tuesday, September 3, 1991

28576

Copy, proof and editing services for the Department of Commerce, Travel and Tourism Development Division, Topeka

Tuesday, September 10, 1991

28573

Education services for the Department of Corrections in El Dorado

Leo E. Vogel
Acting Director of Purchases

Doc. No. 010996

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, KDOT, Topeka, until 10 a.m. C.D.T. September 19, 1991, and then publicly opened:

District One—Northeast

Atchison—3 C-2740-01—County road, 5.7 miles south and 4.0 miles east of Atchison, then east, 0.1 mile, grading and bridge. (Federal Funds)

Brown—7 C-2768-01—County road, 1.0 mile south of Robinson, then north 0.1 mile, grading, surfacing and bridge. (Federal Funds)

Shawnee—89 C-2758-01—Intersection of U.S. 75 and Heartland Parkway 0.4 mile, grading and surfacing. (Federal Funds)

District Three—Northwest

Norton—283-69 K-4028-01—U.S. 283, North Fork Solomon River bridge 15, 3.6 miles north of the Graham/Norton county line, bridge replacement. (Federal Funds)

Trego—70-98 K-4722-01—I-70, from the junction of I-70 and U.S. 283, east to the Trego/Ellis County line, 16.6 miles, crack repair. (State Funds)

District Four—Southeast

Labette—50 C-2681-01—County road, 2.0 miles south and 2.0 miles east of Altamont, then east, 0.2 mile, grading and bridge. (Federal Funds)

District Five—Southcentral

Barber—2-4 K-4482-01—K-2, Medicine River bridge 31, 2.1 miles northeast of K-8, bridge painting. (State Funds)

Cowley—15-18 K-4485-01—K-15, Stewart Creek bridge 61, 4.0 miles west of the north junction of U.S. 77, bridge overlay. (State Funds)

Cowley—166-18 K-4518-01—U.S. 166, Arkansas River bridge 37, Walnut River bridge 39 in Arkansas City, bridge painting. (State Funds)

Ness—68 C-2705-01—County road, 3.0 miles north and 3.8 miles west of Ness City, then west, 0.2 mile, grading and bridge. (Federal Funds)

Pratt—76 C-2803-01—County road, 4.0 miles east and 0.2 mile north of Pratt, then east, 0.3 mile, grading and bridge. (Federal Funds)

Reno—96-78 K-4512-01—K-96, bridges 59, 60 and 61, south of 5th Avenue in Hutchinson, bridge repair. (State Funds)

Rush—83 C-1861-01—County road, 1.5 miles south of Bison, then east, 0.1 mile, bridge replacement. (Federal Funds)

Rush—83 C-2778-01—County road, 0.5 mile west of U.S. 183 and 1.0 mile south of Liebenthal, then east, 0.2 mile, grading surfacing and bridge. (Federal Funds)

Reno/Sedgwick—106 K-4654-01—K-61 in Reno County, bridge 49 and I-235 in Sedgwick County, bridge 65 and 66, bridge painting. (State Funds)

Sumner—55-96 K-4500-01—K-55, Arkansas River bridge 116, 7.6 miles east of U.S. 81, bridge painting. (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 clerk or at the KDOT district office responsible for the work.

Michael L. Johnston
Secretary of Transportation

Doc. No. 011000

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Wichita Area SRS Office is requesting proposals for a project to serve Sedgwick County youths age 13 to 21 who have recently left a youth center or are at risk of being placed in a youth center and are currently in the custody of SRS. This project will provide for the development and operation of a program(s) to provide these youth with a comprehensive set of services directed toward diverting or preventing involvement with street gangs, modifying anti-social behaviors, and preparing these youth for living independently in the community. Proposals should include services for 80 youth. Approximately \$70,000 to \$80,000 is available to fund this project.

An application packet may be requested from Larry Ternes, Unit Manager, Wichita Area SRS Office, P.O. Box 1620, Wichita 67201, (316) 641-5692. The deadline for filing completed applications is 5 p.m. September 20.

John D. Sullivan
Acting Director
Wichita Area SRS Office

Doc. No. 010998

State of Kansas

Social and Rehabilitation Services

Correction Notice Concerning Permanent Administrative Regulation

The following regulation, K.A.R. 30-10-214, was published in the August 15 Kansas Register. The history of the regulation was omitted. The regulation is being reprinted below in its entirety.

30-10-214. ICF-MR rates of reimbursement. (a) Rates for ICF's-MR.

(1) The determination of per diem rates shall be made, at least annually by the secretary, on the basis of the cost information supplied by the provider and retained for cost auditing. The cost information for each provider shall be compared with limits established based on the level of care needs of clients to determine the allowable per diem cost.

(2) Ownership allowance shall be determined as follows:

(A) All ICF's-MR initially certified to participate in the medicaid/medikan program prior to July 1, 1991 shall be held to the established ownership allowance.

(B) All ICF's-MR certified on or after July 1, 1991 shall be subject to an absolute cap on ownership costs.

(3) Per diem rates for the following cost centers shall be limited by absolute caps:

(A) The cost center limits shall be based on facility size and level of care. The cost centers and limiting factors are as follows:

(i) Direct service based on facility size and level of care. Direct service consists of the room and board and

health care cost centers in the ICF-MR financial and statistical report.

(ii) Administration based on facility size.

(iii) Plant operating shall be based on total allowable costs.

(B) The absolute caps shall be reviewed at least annually for reasonableness based on the reimbursement model and the allowable historical costs. The absolute caps shall be approved by the secretary or a designated official.

(4) To establish a per diem rate for each provider by facility size and level of care, a factor for inflation may be added to the allowable per diem cost. The per diem rate shall be based on the lower of the actual allowable cost or the absolute cost center limits. After the rate is established for a provider, a detailed listing of the computation of that rate shall be provided to the provider. The effective date of the rate for existing facilities shall be in accordance with subsection (a) of K.A.R. 30-10-215.

(b) Comparable service rate limitations.

(1) Intermediate care facilities for the mentally retarded and persons with related conditions. The per diem rate for intermediate care for the mentally retarded and persons with related conditions shall not exceed the rate or rates charged to clients not under the medicaid/medikan program for the same level of care in the ICF-MR and for the same types of services.

(2) All private pay rate structure changes and the effective dates shall be reported on the uniform cost report.

(3) The agency shall be notified of any private pay rate structure changes within 30 days of the effective date of a new medicaid rate.

(4) Providers shall have a grace period to raise the rate or rates charged to clients not under the medicaid/medikan program for the same level of care in the ICF-MR.

(A) The grace period shall end the first day of the third calendar month following notification of a new medicaid/medikan rate.

(B) The notification date is the date typed on the letter which informs the provider of a new medicaid/medikan rate.

(C) There shall be no penalty during the grace period if the rate or rates charged to clients not under the medicaid/medikan program are lower than the medicaid/medikan rate.

(D) If the rate or rates charged to clients not under the medicaid/medikan program are lower than rates charged to medicaid/medikan clients after the grace period, the medicaid/medikan rate will be lowered as of the original effective date of the most recent changes.

(c) Rates for new construction or bed additions. The per diem rate or rates for newly constructed ICF's-MR shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-213. No rate shall be paid until an ICF-MR financial and statistical report is received and approved. Limitations established for existing facilities providing the same level of care shall apply. The effective date of the per diem rate shall be in accordance with K.A.R. 30-10-215.

(d) Change of provider.

(1) When a new provider makes no change in the facility, number of beds or operations, the interim payment rate for the first 12 months of operation shall be based on the historical cost data of the previous owner or provider. The new owner or provider shall file a 12-month historical cost report within three months after the end of the first 12 months of operation and another one within three months after the end of the provider's fiscal year established for tax or accounting purposes. The rates determined from these cost reports shall be effective in accordance with K.A.R. 30-10-215.

(2) The agency may approve a new rate based on a projected cost report when the care of the clients is certified to be at risk by the Kansas department of health and environment because the per diem rate of the previous provider is not sufficient for the new provider to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(e) Per diem rates with errors.

(1) When per diem rates, whether based upon projected or historical cost data, are audited by the agency and are found to contain errors, a direct cash settlement shall be required between the agency and the provider for the amount of money overpaid or underpaid. If a provider no longer operates a facility with an identified overpayment, the settlement shall be recouped from a facility owned or operated by the same provider or provider corporation unless other arrangements have been made to reimburse the agency. A

net settlement may be made when a provider has more than one facility involved in settlements.

(2) Per diem rates for providers may be increased or decreased as a result of a desk review or audit on the provider's cost reports. Written notice of these per diem rate changes and of the audit findings due to an audit shall be sent to the provider. Retroactive adjustments of rates paid during any projection period shall apply to the same period of time covered by the projected rates.

(3) Providers have 30 days from the date of the audit report cover letter to request an administrative review of the audit adjustments that result in an overpayment or underpayment. The request shall specify the finding or findings that the provider wishes to have reviewed.

(4) Any audit exception imposed on the agency by the department of health and human services due to provider action may be recovered from the provider.

(f) Provision of services out-of-state. Rates for clients served out-of-state by certified participants in a medicaid program shall be the rate or rates approved by the agency. All payments made for services provided outside the state of Kansas require prior authorization by the agency. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 18, 1990; effective March 4, 1991; amended Oct. 1, 1991.)

Donna Whiteman
Secretary of Social and
Rehabilitation Services

State of Kansas

Office of Judicial Administration
Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals
Division 3 Courtroom, Wyandotte County Courthouse
Kansas City, Kansas

Before Rulon, P.J.; Gernon, J.; and Paul E. Miller,
District Judge, assigned.

Tuesday, August 27, 1991
10:30 a.m.

Case No.	Case Name	Attorneys	County
66,086	Kenneth L. and Elizabeth C. Dobson, Appellants, v. Larkin Homes, Inc., et al., Appellees.	David C. VanParys Michael P. Crow John L. White	Leavenworth
65,824	In the Matter of the Estate of Martha M. Smelser, deceased.	John C. Tillotson Ed Schneeberger	Leavenworth
66,290	Leslie W. Blevins, et al., Appellants, v. Board of County Commissioners of Douglas County, Appellee.	Donald G. Strole Robert W. Fairchild Robert V. Eye	Douglas

(continued)

Summary Calendar—No Oral Argument

65,910	State of Kansas, Appellee, v. Richard D. Davenport, Appellant.	District Attorney Attorney General Jessica R. Kunen	Johnson
66,136	State of Kansas, Appellee, v. Jerry D. Mank, Appellant.	District Attorney Attorney General Jessica R. Kunen	Johnson
66,448	In the Interest of D.M.	Gary W. Long II Nancy A. Roe Kimberly K. Williams	Wyandotte
65,318	State of Kansas, Appellee, v. Mark A. Ocamb, Appellant.	Rebecca D. Brock Attorney General Jessica R. Kunen	Johnson
1:30 p.m.			
66,113 66,228	In the Matter of the Marriage of William E. Warner and Debra A. Warner.	Tom Crossan Roger Gossard	Montgomery
65,900	State of Kansas, Appellee, v. Robert F. Edminister, Appellant.	Nick A. Tomasic Attorney General Thomas T. O'Neill	Wyandotte
2:30 p.m.			
66,130	Jack Spencer Hires, Appellant, v. State of Kansas, Appellee.	Rebecca Woodman Attorney General Nick A. Tomasic	Wyandotte
66,706	State of Kansas, Appellee, v. Billie L. Rodgers, Appellant.	Nick A. Tomasic Attorney General Wendy Slayton	Wyandotte
65,631	Clyde A. Wiehe, Jr., Appellant, v. State of Kansas, Appellee.	Richard P. Senecal Attorney General Nick A. Tomasic	Wyandotte

Wednesday, August 28, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,705	Eula Barnes, Appellant, v. U.S.D. No. 500, et al., Appellees.	Rosie M. Quinn Timothy P. Orrick	Wyandotte
66,243	Mark E. Robinson, Appellant, v. McBride Bldg. Co., Inc., et al., Appellees.	Leland F. Dempsey Gregory D. Bangs Thomas D. Billiam Ronald D. Montieth	Wyandotte
66,110	June J. Dimsdle, Appellant, v. Arthur Dimsdle, Appellee.	Howard E. Bodney Patricia A. Bennett	Johnson

Kansas Court of Appeals
Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center
Topeka, Kansas

Before Elliott, P.J.; Pierron, J.; and William M. Cook,
District Judge, assigned.

Tuesday, August 27, 1991

10:00 a.m.

Case No.	Case Name	Attorneys	County
65,953	Juanita D. Nichols, <i>et al.</i> , Appellants,	John A. Bausch J.H. Eschmann	Shawnee
	v.		
66,272	Larry D. Vandegarde, <i>et al.</i> , Appellees. Rural Water District #1, Appellee,	Edwin Dudley Smith William Hergenreter	Shawnee
	v.		
	City of Topeka, Appellant.	Neil Roach	
11:00 a.m.			
66,111	Loren Pearson, Appellant,	Loren Pearson, <i>pro se</i>	Shawnee
	v.		
	Department of Human Resources, Appellee.	William J. Pauzauskie	
65,837	State of Kansas, Appellee,	Gene Olander Attorney General	Shawnee
	v.		
	Thomas P. Gentry, Appellant.	Matthew B. Works	
1:30 p.m.			
65,541	Robert and Fred Jacobs, Appellees,	John T. Bird Ross Wichman	Ellis
	v.		
	American Oil Operations, Appellant.	Dennis L. Bieker Virgil Jacobs Richard D. Coffelt Gregory J. Herrman Edward E. Bouker	
65,573	State of Kansas, Appellee,	County Attorney Attorney General	Rooks
	v.		
	John A. Luna, Appellant.	Donald F. Hoffman	
2:30 p.m.			
65,493	State of Kansas, Appellee,	County Attorney Attorney General	Reno
	v.		
	Aaron E. Johnson, Appellant.	Pat Lawless	
65,434	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	v.		
	Walter Tyrone Hopkins, Appellant.	Pat Lawless	

Wednesday, August 28, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,555	Roger G. Peck, M.D., Appellee,	Dennis J. Keenan	Shawnee
	v.		
	University of Kansas Medical Center, Appellant.	Steven L. Ruddick	

(continued)

66,051	Fleming Co., Inc., Appellee, v. Equitable Life Insurance Co. of Iowa, Appellant.	Gordon E. Wells, Jr. James. P. Tierney Paul E. Vardeman	Shawnee
10:30 a.m.			
65,603	In the Interest of L.S., <i>et al.</i>	Dana Brewer Larry S. Vernon County Attorney	Cloud
Summary Calendar—No Oral Argument			
65,675	William D. Gibson, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General County Attorney	Neosho
65,932	Henry Poindexter, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General Debra Byrd Wagner	Sedgwick
65,983	State of Kansas, Appellee, v. Earl Dailey, Appellant.	County Attorney Attorney General Jessica R. Kunen	Brown
65,938	State of Kansas, Appellee, v. Paul Lester Heywood, Appellant.	County Attorney Attorney General Jessica R. Kunen	Leavenworth

**Kansas Court of Appeals
Court of Appeals Courtroom, 3rd Floor, Old Sedgwick County Courthouse
541 N. Main, Wichita, Kansas**

Before Rees, P.J.; Davis and Lewis, JJ.

Tuesday, August 27, 1991

11:00 a.m.

Case No.	Case Name	Attorneys	County
66,885	Jack H. Burt, Appellant, v. Melvin L. and Phyllis M. Lucas, Appellees.	Marilyn Harp David Arst	Sedgwick
66,040	Karen Ross, <i>et al.</i> , Appellants, v. Coastal Corp., <i>et al.</i> , Appellees,	Craig A. Shultz Stephen M. Kerwick Darrell L. Warta	Sedgwick
1:30 p.m.			
65,594	Elkhart Coop. Equity Exchange, Appellant, v. Terry W. Day, Appellee.	William J. Graybill	Morton
65,712	Tony Nunez, Appellant, v. State of Kansas, Appellee.	Mikel L. Stout Pamela J. Fuller Attorney General County Attorney	Finney

2:30 p.m.

66,018	In the Matter of the Appeal of Cessna Aircraft Co.	Jay F. Fowler Thomas R. Docking	Sedgwick
65,742	Cessna Aircraft Co., Appellee, v. Board of County Commissioners of Sedgwick County, <i>et al.</i> , Appellants.	Robert J. O'Connor Thomas R. Docking	Sedgwick

Wednesday, August 28, 1991

9:00 a.m.

Case No.	Case Name	Attorneys	County
65,860	State of Kansas, Appellee, v. Grandle E. Childers II, Appellant.	Debra Byrd Wagner Attorney General Jack Focht	Sedgwick
65,500	State of Kansas, Appellee, v. Jaime E. Medina, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
65,915	State of Kansas, Appellee, v. Anthony Vontress, Appellant.	Debra Byrd Wagner Attorney General Rick Kittel	Sedgwick
65,787	State of Kansas, Appellee, v. Steven R. Grable, Appellant.	Debra Byrd Wagner Attorney General Elizabeth Sterns	Sedgwick
65,776	State of Kansas, Appellee, v. Durand Campbell, Appellant.	Debra Byrd Wagner Attorney General Rebecca Woodman	Sedgwick
Summary Calendar—No Oral Argument			
65,865	Willie James Williams, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General Debra Byrd Wagner	Sedgwick
64,753	State of Kansas, Appellee, v. Daniel Dempsey, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
64,931	State of Kansas, Appellee, v. Steven L. Mitchell, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
66,120	Carl Lee Venz, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Jessica R. Kunen Attorney General Debra Byrd Wagner	Segwick

Lewis C. Carter
Clerk of the Appellate Courts

State of Kansas

Commission on Governmental Standards
and Conduct

Advisory Opinion No. 91-21

Written June 12, 1991, to Harriet Lange and Jim Edwards, Kansas Society of Association Executives, Topeka.

This opinion is in response to your letter of May 29, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning House Bill 2454, which amends K.S.A. 46-215 *et seq.* effective on July 1, 1991.

We understand you make this request in your capacity as KSAE president and KSAE public affairs committee chairman respectively. You ask eight questions which will be discussed separately below.

1. Are reportable expenditures to be reported when used, when billed or when paid? As an example, an organization could hold an event on January 15, not receive the billing for it until February 15, and pay for it on March 15.

Nothing in the new bill changes the law on when lobbying expenditures are made and therefore reportable under K.S.A. 46-269. K.A.R. 19-60-3(c) has been in effect for several years and the rule is that an expenditure is made when contracted for. Thus the answer to your question is January 15. If the amount is not known or not ascertainable at that time, an approximate amount should be listed and when the correct amount is known the initial statement should be amended.

2. Can organizations pay the travel expenses of legislators or state officers to attend a meeting of the organization, regardless of the location? If so how are the expenditures to be reported?

Section 26, subsections (a), (b) & (f) of the bill apply to the first portion of this question. Those subsections state:

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

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

(f) No state officer or employee shall accept any payment of honoraria for any speaking engage-

ment except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the Kansas commission on governmental standards and conduct prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

Reviewing these sections, it is our opinion that travel expenses normally constitute a "gift" and are illegal if in excess of \$40.00 in a calendar year. Under subsection (f), however, if the legislator or state officer is providing a bona fide speaking service, and this commission will carefully scrutinize these situations to make sure that the service is real and not a ruse, then the provision of travel expenses is permissible to any location. Please note that under K.S.A. 46-236 it is still illegal for any state officer or employee to solicit anything of value from an entity with a special interest. Amounts authorized by the Legislature or the Department of Administration may be used as guidelines.

The answer to the question on reporting is contained in Section 44, subsection (b). It is our opinion that the costs of transportation should be reported under (b)(2) as a gift or payment.

3. Can an organization provide a complimentary registration to a conference that the legislator or state official attends? If so, how is the expenditure to be reported? An example could be of an organization that met and had a registration fee of \$100. The registration covered food and beverage, speakers, and golf or tennis.

Section 26, subsections (a) & (b) apply here as well. Simply put, if the registration has a fair market value in excess of \$40, the gift is illegal; if less than \$40, it would be reported as a gift or payment under Section 44 (b)(2). We note on this issue that Section 26, subsection (d) does not apply since the exceptions contained there apply to "hospitality in the form of recreation, food & beverage" and not to registrations which may or may not lead to accessibility to such hospitality.

4. How will speaking or presentation fees be determined for legislators who are on conference agendas? Since new language requires *prior* approval of fees, will a standard be set to provide direction to the legislators and to the organizations?

Section 26 (f) cited above covers this question. As the amount of preparation, complexity of issues, qualifications of the presenter and extent of participation will vary from speaking occasion to occasion, we will of necessity deal with each situation on a case by case basis. The commission will presume a maximum of \$50 for preparation and a maximum of \$50 for presentation will be permissible under this section. In all other cases you will have to request a waiver.

5. What differences are there between an entertainment expenditure and a recreation as hospitality expenditure? Also must the lobbyist be in attendance at an event which would fall into either category?

Hospitality has been defined by K.A.R. 19-60-3(e) for several years to mean the provision to a state officer or employee "in the company of the donor or donor's authorized agent." Thus, to constitute "hospitality in the form of recreation," the lobbyist must be in attendance. In all other situations, the provision of greens fees, admission tickets, etc. constitute gifts and entertainment and are illegal if in excess of \$40 in a calendar year.

6. Should the names of legislators be reported that were given gifts under the \$40 threshold, provided entertainment or given other payment or should the dollar amount be reported only?

Section 44 amends K.S.A. 46-269 by deleting subsection (c). Subsection (c) was the basis for name reporting of the recipients. Thus, the answer to your question is that the names of recipients need not be reported; rather, only the dollar amount must be listed.

7. Are expenditures incurred in the lobbying of the executive branch to be reported?

A review of Sections 24 and 44 indicate the following three answers:

(1) Expenses related to promoting or opposing the adoption or non-adoption of executive branch rules and regulations are reportable according to the categories set out in Section 44.

(2) Expenses related to entertaining or giving any gift, honoraria or payment to a state officer are reportable in the categories set out in Section 44 if the donor spends more than \$40 in a calendar year on a state officer or employee and has any matter pending before the employee's or officer's agency.

(3) In addition, even when neither of the above apply, letter writing campaigns or other expenses intended to communicate relative to executive action are reportable under Section 44(b)(5).

8. Are the following to be reported as communications expenditures: a. The time and cost of preparing written committee testimony; b. issue related calls to individual association members; c. issue related calls to legislators; or are you to continue reporting expenditures such as mass media campaigns and "calls for action" of your organization's membership through newsletters and issue specific mailings?

Nothing in the bill changes the rules and regulations on this issue. Please see K.A.R. 19-60-3 and K.A.R. 19-61-1.

Advisory Opinion No. 91-22

Written June 12, 1991, to Ronald R. Hein, Hein and Ebert, Chtd., Topeka.

This opinion is in response to your letter of May 30, 1991, concerning House Bill 2454, which amends K.S.A. 46-215 *et seq.* effective July 1, 1991.

We understand you request this opinion in your capacity as a registered lobbyist. You state as follows:

"I am a registered lobbyist, and one of my clients is 'hosting' a legislative function which is co-sponsored by approximately 45 lobbyists. As host lobbyist, I am responsible for organizing the function, making arrangements, etc. My client was also proposing to donate prizes for the golf tournament portion of the function. My request relates to the applicability of the provision of HB 2454 of the 1991 legislative session, since the event will occur on July 1, 1991.

"The facts are as follows: The function consists of a continental breakfast, followed by a 4-person scramble format golf tournament, followed by a luncheon. All legislators and full-time legislative staff have been invited to attend. There will be "goody bags" distributed to all participants, lobbyists and legislators alike, which is fairly typical for such golf tournaments. The goody bags will probably consist of a golf shoe bag, golf tees, food products manufactured by my client, golf towel, and perhaps a sleeve of balls. The goody bag has a cost of \$26.00, approximately. In order to conduct the tournament at the particular golf club that is being utilized there is a mandatory provision for purchasing merchandise at the pro shop in order to utilize the club. It is the current intent to have my client donate the goody bags, donate the prizes for first, second, and third place team competition, and to have all of the participating lobbyists pro rata pay for the prizes purchased from the pro shop, which probably will consist of gift certificates utilized for the special events competition.

"The tournament is a competitive event, and the teams are coordinated to provide for handicap equality, based either upon handicaps or average scores of the participants. There is an attempt to have at least one legislator on each team, but that sometimes is not logistically possible. However, there is the possibility that each team would have at least one legislator on the team. Traditionally, such golf tournaments provide prizes for special events (closest to the pin, longest drive, longest putt, etc.). In addition, prizes are generally given for the first, second, third and possibly fourth place teams based upon score."

You ask the following five questions:

1. If the goody bags are provided by my client alone, as a contribution to the event, does the receipt of such goody bags by any of the legislator participants in the golf tournament constitute a gift, reportable solely to my client?

2. If my client provides prizes for the first, second, etc. teams to be awarded based upon the results of the competition, where there is no knowledge as to who might ultimately win the prize, if there is a legislator on the particular team which wins a prize, is the prize for team play reportable as a gift under the lobby control act?

3. With regards to the special events prizes, is a prize which is awarded for "closest to the pin" or some other "special event" reportable as a gift if it is a competition between all participants in the tournament? As a follow up question, if the special events competition is broken into "longest drive—lobbyist" and

(continued)

"longest drive—legislator," does the prize that is won by a particular legislator, where there is no prior knowledge as to who would win the competition, considered to be a gift reportable under the lobby control act?

4. In the event my client would have to list the goody bags or the team prizes as gifts pursuant to the commission's ruling on the questions above, would it be necessary for such goody bags and/or team prizes to be reported as gifts by my client or by all the lobbyist participants on a pro rata cost basis in the event that the goody bags and prizes were sold to the group with the cost of such goody bags and prizes to be spread amongst all of the lobbyists on a pro rata basis? Under those circumstances, would each participating lobbyist then list the pro rata value of the goody bags and/or prize received ultimately by a legislator based upon each individual lobbyist's pro rata share of the total cost? For instance, on the goody bag, if the value is \$26.00, and the group purchases the bags from my client for \$26.00, and the \$26.00 cost is spread to each individual lobbyist so that if there are 50 lobbyists, each pays \$.52 per bag, would the \$.52 then be reportable by the individual lobbyists? Likewise, could the same thing be done with the team prizes or special event prizes if the ruling is that even though it is a competition, that such prizes constitute gifts reportable under the act?

5. Lastly, the client that is hosting the gold function also sponsors numerous sporting and other events across the country. Oftentimes there would be golf functions or other events at which my clients will distribute advertising/promotional material such as visors, golf balls, golf tees, or other items which have intrinsic value but which are distributed for promotional purposes. It is virtually impossible to know or keep track of which Kansas legislators might or might not attend any or all of these events. Some of the events are at group meetings such as Council of State Governments or National Conference of State Legislators where legislators are expected to be, but other events are open to the public, or are open to invitees consisting primarily of non-legislators. Are such promotional materials distributed at events sponsored by such a national client as my client and distributed to large groups of people reportable as gifts under the Kansas Lobby Control Act?"

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

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

"Economic opportunity" is defined in K.S.A. 46-217 as follows:

"Economic opportunity" means any purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services wherein a state officer or employee or candidate for state office may gain a personal economic benefit, but not including any gift.

"Person" is defined in K.S.A. 46-233 as follows:

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

From the above definitions, since a "group" is a person and a "goody bag" is clearly a gift, we believe the \$40 limitation applies to what can be given at the event regardless of whether the purchase is split up among various contributors. In addition, the prizes clearly fall within the definition of "economic opportunity" and are aggregated with the "goody bags" and applied toward the \$40 limitation.

House Bill 2454, Section 44 applies to the questions dealing with reporting. That section states:

K.S.A. 1990 Supp. 46-269 is hereby amended to read as follows: 46-269. Each report under K.S.A. 46-268, and amendments thereto, shall disclose the following: (a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Such expenditures shall be reported according to the following categories of expenditures: (1) Food and beverages provided as hospitality; (2) entertainment, gifts, honoraria or payments; (3) mass media communications; (4) recreation provided as hospitality; (5) communications for the purpose of influencing legislative or executive action; and (6) all other reportable expenditures made in the performance or services as a lobbyist. With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (c), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) Whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist. The

prizes would be reported under section 44(b)(6). Under subsection (c), it is clear that a lobbyist only reports his or her own expenditures and only if under subsection (b) they are in excess of two dollars. Of course, a lobbyist under subsection (b) has no duty to report an expenditure of which he or she has no knowledge.

Advisory Opinion No. 91-23

Written June 12, 1991, to Harold A. Stones, President, The Topeka Country Club, Topeka.

This opinion is in response to your letter of May 1, 1991, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the commission's jurisdiction in this matter is limited to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.* Thus, whether some other common law, statutory system, rule and regulation or local ordinance applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as president of the Topeka County Club, an independent corporate entity. You advise us that the club wishes the commission to review its prior decision concerning the gift of memberships to state officers and employees.

You ask whether the provisions of such memberships is prohibited.

Subsection (b) of K.S.A. 46-237 states:

No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$100 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties.

The threshold question is whether the value of the membership is \$100 or more in any calendar year. For the purpose of making that determination, we would advise you that the value of the membership should be considered to be the going fair market value that would be charged in the ordinary course of business for the same rights and privileges of membership. If the value is less than \$100, then what follows is not applicable.

Assuming for the purposes of this opinion that the dollar value is equal to or greater than \$100, the issue turns to whether The Topeka Country Club has a "special interest." That phrase is defined in K.S.A. 46-228 as follows:

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

Obviously, the application of this test depends upon the person to whom the membership is to be granted. We would note that in most sessions private clubs have many interests in legislative matters including liquor law legislation, property taxes, sales taxes, corporate organizations, and tort liability laws to name only a few. Therefore, one should presume that the club has a special interest in relationship to gifts to legislators. Certainly a special interest exists in relationship to any state officer or employee who is involved in the regulation, licensing or inspecting of the club. Since the governor's office has veto powers as well as administrative powers, in most cases, gifts to persons in that office would constitute "special interest" situations.

The more difficult question is the determination of when a gift is given with "a major purpose of influencing such officer or employee in the performance of official duties" (emphasis added). We imagine that the major purpose of the proposed memberships is to draw business to the club. However, the language of the section does not deal with the major purpose, but rather a major purpose. Obviously, what a major purpose is would be subject to interpretation and question by some depending upon the status of the recipient. In other words, if the recipient did not hold a position of sufficient discretionary authority to have impact on the club, then one could more firmly be assured that no appearance of impropriety existed. On the other hand, if the person were in a position to have significant discretion concerning the club, it could be argued that a purpose was to influence the recipient. We do not mean to say by this comment that we believe that to be the case here, only that the allegations could be made. Under such circumstances, we still believe that the best yardstick might well be to consider the purpose test to be met if the "special interest" test is met. We believe following this course would remove even the hint of impropriety. Thus, we believe it is inappropriate to give a membership to the governor, any legislator, or any person involved in exercising discretionary authority over the club.

Advisory Opinion No. 91-24

Written June 12, 1991, to The Honorable Paul Bud Burke, Senate President, State Capitol, Topeka.

This opinion is in response to your letter of May 14, 1991, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as Senate President. You advise us that at least two Kansas companies have expressed a willingness to provide items which could be used as official gifts by legislators who are receiving foreign dignitaries or who are traveling abroad either with Kansas, National Conference of State Legislatures (NCSL), or other similar official trade missions or good will missions. Under the proposal, gifts would be made to the Legislature and would be received by and stored with Legislative Administrative Services. Legislators would not receive the gifts personally or be able to requisition a gift unless acting as a host or traveling abroad. When gifts are given it should be made clear that they are official gifts and are from Kansas.

(continued)

You ask whether this plan is permissible under the conflict of interests law.

K.S.A. 46-237(c) is the only section of the act that might apply to the portion of your question which deals with the giving of the gifts and acceptance by a state agency. That section states:

No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$100 or more in any calendar year to that agency.

Since the Legislature does not "license, inspect or regulate," this subsection simply does not apply. Thus, so long as the gift does not inure to the personal benefit of any legislator, it is permissible for anyone to give unlimited amounts for the purpose you have described.

As a note of caution, however, under K.S.A. 46-236, it would be inappropriate for a member of the Legislature to solicit contributions of this nature from most entities.

Advisory Opinion No. 91-25

Written June 12, 1991, to Candace Davis, LBSW, M.Ed., Topeka.

This opinion is in response to your letter of June 7, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the state conflict of interest laws (K.S.A. 46-215 *et seq.*).

We note at the outset that the commission's jurisdiction is limited to the above sections. Thus, whether some other statutory or common law system or agency rule or policy relates to your situation is not covered by this opinion.

We understand you request this opinion as an employee of the Kansas Department on Aging.

For the last 2½ years, you have been the public health educator which staffs the Alzheimer's Helpline. The program was developed as an information and referral program with the primary emphasis being the home caregiver for a person with Alzheimer's, Parkinson's and Huntington's disease. Since you came to the Helpline from a nursing home Special Care Unit environment, you began to include assistance to nursing homes as a role for the Helpline.

Your assistance with SCU's has been varied. Initially you were providing a one-time training to the unit staff. It was the decision to purchase a training package to replace your SCU training. That has been done and the training package has been used for nursing homes with and without SCU's.

You have tried to visit each SCU in order to provide greater assistance to callers requesting information about surrounding SCU's. In this case, you have always provided callers with SCU locations, basic program, at times costs, and other standard information. You do not provide any recommendation for SCU placement. You state you only provide them the locations and other basic information. At times there will be a situation that surrounding SCU's have denied the

person due to behavior problems, and it is at this point you will recommend specific homes for them to call that you think may be able to manage the specific behavior as a role of providing additional information for referral purposes.

We also understand that you have no authority to participate in the making of contracts between the state and any nursing home nor do you participate in the licensing, regulating or inspecting of any nursing home.

You tell us that you have been offered a part-time consulting position as a program coordinator for a dementia special care unit with a Kansas nursing home.

You ask whether you may accept this employment while serving as a state employee in the position described.

We have reviewed the act in its entirety and it is our opinion so long as you (1) do not participate on behalf of the state in the making of any contracts with the nursing home; (2) do not participate in the licensing, regulating or inspection of the nursing home; (3) do not use any confidential information obtained from state service; and (4) charge and accept a reasonable rate, that the situation you describe is permissible under K.S.A. 46-215 *et seq.*

Advisory Opinion No. 91-26

Written June 12, 1991, to Art Pay, Director of Human Resources, Water District No. 1 of Johnson County, Mission.

This opinion is in response to your letter of May 21, 1991, to the Kansas Public Disclosure Commission, in which you request an opinion concerning the local conflict of interests law (K.S.A. 75-4301 *et seq.*).

We understand you request this opinion in your capacity as director of human resources of Water District No. 1 of Johnson County.

You advise us that a former employee of the water district has just been elected to the water district board of directors. You state he receives a pension, life insurance, accidental and disability insurance and a medicare supplement plan all paid in full or part by the water district.

You ask whether a former employee can serve on the board of directors while receiving benefits from past employment which are funded in whole or part by current expenditures.

We have reviewed K.S.A. 75-4301 *et seq.* in its entirety and nothing in that act prohibits the situation you have described.

Ruth A. Schrum
Chair

Doc. No. 010987

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled August 26 through September 8:

Date	Room	Time	Committee	Agenda
August 26	Johnson County Community College Theatre	8:45 a.m.	Special Committee on Assessment and Taxation	8:45 a.m.—Bus tour of Industrial Airport. 11:00 a.m.—Presentation on airport property exemptions and economic development tax abatements. 1:00 p.m.—Panel discussion— school district consolidation. 2:00 p.m.—Panel discussion— city and county consolidation. 3:30 p.m.—Public hearing— sales tax exemptions.
August 26	123-S	10:00 a.m.	Joint Committee on KPERS	Testimony of individuals under oath concerning KPERS investment practices; other state's public pension investment practices; committee discussion.
August 27	123-S	9:00 a.m.	Investment Practices	
August 26	Cancelled		Legislative Post Audit	Meeting rescheduled.
August 27				
August 26	514-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	<u>26th</u> : Proposal No. 25— Efficiency in State Government.
August 27	514-S	9:00 a.m.		<u>27th</u> : Proposal No. 24—State Budget Cuts.
August 27	521-S	10:00 a.m.	SRS Prevention Subcommittee	<u>27th</u> : Review of prior prevention recommendations; inventory of prevention programs; review of alcohol and drug abuse prevention and treatment.
August 28	521-S	9:00 a.m.		<u>28th</u> : Preventive and primary health care; update on Dept. of Health and Environment programs.
August 29	514-S	10:00 a.m.	Special Committee on Judiciary	Hearings on Proposal No. 12—Juvenile Issues.
August 30	514-S	9:00 a.m.		Legislative matters.
August 29	529-S	10:00 a.m.	Legislative Post Audit Search Committee	
August 30	313-S	10:00 a.m.	Legislative Post Audit	<u>10:00</u> —Whole committee— legislative matters. <u>1:00</u> —Contract Audit Committee meeting.
September 4	527-S	10:00 a.m.	Legislative Budget Committee	Agenda not available.
September 5	527-S	9:00 a.m.		
September 5	Cancelled		SRS Task Force	Meeting cancelled.
September 5	526-S	10:00 a.m.	Special Committee on	Agenda not available.
September 6	526-S	9:00 a.m.	Governmental Organization	

(continued)

September 6	123-S	10:00 a.m.	Legislative Coordinating Council	Agenda not available.
September 6 September 7	To be announced		SRS Task Force Subcommittee on Mental Health and Retardation Services	Will meet during the conference on mental retardation.

Emil Lutz
Director of Legislative
Administrative Services

Doc. No. 010994

State of Kansas
Office of the Securities Commissioner
Permanent Administrative
Regulations

Article 2.—FILING, FEES AND FORMS

81-2-1. Filing, fees and forms. All applications, petitions, amendments, reports and complaints shall be governed by the following requirements: (a) Filing. A document is filed when it is received in the office of the securities commissioner, or as defined by K.S.A. 1986 Supp. 17-1254(j)(3)(A).

(b) Fees. All fees must accompany the application or supplemental amendment to which they pertain and shall be paid by check or money order to the securities commissioner of Kansas, except as required by K.S.A. 1986 Supp. 17-1254(j)(2)(C).

(c) Copies. Copies of documents filed and recorded in the office of the securities commissioner, certified upon request, will be provided for a service charge of 25 cents per page, payable in advance.

(d) Forms. The following forms have been adopted for use.

FORM	TITLE
(1) Uniform forms:	
ADV	Uniform application for investment adviser registration
ADV-S	Annual report for investment advisers
ADV-W	Notice of withdrawal from registration as investment adviser
BD	Uniform application for broker-dealer registration
BDW	Uniform request for withdrawal from registration as a broker-dealer
D	Notice of sales of securities
U-1	Uniform application to register securities
U-2	Uniform consent to service of process
U-2A	Uniform corporation resolution
U-4	Uniform application for securities industry registration or transfer
U-5	Uniform termination notice for securities industry registration
U-7	Small corporate offering registration
(2) Kansas forms:	
K-1	Sales report/renewal application
K-4	Application for registration of securities
K-4A	Application for exemption from registration [pursuant to K.S.A. 1985 Supp. 17-1261(h)]

K-5	Consent to service
K-6	Corporate resolution
K-12	Annual report for non-profit organizations
K-14	Notice of intention to sell securities

(Authorized by and implementing K.S.A. 17-1270; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-29, Aug. 19, 1987, amended May 1, 1988; amended March 25, 1991; amended Oct. 7, 1991.)

Article 3.—LICENSING; BROKER-DEALERS AND AGENTS

81-3-1. Requirements and registration procedures for broker-dealers, agents and investment advisers. A broker-dealer, agent or investment adviser may be registered under the act if the commissioner finds that the applicant is qualified, has sufficient training or knowledge of the securities business, is of good repute, and otherwise satisfies the requirements of the act and rules thereunder. (a) General provisions.

(1) An applicant, or if other than an individual, an applicant's directors, officers or managing partners must have attained the age of 18 years.

(2) An applicant must be registered or qualified to engage in the securities business in the state of the applicant's principal place of business.

(3) A broker-dealer shall have and maintain at least one registered agent, and if the broker-dealer is other than an individual, the agent shall be a director, officer, or managing partner of the broker-dealer.

(4) Each director, officer, partner, or employee of an investment adviser who gives investment advice or makes investment decisions and who meets the definition of K.S.A. 17-1252(1) shall be separately registered as an investment adviser under the act.

(5) An applicant for registration as an agent of a broker-dealer or issuer, or an applicant for registration as an investment adviser because of affiliation with or employment by an investment adviser, shall be endorsed by such broker-dealer, issuer or employing investment adviser, who shall certify that the applicant is of good repute and in all respects qualified to be registered.

(6) An agent or investment adviser may not be registered in association with more than one broker-dealer, issuer or employing investment adviser at any one time, unless management and control of the bro-

ker-dealers, issuers or employing investment advisers are substantially identical.

(b) Application requirements.

(1) An application for registration or renewal may be made through the CRD system. An application other than one made through the CRD system shall be filed in the form as set forth in K.A.R. 81-2-1(d) or as otherwise prescribed by the commissioner. All applications shall be accompanied by the filing fee specified in K.A.R. 81-3-2.

(2) An application for registration shall be accompanied by proof of successful completion of the examination requirements of subsection (c) of this rule.

(3) An application which has been on file for a period of six months without affirmative action by the applicant shall be considered to have been withdrawn.

(4) An application by a broker-dealer for registration or renewal shall include a current list of the addresses of all branch offices and names of all branch managers.

(c) Examination requirement.

(1) An applicant for registration as an agent shall have completed with a score of 70% or better the USA-SLE series 63 examination, and one other examination as required for registration with the NASD.

(2) An applicant for registration as an investment adviser shall have completed with a score of 70% or better the USASLE series 63 examination or such other examinations as the commissioner may designate.

(3) Waiver of examination requirement. The commissioner may waive the examination requirement for:

(A) An applicant who has previously passed the required written examinations and whose last effective registration was not more than two years before the date of the filing of the present registration application;

(B) an applicant who will be engaged solely in the sale of securities which are exempt under the provisions of K.S.A. 17-1261(f); or will be engaged solely in the sale of any contracts or bonds for the sale and conveyance of land on deferred payments or on installment plans; or will be engaged solely in the sale of certificates of interest in oil and gas royalties, leases or mineral deeds;

(C) an applicant who will be engaged only in the sale of securities offered by a community development corporation located in this state, which has applied for and received tentative commitments from the small business administration for loans, and such development corporation must issue these securities to provide financing to qualify for the loan, and these securities are offered only within the community and to residents thereof which the corporation will serve; or

(D) pursuant to K.S.A. 17-1254(b) the commissioner may impose additional examination requirements or exempt from the examination requirements any applicant or class of applicants for good cause shown.

(d) Financial responsibility. Financial statements as required below shall include a statement of financial condition and notes to the statement of financial condition presented in conformity with generally accepted accounting principles applied on a consistent basis, and unless otherwise permitted, the financial statements shall be examined by an independent certified public accountant in accordance with generally ac-

cepted auditing standards. Financial statements of broker-dealers shall include disclosure of net capital, or be accompanied by a supplemental schedule of net capital, in compliance with requirements of subsection (e) below.

(1) Financial statements of applicants.

(A) Each applicant for original registration as a broker-dealer shall file audited financial statements as of a date within 30 days of filing, or as of the end of the applicant's last fiscal year along with interim financial statements which may be unaudited, as of a date within 30 days of filing.

(B) Each applicant for original registration as an investment adviser firm which will maintain custody of securities or cash of clients, or will require prepayment of fees of more than \$500 and more than six months in advance, shall file audited financial statements as of the end of the applicant's last fiscal year or later. If the above conditions of custody or prepayment of fees are not applicable to an investment adviser, then financial statements are not required.

(2) Annual reports.

(A) Each broker-dealer shall notify the commissioner at the time their application is filed, of the date on which their fiscal year ends. Every broker-dealer currently registered shall file an annual report containing audited financial statements and the net capital amount as of the end of the broker-dealer's fiscal year. The annual audit report shall be due not more than 60 days after the date of the financial statements. Any broker-dealer violating the terms of this regulation may be subject to suspension of registration by emergency order.

For purposes of uniformity, a copy of audited financial statements in compliance with SEC Rule 17a-5(d) as amended in Release No. 34-13462, effective June 30, 1977, when filed as required above, shall be deemed to comply with this regulation.

(B) Each registered investment adviser required to file an annual report on Form ADV-S with the SEC under the Investment Advisers Act of 1940, (17 CFR 275.204-1, as amended in Release No. 991, effective January 1, 1986, 50 F.R. 42903) shall file a copy of the annual report and schedules within 90 days after the end of the investment adviser's fiscal year.

(3) Required records.

(A) Each registered broker-dealer shall maintain and preserve financial records in compliance with SEC Rule 17a-3 (17 CFR 240.17a-3 as amended by Release No. 34-22468, effective January 1, 1986, 50 F.R. 41867) and Rule 17a-4 (17 CFR 240.17a-4 as amended in Release No. 34-19268, effective November 22, 1982, 47 F.R. 54057).

(B) Each registered investment adviser firm shall maintain and preserve records in compliance with Rule 204-2 under the Investment Advisers Act of 1940 (17 CFR 275.204-2 as amended in Release No. IA-952, effective January 17, 1985, 50 F.R. 2542).

(e) Minimum net capital requirements.

(1) Each broker-dealer shall comply with SEC Rules 15c3-1 (17 CFR 240.15c3-1 as amended in Release No. 34-21199, effective September 15, 1984, 49 F.R. 31846), 15c3-2 (17 CFR 240.15c3-2 adopted in Release No. 34-

(continued)

7325, effective August 3, 1964, 29 F.R. 7240) and 15c3-3 (17 CFR 240.15c3-3 as amended in Release No. 34-22499, effective November 22, 1985, 50 F.R. 41337).

(2) Each registered broker-dealer shall comply with SEC Rule 17a-11 (17 CFR 240.17a-11 as amended in Release No. 34-18417, effective May 1, 1982, 47 F.R. 3512) and shall simultaneously file with the commissioner copies of notices and reports required by that rule.

(f) Confirmations.

(1) Every broker-dealer at or before completion of each transaction with a customer shall give or send to such customer written notification, disclosing:

(A) Whether such broker-dealer is acting as an agent for such customer, as a dealer for his own account, as an agent for some other person, or as an agent for both such customer and some other person; and

(B) In any case in which such broker-dealer is acting as an agent for such customer or for both such customer and some other person, the source and amount of any commission or other remuneration received or to be received by such broker-dealer in connection with the transaction, and either:

(i) The name of the person from whom the security was purchased or to whom it was sold for such customer and the date and time when such transaction took place; or

(ii) the fact that such information will be furnished upon the request of such customer.

(2) Every issuer, engaged in an intrastate offering, at or before completion of a transaction shall give or send to each customer written confirmation, retaining copies thereof, concerning all purchases and sales of securities, and disclosing:

(A) the date the transaction occurred;

(B) the price and commission charged; and

(C) the name of the officer, partner or agent handling the transaction.

(g) Effectiveness and post-effective requirements.

(1) A registration effected through the CRD system shall become effective upon compliance with the requirements of this regulation and approval by the commissioner.

(2) All other registrations shall become effective upon compliance with the requirements of this regulation by order of the commissioner.

(3) Every registrant shall immediately notify the commissioner in writing of any material change in any information, exhibits or schedules submitted, or circumstances disclosed in its last prior application, and a correcting amendment shall be filed at the time of occurrence or discovery of such changes, which include, but are not limited to the following:

(A) Change in firm name, ownership, management or control of a broker-dealer, or a change in any of its partners, officers or persons in similar positions, or its business address, or the creation or termination of a branch office in Kansas;

(B) change in type of entity, general plan or character of a broker-dealer's business, method of operation or type of securities in which it is dealing or trading;

(C) insolvency, dissolution or liquidation, or a material adverse change or impairment of working capital, or noncompliance with the minimum net capital required above;

(D) termination of business or discontinuance of those activities as a broker-dealer, agent, or investment adviser;

(E) the filing of a criminal charge or civil action against a registrant, or a partner or officer, in which a fraudulent, dishonest or unethical act is alleged, or a violation of a securities law is involved; or

(F) entry of an order or proceeding by any court or administrative agency against a registrant denying, suspending or revoking a registration, or threatening to do so, or enjoining the registrant from engaging in or continuing any conduct or practice in the securities business.

(h) Expiration, renewal, withdrawal and termination.

(1) All registrations shall expire on December 31, and all applications for renewal shall be filed no later than December 20 of each year.

(2) When an agent or investment adviser's association with a broker-dealer, issuer or employing investment adviser is discontinued or terminated, a notice of termination shall be filed by the broker-dealer, issuer or employing investment adviser, and if the agent or investment adviser commences employment with another broker-dealer, issuer or employing investment adviser, an original application for registration shall be filed, except that an agent registered through the CRD system may comply with the requirements of this subsection through participation in the temporary agent transfer program.

(3) Termination of a broker-dealer's registration for any reason shall automatically constitute cancellation of all associated agent's registrations.

(4) In the event any broker-dealer, or an investment adviser other than an individual required to be registered under K.A.R. 81-3-1(a)(4), desires to withdraw and terminate registration or such registration is terminated by the commissioner, such broker-dealer or investment adviser shall immediately file a completed form BDW or form ADV-W.

(i) Denial, suspension and revocation.

(1) Dishonest and unethical practices under K.S.A. 17-1254(g)(7) is defined to include but is not limited to the following:

(A) The NASAA statement of policy, dishonest and unethical business practices adopted April 23, 1983; and

(B) the NASAA statement of policy, unethical business practices of investment advisors, adopted April 5, 1985. (Authorized by K.S.A. 17-1270; implementing K.S.A. 17-1254 and K.S.A. 17-1270; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended May 1, 1987; amended Oct. 7, 1991.)

81-3-2. Broker-dealer, investment adviser and agents; fees. (a) The fee for original registration of each broker-dealer and each investment adviser, other than

an individual investment adviser who does not have custody of customers' moneys, securities or other property, shall be \$100 and the fee for renewal of each broker-dealer registration and each such investment adviser shall be \$100.

(b) The fee for both original registration and for renewal shall be \$30 for:

(1) an individual investment adviser who does not have custody of customers' moneys, securities or other property; and

(2) an agent. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1254; effective, E-82-24, Dec. 9, 1981; effective May 1, 1982; amended, T-87-41, Dec. 8, 1986; amended May 1, 1987; amended, T-81-9-12-88, Sept. 12, 1988; amended Oct. 25, 1988; amended Jan. 15, 1990; amended Oct. 7, 1991.)

Article 4.—REGISTRATION OF SECURITIES

81-4-1. Registration of securities. (a) Original applications. Application to register securities for sale in the state of Kansas shall be filed with the commissioner in substantially the form and content required by the application form specified in K.A.R. 81-2-1(d) together with the exhibits required for applications for registration by either notification, coordination or qualification. Each application shall be accompanied by the fee specified in K.S.A. 17-1259(b)(1), and amendments thereto based on the amount of securities to be registered. The maximum fee for each application to register securities shall be \$1,500.

(1) Applications for registration, post-effective amendments, and extension applications of a face-amount certificate company or an open-end management company or unit investment trust shall be limited to a maximum aggregate offering amount of \$10,000,000.

(2) Any application for which notification has been filed with the SEC under Regulation A shall be filed with this office only by qualification.

(b) Amendment applications. Applications for post-effective amendment to securities registration may be accomplished by filing applicable amended documents required with the registration statement. Each application for post-effective amendment of the name of the issuer or aggregate amount of securities registered shall be accompanied by a fee of \$100 as specified in K.S.A. 17-1259(b)(2), and amendments thereto. Amendments to increase the aggregate amount of securities registered may require payment of an additional fee specified in K.S.A. 17-1259(b)(1), and amendments thereto, unless the annual maximum fee under that section has been paid.

(c) Extension applications.

(1) Applications to extend the period of effectiveness for securities registration pursuant to K.S.A. 17-1259(a), and amendments thereto, shall include the following:

(A) Form K-1 or a uniform form which includes the same information;

(B) a filing fee of \$100 as specified in K.S.A. 17-1259(b)(2), and amendments thereto;

(C) a registration fee as specified in K.S.A. 17-1259(b)(1), and amendments thereto, in an amount not to exceed \$1,500, based on the aggregate amount of securities to be offered during the extended period of effectiveness;

(D) one copy of the prospectus to be provided for offers during the extended period of effectiveness which includes audited financial statements for the most recent fiscal year of the issuer. If the extension request occurs before such statements are available, the issuer shall undertake to file an updated prospectus containing the statements no later than 90 days after the end of the fiscal year.

(2) Extensions of registration shall remain effective for one year. The effective date of an extension of registration shall be the date upon which the previous effective registration period expired.

(3) The due date for filing extension applications shall be 30 days prior to the date on which a registration is due to expire.

(d) Abandoned applications.

(1) Applications on file with the commissioner for 6 months or more shall be deemed abandoned if no response to inquiries or deficiency notices of the commissioner's staff has been filed as requested.

(2) Abandoned applications will be disregarded and a notice of abandonment shall be issued by the commissioner after reasonable inquiry. Further consideration of abandoned applications shall require the filing of a new, complete application. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1259, as amended by 1991 HB 2463, Sec. 1; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, T-88-29, Aug. 19, 1987, amended May 1, 1988; amended, T-_____, _____; amended Oct. 7, 1991.)

Article 5.—EXEMPTIONS

81-5-3. Exemption filing fees. The following fees shall be remitted with filings requesting exemptions from securities registration or interpretive opinions:

(a) A fee of \$100 with each filing required for compliance with the uniform limited offering exemption as specified in K.A.R. 81-5-6;

(b) a fee of \$100 with each filing required by K.S.A. 17-1261(m)(3), except that no fee shall be required for secondary trading of securities registered in Kansas if the final sales report required by K.S.A. 17-1259(a) has been filed in compliance with K.A.R. 81-9-1;

(c) a fee of \$100 with each notice filed in connection with offers to existing security holders as may be required by K.S.A. 17-1262(i);

(e) a fee of \$100 with each notice filed in connection with merger or reorganization transactions as required by K.S.A. 17-1262(1); and

(e) a fee of \$100 with each request for a no-action letter or interpretive opinion letter from the commissioner or staff. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1259; effective, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended Oct. 7, 1991.)

James Parrish
Securities Commissioner

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
Regulations

Article 4.—MATERNAL AND CHILD HEALTH

28-4-530. Definitions. (a) "Discharge" means release from the premises of a medical care facility.

(b) "Parent" means and includes natural parents, adoptive parents, stepparents, foster parents, guardian, conservator or any person who is by law liable to maintain, care for and support the child.

(c) "Primary health care provider" means the physician or health care agency which provides the primary health care services for the infant in the locale where the infant resides after discharge from the medical care facility. (Authorized by and implementing K.S.A. 1990 Supp. 65-1,150; effective Oct. 7, 1991.)

28-4-531. Risk screening procedures. (a) Each newborn infant shall be risk screened for hearing impairment before being discharged into the care of the infant's parent.

(b) This risk screening for hearing impairment shall be conducted by:

(1) the medical care facility where the infant is born; or

(2) if the infant transferred to one or more medical care facilities before being discharged into the care of the infant's parent, the last medical care facility to which the infant is transferred.

(c) Discharge into the care of the infant's parent shall not include transporting the infant between medical care facilities.

(d) Each medical care facility shall provide risk screening using the high risk criteria questionnaire provided by the Kansas department of health and environment.

(e) Each medical care facility shall:

(1) designate one or more individuals who shall be responsible for assuring compliance;

(2) complete the high risk criteria questionnaire for each newborn infant in compliance with (b);

(3) review the completed questionnaire to determine if the infant is at high risk for hearing impairment;

(4) prior to discharge, inform the parent and provide a copy of the results of the risk screening;

(5) prior to or upon discharge of any infant identified to be at high risk for hearing impairment:

(A) provide the infant's parent with the following information supplied by the Kansas department of health and environment;

(i) information describing the factors or conditions of hearing loss;

(ii) information describing the effect of hearing loss on language development; and

(iii) a list of medical care facilities, clinics, other facilities, or certified personnel in the state that provide follow-up hearing evaluation; and

(B) notify the infant's primary health care provider of the results of the screening.

(f) The medical care facility that completes the risk screening shall retain the completed questionnaire in the infant's medical record.

(g) Any infant who has one or more of the risk factors identified by the risk screening process shall be considered to be at high risk for hearing impairment.

(h) If an infant is identified to be at high risk for hearing impairment, the medical care facility shall notify the Kansas department of health and environment in the format requested within 30 days from the date of the infant's discharge or the time the infant attains six months of age, whichever occurs sooner. (Authorized by and implementing K.S.A. 1990 Supp. 65-1,150; 65-1,151; 65-1,152; effective Oct. 7, 1991.)

Article 17.—DIVISION OF VITAL STATISTICS

28-17-6. Fees for copies and searches. (a) Subject to the restrictions of K.S.A. 65-2418, K.S.A. 1990 Supp. 65-2422 and K.S.A. 65-2423, and any amendments to those statutes, certified copies of certificates or parts of certificates shall be furnished by the state registrar upon request by an authorized applicant and payment of the required fee. The fee for making and certifying these copies shall be \$7.00 for the first copy and \$4.00 for each additional copy of the same record requested at the same time.

(b) For any search of the files and records when no certified copy is made, the fee shall be \$7.00 for each five-year period for which a search is requested, or for each fractional part of a five-year period of years.

(c) For any search of the files necessary for preparing an amendment to a standard certificate already on file, the fee shall be \$7.00.

(d) For non-certified copies of certificates or parts of certificates requested for statistical research purposes, the fee shall be determined by the state registrar on the basis of costs for providing those services and prescribe the manner in which those costs are to be paid. (Authorized by and implementing K.S.A. 23-110, K.S.A. 65-2418, K.S.A. 65-2420; effective January 1, 1966; amended January 1, 1968; amended, E-78-18, July 7, 1977; amended May 1, 1978; amended May 1, 1983; amended, T-84-13, July 1, 1983; amended May 1, 1984; amended May 1, 1988; amended Oct. 7, 1991.)

28-17-12. Delayed birth certificate filing fee. Application for a delayed birth certificate shall be accompanied by a fee in the amount of \$7.00 for the filing and registration of the delayed birth certificate. A certified copy may be issued in accordance with K.A.R. 28-17-6, and any amendments to that rule and regulation. (Authorized by and implementing K.S.A. 65-2420; effective Jan. 1, 1966; amended Jan. 1, 1968; amended May 1, 1983; amended Oct. 22, 1990; amended Oct. 7, 1991.)

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

28-19-61. Definitions. The following words, terms and abbreviations are in addition to those defined in K.A.R. 28-19-7 and shall have the following meanings, unless the context clearly indicates otherwise:

(a) "Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser.

(b) "Affected facility" means facility or emission unit subject to an applicable regulation.

(c) "Air-dried coating" means coatings which are dried by the use of air or forced warm air at temperatures up to 194°F.

(d) "Asphalt prime coat" means an application of low viscosity liquid asphalt to an absorbent surface to prepare it for the application of an asphalt concrete surface.

(e) "ASTM" means the American society for testing and materials.

(f) "Automobile" means all passenger cars or passenger car derivatives capable of seating no more than 12 passengers.

(g) "Automobile and light duty truck body" means the body section rearward of the windshield and front-end sheet metal forward of the windshield of an automobile or light duty truck.

(h) "Automobile and light duty truck part" means a metal part intended to be attached to an automobile or light duty truck body for inclusion into a finished product for sale to vehicle dealers and to which surface coatings have been applied in the vehicle assembly plant.

(i) "Baseline transfer efficiency" means the transfer efficiency of coating applicators in use during the baseline period.

(1) Baseline transfer efficiencies have been established for use with volatile organic compounds (VOC) emission limits recommended in certain U.S. environmental protection agency (EPA) published control technique guidelines (CTG) documents.

(2) Baseline transfer efficiencies are:

(A) 30 percent for primer-surfacer coat and top coat operations in the automobile and light truck manufacturing industry; and

(B) 60 percent for surface coating operations in metal furniture manufacturing industries.

(3) Baseline transfer efficiency for surface coating in the metal parts and products manufacturing industry has not been established, however, the default value is 60 percent except where higher baseline transfer efficiencies are probable, as in dip or flow coating and spraying of interior surfaces. This default value will be used if the facility chooses not to test to determine a baseline transfer efficiency and insufficient information exists to determine an applicable baseline transfer efficiency.

(j) "Baseline period" means the 12-month period immediately preceding the date a facility becomes subject to applicable regulations.

(k) "Bottom filling" means the filling of a gasoline delivery vessel through an opening that is flush with the tank bottom, or filling of a stationary storage vessel through an opening near the bottom of the tank.

(l) "Bulk gasoline plant" means a gasoline storage and distribution facility with an average throughput of less than 20,000 gallons which receives gasoline from bulk terminals by trailer transport, stores it in tanks

and subsequently dispenses it via account trucks to local farms, businesses and service stations.

(m) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by delivery vessels, and has an average daily throughput of more than 20,000 gallons of gasoline.

(n) "Carbon adsorption system" means a volatile organic compounds (VOC) emissions control device containing adsorbent material, including but not limited to activated carbon, alumina and silica gel, an inlet and outlet for exhaust gases and a system to regenerate the saturated adsorbent. The carbon adsorption system shall provide for the proper disposal or reuse of all VOC adsorbed.

(o) "Clear coat" means a transparent coating which uses the undercoat as a reflectant base or undertone color.

(p) "Coating applicator" means any device or equipment designed for the purpose of applying a coating material to a surface. The devices or equipment may include, but not be limited to, sprayers, flow coaters, dip tanks, rollers, knife coaters, extrusion coaters and gravure devices.

(q) "Coating application system" means all operations and equipment within each line which apply, convey and dry a surface coating, including spray booths, flow coaters, flash-off areas, air dryers and ovens.

(r) "Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces with solvents by spraying, brushing, flushing or immersion while maintaining the solvent below its boiling point. Wipe cleaning is not included in this definition.

(s) "Condenser" means any heat transfer device used to liquefy vapors by removing their latent heat of vaporization. Such devices include shell and tube, coil, surface, or contact condensers.

(t) "Condensate" means hydrocarbon liquids which condensed due to changes in the temperature or pressure, or both, and which remain as a liquid.

(u) "Conveyorized degreasing" means the continuous process of cleaning and removing soils from metal surfaces by operating with either cold or vaporized solvents.

(v) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons or any sulfur, nitrogen or oxygen derivatives of hydrocarbons, or any combination of these compounds, and which is liquid at standard conditions.

(w) "Custody transfer" means the transfer of produced crude oil or condensate, or both, after processing or treating, or both, in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(x) "Cutback asphalt" means any asphalt cement which has been liquefied by blending with volatile organic compounds (VOC) liquid diluents.

(y) "Delivery vessel" means a tank truck or trailer that is equipped with a storage tank having a capacity

(continued)

greater than 1,000 gallons and that is used for the transport of gasoline.

(z) "Emissions unit" means any part of a stationary facility which emits or would have the potential to emit any pollutant subject to regulation under the federal clean air act, 42 U.S.C. 7407 et seq., as amended August 7, 1977.

(aa) "Emulsified asphalt" means asphalt cement which has been liquefied by blending with water and an emulsifier containing seven percent or less by volume volatile organic compounds (VOC) as a diluent as determined by ASTM standard D-224, "Standard methods of testing emulsified asphalts," as in effect October 28, 1977.

(bb) "Exempt solvents" means those designated negligibly photochemically reactive compounds listed under definition of volatile organic compounds (VOC).

(cc) "External floating roof" means a storage vessel cover in an open-top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the volatile organic compounds (VOC) liquid being contained and which is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(dd) "Extreme environmental conditions" means exposure to the weather all the time or to temperatures consistently above 203°F, or to detergents, abrasives, scouring agents, solvents, corrosive atmospheres or similar environmental conditions.

(ee) "Extreme performance coatings" means coatings designed for extreme environmental conditions.

(ff) "Facility" means any building, structure, installation, activity or all combinations thereof which contains a stationary source of air contaminants on the premises.

(gg) "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.

(hh) "Final repair" means the surface coatings applied to correct topcoat imperfections on a completely assembled vehicle.

(ii) "Firebox" means the chamber or compartment of a boiler or furnace in which fuels are burned, but does not mean the combustion chamber of an incinerator.

(jj) "Flash-off area" means the structure on an assembly line between an application area and oven where solvents applied with the coating material are evaporated.

(kk) "Flexographic printing" means a method of printing in which the image areas are raised above the non-image areas, and the image carrier is made of an elastomeric material.

(ll) "Forebay" means the primary sections of a wastewater separator. Wastewater is a mixture of oil and water.

(mm) "Freeboard height" means the distance from the top of the vapor zone to the top of the degreaser tank.

(nn) "Freeboard ratio" means the freeboard height divided by the width of the degreaser.

(oo) "Gasoline" means any fuel sold in any state for use in motor vehicles and motor vehicle engines and commonly or commercially known or sold as gasoline.

(pp) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(qq) "Glass pull rate" means the mass of molten glass utilized in the manufacture of wood fiberglass insulation at a single manufacturing line in a specified time period.

(rr) "Heat sensitive materials" means materials which cannot consistently be exposed to temperatures greater than 203°F.

(ss) "Hot well" means the reservoir of a condensing unit receiving the warm condensate from the condenser.

(tt) "Internal floating roof" means a cover in a fixed roof tank which rests upon or is floated upon the volatile organic compounds (VOC) liquid being contained, and which is equipped with a sliding seal or seals to close the space between the edge of the covers and the tank shell.

(uu) "Light duty truck" means any motor vehicle rated at 8,500 pounds gross weight or less which is designed primarily for purpose of transportation of property, or a derivative of such a vehicle.

(vv) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

(ww) "Loading rack" means the loading arms, pumps, meters, shut-off valves, relief valves and other piping and valves necessary to fill delivery vessels.

(xx) "Lower explosive limit (LEL)" means the concentration of a compound in air below which a flame will not propagate if the mixture is ignited.

(yy) "Low solvent coating" means a coating which contains less volatile organic compounds (VOC) solvent than the conventional solvent borne coatings used by the industry. Low solvent coatings could include water-borne, higher solids and powder coatings.

(zz) "Miscellaneous metal parts and products" means those metal parts and products not otherwise specified and includes, but is not limited to: large farm machinery, small farm machinery, small appliances, commercial machinery, industrial machinery, fabricated metal products and any other industrial category which includes the coating of metal parts and products under standard industrial classification code of major groups 33 through 41 as listed in the standard industrial classification manual, 1972, U.S. office of management and budget.

(aaa) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(bbb) "Offset lithography" means the printing process in which the image and non-image areas are on

the same plate and the image is transferred from a plate to a rubber blanket cylinder before being transferred to the substrate surface to be printed.

(ccc) "Open top vapor degreasing" means the batch process of cleaning and removing soils from metal surfaces by condensing hot solvent vapor on the colder metal parts.

(ddd) "Operator of owner" means any person who owns, leases, operates, controls or supervises an affected facility or a stationery source of which an affected facility is a part.

(eee) "Organic material" means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates and ammonium carbonate.

(fff) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film and other substrates, which are, in subsequent operations, formed into packaging products and labels.

(ggg) "Petroleum liquids" means crude oil condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

(hhh) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants or other products through distillation of crude oils, or through distillation, cracking, extraction, or reforming of unfinished petroleum derivatives.

(iii) "Primer coat" means the initial coating applied to a surface.

(jjj) "Primer-surfacer coat" means the surface coating applied over the primer coat and beneath the top coat.

(kkk) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements and other types of printed materials.

(lll) "Purging" means the volatile organic compounds (VOC) cleaning material expelled from the coating applicator to maintain operating conditions or prior to using the same equipment for coating with different color or composition coatings.

(mmm) "Reasonably available control technology (RACT)" means the lowest emission limit of control technology that is reasonably available considering technological and economic feasibility.

(nnn) "Refinery fuel gas" means any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture of natural gas and fuel gas.

(ooo) "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM, D-323-82, as approved August 27, 1982, unless an alternative method is specifically required by regulation.

(ppp) "Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(qqq) "Rotary spinning" means a process used to produce wool fiberglass insulation by forcing molten glass through numerous small orifices in the side wall of a spinner to form continuous glass fibers that are then broken into discrete lengths by high velocity air flow.

(rrr) "Rotogravure printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image areas in the form of cells.

(sss) "Solvent" means organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

(ttt) "Solvent-borne" means a coating which contains five percent or less water by weight in its volatile fraction.

(uuu) "Solvent metal cleaning" means the process of cleaning soils from metal surfaces by cold cleaning, open-top vapor degreasing or conveyORIZED degreasing.

(vvv) "Standard conditions" means a temperature of 68° 4F and pressure of 760 millimeters of mercury or 29.92 inches of mercury.

(www) "Submerged filling" means the filling of a storage tank or a delivery vessel tank through a pipe or hose discharging within six inches of the tank bottom.

(xxx) "Surface coat" means a protective, decorative or functional thin film applied to the surface of an object.

(yyy) "Surface coating of metal furniture" means the coating of any metal part which will be assembled with other metal, wood, fabric, plastic or glass parts to form business, institutional or household furniture.

(zzz) "Top coat" means the coating applied to a surface for the purpose of establishing color and surface appearance which includes both base coat and clear coat in base coat/clear coat operations.

(aaaa) "Transfer efficiency" means the amount of coating solids transferred onto the surface of a part or product divided by the total amount of coating solids used.

(bbbb) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American petroleum institute bulletin 2517, "Evaporation loss from floating roof tanks," 1962. This information is available from the department upon written request.

(cccc) "Turnaround" means the procedure of shutting a refinery unit down after a run, to do necessary maintenance and repair work, and putting the unit back on stream.

(dddd) "Vacuum producing system" means any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from below atmospheric pressure and discharges against atmospheric pressure.

(eeee) "Vapor balance system" means a combination of pipes or hoses which create a closed system between the vapor spaces of an unloading tank and a receiving

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tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

(ffff) "Vapor collection system" means any equipment, including but not limited to, hoods and ventilation systems, that captures or contains displaced organic compounds vapors that they may be directed to a vapor processing system.

(gggg) "Vapor processing system" means all equipment used for recovery of oxidizing organic compounds vapors displaced from an affected facility and generally includes a vapor collection system.

(hhhh) "Volatile organic compounds (VOC)" means any organic compound which participates in atmospheric photochemical reactions including any organic compound other than those which the department designates as having negligible photochemical reactivity. The department has designated the following organic compounds as negligibly reactive:

- (1) methane;
- (2) ethane;
- (3) 1,1,1-trichloroethane (methyl chloroform);
- (4) methylene chloride;
- (5) trichlorofluoromethane (CFC-11);
- (6) dichloro-difluoromethane (CFC-12);
- (7) chlorodifluoromethane (CFC-22);
- (8) trifluoromethane (FC-23);
- (9) trichlorotrifluoroethane (CFC-113);
- (10) dichlorotetrafluoroethane (CFC-114);
- (11) chloropentafluoroethane (CFC-115);
- (12) dichlorotrifluoroethane (HCFC-123);
- (13) tetrafluoroethane (HCFC-134a);
- (14) dichlorofluoroethane (HCFC-141b); and
- (15) chlorodifluoroethane (HCFC-142b).

(iiii) "Volume fraction solids" means the arithmetic value determined by dividing the volume of surface coating solids contained in specific volume of surface coating material by the volume of the surface coating material. Calculation of volume fraction solids shall be determined by method 24, 40 CFR Part 60, appendix A, as in effect July 1, 1985.

(jjjj) "Waste water separator" means any device or piece of equipment which utilizes the difference in density between oil and water to remove oil and associated chemicals from water, or any device, including but not limited to a flocculation tank, clarifier, or other similar device, which removes petroleum derived compounds from waste water.

(kkkk) "Waxy, heavy-pour crudes" means any crude oil with a pour point of 30°F or higher as determined by ASTM standard D-97-66, "test for pour point of petroleum oils," as in effect 1966, or with a Reid vapor pressure less than two pounds per square inch absolute as determined by ASTM standard D-323-82, "standard test method for vapor pressure of petroleum products (Reid method)," as in effect August 27, 1982.

(llll) "Wool fiberglass insulation" means a thermal insulation material composed of glass fibers and made from glass produced or melted at the same facility where the manufacturing line is located.

(mmmm) "Wool fiberglass manufacturing line" means the manufacturing equipment comprising the forming section, where molten glass is fiberized and a fiberglass mat is formed; the curing section, where

the binder resin in the mat is thermally "set"; and the cooling section, where the mat is cooled. (Authorized by K.S.A. 65-3005, 65-3010; effective, E-81-28, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1987; amended T-88-55, Dec. 16, 1987; amended May 1, 1988; amended Oct. 7, 1991.)

28-19-62. Testing Procedures. (a) Sampling and testing procedures required to demonstrate compliance with the volatile organic compound (VOC) emission limits shall be as described in the following referenced publications:

(1) Appropriate reference methods in 40 CFR Part 60, appendix A as in effect July 1, 1986 or alternate methods demonstrated to the satisfaction of the department to be equivalent;

(2) ASTM D 1186-06.01—Thickness of paints/related coatings dry film thickness of non-magnetic coatings applied to a ferrous base, as in effect 1981.

(3) ASTM D 1200-06.01—Standard test method for determining the viscosity of paints and related coatings by the Ford viscosity cup test, as in effect 1982.

(4) ASTM D 3794-06.01—Standard test method for determining the viscosity of coil coatings by the Zahn cup method test, as in effect 1979.

(5) ASTM D 1475-60—Standard test method for determining the density of paint, varnish, lacquer and related products, as in effect 1980.

(6) ASTM D 2369-81—Standard test method for determining the volatile content of coatings using a one hour bake, as in effect 1981.

(7) ASTM D 3792-79—Standard test method for determining the water content of water reducible paint by direct injection into a gas chromatograph, as in effect 1979.

(8) ASTM D 4017-81—Standard test method for determining the water content in paints by the Karl Fischer titration method, as in effect 1981.

(9) ASTM D-244-83—Standard methods of testing emulsified asphalts, as in effect 1983.

(10) ASTM D-323-82—Vapor pressure of petroleum products (Reid method), as in effect 1982.

(11) ASTM—D-97-66—Test for pour point of petroleum oils, as in effect 1978.

(12) Reid vapor pressure of gasoline to be used as a fuel for motor vehicles shall be sampled according to the procedures in 40 CFR, Part 80, Appendix D, as in effect July 1, 1989 and amended at 55 FR 25835, June 25, 1990.

(13) Reid vapor pressure of gasoline to be used as a fuel for motor vehicles shall be tested according to the procedures in 40 CFR, Part 80, Appendix E, as in effect July 1, 1989 and amended at 55 FR 25835, June 25, 1990.

(b) The department may approve an alternate sampling or testing procedure developed or approved by the U.S. environmental protection agency as equivalent or improved procedures. (Authorized by K.S.A. 65-3005 and 65-3010; effective, E-81-28, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended, T-88-55, Dec. 16, 1987; amended May 1, 1988; amended Oct. 7, 1991.)

28-19-76. Lithography printing operations. (a) The provisions of this regulation shall apply to all offset lithography printing facilities with a potential contaminant emission rate of volatile organic compounds (VOC) equal to or more than 100 tons per year. The potential contaminant emission rate calculations may include federally enforceable permit conditions.

(b) The provisions of this regulation do not apply to:

- (1) printing on fabric, metal or plastic;
- (2) sheet fed lithographic presses with cylinder widths of 26 inches or less; or
- (3) web lithographic presses with cylinder widths of 18 inches or less.

(c) Any owner or operator of an offset lithographic printing press subject to this regulation and employing fountain solution (the solution applied to the image plate to maintain the hydrophilic properties of the non-image areas) containing VOC shall not operate, or cause or allow the operation of, such process unless:

(1) the fountain solution shall continuously contain 10 percent by weight or less of alcohol. For purposes of this regulation, alcohol is defined as isopropanol or isopropyl alcohol;

(2) the fountain solution is refrigerated to a temperature of 55 degrees Fahrenheit or less for alcohol based solutions;

(3) the fountain temperature at the mixing tank is capable of being determined continuously and of being recorded once per shift;

(4) the fountain solution mixing tanks are covered.

(d) Any owner or operator of an offset lithographic printing facility subject to this regulation and employing cleanup solvents containing VOC shall not operate, or cause or allow the operation of, such process unless:

(1) the cleanup solvents are kept in tightly covered tanks or containers during transport and storage; and

(2) cleaning rags used in conjunction with the cleanup solvents are placed, when not in use, in tightly closed containers and collected for proper disposal or recycling.

(e) Any owner or operator of a heatset web-offset lithographic printing press subject to this regulation with an actual emission rate of greater than or equal to 10 tons per year of VOC and employing a dryer shall not operate or cause or allow the operation of such press unless 100 percent of the dryer exhaust is ducted to a control device which achieves 85 percent by weight or greater control efficiency for VOC's as determined by 40 CFR Part 60, Appendix A, reference method 25 or reference method 25A, as in effect July 1, 1989.

(1) The owner or operator shall keep and maintain at the facility, and make available to inspection by a department representative, records for each heatset web-offset lithographic printing press sufficient to demonstrate that control efficiency is maintained.

(2) Use of emission control equipment shall require that continuous monitors be installed, calibrated, operated and maintained. The monitors shall continuously measure the following parameters:

(A) with an accuracy of the greater of ± 0.75 percent of the temperature being measured expressed in de-

grees Celsius, or 2.5 degrees Celsius, the exhaust gas temperature of all VOC destruction devices and the gas temperature immediately upstream and downstream of any catalyst bed; or

(B) with an accuracy of ± 2.00 percent of the amount being monitored, the cumulative amount of VOC recovered during a calendar month for all VOC recovery equipment; and

(C) any other parameters considered necessary by the department to verify proper operation of emission control equipment.

(f) For purposes of compliance:

(1) The owner or operator of a facility which is subject to the provisions of this regulation shall provide to the department for approval a demonstration of compliance with subsections (c), (d) and (e) of this regulation:

(A) upon alteration of an existing source or upon commencement of operation of an emission source which is not in existence and operating on the effective date of this regulation and at any time thereafter if requested by the department; or

(B) within 18 months after the effective date of this regulation for all other facilities and at any time thereafter if requested by the department, except that sheet-fed lithographic presses with cylinder widths of 60 inches or more which are in existence and operating on the effective date of this regulation shall have 36 months after the effective date of this regulation to provide, for the approval of the department, a demonstration of compliance with subsection (c)(1) of this regulation.

(2) If the demonstration of compliance will not be conducted within 12 months after an existing facility becomes subject to this regulation, a final control plan shall be submitted to the secretary by December 31, 1991 for approval. This plan shall include the following:

(A) a detailed plan for process modification; and

(B) a time schedule for compliance containing increments of progress and a final compliance date.

(g) The owner or operator of a facility subject to this regulation shall keep and maintain at the facility, and make available to inspection by a department representative, records sufficient to determine continuous compliance with this regulation. The records shall include the following information and shall be kept at the facility for two years following the date of record:

(1) properties of inks (determined by the manufacturer's formulation data) as applied, density in pounds per gallon, and total volatile content in weight percent;

(2) quantity of inks as applied to substrate in pounds on a monthly basis;

(3) quantity of alcohol added to the fountain solution of each regulated press in pounds each month;

(4) percent by weight of alcohol in fountain solution as monitored on a once per shift basis using a calibrated hydrometer, refractometer or other approved testing device;

(5) quantity of cleanup solvents used on a monthly basis;

(continued)

(6) quantity of coatings used on a monthly basis and percent VOC in coating by weight on a formulation basis;

(7) results of any testing conducted on an emission unit at a regulated facility;

(8) maintenance records of any air pollution control equipment;

(9) maintenance records of any continuous air pollution monitoring equipment;

(10) the temperature of the fountain solution as recorded on a once per shift basis; and

(11) records as required by the department.

(h) For the purpose of calculating facility-wide VOC emissions the following factors may be taken into consideration unless an alternative method is approved by the department. The facility may assume that:

(1) when properly disposing of used solvent laden rags, 50 percent of the solvent used for cleanup is retained in the rag, if the facility demonstrates, to the satisfaction of the department, that the solvents are not evaporated into the air during the waste-rag disposal process;

(2) 40 percent of the heatset ink oils stay in the paper web (substrate printed in a continuous roll-fed printing process);

(3) no VOC's are emitted from the inks used in sheet fed presses and nonheatset web presses; and

(4) 50 percent of the solvent from the fountain solution of a heatset web-offset lithographic printing press is emitted from the dryer.

(i) The provisions of this regulation shall be applicable only to offset lithography printing facilities 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 the federal clean air act, 42 U.S.C. 7407, as promulgated at 40 CFR Part 81, as in effect July 1, 1989. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3010; effective Oct. 7, 1991.)

28-19-77. Chemical processing facilities that operate alcohol plants or liquid detergent plants. (a) The provisions of this regulation shall apply to any facility that:

(1) Uses, produces, or stores ethanol or methanol;

(2) has a volatile organic compound (VOC) potential contaminant emission rate of 100 tons per year or greater;

(3) is located in an area which has been identified as not meeting the national primary ambient air quality standard for ozone in the manner prescribed by the provisions of the federal clean air act, 42 U.S.C. 7407 as promulgated at 40 CFR Part 81, as in effect July 1, 1989.

(b) For purposes of this regulation, the potential contaminant emission rate shall be determined as the sum of all potential VOC emissions from point and fugitive sources, including any VOC's present in the wastewater stream, 100 percent of which are presumed to be emitted to the atmosphere.

(c) VOC emission sources are:

(1) Point sources, which include process tanks, alcohol storage tanks, wastewater vents, and wastewater VOC removal devices; and

(2) fugitive sources, which include all sources of VOC emissions other than point sources, including leaking valves, compressors, pumps, gauges, open-ended lines, sample flanges, and other sources of fugitive emissions including alcohol loading and unloading operations.

(d) The owner or operator of an affected facility shall control VOC emissions from process tanks and alcohol storage tanks by installing and operating the following, singly or in combination:

(1) Retrofitting the tanks with an internal or external floating roof. Internal and external floating roof tanks shall be designed and constructed to meet or exceed the design specifications found at 40 CFR Part 60, Subpart Kb, as in effect July 1, 1989; or

(2) retrofitting the tanks with a vapor collection system and control device to reduce VOC emissions by 95 per cent, by weight or greater. Vapor collection systems and control devices installed pursuant to this regulation shall be operated at all times when emissions may be vented to them.

(e) The owner or operator of an affected facility shall reduce the VOC concentration in process wastewater by 90 percent by weight or greater, less any credit for VOC reductions achieved through pollution prevention, by:

(1) installing a wastewater VOC recovery device or devices to remove and capture VOC's contained in process wastewater streams for recovery or destruction using a control device pursuant to subsection (f); or

(2) taking credit for preventing VOC's from entering the wastewater stream through pollution prevention actions such as equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

(f) The owner or operator of an affected facility shall control VOC emissions from wastewater point sources by installing and operating a device or devices to collect and recover or destroy VOC's from wastewater point sources to reduce VOC emissions by 95 percent, by weight, or greater. For treatment purposes, emissions from wastewater point sources may be combined, in a common vapor collection system or systems, with emissions collected from process tanks and alcohol storage tanks to achieve 95 percent reduction of VOC's by weight, or greater.

(g) The owner or operator of an affected facility shall minimize VOC emissions from fugitive sources by developing a fugitive source emission control plan which shall be submitted to the department within 12 months after the effective date of this regulation or upon commencing operation of the affected facility, whichever is later.

(1) The plan shall include a description of the control strategy and a testing program to evaluate the percent reduction of VOC emissions.

(2) The approved control strategy and testing program shall be implemented and the results of testing submitted to the department within six months of the department's approval of the plan.

(3) The fugitive source emission control plan shall be designed to achieve at least 50 percent control efficiency.

(h) During compliance demonstrations under subsections (d), (e), or (f):

(1) The averaging time for percent reduction requirements for gaseous VOC streams shall be the duration of the 40 CFR Part 60, Appendix A, reference method 25, performance test, as in effect July 1, 1989. Control equipment parameters, measured by continuous monitoring devices, shall indicate whether control equipment is properly operated and maintained; and

(2) the averaging time for percent reduction requirements for process wastewater streams shall be daily, confirmed by at least one daily sample of the process wastewater stream at both the inlet and outlet of the control device.

(i) No later than eighteen months after the effective date of this regulation or within 180 days of completion of control equipment installation, whichever date occurs first, the owner or operator of an affected facility shall conduct performance tests to demonstrate compliance with the applicable VOC control requirements found in subsections (d), (e), (f) and (g). If the performance test will not be conducted within 12 months after an existing facility becomes subject to this regulation, a final control plan shall be submitted to the secretary by December 31, 1991 for approval. This plan shall include the following:

(1) a detailed plan for process modifications; and

(2) a time schedule for compliance containing increments of progress and a final compliance date.

(j) The owner or operator of an affected facility shall conduct performance tests to demonstrate compliance with the applicable percent reduction requirements found in subsections (d) and (f) in accordance with 40 CFR Part 60, Appendix A, reference method 25 or reference method 25A, as in effect July 1, 1989, and other applicable approved EPA reference methods for gaseous streams and demonstrate compliance with the applicable percent reduction requirement found in subsection (e) by methods approved by the department for process wastewater streams. All monitoring equipment shall be installed and calibrated prior to commencement of performance tests.

(k) The owner or operator of an affected facility shall conduct an initial performance evaluation for all tanks retrofitted with an internal or external floating roof in accordance with the testing requirements found at 40 CFR 60.113b, as in effect on July 1, 1989.

(l) The owner or operator of an affected facility which addresses VOC reduction:

(1) By means of a thermal incinerator shall install, operate, maintain and calibrate a monitoring device to continuously measure and record the temperature in the firebox, accurate to within ± 1.0 percent of the temperature being measured or ± 2.5 degrees Celsius, whichever is greater;

(2) by means of a catalytic incinerator shall install, operate, maintain and calibrate a monitoring device to continuously measure and record the exhaust gas temperature immediately before and after the catalyst bed, accurate to within ± 1.0 percent of the temperature

being measured or ± 2.5 degrees Celsius, whichever is greater;

(3) by means of an absorber shall install, operate, maintain and calibrate a monitoring device to continuously measure and record the scrubbing liquid temperature and specific gravity (or other parameter approved by the department to measure absorbing liquid saturation);

(4) by means of a condenser shall install, operate, maintain and calibrate a monitoring device to continuously measure and record the product side temperature, accurate to within ± 1.0 percent of the temperature being measured or ± 0.5 degrees Celsius, whichever is greater;

(5) by means of a carbon adsorption unit shall install, operate, maintain and calibrate a monitoring device to continuously measure and record the carbon bed temperature and integrated stream flow;

(6) by means of retrofitting any tank with an internal or external floating roof shall implement a visual inspection and repair program consistent with 40 CFR 60.113b;

(7) of process wastewater shall, at least once daily, collect water samples simultaneously, at the inlet and outlet of the control device, and determine the VOC concentration in the samples. Percent reduction shall be determined as the difference between the inlet and outlet concentration divided by the inlet concentration; and

(8) by any means, including those specified in this subsection, shall measure any parameters and implement any programs which the department has notified the affected facility are necessary to verify proper operation of the emission control equipment.

(m) For the purposes of subsection (l), any monitoring required to be conducted continuously shall, at the minimum, require the monitoring system to measure the required parameter at 15 minute intervals and record the average of the measurements at least once every hour, with at least one hourly average recorded for each hour the process is operated.

(1) Monitoring equipment shall be operated during all periods, except when the VOC-generating process is completely shut down and the VOC concentration to the control device is zero.

(2) All monitoring equipment shall be installed and operated in accordance with the manufacturer's written specifications.

(n) The owner or operator of an affected facility shall maintain the following records, in a form suitable for inspection, for a minimum of two years from the date of generation:

(1) all measurements, including continuous monitoring system, monitoring device, and performance testing measurements;

(2) all continuous emission monitoring system performance evaluations;

(3) all continuous emission monitoring or monitoring device calibration checks, and adjustments and maintenance performed on these systems or devices; and

(continued)

(4) any other information considered necessary by the department to verify proper operation and maintenance of emission control equipment.

(o) The owner or operator of an affected facility shall comply with the following reporting requirements:

(1) The owner or operator of any existing facility shall notify the department of the date installation of control equipment is completed. The notification shall be postmarked no later than 15 days after completion of installation.

(2) The owner or operator shall notify the department of the anticipated test dates at least 30 days, but not more than 60 days, prior to commencement of the compliance demonstration tests.

(3) The owner or operator shall submit a copy of all performance test results within 30 days of completion of any tests. Test results shall include a summary of all monitored control equipment parameters measured during the performance evaluation. (Authorized by K.S.A. 65-3006; implementing K.S.A. 65-3010; effective Oct. 7, 1991.)

28-19-78. Fuel volatility. (a) This regulation applies to facilities which dispense, supply, exchange in trade, offer for sale or supply, sell or store gasoline.

(b) For the period beginning May 1 (except for gasoline dispensing facilities for which the period shall begin June 1) through September 15 of each year no person shall dispense, supply, exchange in trade, offer for sale or supply, sell, or store gasoline that is to be used as a fuel for motor vehicles that has a Reid vapor pressure (RVP) greater than:

- (1) 9.0 pounds per square inch absolute (psia); or
- (2) 10.0 psia for gasoline containing at least 9.0 percent but not more than 10.0 percent ethanol.

(c) Volatility testing procedures shall comply with K.A.R. 28-19-62 (a) (12) and K.A.R. 28-19-62 (a) (13). Alternate methods may be considered under K.A.R. 28-19-62 (b).

(d) The owner or operator of an affected facility shall keep and maintain at the facility records of the information regarding the RVP of gasoline that is to be used as a fuel for motor vehicles determined in accordance with (c) above.

- (1) The records shall contain:
- (A) the RVP values;
 - (B) the type of sampling procedure used;
 - (C) the type of testing procedure used;
 - (D) the dates of sampling and testing; and
 - (E) the quantity of gasoline in stock at the time of testing.

(2) The records shall be maintained at the facility for two years following the date of the RVP test and made available for inspection by the department.

(e) The following exemptions shall apply:

(1) Gasoline used exclusively for the fueling of implements of agriculture is exempt from this regulation.

(2) Gasoline in any tank, reservoir, storage vessel, or other stationary container with a nominal capacity of 500 gallons (1,893 liters) or less is exempt from this regulation.

(3) Gasoline dispensing facilities are exempt from maintaining the records required by subsection (d) of this regulation.

(4) Gasoline that is to be used as a motor vehicle fuel that exceeds applicable RVP requirements will be found not to have violated this regulation only if that motor vehicle fuel is separately stored, sealed and clearly labeled as a motor vehicle fuel that is not to be dispensed, sold, supplied, offered for supply or transport or exchanged in trade until a designated date when such activity will be in compliance with this regulation.

(f) The provisions of this regulation shall be applicable only to affected facilities 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 Part 81 as in effect July 1, 1989. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3010; effective Oct. 7, 1991.)

Azzie Young
Secretary of Health
and Environment

Doc. No. 010984

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the water pollution abatement facilities for the feedlots described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit, upon issuance, will constitute a Kansas water pollution control facility and/or a national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
777 Ranch Robert Buford 505 Financial Center Wichita, KS 67202	SW/4 Section 22, Township 24S, Range 8E, Greenwood County, Kansas	Verdigris River Basin

Kansas Permit No. A-VEGW-B001

The feedlot has capacity for approximately 600 cattle and a contributing drainage area of approximately 7.4 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 5.4 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Cal-Maine Foods, Inc. P.O. Box 347 Buhler, KS 67522	SW/4 Section 17, Township 22S, Range 4W, Reno County, Kansas	Little Arkansas River Basin

Kansas Permit No. A-LARN-P001 Federal Permit No. KS-0088013
The existing facility has the capacity for approximately 250,000 chickens.

Wastewater Control Facilities: The facilities are completely enclosed with a dry manure collection system. Solid wastes are distributed to area farmers for use as a fertilizer-soil conditioner. List of individuals accepting the waste material shall be maintained at the facility.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Circle K. Farms Larry D. King Route 1, Box 136 Baxter Springs, KS 66713	SE/4 Section 18, Township 34S, Range 24E, Cherokee County, Kansas	Neosho River Basin

Kansas Permit No. A-NECK-P005 Federal Permit No. KS-0087335
The proposed facility will have capacity for approximately 33,000 turkeys.

Wastewater Control Facilities: The facilities are completely enclosed with a dry manure collection system. Solid wastes are distributed to area farmers for use as a fertilizer-soil conditioner. List of individuals accepting the waste material shall be maintained at the facility.

Compliance Schedule: A livestock management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Dwight and Virgil Ehm Route 2, Box 32 Phillipsburg, KS 67661	SE/4 Section 16, Township 3S, Range 18W, Phillips County, Kansas	Solomon River Basin

Kansas Permit No. A-SOPL-S021
The proposed facility will have capacity for approximately 750 swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lloyd Flory Route 2 Westphalia, KS 66093	SE/4 Section 16, Township 20S, Range 17E, Coffey County, Kansas	Marais des Cygnes River Basin

Kansas Permit No. A-MCCF-S008
The proposed facility will have capacity for approximately 150 swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements. One and a half

(1.5) acres of open lot runoff is dispersed through 400 feet of grass prior to entering an intermittent stream.
Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Hog Wild Farms Roy D. Cooper Route 2, Box 74A Bogue, KS 67625	NE/4 Section 4, Township 7S, Range 21W, Graham County, Kansas	Solomon River Basin

Kansas Permit No. A-SOGH-S003
The proposed expanded facility will have capacity for approximately 980 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule:

- (1) A written agreement mt be obtained for the rental of the 4800 gallon slurry tank for waste application along with the written agreement for the additional disposal land adjacent to the swine facilities. This agreement must be submitted no later than 30 days following the effective date of this permit.
- (2) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Pat Keating 1011 Poyntz Manhattan, KS 66502	NE/4 Section 31, Township 5S, Range 10E, Marshall County, Kansas	Big Blue River Basin

Kansas Permit No. A-BBMS-S039
The proposed facility will have capacity for approximately 2,000 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: None.

Name and Address of Applicant	Legal Description	Receiving Water
Kim-Mac Farms Randy McCabe Route 1 Elk City, KS 67344	SW/4 Section 16, Township 31S, Range 14E, Montgomery County, Kansas	Verdigris River Basin

Kansas Permit No. A-VEMG-S025
The existing facility has the capacity for approximately 1,500 swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Taylor Branch Farms, Inc. Keith Atkinson Route 5, Box 394 Pittsburg, KS 66762	SE/4 Section 34, Township 31S, Range 25E, Cherokee County, Kansas	Neosho River Basin

Kansas Permit No. A-NECK-P006
The proposed facility will have capacity for approximately 33,000 turkeys.

Wastewater Control Facilities: The facilities are completely enclosed with a dry manure collection system. Solid wastes are distributed to area farmers for use as a fertilizer-soil conditioner. List of

(continued)

individuals accepting the waste material shall be maintained at the facility.

Compliance Schedule: A livestock management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Traffis Veterinary Services Vincent Traffis, DVM Route 1, Box 29 Smith Center, KS 66967	SW/4 Section 21, Township 3S, Range 13W, Smith County, Kansas	Solomon River Basin

Kansas Permit No. A-SOSM-B016

The proposed facility will have capacity for approximately 5 head of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule:

- (1) The permittee shall, by November 15, 1991, obtain a written contract for dewatering of the wastewater impoundment and land application of both liquid and solid wastes. The contract shall specify waste application to land in accordance with "Section B" of this permit.
- (2) In-place permeability test must be conducted and results approved to this department to assure conformation to KDHE design standards by October 1, 1991.

Written comments on the proposed permits may be submitted to Angela Buie, Bureau of Water, Industrial Programs Section, Kansas Department of Health and Environment, Forbes Field, Topeka 66620-0001. All comments received prior to September 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-91-63/72) 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 within 30 days of this notice. 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, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, 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 above address.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011001

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1991 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-9-7a	Amended	V. 10, p. 382, 760

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-23-3	Amended	V. 10, p. 1194
5-23-4a	New	V. 10, p. 1195
5-24-2	Amended	V. 10, p. 976
5-24-5	Amended	V. 10, p. 977

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-30-1	Amended	V. 10, p. 728
7-32-1	Amended	V. 10, p. 728
7-32-2	New	V. 10, p. 728

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-13-1 through 9-13-3	Revoked	V. 10, p. 1011
9-13-4	Revoked	V. 10, p. 257

9-18-1	Amended	V. 10, p. 1011
9-19-1	New	V. 10, p. 1011

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

Reg. No.	Action	Register
14-19-24	Amended	V. 10, p. 689
14-19-36	Amended	V. 10, p. 689
14-20-25	Amended	V. 10, p. 689
14-20-26	Amended	V. 10, p. 690
14-21-9	Amended	V. 10, p. 690
14-22-6	Amended	V. 10, p. 690
14-22-9	Amended	V. 10, p. 691
14-23-4	Amended	V. 10, p. 691

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-3-16	Revoked	V. 10, p. 916
23-8-24	Revoked	V. 10, p. 916
23-12-1	Revoked	V. 10, p. 916
23-12-8	Revoked	V. 10, p. 916
23-12-11	Revoked	V. 10, p. 917

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

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AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

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28-59-1 through 28-59-8	New	V. 10, p. 111-113

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-34	Amended	V. 10, p. 956
30-4-41	Amended	V. 10, p. 692
30-4-63	Amended	V. 10, p. 957
30-4-64	Amended	V. 10, p. 958
30-4-90	Amended	V. 10, p. 959
30-4-101	Amended	V. 10, p. 961
30-4-111	Amended	V. 10, p. 341
30-4-112	Amended	V. 10, p. 692
30-4-113	Amended	V. 10, p. 693
30-4-120	Amended	V. 10, p. 343
30-4-130	Amended	V. 10, p. 961
30-5-58	Amended	V. 10, p. 693
30-5-77	Amended	V. 10, p. 698
30-5-81	Amended	V. 10, p. 699
30-5-86	Amended	V. 10, p. 699
30-5-88	Amended	V. 10, p. 700
30-5-92	Amended	V. 10, p. 344
30-5-94	Amended	V. 10, p. 345
30-5-95	Amended	V. 10, p. 346
30-5-104	Amended	V. 10, p. 701
30-5-112	Amended	V. 10, p. 963
30-5-113	Amended	V. 10, p. 963
30-5-114	Amended	V. 10, p. 963
30-5-115	Amended	V. 10, p. 963
30-5-151	Amended	V. 10, p. 963
30-5-152	Amended	V. 10, p. 963
30-5-154	Amended	V. 10, p. 963
30-5-156	Amended	V. 10, p. 963
30-5-157	Amended	V. 10, p. 964
30-5-159	Amended	V. 10, p. 964
30-5-160	Amended	V. 10, p. 964
30-5-161	Amended	V. 10, p. 964
30-5-162	Amended	V. 10, p. 964
30-5-163	Amended	V. 10, p. 964
30-5-164	Amended	V. 10, p. 964
30-5-166	Amended	V. 10, p. 964
30-5-167	Amended	V. 10, p. 964
30-5-168	Amended	V. 10, p. 964

30-5-169	Amended	V. 10, p. 964
30-5-170	Amended	V. 10, p. 965
30-5-171	Amended	V. 10, p. 965
30-6-65	Amended	V. 10, p. 346
30-6-77	Amended	V. 10, p. 701
30-6-82	New	V. 10, p. 702
30-6-86	Amended	V. 10, p. 348
30-6-103	Amended	V. 10, p. 702
30-6-106	Amended	V. 10, p. 703
30-6-107	Amended	V. 10, p. 705
30-6-111	Amended	V. 10, p. 351
30-6-112	Amended	V. 10, p. 705
30-6-113	Amended	V. 10, p. 706
30-7-65	Amended	V. 10, p. 707
30-10-7	Amended	V. 10, p. 354
30-10-15a	Amended	V. 10, p. 708
30-10-16	Amended	V. 10, p. 709
30-10-29	Amended	V. 10, p. 354
30-10-30	Revoked	V. 10, p. 355
30-10-200	Amended	V. 10, p. 1198
30-10-207	Amended	V. 10, p. 1200
30-10-208	Amended	V. 10, p. 1200
30-10-210	through	
30-10-226	New	V. 10, p. 48-57
30-10-210	Amended	V. 10, p. 1202
30-10-211	Amended	V. 10, p. 1203
30-10-212	Amended	V. 10, p. 1204
30-10-213	Amended	V. 10, p. 1204
30-10-214	Amended	V. 10, p. 1205
30-10-215	Amended	V. 10, p. 1206
30-10-217	Amended	V. 10, p. 1206
30-10-218	Amended	V. 10, p. 1207
30-10-219	Amended	V. 10, p. 1207
30-10-220	Amended	V. 10, p. 1208
30-10-221	Amended	V. 10, p. 1208
30-10-226	Revoked	V. 10, p. 1209
30-41-1	Amended	V. 10, p. 710
30-41-7a	Amended	V. 10, p. 711
30-41-7i	New	V. 10, p. 711
30-41-20	New	V. 10, p. 711

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-1-1	Amended	V. 10, p. 88
36-1-28	through	
36-1-34	New	V. 10, p. 88-91

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-20	New	V. 10, p. 259, 383
40-3-46	New	V. 10, p. 381
40-3-47	New	V. 10, p. 381

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-106	Amended	V. 10, p. 1195
44-6-108	Amended	V. 10, p. 1195
44-6-114c	Amended	V. 10, p. 1196
44-6-120	Amended	V. 10, p. 1196
44-6-124	Amended	V. 10, p. 1196
44-6-126	Amended	V. 10, p. 1197
44-6-133	Amended	V. 10, p. 1197
44-6-134	Amended	V. 10, p. 1197
44-6-135	Amended	V. 10, p. 1197
44-6-142	Amended	V. 10, p. 1198

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-105	Amended	V. 10, p. 1040
60-3-106	Amended	V. 10, p. 1040
60-8-101	Amended	V. 10, p. 496
60-9-101	Amended	V. 10, p. 1040
60-9-102	Amended	V. 10, p. 1040
60-9-103	Amended	V. 10, p. 1041
60-9-105	New	V. 10, p. 1041
60-9-106	New	V. 10, p. 1041
60-9-109	New	V. 10, p. 1041
60-11-103	Amended	V. 10, p. 1041
60-11-110	Revoked	V. 10, p. 1042
60-11-111	Revoked	V. 10, p. 1042
60-11-112	New	V. 10, p. 1042

60-11-113	New	V. 10, p. 1042
60-11-116	New	V. 10, p. 1042
60-11-117	New	V. 10, p. 1042
60-11-118	New	V. 10, p. 1042
60-11-119	New	V. 10, p. 1043
60-12-101	Revoked	V. 10, p. 1043
60-12-102	Revoked	V. 10, p. 1043
60-12-103	Revoked	V. 10, p. 1043
60-12-105	New	V. 10, p. 1043
60-12-106	New	V. 10, p. 1043
60-12-109	New	V. 10, p. 1043
60-13-101	Amended	V. 10, p. 496
60-13-105	Revoked	V. 10, p. 1044
60-13-106	Revoked	V. 10, p. 1044
60-13-107	Revoked	V. 10, p. 1044
60-13-108	Revoked	V. 10, p. 1044
60-13-110	New	V. 10, p. 1044
60-13-111	New	V. 10, p. 1044
60-13-112	New	V. 10, p. 1044
60-13-115	New	V. 10, p. 1044
60-15-101	Amended	V. 10, p. 1045
60-15-102	Amended	V. 10, p. 1045
60-15-103	Amended	V. 10, p. 1046
60-15-104	Amended	V. 10, p. 1046

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-3-4	New	V. 10, p. 887

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-7-10	Amended	V. 10, p. 1082
68-9-1	Amended	V. 10, p. 1083
68-11-1	Amended	V. 10, p. 216
68-20-15a	Amended	V. 10, p. 1084
68-20-18	Amended	V. 10, p. 1084
68-20-19	Amended	V. 10, p. 1085

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 10, p. 840
74-4-6	Amended	V. 10, p. 841
74-5-2	Amended	V. 10, p. 841
74-5-403	Amended	V. 10, p. 842

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 172
81-4-2	New	V. 10, p. 172
81-6-1	Amended	V. 10, p. 173

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 10, p. 887
82-3-307	Amended	V. 10, p. 976
82-3-600	Amended	V. 10, p. 890
82-3-600b	New	V. 10, p. 890
82-3-601	Revoked	V. 10, p. 891
82-3-601a	New	V. 10, p. 891
82-3-601b	New	V. 10, p. 891
82-3-602	Amended	V. 10, p. 891
82-3-605	New	V. 10, p. 892
82-4-1	Amended	V. 10, p. 1121
82-4-2	Amended	V. 10, p. 1121
82-4-3	Amended	V. 10, p. 1122
82-4-6a	Amended	V. 10, p. 1122
82-4-6b	Revoked	V. 10, p. 1122
82-4-6d	Amended	V. 10, p. 1122
82-4-19a	Revoked	V. 10, p. 1123
82-4-20	Amended	V. 10, p. 1123
82-4-27	Amended	V. 10, p. 1123
82-4-27a	Amended	V. 10, p. 1124
82-4-27c	Amended	V. 10, p. 1124

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 10, p. 531

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-68	Revoked	V. 10, p. 1046
91-1-68a	New	V. 10, p. 1046
91-1-68b	New	V. 10, p. 1047

91-1-68c	New	V. 10, p. 1048
91-1-68d	New	V. 10, p. 1049
91-1-69	Revoked	V. 10, p. 1050
91-1-101b	Amended	V. 10, p. 1050
91-1-112a	Amended	V. 10, p. 1051
91-1-150	Amended	V. 10, p. 1051
91-10-1	Revoked	V. 10, p. 1051
91-10-1a	New	V. 10, p. 1052
91-12-22	Amended	V. 10, p. 1052
91-12-25	Amended	V. 10, p. 1055
91-12-51	Amended	V. 10, p. 1056
91-12-73	Amended	V. 10, p. 1056
91-31-7	Amended	V. 10, p. 686
91-35-1	through	
91-35-4	New	V. 10, p. 909, 910
91-37-1	through	
91-37-4	New	V. 10, p. 910, 911

AGENCY 92: DEPARTMENT OF REVENUE REGISTER		
Reg. No.	Action	Register
92-55-2a	Amended	V. 10, p. 531, 587

AGENCY 100: BOARD OF HEALING ARTS REGISTER		
Reg. No.	Action	Register
100-10a-4	Amended	V. 10, p. 653
100-11-1	Amended	V. 10, p. 653

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-1a	Amended	V. 10, p. 32
102-2-2a	Amended	V. 10, p. 33
102-2-4a	Amended	V. 10, p. 34
102-2-7	Amended	V. 10, p. 34
102-2-8	Amended	V. 10, p. 36
102-2-12	Amended	V. 10, p. 36
102-3-1	New	V. 10, p. 37
102-3-3	New	V. 10, p. 37
102-3-4	New	V. 10, p. 38
102-3-5	New	V. 10, p. 38
102-3-6	New	V. 10, p. 39
102-3-10	New	V. 10, p. 40
102-3-11	New	V. 10, p. 41
102-4-4	Amended	V. 10, p. 41

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
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	New	V. 8, p. 164
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 36
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	New	V. 10, p. 881
111-2-19	New	V. 10, p. 882
111-3-1	Amended	V. 10, p. 1210
111-3-9	Amended	V. 8, p. 1085
111-3-10	through	
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 10, p. 1014
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19	through	
111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 10, p. 1211
111-3-21	Amended	V. 10, p. 882
111-3-22	Amended	V. 10, p. 882
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 10, p. 883
111-3-27	Amended	V. 10, p. 883
111-3-29	Amended	V. 10, p. 883
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434

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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
111-4-66		
through		
111-4-77	New	V. 7, p. 207-209
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 10, p. 1211
111-4-101	Amended	V. 10, p. 1211
111-4-102	Amended	V. 10, p. 1211
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 10, p. 1212
111-4-105	Amended	V. 10, p. 1212
111-4-106	Amended	V. 10, p. 1212
111-4-106a	Amended	V. 10, p. 1213
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 10, p. 1213
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153		
through		
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177		
through		
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213		
through		
111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986
111-4-221		
through		
111-4-224	New	V. 9, p. 1197
111-4-225		
through		
111-4-228	New	V. 9, p. 1366, 1367
111-4-229		
through		
111-4-236	New	V. 9, p. 1566-1568
111-4-237		
through		
111-4-240	New	V. 9, p. 1678, 1679
111-4-241		
through		
111-4-244	New	V. 9, p. 1812
111-4-245		
through		
111-4-248	New	V. 10, p. 200
111-4-249		
through		
111-4-252	New	V. 9, p. 1813
111-4-253		
through		
111-4-256	New	V. 10, p. 530
111-4-257		
through		
111-4-280	New	V. 10, p. 755-759
111-4-257	Amended	V. 10, p. 1014
111-4-261	Amended	V. 10, p. 1014
111-4-262	Amended	V. 10, p. 1014
111-4-282		
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111-4-286	New	V. 10, p. 759
111-4-287		
through		
111-4-300	New	V. 10, p. 883-886

111-4-301		
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111-4-307	New	V. 10, p. 1015, 1016
111-4-308		
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111-4-320	New	V. 10, p. 1214, 1215
111-5-1		
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111-5-23	New	V. 7, p. 209-213
111-5-9		
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111-5-15	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-17	Amended	V. 8, p. 211
111-5-18	Amended	V. 10, p. 13
111-5-19	Amended	V. 8, p. 212
111-6-1		
through		
111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 10, p. 14
111-6-3	Amended	V. 9, p. 200
111-6-5	Amended	V. 10, p. 14
111-6-6	Amended	V. 10, p. 1216
111-6-9	Amended	V. 10, p. 1217
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-17	New	V. 7, p. 1191
111-7-1		
through		
111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 9, p. 986
111-7-4	Amended	V. 9, p. 1367
111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-9	Amended	V. 9, p. 1569
111-7-11	Amended	V. 9, p. 987
111-7-12		
through		
111-7-32	New	V. 7, p. 1194-1196
111-7-33		
through		
111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-7-44		
through		
111-7-54	New	V. 9, p. 1367-1370
111-7-55		
through		
111-7-63	Revoked	V. 10, p. 1217
111-7-58	Amended	V. 10, p. 261
111-7-60	Amended	V. 10, p. 262
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5		
through		
111-8-13	New	V. 7, p. 1634
111-9-1		
through		
111-9-12	New	V. 7, p. 1714-1716
111-9-1		
through		
111-9-6	Revoked	V. 9, p. 1680
111-9-13		
through		
111-9-18	Revoked	V. 9, p. 1680
111-9-25		
through		
111-9-30	New	V. 9, p. 699, 700

111-9-31		
through		
111-9-36	New	V. 10, p. 262
111-10-1		
through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162
112-6-1		
through		
112-6-5	Amended	V. 10, p. 163-165
112-6-8	Amended	V. 10, p. 165
112-7-6	Amended	V. 10, p. 165
112-8-3	Amended	V. 10, p. 166
112-8-4	Amended	V. 10, p. 167
112-8-5	Amended	V. 10, p. 167
112-8-8	Amended	V. 10, p. 168
112-8-10	Amended	V. 10, p. 168
112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
112-11-21	Amended	V. 10, p. 263, 531
112-12-12	Amended	V. 10, p. 170
112-13-2	Amended	V. 10, p. 170
112-13-4	New	V. 10, p. 171
112-13-5	New	V. 10, p. 171
112-16-1		
through		
112-16-14	New	V. 10, p. 1012, 1013

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-4-1	Amended	V. 10, p. 458
115-4-3	Amended	V. 10, p. 458
115-4-5	Amended	V. 10, p. 782
115-4-7	Amended	V. 10, p. 460
115-4-11	Amended	V. 10, p. 461
115-4-12	New	V. 10, p. 461
115-13-1		
through		
115-13-5	New	V. 10, p. 917-919
115-17-10		
through		
115-17-13	New	V. 10, p. 461, 462

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 10, p. 911, 951
117-2-1	Amended	V. 10, p. 911, 952
117-2-2	Amended	V. 10, p. 912, 952
117-2-3	New	V. 10, p. 912, 952
117-2-4	New	V. 10, p. 912, 952
117-3-1	Amended	V. 10, p. 912, 953
117-3-2	Amended	V. 10, p. 913, 953
117-3-3	New	V. 10, p. 913, 953
117-3-4	New	V. 10, p. 913, 953
117-4-1		
through		
117-4-4	New	V. 10, p. 913, 914, 954
117-6-1	Amended	V. 10, p. 914, 954
117-6-2	Amended	V. 10, p. 915, 955
117-6-3	Amended	V. 10, p. 915, 955
117-7-1	Amended	V. 10, p. 916, 956
117-8-1	New	V. 10, p. 916, 956
117-9-1	New	V. 10, p. 916, 956

AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

Reg. No.	Action	Register
119-1-1	New	V. 10, p. 263
119-1-2	New	V. 10, p. 264
119-1-3	New	V. 10, p. 264

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