



Kansas Register

Bill Graves, Secretary of State

Vol. 11, No. 17

April 23, 1992

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 235-N, State Capitol
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State of Kansas

Kansas Sentencing Commission**Notice of Meeting**

The Kansas Sentencing Commission will meet at 10 a.m. Monday, April 27, in the Court of Appeals Courtroom, second floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Ben Coates
Executive Director

Doc. No. 011899

State of Kansas

Kansas Council on Employment and Training**Notice of Meeting**

The Kansas Council on Employment and Training will meet from 8:30 a.m. to noon, Thursday, May 7, at the Employment Security Systems Institute (ESSI), lower level-middle classroom, 1309 S.W. Topeka Blvd., Topeka. The meeting is open to the public.

Joe Dick
Secretary of Human Resources

Doc. No. 011876

State of Kansas

**Department of Revenue
Division of Alcoholic Beverage Control****Notice of Hearing on Proposed
Administrative Regulations**

A public hearing is scheduled for 9 a.m. Monday, June 1, at the office of the Division of Alcoholic Beverage Control, 512 W. 6th, Topeka, concerning the proposed revocation of administrative regulation 14-16-20.

This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. Written comments may be sent to Robert A. Engler, Director, Division of Alcoholic Beverage Control, 512 W. 6th, Topeka 66603.

The proposed revocation of 14-16-20 would eliminate an outdated and unused default hearing procedure. By revoking this regulation, the agency would be able to implement the default hearing process outlined in the Kansas Administrative Procedures Act, K.S.A. 77-520. The regulation is not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. There will be no significant economic impact on the Alcoholic Beverage Control Division, any other state agency, the alcoholic beverage industry or the consuming public.

Copies of the proposed regulation and the economic impact statement may be obtained at the Division of Alcoholic Beverage Control office, (913) 296-3946.

Robert A. Engler
Director, Division of
Alcoholic Beverage Control

Doc. No. 011875

State of Kansas

**Kansas Commission on Children,
Youth and Families****Notice of Meeting**

The Kansas Commission on Children, Youth and Families will meet from 9 a.m. to noon Friday, May 1, at Social and Rehabilitation Services Staff Development, Feldman Building, Room B, 300 S.W. Oakley, State Complex West, Topeka.

Robert Harder
Chairman

Doc. No. 011870

State of Kansas

**Department of Administration
Division of Architectural Services****Notice of Commencement of Negotiations
for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services for the design of the new Nickell Barracks Training Center at Salina for the Kansas Army National Guard.

The project will feature two new facility areas. Area I will be a new facility of 92,712 square feet which includes a site headquarters, medical unit training facility, physical fitness area, student and officer billeting, multipurpose area and dining facility. Area II will also be a new facility of 49,256 square feet which includes a military education facility, battalion headquarters, battalion supply and ration breakdown, company supply and administrative areas, and open bay billeting. Each area will also include upgrades to the existing infrastructure and utility systems.

It is the intention of the state to award these projects to two architectural firms. Experience in the design of facilities for the National Guard will be a consideration in evaluating responses from architectural firms. The projects will be 100 percent federally funded. Architectural fees will be established by the National Guard Bureau fee schedule—the state statutes for architectural fees will not apply.

Any questions or expressions of interest should be directed to Gerald R. Carter, AIA, Deputy Director of Planning & Project Management, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before May 8. An original and five copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 011877

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission has directed that a hearing be conducted (pursuant to K.S.A. 1991 Supp. 55-603, 55-604, 55-703 and K.S.A. 55-703a) to allow the following to show cause as to why their basic proration order should not be dissolved:

In the matter of establishing a well spacing pattern in the Mississippi Oil Reservoir of the Schaben Mississippi Oil Pool, Ness County, Kansas, and for the establishment of appropriate allowances for wells drilled therein, affecting the E/2 W/2 and the E/2 of Section 23; all of Section 24; all of Section 25; NW/4 and E/2 of Section 26; all of Section 36, Township 19 South, Range 22 West; the S/2 of Section 19 and the S/2 of Section 20, all of Section 29, all of Section 30; all of Section 31; and the N/2 and SW/4 of Section 32, Township 19 South, Range 21 West; and Sections 5, 6, 7, and 8, Township 20 South, Range 21 West; Sections 1 and 12, Township 20 South, Range 22 West, Ness County, Kansas. Docket No. 73,069-C (C-10,773).

The hearing will be at 9 a.m. Thursday, May 7, in the third floor hearing room, 300 Colorado Derby Building, 202 W. 1st, Wichita. Further information can be obtained by contacting William J. Wix, Assistant General Counsel, State Corporation Commission, Conservation Division, 202 W. 1st, Wichita 67202, (316) 263-3238.

Judith McConnell
Executive Director

Doc. No. 011872

State of Kansas

State Historical Society

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 2 p.m. Monday, June 1, in the auditorium of the Center for Historic Research, 120 W. 10th, Topeka, to consider the adoption of proposed new regulations.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Executive Director, Kansas Historical Society, Center for Historic Research, 120 W. 10th, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regu-

lations and a statement of their economic impact follows:

K.A.R. 118-1-1 through 118-1-4 are authorized by and implementing K.S.A. 1991 Supp. 75-2701. They define procedures for removal of property from the collection holdings of the State Historical Society.

K.A.R. 118-1-1 identifies collection holdings exempted from removal under these regulations. It provides definitions for "collection holdings or properties," "deaccession," "deed of gift or accession record," "disposition," "documentation," "donation," "historical material," and "professional procedures."

K.A.R. 118-1-2 establishes a deaccession review committee.

K.A.R. 118-1-3 defines types of property to be considered for removal, including "duplicate properties," "property outside of the society's scope of collections," "property with insufficient research, educational, or exhibit value," and "hazardous property."

K.A.R. 118-1-4 specifies procedures for removal of property. It outlines the responsibilities of the society staff regarding documentation of legal title or property rights and documented history of the property. Procedures for notification of the donor when appropriate are also set forth. Requirements are specified for the duplicates made micrographically or electronically from original historic materials being considered for removal. The responsibilities of the internal collections review committee are set forth. Responsibilities and procedures regarding action to be taken and decisions to be made by the deaccession review committee are specified. Guidelines are given for methods of disposition of the property being removed from society collection holdings.

These regulations are not mandated by federal statute. They will cause neither a positive nor a negative economic impact on the general public or any state agency other than the State Historical Society. By removing some 50,000 cubic feet of property from the collection holdings of the society would save approximately \$1,680,000 for initial construction of storage space and purchase of shelving. Beyond the initial construction costs of this space, the cost of maintaining the property being considered for removal is estimated to be \$8 per square foot annually. Removing some 50,000 cubic feet of property stored in 16,000 square feet would save an estimated \$128,000 annually. The monetary value of the property being considered for removal cannot be accurately estimated because its value, if any, is primarily intellectual. The alternative to removing these items is to retain them in the collection holdings. The adverse effect of this would be monetary as well as being detrimental to the staff's abilities to perform their stated mission.

Copies of the regulations and their economic impact statement may be obtained from the Kansas State Historical Society at the address above, (913) 296-3289, FAX (913) 296-1005.

Ramon Powers
Executive Director

Doc. No. 011871

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1992 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced April 9-11:

House Bills

HB 3206, by Committee on Federal and State Affairs: An act creating the corporation for change, a public-private partnership to implement a comprehensive policy for children and families; amending K.S.A. 23-108a and repealing the existing section; also repealing K.S.A. 38-1401 through 38-1404 and 75-5328 and K.S.A. 1991 Supp. 38-1405.

HB 3207, by Committee on Appropriations: An act making and concerning appropriations for the fiscal years ending June 30, 1992, June 30, 1993, and June 30, 1994, for certain capital improvement projects for the university of Kansas, Fort Hays state university, Pittsburg state university and Kansas state university; authorizing the initiation and completion of certain capital improvement projects; imposing certain requirements, restrictions and limitations and directing or authorizing certain disbursements and acts incidental to the foregoing.

House Resolutions

HR 6119, A resolution congratulating and commending the Sierra Club on its 100 year anniversary and its continued work protecting the environment.

HR 6120, A resolution congratulating and commending the Arkansas City High School wrestling team and Coach Wayne Jackson for winning the 1992 Kansas State High School Activities Association Class 5A State Wrestling Championship in Kansas.

HR 6121, A resolution congratulating and commending the Olathe South High School Intergenerational Chorus and Director Texanna Ollenberger for receiving one of the top ten awards for Profiles of Excellence in Innovative Instruction.

HR 6122, A resolution congratulating and commending Judge Herbert W. Walton on his impending retirement from the Johnson County District Court.

HR 6123, A resolution congratulating and commending Dr. Jim Gill for winning the Kamelot Award.

HR 6124, A resolution congratulating and commending Frank Meyer for being selected the 1991 Kansas Small Business Person of the Year.

HR 6125, A resolution congratulating and commending Bethany Chapel Baptist Church, Ottawa, on its 125th anniversary.

HR 6126, A resolution urging the United States Bankruptcy Court for the District of Kansas to use due diligence in expediting the bankruptcy actions for Bankers Thrift and Loan Association and Universal Financial Services, Inc.

HR 6127, A resolution congratulating and commending Lyle Geyer, Justin Thaw and Justin Ware for winning 1992 National High School Wrestling Championships.

HR 6128, A resolution congratulating and commending Daniel J. Bradbury for being named the 1991 *Library Journal* Librarian of the Year.

HR 6129, A resolution making specific exceptions to the limitations prescribed by subsection (k) of Joint Rule 4 of the house of representatives and senate.

HR 6130, A resolution in memory of Dr. Emory K. Lindquist.

Senate Bills

SB 795, by Committee on Ways and Means: An act authorizing the secretary of human resources to sell certain property in the city of Kansas City, Kansas.

SB 796, by Committee on Federal and State Affairs: An act amending and supplementing the Kansas lottery act; concerning video lottery ma-

chine games; amending K.S.A. 21-4302 and K.S.A. 1991 Supp. 38-1602, 41-308, 74-8701, 74-8702, 74-8704, 74-8708, 74-8710, 74-8711, 74-8712, 74-8717, 74-8718, 74-8719, 74-8720 and 74-8721 and repealing the existing sections.

SB 797, by Committee on Ways and Means: An act enacting the Kansas medical provider assessment act.

Senate Concurrent Resolutions

SCR 1645, A proposition to amend article 7 of the constitution of the state of Kansas by adding a new section thereto, relating to public health.

SCR 1646, A concurrent resolution calling for rescission of directives in effect at KCI Airport which deny Kansas ground transportation companies access to the traveling public.

SCR 1647, A concurrent resolution relating to the 1992 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Senate Resolutions

SR 1861, A resolution urging the United States Bankruptcy Court for the District of Kansas to use due diligence in expediting the bankruptcy actions for Bankers Thrift and Loan Association and Universal Financial Services, Inc.

SR 1862, A resolution recognizing Kansas Eldercare Volunteers during Older Americans Month.

SR 1863, A resolution congratulating and commending Christie Allen for winning the 1991 NCAA Division II National Women's Cross-Country Championship on November 23, 1991.

SR 1864, A resolution congratulating and commending Busarind "Boo" Rogers for winning the 1991 NCAA Division II National Women's Hep-athalon Championship.

SR 1865, A resolution congratulating and commending Judge Herbert W. Walton on his impending retirement from the Johnson County District Court.

SR 1866, A resolution congratulating and commending Bethany Chapel Baptist Church, Ottawa, on its 125th anniversary.

SR 1867, A resolution congratulating and commending the Southwestern Heights High School girls' basketball team and Head Coach Barry Mellen for winning the 1992 Class 2A State Basketball Championship in Kansas.

SR 1868, A resolution congratulating and commending the Atwood High School Academic Bowl team and Coach Diane Jones for winning the 1992 Class 2A State Academic Bowl Championship in Kansas.

SR 1869, A resolution congratulating and commending Lyle Geyer, Justin Thaw and Justin Ware for winning 1992 National High School Wrestling Championships.

SR 1870, A resolution congratulating and commending the Holcomb High School boys' basketball team and Coach Dave Novack for winning the 1992 Class 3A State Basketball Championship in Kansas.

SR 1871, A resolution congratulating and commending the Olathe South High School Intergenerational Chorus and Director Texanna Ollenberger for receiving one of the top ten awards for Profiles of Excellence in Innovative Instruction.

SR 1872, A resolution making specific exceptions to the limitations prescribed by subsection (k) of Joint Rule 4 of the house of representatives and senate.

SR 1873, A resolution congratulating and commending Marcus L. Guest for being selected one of seven winners in the National KIDS COUNT letter writing contest.

SR 1874, A resolution congratulating and commending the Kansas Committee for the Humanities on its 20th anniversary.

SR 1875, A resolution congratulating and commending the Sierra Club on its 100 year anniversary and its continued work protecting the environment.

Doc. No. 011868

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item 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.

Monday, May 4, 1992

**#20131
Workstation**

**William H. Sesler
Director of Purchasing**

Doc. No. 011878

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, 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 discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-AG-92-36/39

Name and Address of Applicant	Legal Description	Receiving Water
Dan Benewiate 16413 W. Highway 50 Halstead, KS 67056	NW/4 Section 30, Township 23S, Range 2W, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-T001

The proposed facility will have capacity to wash approximately 182 trucks per month.

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) Liquid wastes shall be dispersed uniformly over at least 20 acres of agricultural land each year. Solid (sludges) wastes shall be applied uniformly to at least 60 acres each year. Area utilized for liquid waste disposal shall not have solid wastes applied.
- 2) Within 30 days of receipt of this permit a written agreement shall be submitted to the department from neighboring farmer to irrigate from the wastewater impoundments at the minimum capacity as specified in "Section A, Permit Limitations."

Name and Address of Applicant

Figs Unlimited
Dale Love/Steve Dillon
14010 Lake Cable Road
Partridge, KS 67566

Legal Description
W/2 Section 31,
Township 24S,
Range 7W, Reno
County

Receiving Water
Lower Arkansas
River Basin

Kansas Permit No. A-ARRN-S015

The proposed facility will have capacity for approximately 1,200 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

Smoky River Cattle Co.,
Inc.
Robert H. Campbell
P.O. Box 114
Arapahoe, CO 80802

Legal Description
SE/4 Section 10,
Township 13S,
Range 40W,
Wallace County

Receiving Water
Smoky Hill River
Basin

Kansas Permit No. A-SHWA-CA02 Federal Permit No. KS-0088854

The feedlot has capacity for approximately 2,000 cattle and a contributing drainage area of approximately 77 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 8.2 acres-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant

Warner Feed Yard
P.O. Box 309
Cimarron, KS 67835

Legal Description
S/2 Section 4 &
NW/4 Section 10,
Township 26S,
Range 28W, Gray
County

Receiving Water
Upper Arkansas
River Basin

Kansas Permit No. A-UAGY-C001 Fed. Permit No. KS-0037541

The feedlot has capacity for approximately 9,950 cattle with expansion planned for an additional 8,400 cattle and a contributing drainage area of approximately 159 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 68.5 acre-feet.

Compliance Schedule: 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 solids 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 for application of all wastes. The waste management plan shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Public Notice No. KS-ND-92-62

Name and Address of Applicant

Bingham Sand and Gravel
69 Highway and Treece
Road
Treece, KS 66778

Waterway
Neodesha River
via Willow Creek
via county
drainage ditch

Type of Discharge
Non-discharge

Cherokee County, Kansas

Kansas Permit No. I-NE06-N002

Description of Facility: This facility washes and screens chat rock to remove fines. The water used to wash the rock is recycled by using two settling ponds. This is a new facility.

Public Notice No. KS-92-94/99

<p>Name and Address of Applicant Augusta Municipal Power Plant P.O. Box 489 Augusta, KS 67010 Butler County, Kansas Kansas Permit No. I-WA03-C001</p>	<p>Waterway Walnut River via unnamed tributary</p>	<p>Type of Discharge Cooling tower blowdown</p>
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Description of Facility: This facility is a standby electrical generating station used for peaking and emergency power. Wastewater from the facility consists of cooling tower blowdown. The facility is normally operated for four months each year. This is an existing facility and the limits have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f).

<p>Name and Address of Applicant Burlingame Power Plant City Hall, 101 E. Santa Fe Burlingame, KS 66413 Osage County, Kansas Kansas Permit No. I-MC09-C001</p>	<p>Waterway Marais des Cygnes River via Dragoon Creek via Switzler Creek via unnamed tributary</p>	<p>Type of Discharge Non-contact cooling water from cooling tower blowdown</p>
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Description of Facility: This facility is an electrical generating station operating during summer months. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<p>Name and Address of Applicant Midwest Grain Products, Inc. 1300 Main Street Atchison, KS 66002 Atchison County, Kansas Kansas Permit No. I-M001-P001</p>	<p>Waterway Missouri River via White Clay Creek</p>	<p>Type of Discharge Process and cooling water</p>
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Description of Facility: This facility produces wheat starch, gluten, alcohol, and carbon dioxide. This is an existing permit and the limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<p>Name and Address of Applicant N.R. Hamm Quarry, Inc. Bryan/Eddy-Quarry #86- Auburn P.O. Box 17 Perry, KS 66073 Osage County, Kansas Kansas Permit No. I-KS03-P002</p>	<p>Waterway Kansas River via Wakarusa River via south branch Wakarusa River</p>	<p>Type of Discharge Settling pond dewatering, quarry pit dewatering and uncontaminated stormwater runoff</p>
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Description of Facility: This is a limestone quarry and crushing operation with some washing. Washwater is recycled through settling ponds. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<p>Name and Address of Applicant N.R. Hamm Quarry, Inc. Koehler-Quarry #34- Washington P.O. Box 17 Perry, KS 66073 Washington County, Kansas Kansas Permit No. I-BB21-P001</p>	<p>Waterway Blue River via Mill Creek</p>	<p>Type of Discharge Quarry pit dewatering</p>
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Description of Facility: This facility is an abandoned coal mine. Approximately 108 acres of land with pits and ponds containing acidic water will be reclaimed. The acidic water will be neutralized with commercial grade lime discharge. The water will be required to meet permit limits prior to discharge. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Description of Facility: This facility is engaged in a limestone crushing operation with no washing. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<p>Name and Address of Applicant Simone Ramp Project Simone Farms Scammon, KS 66801 Cherokee County, Kansas Kansas Permit No. I-NE61-P001</p>	<p>Waterway Neosho River via Cherry Creek via Little Cherry Creek via unnamed tributary</p>	<p>Type of Discharge Dewatering of lime neutralized pond water</p>
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Description of Facility: The Simone site is an abandoned coal mine. Approximately 108 acres of land with pits and ponds containing acidic water will be reclaimed. The acidic water will be neutralized with commercial grade lime discharge. The water will be required to meet permit limits prior to discharge. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts or Angela Buie (agricultural permits), Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka, KS 66620. All comments received prior to May 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-92-94/99, KS-ND-92-62, and KS-AG-92-36/39) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the 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 Division of Environment.

Azzie Young
 Secretary of Health
 and Environment

Doc. No. 011882

State of Kansas

Kansas Arts Commission

Notice of Arts in Education Panel Meetings

The Education Advisory Panel of the Kansas Arts Commission will meet Thursday, April 30, to review applications to the Arts In Education (AIE) Program for grant support of residencies in fiscal year 1993 (July 1, 1992-June 30, 1993), including the first year of multi-year residencies.

The Education Panel will convene at 9 a.m. in the Fleming Room at Topeka Performing Arts Center, 214 S.E. 8th, in downtown Topeka. Meetings of the Kansas Arts Commission and of its funding panels are open to public observation.

The recommendations of the Education Panel will be presented to the commission for action during the quarterly business meeting May 16 at the Baker Arts Center, 624 N. Pershing, Liberal.

Kansas schools and community organizations interested in sponsoring AIE residencies beginning in FY 93 or in obtaining grants for programs that advance the arts in education had until April 1, 1992, to apply for funding support. Artists interested in participating in residencies during 1992-93 also had until April 1, 1992, to apply.

Qualified artists are chosen by discipline-based advisory panels and remain eligible for three years. Selections are determined by the quality of each applicant's work, educational background, experience in classroom situations, and professional background.

The discipline advisory panels also will meet in the Topeka Performing Arts Center on the following dates and times to review applications from artists interested in participating in residencies:

- Music—Friday, May 1, 9 a.m.
- Theatre—Friday, May 1, 1 p.m.
- Visual Arts—Monday, May 4, 9 a.m.
- Dance—Monday, May 4, 1 p.m.
- Folk Arts—Tuesday, May 5, 9 a.m.
- Literature—Tuesday, May 5, 1 p.m.
- Media Arts—Wednesday, May 6, 9 a.m.
- Design Arts—Wednesday, May 6, 1 p.m.

The AIE Program is administered by the Kansas Arts Commission. For more information contact the Kansas Arts Commission, Jayhawk Tower, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335.

Dorothy L. Ilgen
Executive Director

Doc. No. 011881

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. May 21, 1992, and then publicly opened:

District One—Northeast

Leavenworth—52 U-1252-01—Shrine Park Road at Five Mile Creek, 0.1 mile, grading, surfacing and bridge. (Federal Funds)

Lyon—50-56 K-2853-01—U.S. 50, from the Chase-Lyon county line east to Graphic Arts Road in Emporia, 7.0 miles, grading, surfacing and bridge. (Federal Funds)

Marshall—77-58 K-4889-01—U.S. 77, from the Blue River bridge 13, 6.2 miles east of the west junction of K-9, bridge repair. (State Funds)

Marshall—58 C-2773-01—County road, 0.2 mile east and 2.0 miles north of Beattie, then north, 0.2 mile, grading and bridge. (Federal Funds)

Marshall—58 C-2774-01—County road, 6.0 miles south and 5.5 miles east of Frankfort, then east, 0.1 mile, grading and bridge. (Federal Funds)

Osage—75-70 K-3247-01—U.S. 75, from the north city limits of Lyndon north to the junction of K-31 and K-268, 1.7 miles, pavement reconstruction. (Federal Funds)

Osage—70 C-1559-01—County road, 5.5 miles west and 2.1 miles south of Olivet, 0.1 mile, bridge replacement. (Federal Funds)

Pottawatomie—75 K-1428-03—Tuttle Creek State Park, resurfacing. (State Funds)

Shawnee—70-89 K-2446-02—I-70, from 0.4 mile east of the west junction of U.S. 75 east to Danbury Lane, 1.3 miles, pavement reconstruction. (Federal Funds)

Shawnee—70-89 K-2446-04—I-70, McLennan Park at Cedar Crest, Governor's Mansion, 6th and Fairlawn, seeding and landscaping. (Federal Funds)

Shawnee—70-89 K-3343-02—I-70 and I-470 new ramps and I-70 and U.S. 75 interchange, 0.8 mile, grading, surfacing and bridge. (State Funds)

Shawnee—70-89 K-3344-01—I-70 and I-470, east to 2,000 feet east of the west junction of U.S. 75, 1.3 miles, pavement reconstruction. (Federal Funds)

Wabaunsee—99 C-2916-01—County road, 5.5 miles north of Harveyville, then north 2.5 miles then east, 3.5 miles, surfacing. (Federal Funds)

Wyandotte—73-105 K-4333-01—U.S. 73, from U.S. 24 in Wyandotte County to the south edge of Lansing in Leavenworth County, 8.2 miles, overlay. (State Funds)

District Two—Northcentral

Chase—50-9 K-3222-01—U.S. 50, 5.2 miles east of FAS 856 east to the Chase-Lyon county line, 1.7 miles, grading, surfacing and bridge. (Federal Funds)

Dickinson—43-21 K-3966-01—K-43, Cary Creek bridge 71, 4.7 miles north of K-4, bridge replacement. (Federal Funds)

Dickinson—209-21 K-3153-01—K-209, Lyon Creek bridge 75, 1.1 miles west of U.S. 77, bridge replacement. (Federal Funds)

Lincoln—181-53 K-0519-01—K-181, south branch Spillman Creek 32 and north branch Spillman Creek 33 north of K-18, bridge replacements. (Federal Funds)

Mitchell—181-62 K-0603-01—K-181, Carr Creek bridge 34, 8.4 miles northwest of the Lincoln-Mitchell county line, bridge replacement. (Federal Funds)

Republic—81-79 K-3264-01—U.S. 81, south of Belleville, construction of new Motor Carrier Inspection Station, grading and surfacing. (State Funds)

District Three—Northwest

Ellis—70-26 K-4899-01—I-70, from the Ellis-Trego county line, east to the U.S. 183 interchange, 15.6 miles, recycling. (State Funds)

Graham—24-33 K-4490-01—U.S. 24, Spring Creek bridge 19, 2.9 miles east of the junction of K-18, bridge overlay. (State Funds)

Rawlins—77 C-2792-01—County road, 2.5 miles north and 4.5 miles east of Atwood, then north and west, 0.3 mile, grading and bridge. (Federal Funds)

District Four—Southeast

Anderson—59-2 K-4504-01—U.S. 59, Deer Creek bridge 1, 5.7 miles west of the south junction of K-31, bridge overlay. (State Funds)

Bourbon—54-6 K-4498-01—U.S. 54, Marmaton River bridge 5, 0.5 mile north of the east junction of U.S. 69, bridge repair. (State Funds)

Coffey—35-16 K-4494-01—I-35, bridges 12 and 13 over U.S. 75, 12.3 miles east of the Lyon County line, bridge overlay. (State Funds)

Crawford—146-19 K-0218-01—K-146, Big Walnut Creek 46 and Big Walnut drainage 47 and 48, bridge replacements. (Federal Funds)

Franklin—35-30 K-4495-01—I-35, bridges 22 and 21 over U.S. 59 south of Ottawa, bridge overlay. (State Funds)

Greenwood—57-37 K-4502-01—K-57, Verdigris River bridge 11, 1.6 miles south of the Greenwood-Lyon county line, bridge repair. (State Funds)

Neosho—59-67 K-4505-01—U.S. 59, Canville Creek bridge 6, 3.1 miles east of the west junction of K-39, bridge repair. (State Funds)

Wilson—39-103 K-4496-01—K-39, Elder Branch Buffalo Creek bridge 23, 5.0 miles west of U.S. 75, bridge overlay. (State Funds)

District Five—Southcentral

Cowley—77-18 K-4693-01—U.S. 77, southbound bridge 7, over the Atchison, Topeka and Santa Fe Railway, 10.4 miles north of U.S. 166, bridge deck. (State Funds)

Kiowa—49 C-2708-01—County road, 4.4 miles east and 6.0 miles north of Greensburg, then east, 0.1 miles, grading and bridge. (Federal Funds)

Sedgwick—87 U-1312-01—Hydraulic Avenue at the Arkansas River in Wichita, 0.2 mile, grading, surfacing and bridge. (Federal Funds)

District Six—Southwest

Clark—54-13 K-2322-01—U.S. 54, from the Meade-Clark county line northeast to the Clark-Ford county line, 10.1 miles, recycling. (Federal Funds)

Ford—54-29 K-4040-01—U.S. 54, from the junction of K-94 northeast to the curb and gutter in Bucklin, 6.7 miles, recycling. (Federal Funds)

Ford—54-29 M-1665-01—U.S. 54, stockpile bituminous mix at the Bucklin Sub Area. (State Funds)

Meade—54-60 K-3185-01—U.S. 54, from the Seward-Meade county line northeast to the south city limits of Plains, 2.9 miles, recycling. (Federal Funds)

Seward—54-88 K-3186-01—U.S. 54, 11.3 miles northeast of the four lane/two lane in Liberal northeast to the Seward-Meade county line, 9.2 miles, grading and surfacing. (Federal Funds)

Stevens—56-95 K-4684-01—U.S. 56, 5 miles northeast of the east junction of K-25 northeast to the curb and gutter in Moscow, 6.1 miles, recycling. (State Funds)

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

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

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

Michael L. Johnston
Secretary of Transportation

Doc. No. 011855

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9:30 a.m. Monday, May 18, in the conference room in the office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 et seq.

Frank D. Dunnick
State Bank Commissioner

Doc. No. 011865

State of Kansas

Consumer Credit Commissioner

Notice of Hearing on Proposed
Administrative Regulations

The Office of the Consumer Credit Commissioner will conduct a public hearing at 10 a.m. Tuesday, May 26, in Room 352, Landon State Office Building, 900 S.W. Jackson, Topeka, concerning permanent regulation 75-6-24. All interested parties may present oral or written comments and shall be given reasonable opportunity to present their views or arguments on adoption of this regulation at the hearing.

The regulation is required by K.S.A. 16a-2-401a, which requires the designated dollar amounts to be changed on July 1 of each even numbered year when the percentage of change, calculated to the nearest whole percentage point, between the index at the end of the preceding year and the reference base index is 10 percent or more. The percentage of change calculated to the nearest whole percentage point was 13 percent since the date of the last required change in 1990.

The purpose of the proposed permanent regulation is to adjust the dollar amounts of \$690 and \$2,300 to \$780 and \$2,600.

The economic impact on the individual consumer, based on the average size consumer loan of \$3,808.26 as taken from the 1990 annual report of licensed lenders, would result in an increase of \$20.16. There will be no economic impact on either the agency or the industry.

Copies of the proposed regulation and the economic impact statement can be obtained from the office of the Consumer Credit Commissioner at the address above, (913) 296-3151.

This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed permanent regulation. Written comments may be submitted to the Consumer Credit Commissioner at the address above.

Wm. F. Caton
Consumer Credit Commissioner

Doc. No. 011869

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items hereinafter listed 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.

Thursday, April 30, 1992

A-6810

University of Kansas Medical Center—Lightning protection, Dykes Library

Monday, May 4, 1992

28890

Parsons State Hospital—Dishwashing supplies

91568

University of Kansas Medical Center—Cryostat

91895

Lansing Correctional Facility—Heating specialties

91896

State Corporation Commission—Engine analyzer

91897

Kansas Correctional Industries—Northern hard maple

91898

Fort Hays State University—Book edge copier

91899

Department of Transportation—Van truck, various locations

Tuesday, May 5, 1992

28869

Statewide—June (1992) meat products

91905

Kansas State University—Drives, internal

91906

Kansas State University—Video (PC) projection system

91907

Kansas State University—Seed planter, Hays

91908

Department of Transportation—Grader blade, various locations

91918

Department of Administration, DISC—3480 Mag tape cartridges

91973

University of Kansas Medical Center—Light pens

Wednesday, May 6, 1992

A-6640

Pittsburg State University—Partial roof replacement

A-6842

Pittsburg State University—New fire alarm and emergency lighting systems

28901

Kansas State University—June (1992) meat products

91894

Wichita State University—Telecommunication project

91922

Lansing Correctional Facility—Galvanized pipe hangers

91923

Department of Administration, DISC—Software to provide real time and historical analysis (DASD)

91934

Pittsburg State University—Ethernet network package for Prime 6350

91935

Lansing Correctional Facility—Furnish all labor and materials for roofing system

Thursday, May 7, 1992

A-6658 and A-6659

Kansas Vocational Rehabilitation Center—Replace existing ceiling and lights and replace HVAC equipment, Salina

A-6664

Larned State Hospital—Clean and inspect wastewater collection system

A-6665

Larned State Hospital—Mechanical projects at various buildings

A-6666

Larned State Hospital—Replace fire box in Nebraska boiler in power plant

A-6667

Larned State Hospital—Replace public address system

A-6668

Larned State Hospital—Replace street lighting system

A-6699(a)

Youth Center at Atchison—Cleaning existing oil tank

A-6699(b)

Youth Center at Atchison—Boiler maintenance/repair

28909

Statewide—Single line telephones and equipment

28910

University of Kansas Medical Center—Sequential compression devices and sleeves

91959

Wichita State University—Cardiopulmonary exercise system

91960

Kansas State University—Liquid nitrogen storage tank

Friday, May 8, 1992

28899

Kansas Correctional Industries—Liquid detergent concentrate

28900

Kansas Correctional Industries—Detergent/disinfectant (dual quaternary compound)

91975

Kansas State University—Gamma counter

91976

University of Kansas—Furnish and install video edit system

Monday, May 11, 1992

28875

University of Kansas—Modular premise distribution system (PDS) equipment

Tuesday, May 12, 1992

91936

Department of Health and Environment—Furnish all labor and materials for reclamation project

Wednesday, May 13, 1992

91980

Department of Administration—Voice mail system

Thursday, May 14, 1992

28779

University of Kansas Medical Center—Syringes, needles, blood collection tubes and related items (Class 11)

28876

Statewide—Tires and tubes

Tuesday, May 26, 1992

28898

Kansas Soldiers' Home—Lease of farm land, Ford County

Request for Proposals

Monday, May 11, 1992

28896

Alcohol and drug treatment service for the Department of Corrections

Wednesday, May 13, 1992

28905

Child protective services for the Department of Social and Rehabilitation Services

Tuesday, May 26, 1992

28897

Surveying Kansas child care payment rates for the Department of Social and Rehabilitation Services

Jack R. Shipman
Director of Purchases

Doc. No. 011880

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 March 30-April 17:

**Republic County Commissioner,
2nd District**

Robert J. Raney, P.O. Box 38, Scandia 66966. Term expires when a successor is elected and qualifies according to law. Succeeds Max E. Thompson, resigned.

**Blue Cross and Blue Shield of Kansas
Board of Directors**

Nancy Echols, 225 N. Norwood, Topeka 66616. Effective May 1, 1992. Term expires April 30, 1995. Succeeds Jim Bauman.

Credit Union Council

A. Lee Williams, At Large Appointee, 3408 S. Knight, Wichita 67217. Effective June 13, 1992. Term expires June 12, 1995. Reappointment.

Emergency Medical Services Board

Ralph D. Unger, Route 2, Box 114, Oberlin 67749. Effective June 1, 1992. Term expires May 30, 1996. Reappointment.

**Governor's Commission on Housing
and Homelessness**

(Created by Executive Order No. 91-148. Members serve at the pleasure of the Governor.)

Thomas A. Bishop, 1500 W. 32nd North, Wichita 67204.

William F. Caton, Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 Jackson, Topeka 66603.

Larry Cowdin, 5025 Cedar Crest Road, Topeka 66606.

Lee Droegemueller, Department of Education, 120 S.E. 10th, Topeka 66612.

Father Richard Etzel, Cornerstone of Topeka, Inc., 507 S.W. Fillmore, Topeka 66606.

Sen. Paul Feleciano, Jr. 815 Barbara, Wichita 67217.

Karen Hermann, 111 W. 11th, Hays 67601.

Joanne Hurst, Department on Aging, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Gina McDonald, Kansas Association of Centers for Independent Living, 3258 S. Topeka Blvd., Topeka 66611.

Laura Nicholl, Department of Commerce, 5th Floor, Capitol Tower, 400 S.W. 8th, Topeka 66603.

Dwayne Peaslee, Kansas State Building and Construction Trades Council, 930 E. 28th, Lawrence 66046.

Jane Jung Schnellbacher, 2010 S.W. Bowman Court, Topeka 66604.

Noelle St. Clair, 2115 S.W. Mission Ave., Topeka 66614.

Janet Stubbs, Home Builders Association, 816 Tyler, Suite 300A, Topeka 66612.

Francis X. Thorne, 4501 Commercial Place, Leavenworth 66048.

Gloria Timmer, Division of the Budget, 1st Floor, State Capitol, Topeka 66612.

Vernon Weis, P.O. Box 314, Salina 67401.

Donna Whiteman, Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

State Board of Healing Arts

Donald D. Yoder, Podiatrist Appointee, 3010 W. Central, Wichita 67203. Term expires June 30, 1996. Succeeds Irwin Waxman.

Kansas Historical Records Advisory Board

Donald M. Douglas, 6008 Danbury, Wichita 67220. Term expires June 30, 1994. Succeeds Solomon Evans.

Duane F. Johnson, State Librarian, 3rd Floor, State Capitol, Topeka 66612. Term expires June 30, 1994. Reappointment.

Wilda M. Smith, 2924 Walnut, Hays 67601. Term expires June 30, 1994. Succeeds Mabel Goehring.

Thomas R. Walther, History Department, Pittsburg State University, Pittsburg 66762. Term expires June 30, 1993. Succeeds Lynda Scheele.

**Law Enforcement Officers Memorial
Advisory Committee**

David A. Williams, Sheriff's Association Appointee, 30 Huntington Road, Augusta 67010. Serves at the pleasure of the Governor. Succeeds William Deppish.

Kansas Turnpike Authority

Nick Badwey, 217 N. Atchison, El Dorado 67042. Term expires April 30, 1996. Succeeds Philip Woodbury.

Bill Graves
Secretary of State

State of Kansas

Department of Wildlife
and ParksPermanent Administrative
Regulations

Article 1.—DEFINITIONS

115-1-1. Definitions. (a) The following definitions shall apply to all department regulations:

(1) "Arrow" means a missile shot from a bow or a crossbow.

(2) "Bag limit" means the maximum number of any species, except fish and frogs, that may be taken by a person in a calendar day.

(3) "Bait fish" means a member of the minnow or carp family (*Cyprinidae*), sucker family (*Catostomidae*), top minnows or killifish family (*Cyprinodontidae*), shad family (*Clupeidae*), and sunfish family (*Centrarchidae*), but excluding black basses and crappie. Any fish listed in K.A.R. 115-15-1 or K.A.R. 115-15-2 shall not be considered as bait fish.

(4) "Bird dog" means a dog used to point, flush or retrieve game birds or migratory birds or both.

(5) "Bow" means a hand-held device with a cord that connects both of its two ends and designed to propel an arrow. This includes long, recurve and compound bows.

(6) "Bridle path" means an established, maintained and marked pathway for the riding of animals.

(7) "Camping" means an activity involving an overnight stay in association with a camping unit.

(8) "Camping unit" means any vehicle or shelter specifically used for sleeping upon a portion of department lands or waters.

(9) "Cast net" means a circular or conical weighted net designed to be cast mouth downward by hand and withdrawn by lines attached to its margin.

(10) "Creel limit" means the maximum total number of any species of fish or frogs that may be taken by a person in a calendar day.

(11) "Crossbow" means a transverse mounted bow with a cord that connects the two ends and that is designed to propel an arrow, including compound crossbows. The arrow is released by a mechanical trigger.

(12) "Department lands and waters" means state parks, state lakes, recreational grounds, wildlife areas, sanctuaries, fish hatcheries, natural areas, historic sites and other lands, waters and facilities under the jurisdiction and control of the secretary through ownership, lease, license, cooperative agreement, memorandum of understanding, or other arrangement.

(13) "Depth finder" means an electronic device used to locate fish or determine underwater structures.

(14) "Dip net" means a hand held net with rigid support about the mouth and used to land fish.

(15) "Draft livestock" means horses, mules, donkeys, or oxen used singly or in tandem with other horses, mules, donkeys or oxen for pulling purposes.

(16) "Drag event" means a competitive event where hounds pursue a scent trail. The event may involve a

caged pen-raised furbearer that is not released from the cage during the event.

(17) "Dryland set" means any trapping device which is placed or set on land or is not in contact with water.

(18) "Eyass" means a young of the year raptor not yet capable of flight.

(19) "Falconer" means the holder of a falconry permit.

(20) "Falconry" means the taking of wildlife with a trained raptor.

(21) "Field trial event for dogs" means a competitive event involving at least six dogs that are judged on hunting or running ability.

(22) "Firearm" means a rimfire or centerfire rifle, handgun, shotgun, a muzzleloading shotgun, rifle or handgun and a cap and ball pistol.

(23) "Firering" means an open-top, man-made fire retaining device.

(24) "Fireplace" means an enclosed, man-made fire retaining device.

(25) "Fishing line" means any hand-operated string or cord, utilizing hooks which may be used in conjunction with rods, poles, reels, bows or spearguns.

(26) "Fish trap" means a device for catching fish consisting of a net or other structure which diverts the fish into an enclosure arranged to make escape more difficult than entry.

(27) "Fully automatic firearm" means a rifle or handgun capable of firing more than one cartridge with a single trigger pull.

(28) "Gaff" means a hook attached to a rigid pole.

(29) "Gig" means a hand-operated spear with one or more prongs with or without barbs.

(30) "Haggard" means an adult raptor in mature plumage.

(31) "Hook" means a device with a single shaft and one or more points with or without barbs used for catching fish and frogs.

(32) "Imping" means the repair of damaged feathers.

(33) "Moorage site" means a location designated for the fastening or securing of a vessel.

(34) "Nonsport fish" means carp, drum, white amur, threadfin and gizzard shad, goldfish, gar, suckers (including carsuckers and buffalo), eel, sturgeon, goldeye and bowfin.

(35) "Orthopedic device" means a device that attaches to the body and is required to enable a handicapped person to walk.

(36) "Passage" means an immature raptor on first fall migration still in immature plumage.

(37) "Pen-raised wildlife" means any wildlife raised in captivity.

(38) "Pets" means dogs and cats.

(39) "Possession limit" means the maximum total number of a species that can be retained per person at any one time.

(40) "Raptors" means members of the order falconiformes or strigiformes and specifically falcons, hawks and owls.

(41) "Running" means the pursuing or chasing of furbearers with hounds, but not including the captur-

(continued)

ing, killing, injuring or possessing of furbearers or having a firearm or other weapon in possession while running, except during established furbearer hunting seasons.

(42) "Sanctioned or licensed coyote field trial" means a competitive event involving only sight or trail hounds, which has been advertised in one of the national fox hound journals not less than 30 days prior to the event.

(43) "Sanctioned or licensed furbearer field trial" means a competitive event in which dogs pursue unrestrained furbearers and which is sanctioned or licensed by any of the national kennel or field dog organizations for the express purpose of improving the quality of the breed through the awarding of points or credits toward specific class championships or other national recognition.

(44) "Seine" means a net with a float line and lead line designed to be pulled through the water for the purpose of catching fish.

(45) "Set line" means a string or cord anchored at one point, with not more than two hooks and not associated with a hand-operated mechanical reel.

(46) "Sight hound" means a dog used to pursue furbearers, rabbits, hares or coyotes by sight.

(47) "Skin and scuba diving" means to swim or dive equipped with a face mask or goggles allowing underwater vision and possibly involving an underwater breathing apparatus.

(48) "Snagging" means the hooking of a fish in any part of its anatomy other than the inside of the mouth.

(49) "Speargun" means a device used to propel a spear through the water by mechanical means or compressed gas.

(50) "Sport fish" means northern pike, walleye, saug-eye, sauger, yellow perch, striped bass, white bass, black bass (largemouth, spotted and smallmouth), striped bass hybrid, trout, muskellunge, tiger muskie, channel catfish, blue catfish, flathead catfish, paddlefish, and panfish (bullhead, black and white crappie, bluegill, redear sunfish, green sunfish, warmouth, rock bass).

(51) "State fishing lake" means a department facility which contains the words state fishing lake in the name of the area.

(52) "Tip-up" means an ice fishing device designed to signal the strike of a fish.

(53) "Total fish length" means the length as measured from the tip of the snout to the end of the tail with mouth closed and the tail lobes pressed together.

(54) "Trail hound" means a dog used to trail furbearers, rabbits, hares or coyotes by scent.

(55) "Transfer" as it applies to licenses, permits and other issues of the department, means to reassign, to exchange between individuals, or for one individual to carry another individual's license or permit on their person when the other individual is not present.

(56) "Trot line" means a string or cord anchored at one or more points with not more than 25 hooks and not associated with a hand operated mechanical reel.

(57) "Turkey" means wild turkey.

(58) "Unattended fishing line" means any fishing line set to catch fish that is not marked or tagged as required by K.A.R. 115-7-2 or K.A.R. 115-17-11 and not immediately attended by the operator of the fishing line.

(59) "Wake" means the waves thrown by a vessel moving on water.

(60) "Water race" means a competitive event where hounds pursue a scent device or a caged pen-raised furbearer through water. The furbearer is not released during the event.

(61) "Water set" means any trapping device which has the gripping portion placed or set in flowing or pooled water and remains in contact with the flowing or pooled water.

(b) Exceptions to the above definitions include when the context requires otherwise or is specifically defined otherwise within the regulations. (Authorized by and implementing K.S.A. 1990 Supp. 32-807; effective Dec. 26, 1989; amended June 8, 1992.)

Article 2.—FEES, REGISTRATIONS AND OTHER CHARGES

115-2-1. Amount of fees. The following fees shall be in effect:

HUNTING LICENSES AND PERMITS	
Resident hunting license	10.00
Nonresident hunting license	50.00
Resident big game hunting permit:	
General resident; elk permit	75.00
Landowner/tenant; elk permit	37.50
General resident; deer permit	30.00
Landowner/tenant; deer permit	15.00
Hunt-on-your-land; deer permit	10.00
General resident; antelope permit	40.00
Landowner/tenant; antelope permit	20.00
General resident; turkey permit	20.00
Landowner/tenant; turkey permit	10.00
Hunt-on-you-own-land; turkey permit	10.00
Game tag:	
Second and subsequent deer tag	10.00
Second and subsequent turkey tag	10.00
Nonresident big game hunting permit:	
Nonresident landowner; antelope permit	60.00
Nonresident landowner; elk permit	250.00
Nonresident landowner; turkey permit	30.00
Nonresident landowner; deer permit	50.00
Nonresident; doe-only deer permit	50.00
Nonresident; any deer or buck-only permit	150.00
Nonresident; turkey permit	30.00
48-hour waterfowl hunting permit	20.00
Field trial permit; game birds	20.00
Lifetime hunting license	200.00
or eight quarterly installment payments of	30.00
Migratory waterfowl habitat stamp	3.00
Special dark goose hunting permit	5.00
FISHING LICENSES	
Resident fishing license	10.00
Nonresident fishing license	25.00
24-hour fishing license	3.00
Lifetime fishing license	200.00
or eight quarterly installment payments of	30.00
Five-day nonresident fishing license	10.00
Institutional group fishing license	100.00
COMBINATION HUNTING AND FISHING LICENSES AND PERMITS	
Resident combination hunting and fishing license	20.00
Resident lifetime combination hunting and fishing license	400.00

or eight quarterly installment payments of	55.00
Nonresident combination hunting and fishing license	75.00
Handicapped combination hunting and fishing permit ..	3.00

FURHARVESTER LICENSES

Resident furharvester license	15.00
Resident junior furharvester license	7.50
Nonresident furharvester license	250.00
Resident fur dealer license	100.00
Nonresident fur dealer license	200.00
Field trial permit; furbearing animals	20.00

COMMERCIAL LICENSES AND PERMITS

Controlled shooting area hunting license	10.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	400.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Commercial guide permit	50.00
Associate guide permit	25.00
Commercial fish bait permit	20.00

COLLECTION, SCIENTIFIC, IMPORTATION, REHABILITATION, AND DAMAGE CONTROL PERMITS

Scientific, educational or exhibition permit	5.00
Raptor propagation permit	0
Rehabilitation permit	0
Wildlife damage control permit	0
Wildlife importation permit	10.00
Threatened or endangered species—special permits	0

FALCONRY

Apprentice permit	100.00
General permit	200.00
Master permit	300.00
Testing fee	50.00

MISCELLANEOUS FEES

Duplicate license, permit, stamp and other issues of the department	3.00
Special departmental services, materials or supplies	At cost
Vendor bond	
For bond amounts of \$5,000 & less	35.00
For bond amounts of \$5,000 & more	35.00
plus \$4.00 per additional \$1,000.00 coverage or any fraction thereof.	

(Authorized by and implementing K.S.A. 1991 Supp. 32-988; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992.)

115-2-3. Other fees and charges. (a) The following fees and charges shall be in effect for state parks and for other designated areas for which the fees and charges are required:

Camping—per camping unit:	
Annual camping permit	29.50
Overnight camping permit	1.50
Thirty day camping permit	60.00
with electricity	150.00
with electricity, water and sewer hook-up	180.00
Cabin Camping permit, per night	25.00
Utilities—per night, per unit:	
Electricity	3.00
Electricity, water and sewer hook-up	4.00
Youth group camping permit in designated areas—per night	1.50
Camping reservation charge:	
Single camping site	5.00
Group camping site	10.00
Rent-a-camp: equipment rental charge—per night	10.00
Private boat dock—annual	10.00
Boat dock and watercraft towing	10.00
Private cabin sites—annual	100.00
Club or organization cabin sites—annual	150.00

Special event permits	25.00
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(b) Each overnight camping permit and youth group camping permit shall be valid only for the state park or other area for which purchased and shall expire at 2:00 p.m. on the date specified in the permit. (Authorized by and implementing K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-988; effective Jan. 22, 1990; amended Jan. 28, 1991; amended June 8, 1992.)

Article 4.—BIG GAME

115-4-3. Antelope; legal equipment, taking methods, and general provisions. (a) Hunting equipment for the taking of antelope during an archery antelope season shall consist of:

- (1) bows and arrows:
 - (A) Each bow shall not be less than 45 pounds pull up to or at full draw.
 - (B) Each bow shall be hand-drawn.
 - (C) Each bow shall have no mechanical device that locks the bow at full or partial draw.
 - (D) Each bow shall be designed to shoot only one arrow at a time.
 - (E) Each bow shall have no more than 65% let-off.
 - (F) Each bow shall have no electronic or chemical devices attached to the bow or arrow, with the exception of lighted pin sights attached to the front of the bow.

(G) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all-metal cutting edges; and

(2) crossbows as authorized under K.A.R. 115-18-7.
 (b) Hunting equipment for the taking of antelope during a firearm antelope season shall consist of:

- (1) equipment as authorized in subsection (a);
- (2) centerfire rifles that fire a bullet greater than .23 inches in diameter and which are not fully automatic;
- (3) muzzleloading rifles that fire a bullet of .39 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components;
- (4) shotguns, 20 gauge or larger, using only rifled slugs; and
- (5) centerfire handguns, that fire a bullet greater than .23 inches in diameter, use a cartridge case 1.280 inches or more in length and which are not fully automatic.

Only soft point, hollow point or other expanding bullets shall be used with centerfire rifles or centerfire handguns.

(c) Hunting equipment for the taking of antelope during a muzzleloader-only firearm season shall be single barrel, muzzleloading rifles with iron or peep sights and which fire a bullet of .39 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components.

(d) Non-electronic calls, lures and decoys, except live decoys, may be used while hunting antelope.

(e) Blinds and stands may be used while hunting antelope.

(f) General provisions.
 (1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall

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sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. The head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired antelope meat may be given to and possessed by another, if a written notice that includes the donor's name, address and permit number accompanies the meat.

(3) Each permittee receiving an informational card shall report the results of the hunt within 48 hours after the close of the season.

(4) Archery-only antelope permittees shall not have a firearm in possession while hunting antelope.

(5) Muzzleloader-only antelope permittees shall not have a rimfire or centerfire firearm in possession while hunting antelope.

(6) A permit shall not be transferable.

(7) A permit refund shall be granted only if the permittee dies prior to the opening date of the antelope season for which the permit was issued.

(8) In addition to other penalties prescribed by law, each permit obtained by an individual through false representation, misrepresentation, or in excess of the number of permits authorized by these regulations shall be invalid from the date of issuance.

(9) Each applicant shall not submit more than one application for an antelope permit or apply for an archery antelope and a firearm antelope permit in the same calendar year except as authorized in subsection (f)(10).

(10) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any left-over permits or any other permits that are available on an unlimited basis.

(11) In awarding firearm antelope permits, the first priority shall be given to those individuals who have not obtained an antelope permit in any of the five previous years. All other applicants shall be given equal priority.

(12) Landowner-tenants receiving a permit to hunt antelope on their own land shall not be considered as having an antelope permit for purposes of the permit priority system. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-937; implementing K.S.A. 1991 Supp. 32-807, K.S.A. 1991 Supp. 32-937 and K.S.A. 1991 Supp. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992.)

115-4-5. Deer; legal equipment, taking methods, and general provisions. (a) Hunting equipment for the taking of deer during an archery deer season shall consist of:

(1) bows and arrows:

(A) Each bow shall not be less than 45 pounds pull up to or at full draw.

(B) Each bow shall be hand-drawn.

(C) Each bow shall have no mechanical device that locks the bow at full or partial draw.

(D) Each bow shall be designed to shoot only one arrow at a time.

(E) Each bow shall have no more than 65% let-off.

(F) Each bow shall have no electronic or chemical devices attached to the bow or arrow, with the exception of lighted pin sights attached to the front of the bow.

(G) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all metal cutting edges; and

(2) crossbows as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of deer during a firearm deer season shall consist of:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles that fire a bullet greater than .23 inches in diameter and which are not fully automatic;

(3) muzzleloading rifles and muskets that fire a bullet of .39 inches in diameter or larger and that can only be loaded through the front of the firing chamber with separate components;

(4) shotguns, 20 gauge or larger, using only slugs; and

(5) centerfire handguns that fire a bullet greater than .23 inches in diameter and use a cartridge case 1.280 inches or more in length and which are not fully automatic.

Only soft point, hollow point or other expanding bullets shall be used with centerfire rifles or centerfire handguns.

(c) Hunting equipment for the taking of deer during a muzzleloader-only firearm season shall be single barrel, muzzleloading rifles and muskets with iron or peep sights, which fire a bullet of .39 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components.

(d) Non-electronic calls, lures and decoys, except live decoys, shall be legal.

(e) Blinds and stands may be used while hunting deer.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. The head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired deer meat may be given to and possessed by another, if a written notice that includes the donor's name, address and permit number accompanies the meat.

(3) Each permittee receiving an informational card shall report the results of the hunt no later than 48 hours after the close of the season.

(4) Archery-only deer permittees shall not have a firearm in possession while hunting deer.

(5) Muzzleloader-only deer permittees shall not have a rimfire or centerfire firearm in possession while hunting deer.

(6) A permit or game tag shall not be transferable.

(7) A permit or game tag refund shall be granted only if the permittee dies prior to the opening date of the season for which the permit or game tag was issued.

(8) In addition to other penalties prescribed by law, each permit or game tag obtained by an individual through false representation, misrepresentation, or in excess of the number of permits or game tags authorized by these regulations shall be invalid from the date of issuance.

(9) Each applicant shall not submit more than one application for a deer permit, or apply for or obtain both an archery deer permit and a firearm deer permit in the same calendar year, except that:

(A) Any individual may apply for any permit or game tag remaining after the drawing for limited permits or game tags has been conducted.

(B) Any individual may apply for a unit archery permit.

(C) Any individual may apply for a special season permits and game tags.

(10) Only deer permit holders shall be eligible to apply for deer game tags.

(11) In awarding firearm deer permits, the first priority shall be given to those applicants who did not receive a firearm deer permit the previous year. All other firearm deer permit applicants shall be given equal priority.

(12) Landowner-tenants receiving a permit to hunt deer on their own land, permittees receiving a firearm "antlerless only" permit or a deer game tag during the previous regular firearm season, or permittees receiving a firearm deer permit or deer game tag for a special deer season shall not be considered to have had a firearm deer permit during the previous year for purposes of the permit priority system. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-937; implementing K.S.A. 1991 Supp. 32-807, K.S.A. 1991 Supp. 32-937 and K.S.A. 1991 Supp. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992.)

115-4-6. Deer; management units. (a) High Plains; unit 1: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-283 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with federal highway US-283, except federal and state sanctuaries.

(b) Smoky Hill; unit 2: that part of Kansas bounded by a line from the Colorado-Kansas boundary east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-83, then south on federal highway US-83 to its junction with state highway K-96, then west on state highway K-96 to its junction with the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with interstate highway I-70, except federal and state sanctuaries.

(c) Kirwin-Webster; unit 3: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on state highway K-8 to its junction with federal

highway US-36, then east on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with state highway K-8, except federal and state sanctuaries.

(d) Kanopolis; unit 4: that part of Kansas bounded by a line from the interstate highway I-70 and state highway K-147 junction, then east on interstate highway I-70 to its junction with federal highway US-81, then south on federal highway US-81 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, except federal and state sanctuaries.

Smoky Hill Weapons' Range; subunit 4a: the following described area shall be designated a subunit of unit 4 and, with approval of air national guard command, the area shall be open for the taking of deer during the firearm season; United States government land lying entirely within the boundaries of the Smoky Hill Weapons Range. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 4a permit and any permits and licenses required by air national guard.

(e) Pawnee; unit 5: that part of Kansas bounded by a line from the state highway K-4 and state highway K-14 junction, then south on state highway K-14 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then northeast and north on federal highway US-183 to its junction with federal highway US-156, then west on federal highway US-156 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, except federal and state sanctuaries.

(f) Middle Arkansas; unit 6: that part of Kansas bounded by a line from the state highway K-4 and federal highway US-77 junction, then south on federal highway US-77 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with state highway K-14, then north on state highway K-14 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-77, except federal and state sanctuaries.

(g) Solomon; unit 7: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with state highway K-8, then north on state highway K-8 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kan-

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sas boundary to its junction with federal highway US-81, except federal and state sanctuaries.

(h) Republican; unit 8: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-77 to its junction with federal highway US-24, then east on federal highway US-24 to its junction with state highway K-113, then south on state highway K-113 to its junction with state highway K-18, then southwesterly on state highway K-18 to its junction with interstate highway I-70, then southwesterly on interstate highway I-70 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-81, then north on federal highway US-81 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with federal highway US-77, except federal and state sanctuaries.

Fort Riley; subunit 8a: the following described area shall be designated a subunit of unit 8 and, with approval of Fort Riley command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Riley military reservation. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 8a permit and any permits and licenses required by Fort Riley.

(i) Tuttle Creek; unit 9: that part of Kansas bounded by a line from the Nebraska-Kansas boundary, south on federal highway US-75 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with state highway K-18, then northeasterly on state highway K-18 to its junction with state highway K-113, then north on state highway K-113 to its junction with federal highway US-24, then west on federal highway US-24 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with the Nebraska-Kansas boundary to its junction with federal highway US-75, except federal and state sanctuaries.

(j) Kaw; unit 10: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-75 to its junction with interstate highway I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to the Missouri-Kansas boundary, then north along the Missouri-Kansas boundary to its junction with the Nebraska-Kansas boundary, then west along the Nebraska-Kansas boundary to its junction with federal highway US-75, except federal and state sanctuaries.

Fort Leavenworth; subunit 10a: the following described area shall be designated a subunit of unit 10 and, with approval of Fort Leavenworth command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Leavenworth military reservation. Persons hunting in this subunit during the firearm deer season are required to

be in possession of a subunit 10a permit and any permits and licenses required by Fort Leavenworth.

(k) Osage Prairie; unit 11: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-169 to its junction with state highway K-37, then northwesterly on state highway K-37 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with interstate highway I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to its junction with the Missouri-Kansas boundary, then south along the Missouri-Kansas boundary to its junction with the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with federal highway US-169, except federal and state sanctuaries.

(l) Chautauqua Hills; unit 12: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-169 to its junction with state highway K-37, then northwesterly on state highway K-37 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas boundary, then east along the Oklahoma-Kansas boundary to its junction with federal highway US-169, except federal and state sanctuaries.

(m) Lower Arkansas; unit 13: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-81 to its junction with state highway K-53, then east on state highway K-53 to its junction with state highway K-15, then southeasterly on state highway K-15 to its junction with the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with federal highway US-81, except federal and state sanctuaries.

(n) Flint Hills; unit 14: that part of Kansas bounded by a line from the junction of interstate highway I-70 and federal highway US-75, then south on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with interstate highway I-70, then east on interstate highway I-70 to its junction with federal highway US-75, except federal and state sanctuaries.

(o) Ninnescah; unit 15: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on state highway K-179 to its junction with state highway K-14, then continuing north on state highway K-14 to its junction with state highway K-42, then west on state highway K-42 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-54, then west on

federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-15, then west and northwest on state highway K-15 to its junction with state highway K-53, then west on state highway K-53 to its junction with federal highway US-81, then south on federal highway US-81 to the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with state highway K-179, except federal and state sanctuaries.

(p) Red Hills; unit 16: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on state highway K-1 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-54, then east on federal highway US-54 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-42, then east on state highway K-42 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-179, then south on state highway K-179 to the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with state highway K-1, except federal and state sanctuaries.

(q) West Arkansas; unit 17: that part of Kansas bounded by a line from the Colorado-Kansas boundary east on state highway K-96 to its junction with federal highway US-83, then north on federal highway US-83 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-156, then east on federal highway US-156 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-144, then west on state highway K-144 to its junction with federal highway US-160, then continuing west on federal highway US-160 to the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with state highway K-96, except federal and state sanctuaries.

(r) Cimarron; unit 18: that part of Kansas bounded by a line from the Colorado-Kansas boundary east on federal highway US-160 to its junction with state highway K-144, then east on state highway K-144 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-54, then northeast on federal highway US-54 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-1, then south on state highway K-1 to its junction with the Okla-

homa-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with federal highway US-160, except federal and state sanctuaries. (Authorized by K.S.A. 1991 Supp. 32-807; implementing K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-937; effective April 30, 1990; amended June 8, 1992.)

115-4-7. Elk; legal equipment, taking methods, and general provisions. (a) Hunting equipment for the taking of elk during an archery elk season shall consist of bows and arrows

(1) Each bow shall not be less than 50 pounds pull up to or at full draw.

(2) Each bow shall be hand-drawn.

(3) Each bow shall have no mechanical device that locks the bow at full or partial draw.

(4) Each bow shall be designed to shoot only one arrow at a time.

(5) Each bow shall have no more than 65% let-off.

(6) Each bow shall have no electronic or chemical devices attached to the bow or arrow with the exception of lighted pin sights attached to the front of the bow.

(7) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all metal cutting edges.

(b) Hunting equipment for the taking of elk during a firearm elk season shall consist of:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles that fire a bullet greater than .25 inches in diameter, use a cartridge (case and bullet) greater than two and one-half inches in length, and are not fully automatic; and

(3) muzzleloading rifles that fire a bullet of .49 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components.

Only soft point, hollow point or other expanding bullets shall be used with centerfire rifles.

(c) Hunting equipment for the taking of elk during a muzzleloader-only firearm season shall be single barrel, muzzleloading rifles with iron or peep sights, that fire a bullet of .49 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components.

(d) Non-electronic calls, lures and decoys, except live decoys, shall be legal.

(e) Blinds and stands may be used while hunting elk.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. The head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired elk meat may be given to and possessed by another, if a written notice that in-

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cludes the donor's name, address and permit number accompanies the meat.

(3) Each permittee receiving an informational card shall report the results of the hunt no later than 48 hours after the close of the season.

(4) Archery-only elk permittees shall not have a firearm in possession while hunting elk.

(5) Muzzleloader-only elk permittees shall not have a rimfire or centerfire firearm in possession while hunting elk.

(6) A permit shall not be transferable.

(7) A permit refund shall be granted only if the permittee dies prior to the opening date of the season for which the permit was issued.

(8) In addition to other penalties prescribed by law, each permit obtained by an individual through false representation, misrepresentation, or in excess of the number of permits authorized by these regulations shall be invalid from the date of issuance.

(9) Each applicant shall not submit more than one application for an elk permit, or apply for or obtain an archery elk and a firearm elk permit in the same calendar year.

(10) Each individual receiving an elk hunting permit shall not be eligible to receive an elk hunting permit in subsequent seasons. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-937; implementing K.S.A. 1991 Supp. 32-807, K.S.A. 1991 Supp. 32-937 and K.S.A. 1991 Supp. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992.)

Article 17.—WILDLIFE, COMMERCIAL USES AUTHORIZED

115-17-6. Commercial mussel fishing license; license application and requirements, authority, reports, general provisions and license revocation. (a) Except as authorized by K.A.R. 115-17-3, a commercial mussel fishing license shall be required for commercial mussel fishing purposes.

(b) Any person may apply to the secretary for a commercial mussel fishing license. The application shall be on forms provided by the department and each applicant shall provide the following information:

(1) the name of the applicant;

(2) the address and telephone number of the applicant;

(3) the business locations and telephone numbers of the applicant;

(4) the location for mussel storage and processing; and

(5) other information as required by the secretary.

(c) Each licensee shall maintain a current record of activity and shall submit quarterly reports to the department on forms provided by the department. The reports shall be submitted not later than 15 days following the end of the quarter for which the reports are prepared. A license shall not be renewed until all reports due have been received by the department.

(d) The records and reports shall include the following information:

(1) the name of the licensee;

(2) the address and telephone number of the licensee;

(3) the license number of the licensee;

(4) the total weight or total shell weight of each mussel species harvested;

(5) the total weight or total shell weight of each mussel species sold, including:

(A) a separate entry for each sale stating the total weight or total shell weight of each mussel species sold;

(B) the date of each sale;

(C) the name, address and license number of the person to whom the mussels were sold; and

(D) the name of the state where harvested; and

(6) other information as required by the secretary.

(e) A commercial mussel fishing licensee shall only sell mussels to a person legally authorized to purchase mussels.

(f) Any person may purchase mussels from a commercial mussel fishing licensee if the mussels are not purchased for resale or sold.

(g) In addition to other penalties prescribed by law, a commercial mussel fishing application or license may be revoked or not issued by the secretary if:

(1) the application is incomplete or contains false information;

(2) the licensee fails to meet license requirements or violates license conditions; or

(3) the licensee violates any provision of law, rules or regulations related to the commercial use of mussels.

(h) Each commercial mussel fishing license shall expire on December 31 of the year for which the license was issued. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-941; implementing K.S.A. 1991 Supp. 32-807, K.S.A. 1991 Supp. 32-941 and K.S.A. 1991 Supp. 32-1002; effective Jan. 1, 1991; amended June 8, 1992.)

115-17-7. Commercial harvest of mussels; legal species, seasons, size restrictions, daily limits and possession limits. (a) The following listed mussel species may be taken for commercial purposes:

(1) threeridge, *Amblema plicata*;

(2) monkeyface, *Quadrula metanevra*;

(3) mapleleaf, *Quadrula quadrula*;

(4) bleufer (purple shell), *Potamilus purpuratus*; and

(5) Asian clam, *Corbicula fluminea*.

(b) The season for commercial harvest of mussels shall be April 1 through September 30.

(c) Harvesting requirements shall include the following:

(1) The minimum size of mussels shall be measured by passing the mussel shell through a circular measuring device with the appropriate inside diameter.

(2) Measurement shall occur immediately upon removal of the mussel from the water.

(3) If the mussel passes through the appropriate circular measuring device from any angle or direction, it does not meet the minimum size requirement and shall be immediately returned to the water.

(4) The minimum shell size for mussel species shall be:

- (A) Threeridge—3 inch diameter;
- (B) monkeyface—2³/₄ inch diameter;
- (C) mapleleaf and bleufer—3 inch diameter; and
- (D) Asian clam—no minimum size.

(d) There shall be no maximum daily or possession limits for mussels. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-941; implementing K.S.A. 1991 Supp. 32-807, K.S.A. 1991 Supp. 32-941 and K.S.A. 1991 Supp. 32-1002; effective Jan. 1, 1991; amended June 8, 1992.)

115-17-9. Commercial mussel fishing; open areas. Waters of the state open for commercial mussel fishing shall be:

- (a) federal reservoirs;
- (b) impoundments operated by other governmental entities, if authorized by the governmental entity;
- (c) Fall River from below Fall River Dam to its junction with the Verdigris River, except for the stretch of the Fall River from the county road ford located 1.2 miles east of state highway K-96, 3.2 miles south of Fredonia, Kansas, downstream to the Dun Dam located 2.5 miles west and 2.25 miles north of Neodesha, Kansas, a total of 9.89 stream miles including 3.27 impounded miles;

(d) Verdigris River from below Toronto Dam to the state line, except for the stretch of the Verdigris River from the Whitehair bridge located 2.5 miles east of federal highway US-75 on the Wilson-Montgomery county line road, downstream to the Montgomery county road bridge located 1.47 miles east of Sycamore, Kansas, a total of 6.66 stream miles; and

(e) Neosho River from below John Redmond Dam to the state line, except for the stretch of the Neosho River from the Neosho Falls dam, at Neosho Falls, Kansas, downstream to the mouth of Rock Creek in the NW ¹/₄, NW ¹/₄, Section 11, T24S, R17E, Allen County, Kansas, a total of 3.35 stream miles; and

(f) Elk River. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-941; implementing K.S.A. 1991 Supp. 32-807, K.S.A. 1991 Supp. 32-941 and K.S.A. 1991 Supp. 32-1002; effective Jan. 1, 1991; amended June 8, 1992.)

115-17-14. Commercial mussel dealer permit; permit application and requirements, authority, reports, general provisions and permit revocation. (a) Any person desiring to purchase wild mussels for resale or for export from the state or both shall make application to the secretary for a commercial mussel dealer permit.

(b) Applications shall be on forms provided by the department and each applicant shall provide the following information:

- (1) the name of the applicant;
- (2) the address and telephone number of the applicant;
- (3) the business locations and the phone numbers of the applicant;
- (4) the location for mussel storage and processing; and
- (5) other information as required by the secretary.

(c) Each commercial mussel dealer may buy, sell or trade in those species listed in K.A.R. 115-17-7.

(d) Each commercial mussel dealer shall only purchase mussels from sources authorized in K.A.R. 115-17-6, from a commercial mussel dealer, or from a person authorized by another state to sell mussels.

(e) A commercial mussel dealer shall only sell mussels to the following:

- (1) a commercial mussel dealer; or
- (2) a person legally authorized to purchase or sell mussels.

(f) Each permittee shall maintain a commercial mussel dealer record book and shall submit a quarterly report to the department. The record book and quarterly report shall be maintained and submitted on forms provided by the department and shall be subject to inspection upon demand by any conservation officer. The report shall be submitted not later than 15 days following the end of the quarter for which the report is prepared. A permit shall not be renewed until all reports have been received by the department.

(g) The record book and report shall include the following information:

- (1) the name of the permittee;
- (2) the address and telephone number of the permittee;
- (3) the permit number of the permittee;
- (4) the total shell weight of each mussel species purchased, including:

(A) a separate entry for each purchase stating total shell weight of each mussel species purchased;

(B) the date of each purchase;

(C) the name of the state where harvested; and

(D) the name, address and permit number of each person from whom mussels were purchased.

(5) the total shell weight of each mussel species sold, including:

(A) a separate entry for each sale stating the total shell weight of each mussel species sold;

(B) the date of each sale;

(C) the name and address of each person to whom mussels were sold; and

(6) other information as required by the secretary.

(h) In addition to other penalties prescribed by law, a commercial mussel dealer permit may be revoked or not issued by the secretary if:

(1) the application is incomplete or contains false information;

(2) the permittee fails to meet reporting requirements or violates permit conditions; or

(3) the permittee violates any provision of law or rule and regulations related to commercial use of mussels.

(i) A commercial mussel dealer permit shall expire on December 31 of the year for which the permit was issued.

(j) Each commercial mussel dealer may possess and sell legally acquired mussels no more than 30 days after the expiration date of the permit. (Authorized by K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-941; implementing K.S.A. 1991 Supp. 32-941 and K.S.A. 1991 Supp. 32-1002; effective June 8, 1992.)

(continued)

Article 18.—SPECIAL PERMITS

115-18-8. Retrieval and possession of game animals and migratory game birds; requirements. (a) Each individual wounding or killing a game animal or a migratory game bird shall make a reasonable effort to retrieve the wounded or dead game animal or migratory game bird. The retrieved game animal or migratory game bird shall be included in the individual's bag or possession limit.

(b) Any game animal or migratory game bird retrieved shall be retained until:

- (1) processed for consumption;
- (2) transported to the individual's residence;
- (3) transported to a place of commercial preservation;
- (4) transported to a place of commercial processing;
- (5) given to a person; or
- (6) consumed.

(c) The provisions of this regulation shall not affect any requirement of state or federal law or regulation regarding any proof of species, age or sex and the attachment of such proof to the carcass.

(d) For purpose of this regulation, migratory game bird means any duck, goose, coot, rail, mourning dove, snipe or woodcock for which a hunting season has been established in this state. (Authorized by K.S.A. 1991 Supp. 32-807; implementing K.S.A. 1991 Supp. 32-807 and K.S.A. 1991 Supp. 32-1002; effective June 8, 1992.)

Jack Lacey
Secretary of Wildlife
and Parks

Doc. No. 011867

State of Kansas

Department of Health
and Environment

Permanent Administrative
Regulations

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

28-19-17. Prevention of significant deterioration of air quality. The provisions of K.A.R. 28-19-17 through 28-19-17q shall apply to the construction of major stationary sources and major modifications of stationary sources in areas of the state designated as attainment areas or unclassified areas for any pollutant under the procedures prescribed by section 107(d) of the federal clean air act (42 USC 7407(d)). (Authorized by and implementing K.S.A. 65-3005, 65-3008, and K.S.A. 65-3010; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended June 8, 1992.)

28-19-17a. Incorporation of federal regulations by reference. (a) Any reference in K.A.R. 28-19-17 through K.A.R. 28-19-17q to standards, procedures or requirements of 40 CFR 52.21 shall constitute a full adoption by reference of the part, subpart, and paragraph so referenced, including any notes and appendices as-

sociated therewith, unless otherwise specifically stated in these rules and regulations.

(b) When used in any provision adopted from 40 CFR 52.21, references to "administrator" shall mean the secretary of health and environment or an authorized representative of the secretary, except that:

(1) in subsection 52.21(b)(3)(iii), it shall mean both the secretary of health and environment and the administrator of the U.S. environmental protection agency; and

(2) in subsections 52.21(b)(17), 52-21(1)(2), 52.21(p)(1) and 52.21(p)(2), it shall mean only the administrator of the U.S. environmental protection agency.

(c) For purposes of this regulation, whenever reference is made in an adopted provision of 40 CFR 52.21 to a paragraph within 40 CFR 52.21, such reference shall apply to the paragraph as it appears in 40 CFR 52.21, not to the paragraph designation appearing in K.A.R. 28-19-17 through K.A.R. 28-19-17q. Any reference to a paragraph within an adopted provision of 40 CFR 52.21 shall not be considered an adoption by reference of that paragraph if that paragraph has not been specifically adopted in some other provision of K.A.R. 28-19-17 through K.A.R. 28-19-17q. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008 and 65-3010; effective May 1, 1983; amended May 1, 1986; amended Oct. 16, 1989; amended June 8, 1992.)

28-19-17b. Definitions. For the purposes of K.A.R. 28-19-17 through K.A.R. 28-19-17q: (a) 40 CFR 52.21(b) as in effect on November 19, 1990, is adopted by reference.

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

(c) "Class I, II or III area" means a classification assigned to any area of the state under the provisions of sections 162 and 164 of the act (42 USC 7472 and 7474, as amended).

(d) "National ambient air quality standard," "national primary ambient air quality standard" and "national secondary ambient air quality standard" mean those standards promulgated at 40 CFR Part 50, as in effect on July 1, 1989, which are adopted by reference.

(e) "Temporary" means, in relation to the emissions from a source, that the emissions will not occur at a particular location for a period of more than two years unless a longer time is approved by the secretary or an authorized representative of the secretary.

(f) "State" means the state of Kansas. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008 and 65-3010; effective May 1, 1983; amended May 1, 1986; amended Oct. 16, 1989; amended June 8, 1992.)

28-19-17c. Ambient air increments. 40 CFR 52.21(c), as it relates to Class II increments and as in effect on November 19, 1990, is adopted by reference. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended Oct. 16, 1989; amended June 8, 1992.)

28-19-17d. Ambient air ceilings. 40 CFR 52.21(d) as in effect on July 1, 1989, is adopted by reference.

(a) Except as explained below, a permit shall not be issued to any new major stationary source or major modification as defined in K.A.R. 28-19-16a(p) and (r) if the source or modification will be located in an attainment area or an unclassifiable area for any national ambient air quality standard and if the source or modification would cause or contribute to a violation of any national ambient air quality standard. Each major source or major modification shall be considered to cause or contribute to a violation of a national ambient air quality standard when the air quality impact of the source or modification at any locality that does not or would not meet the applicable national standard, would exceed the following significant levels:

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

(b) A permit may be granted to a major source or major modification as identified above if it reduces the impact of its emissions upon air quality by a sufficient amount to compensate for its adverse impact where the major source or modification would otherwise cause or contribute to a violation of any national ambient air quality standard. This section shall not apply to a major source or major modification with respect to a particular pollutant if the owner or operator demonstrates that the source is located in an areas which has been identified as not meeting the national primary ambient air quality standard for that particular pollutant. (Authorized by and implementing K.S.A. 65-3002, 65-3008, 65-3010; effective May 1, 1983; amended June 8, 1992.)

28-19-17e. Stack height. K.A.R. 28-19-18 through K.A.R. 28-19-18f, and amendments thereto, regarding stack height requirements apply to sources subject to K.A.R. 28-19-17 through K.A.R. 28-19-17q. (Authorized by and implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended June 8, 1992.)

28-19-17f. Review of major stationary sources and major modifications, source applicability and exemptions. 40 CFR 52.21(i) as in effect on July 1, 1989, is adopted by reference. (Authorized by and implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended May 1, 1988; amended June 8, 1992.)

28-19-17g. Control technology review. 40 CFR 52.21(j) as in effect on July 1, 1989, is adopted by reference. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended Oct. 16, 1989; amended June 8, 1992.)

28-19-17h. Source impact analysis. 40 CFR 52.21(k) as in effect on July 1, 1989, is adopted by reference. (Authorized by and implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended June 8, 1992.)

28-19-17i. Air quality models. 40 CFR 52.21(l) as in effect on July 1, 1989, is adopted by reference. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-

3005, 65-3008, 65-3010; effective May 1, 1983; amended Oct. 16, 1989; amended June 8, 1992.)

28-19-17j. Air quality analysis. 40 CFR 52.21(m) as in effect on July 1, 1989, is adopted by reference except for subsection 52.21(m)(1)(v). (Authorized by and implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended June 8, 1992.)

28-19-17k. Source information. Application for a permit shall be submitted on forms provided by the secretary or an authorized representative of the secretary.

(a) The application shall include, in addition to that information required by K.A.R. 28-19-8(c), information required by the secretary or an authorized representative of the secretary to determine compliance with K.A.R. 28-19-17 through K.A.R. 28-19-17q.

(b) 40 CFR 52.21(n) as in effect on July 1, 1989, is adopted by reference. (Authorized by and implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended June 8, 1992.)

28-19-17l. Additional impact analysis. 40 CFR 52.21(n) as in effect on July 1, 1989, is adopted by reference. (Authorized by and implementing K.S.A. 65-3005, 65-3008, 65-3010; effective May 1, 1983; amended June 8, 1992.)

28-19-17m. Sources affecting federal Class I areas. If the emissions from any proposed major stationary source or major modification subject to K.A.R. 28-19-17 through K.A.R. 28-19-17q will affect any federal Class I area, a copy of the permit application for the source or modification shall be immediately transmitted by the secretary or an authorized representative of the secretary to the administrator of the U.S. environmental protection agency. The administrator shall also be notified of every action taken relative to consideration of this application. For purposes of issuing and enforcing the permit, 40 CFR 52.21(p), as in effect on November 19, 1990, is adopted by reference. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3008, 65-3010; effective June 8, 1992.)

28-19-17n. Revocation and suspension of permit. Any permit issued under K.A.R. 28-19-17 through K.A.R. 28-19-17q may be suspended or revoked by the secretary upon a finding that the owner or operator has failed to comply with any requirements specified in the permit or with any other statutory or regulatory requirement. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3008, 65-3010; effective June 8, 1992.)

28-19-17o. Public participation. No permit shall be issued pursuant to K.A.R. 28-19-17 through K.A.R. 28-19-17q unless a public notice that indicates the secretary's intent to issue the permit is published in a newspaper having general circulation in the location of the source.

- (a) The notice shall state:
 - (1) the nature of the proposed action;

(continued)

(2) the location at which materials required by subsection (d) of this regulation may be reviewed by the public;

(3) the portion of the applicable maximum allowable increase that is expected to be consumed by the source or modification; and

(4) that the public may request a hearing or submit written comments directly to the secretary concerning the proposed action.

(b) A copy of the public notice required by paragraph (a) of this subsection shall be mailed to the applicant and to local, state and federal officials having cognizance over the location where the proposed action will occur or over a location that may be affected by emissions from the source.

(c) A public hearing shall be held on the matter, if a written request for such a hearing is made to the secretary by any person affected by the proposed action. The request for a hearing shall be made within 30 days of the date of notice being provided in the manner prescribed by paragraphs (a) and (b) of this subsection.

(d) Written materials describing the basis for the proposed action shall be provided for public inspection during normal working hours at the department of health and environment office closest to the location of the source. The material shall include, as appropriate:

(1) a copy of the permit proposed to be issued;

(2) a copy of all materials submitted by the applicant under the requirements of K.A.R. 28-19-17 through K.A.R. 28-19-17q; and

(3) a summary analysis and discussion of these materials as they relate to establishing compliance with the requirements of K.A.R. 28-19-17 through K.A.R. 28-19-17q.

(e) Copies of all comments received and the written determination of the secretary shall be made available for public inspection at the location selected in accordance with subsection (d) of this regulation. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3008, 65-3010; effective June 8, 1992.)

28-19-17p. Source obligation. 40 CFR 52.21(r) as in effect on July 1, 1989, is adopted by reference. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3008, 65-3010; effective June 8, 1992.)

28-19-17q. Innovative control technology. 40 CFR 52.21(v) as in effect on July 1, 1989, is adopted by reference. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3008, 65-3010; effective June 8, 1992.)

28-19-19. Continuous emission monitoring. (a) All sources subject to the provisions of this regulation shall install, test and continuously operate a continuous emission monitoring system or systems (CEMS) and comply with data reduction requirements of the department and reporting, record keeping and quality assurance requirements established by this regulation. For any emission unit subject to this regulation, CEMS data which shows emissions in excess of an applicable emission limitation or standard shall be evidence that

the emission unit is in noncompliance with the emission limitation or standard.

(b) Emission units exempt from the provisions of this regulation include:

(1) those which have been required to install CEMS under provisions of K.A.R. 28-19-83; and

(2) fossil-fuel fired steam generators whose annual capacity factor, as reported to the federal power commission, is limited by permit condition under K.A.R. 28-19-14 to be less than 30 percent. If, upon application by the source owner or operator, the department approves removal of the capacity factor restriction, the appropriate CEMS shall be installed and operational within six months of the date that the department approved the restriction removal.

(c) Emission units required by this regulation to operate CEMS and monitor and report emissions include:

(1) Coal-fired steam generators that have a heat input greater than 250 million British Thermal Units per hour (BTU/hr). These generators shall be monitored for opacity; and

(2) coal-fired steam generators that have a heat input greater than 250 million BTU/hr and that have installed sulfur dioxide (SO₂) emission control equipment. These generators shall be monitored for SO₂ and carbon dioxide (CO₂) or oxygen (O₂) or some combination of these emissions; and

(3) fluid-bed catalytic cracking units catalyst regenerators at petroleum refineries with greater than 20,000 barrels per day fresh feed capacity. Such regenerators shall be monitored for opacity.

(d) Each emission unit required to operate CEMS shall complete the installation and demonstrate compliance with the performance tests of such equipment by November 1, 1987.

(e) If the affected emission unit is unable to comply with the requirements of subsection (d), a compliance schedule shall be submitted by the source owner or operator to and received by the department not later than June 1, 1987. A justification for the extended compliance schedule shall be submitted. The request may be approved or denied by the department and the source owner or operator shall be informed of the department's determination and the reasons for that decision. An extension shall not be permitted beyond November 1, 1988.

(f) The owner or operator of an affected emission unit shall notify the department of the following:

(1) the anticipated date of installation of the CEMS postmarked at least 30 days prior to that date. Each CEMS shall be installed in a location approved by the department before installation begins; and

(2) the date upon which CEMS performance tests commence in accordance with this regulation. Notification shall be postmarked not less than 30 days prior to that date.

(g) The performance specifications and test procedures for opacity, SO₂, O₂, and CO₂ CEMS in 40 CFR Part 60 Appendix B, as in effect on July 1, 1986, are adopted by reference except that reference to "Administrator" in 40 CFR Part 60 Appendix B shall mean the secretary of the department of health and envi-

ronment. The specification test requirements for the CEMS are as follows:

- (1) Performance Specification 1 for opacity;
 - (2) Performance Specification 2 for SO₂;
 - (3) Performance Specification 3 for CO₂; and
 - (4) Performance Specification 3 for O₂.
- (h) Each source owner or operator subject to this regulation shall maintain a file of all measurements, including CEMS, monitoring device and performance testing measurements, all CEMS performance evaluations, all CEMS or monitoring device calibration checks, adjustments and maintenance performed on these systems or devices and all other information required by this regulation that shall be recorded in a permanent form suitable for inspection by a department or U.S. environmental protection agency representative. The file shall be retained at the affected source for at least two years following the date of the measurements, maintenance, reports, and records, or if longer, during the pending of any action to enforce the requirements of this regulation.
- (i) All CEMS shall be operated continuously except for system breakdowns, repairs, calibration checks and zero and span adjustments required under the quality assurance plan of this regulation.
- (j) Source emission shall be monitored during all phases of operation except during periods of scheduled emissions unit outages or turnaround. Emission units not in operation are not required to monitor emissions.
- (k) Owners or operators of sources subject to this regulation shall submit a written report of emissions in excess of the applicable standards in a manner prescribed by the department for each calendar quarter to the department and it must be postmarked before the 30th day following the end of each calendar quarter. The report shall provide the following information:
- (1) the total time the affected emissions unit was in operation for the quarter;
 - (2) the magnitude of excess emissions, computed in accordance with this regulation, any conversion factors used, and the date and time each period of excess emissions began and ended;
 - (3) specific identification of each period of excess emissions that occurred during startups, shutdowns, malfunctions and any other reason. The nature and cause of the excess emissions, the corrective action taken and the preventive measures adopted shall be specified;
 - (4) the date and time identifying each period during which the CEMS was inoperative except for the zero and span checks. The nature and cause of the CEMS breakdown and the repairs or corrective action taken shall be identified. Proof of CEMS performance may be required by the secretary whenever system repairs or adjustments have been made;
 - (5) the result of each performance audit; and
 - (6) if no excess emissions have occurred or the CEMS have not required corrective actions, a statement verifying that fact.
- (l) The information required by subsections (k)(1) through (k)(6) shall be summarized in the following manner for monitoring and reporting purposes:

(1) Measurements of opacity shall be reduced to one-minute periods. Each one-minute period shall be calculated from 10 or more data points equally spaced through each one-minute period;

(2) gaseous measurements shall be reduced to three-hour averages in units of the emission standards; and

(3) data recorded during periods of CEMS breakdowns, repairs, calibration checks and zero and span adjustments shall not be included in the data averages or the emission report. An arithmetic or integrated average may be used for those time periods. After conversion to units of the standard, the data may be rounded to the same number of significant digits used to specify the emission standard.

(4) Owners or operators of affected sources shall use Method 19 of 40 CFR Part 60, appendix A, as in effect July 1, 1989, for converting CEMS data to units of the standard.

(5) The secretary may allow data reporting or reduction procedures varying from those set forth in this regulation if the owner or operator of a source shows to the satisfaction of the secretary that the procedures are at least as accurate as those of the regulation.

(m) Not less than 30 days prior to commencement of CEMS performance tests, each source owner or operator required to operate CEMS shall develop and submit to the department a quality assurance plan that shall contain all provisions necessary to ensure that the CEMS produce continuous data with sufficient accuracy and precision to allow the department to determine whether the emissions unit is in compliance with the applicable opacity and SO₂ limitations. Plan requirements for CEMS shall include, at a minimum, the requirements and recommendations of the CEMS manufacturer. The provisions of the quality assurance plan shall be enforceable by the department as independent requirements in addition to this regulation. Additional procedures may be imposed by the department or the source owner or operator may be required to revise quality control procedures. The complete quality assurance plan shall be kept at the affected source, shall be accessible to maintenance personnel and shall include:

(1) For quality control of opacity CEMS:

(A) calibration of the CEMS, including a daily zero and span check, zero compensation accumulations and window cleaning;

(B) calibration drift determination and adjustment, including daily zero and span checks, zero compensation accumulation and window cleaning;

(C) preventive maintenance procedures for all monitoring system components, including the purge air system and the data recording system; and

(D) data recording and reporting procedures that are consistent with the record-keeping and reporting requirements of this regulation, including examples of all record-keeping formats; and

(2) for quality assurance of opacity CEMS:

(A) a precision assessment which includes a daily check of zero and span compensation levels;

(continued)

(B) an annual accuracy audit which includes a zero alignment with an equivalency of true zero and simulated zero check;

(C) a quarterly accuracy audit which includes procedures for conducting the audit, the selection of filter values and the certification of filter values;

(3) for corrective action of opacity CEMS:

(A) if the 24-hour zero or span drift exceeds \pm four percent opacity, a description of necessary corrective action, including necessary calibration and cleaning followed by a verification that the drift is eliminated;

(B) if zero or span drift exceeds CEMS drift limits for five consecutive span checks, a requirement that the frequency of quality assurance checks must be increased;

(C) if the zero alignment exceeds two percent opacity, a requirement that corrective action be taken and that the action must be documented in records and quarterly reports;

(D) if the performance audit calibration error exceeds \pm plus or minus three percent opacity, a requirement that corrective action must include a recalibration of the monitor, followed by a repetition of the performance audit;

(4) for quality control of SO₂, O₂, and CO₂ CEMS: Procedures for calibration, calibration drift determination and adjustment, preventive maintenance, data recording and reporting, and malfunction abatement;

(5) for quality assurance of SO₂, O₂, and CO₂ CEMS: A description of the procedures and calculations for a precision assessment, accuracy assessment procedures including relative accuracy and a cylinder gas audit, and the calculations used in relative accuracy audits and cylinder gas audits;

(6) for corrective action of SO₂, O₂, and CO₂ CEMS, a requirement that corrective action must be taken when span drift response is greater than \pm five percent of CEMS span value, and when relative accuracy audit response and CEMS system cylinder gas audit response is greater than \pm 20 percent.

(n) If the effluents from two or more affected emissions units of similar design and operating characteristics are combined before being released to the atmosphere, the secretary may allow CEMS to be installed on the combined effluent, subject to petition by the source owner or operator. If the affected emissions units are not of similar design and operating characteristics, or when the effluent from one affected emissions unit is released to atmosphere through more than one point, the source owner or operator shall install applicable CEMS on each separate effluent unless prior approval of fewer CEMS has been granted by the department.

(o) If the source owner or operator wishes to use different, but equivalent, procedures and requirements for CEMS than those specified in this regulation, the source owner or operator shall provide a demonstration of equivalency before the approval of such alternative systems will be granted by the secretary with concurrence from the region VII administrator of the U.S. environmental protection agency. (Authorized by and implementing K.S.A. 65-3005, 65-3010; effective

May 1, 1987; amended May 1, 1988; amended June 8, 1992.)

28-19-73. Surface coating of miscellaneous metal parts and products and metal furniture. (a) The provisions of this regulation shall be applicable to each miscellaneous metal parts and products and metal furniture coating application system at those facilities which have a VOC potential contaminant emission rate equal to or greater than three tons per year on a facility-wide basis. The VOC potential contaminant emission rate of a facility shall be determined by:

(1) the maximum hourly production rate of each coating application system; and

(2) the assumption that the facility operates 24 hours per day, 365 days per year provided that the facility's operating hours are not otherwise limited by federally enforceable permit conditions.

(b) This regulation shall not be applicable to the following manufacturing categories which have miscellaneous metal parts and products coating operations:

(1) automobiles and light duty trucks;

(2) metal cans;

(3) customized top coating of automobiles and trucks, if less than 35 vehicles per day are processed; and

(4) automobile refinishing.

Each facility subject to this regulation shall remain subject so long as this regulation remains in effect or until the facility's VOC potential contaminant emission rate is demonstrated, to the satisfaction of the department, to be always less than three tons per year.

(c) An owner or operator of any facility subject to this regulation shall not conduct any surface coating operation that emits VOC to the atmosphere in excess of that which would be emitted by using the following coatings with the VOC content specified; (1) through (5) applicable to miscellaneous metal parts and products, (6) applicable to metal furniture:

(1) 4.3 pounds per gallon of coating, less water and exempt VOC, delivered to a coating application system that applies clear coatings;

(2) 3.5 pounds per gallon of coating, less water and exempt VOC, delivered to a coating application system that is air-dried or forced warm air-dried at temperatures up to 194° F;

(3) 3.5 pounds per gallon of coating, less water and exempt VOC, delivered to a coating application system that applies extreme performance coatings except that coatings applied to the interior of metal pails and metal drums may contain 4.3 pounds per gallon of coating, less water and exempt VOC. As used in this regulation pails shall mean any nominal cylindrical metal container of 1-12 gallon capacity, and drums shall mean any cylindrical metal container of 13 to 110 gallons capacity;

(4) 0.4 pounds per gallon of coating, less water and exempt VOC, delivered to a coating application system that applies powder coatings;

(5) 3.0 pounds per gallon of coating, less water and exempt VOC, delivered to a coating application system for any other coating; and

(6) 3.0 pounds per gallon of coating, less water and exempt VOC, delivered to a coating application system for prime, top-coat or single coat operations.

(d) If more than one emission limitation in subsection (c) applies to a specific coating, then the least stringent emission limitation shall apply.

(e) Use of additional VOC shall be considered as follows:

(1) for determining the potential contaminant emission rate of the facility in accordance with subsection (a), include that added for thinning coatings and that used for purging or washing coating applicators which cannot be otherwise accounted for in a reclamation system; and

(2) for compliance with subsection (c), include that added for thinning coatings.

(f) The emission limits which will result from the use of coatings in subsection (c) shall be achieved by:

(1) application of coatings which meet or exceed the requirements of subsection (c) per coating application system on a daily weighted average basis; or

(2) application of coatings with improved transfer efficiency demonstrated, through testing, by methods approved by the department, to achieve equivalent emissions based on the weight of VOC emitted per gallon of solids applied as would be emitted with the coatings specified in subsection (c) per coating application system on a daily weighted average basis; or

(3) application, for the capture and reduction of VOC emissions through either destruction or collection, of a VOC vapor processing system demonstrated through testing as capable of maintaining an overall VOC emission reduction of at least 90 percent. Use of a VOC vapor processing system shall require that continuous monitors be installed, calibrated, operated, and maintained. The continuous monitors shall continuously measure and record the following parameters:

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

(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;

(C) any other parameters considered by the department necessary to achieve compliance with this regulation; or

(4) any combination of methods approved by the department which results in emissions, when calculated as pounds of VOC per gallon of solids applied per coating operation, that are no greater on a daily weighted average basis than those achieved with the appropriate coatings specified in subsection (c).

(5) For the purpose of this subsection the term "daily weighted average" is the total weight of VOC emitted from a coating application system per day divided by the volume of coating used or volume solids applied per day, depending on the units of the emission limitation.

(g) Prior to 180 days after a facility becomes subject to the provisions of this regulation, the owner or operator of the facility shall demonstrate, at the expense of the owner or operator, initial compliance with this regulation by testing. An owner or operator shall notify the department, in writing, of the intent to test not later than 30 days prior to the scheduled date of testing. The owner or operator shall submit to the department any information about the test requested by the department. If necessary to determine compliance with this regulation, the owner or operator of any facility subject to this regulation may be required to demonstrate compliance with this regulation by testing at the expense of the owner or operator. Testing, for purposes of this regulation, shall be approved by the department and consistent with:

(1) the test procedures found at 40 CFR Part 60, appendix A, as in effect July 1, 1989; and

(2) procedures as established by the department in approving proposed test plans consistent with subsection (g)(1).

(h) Demonstration of continual compliance per coating application system achieved by sections (f)(2) through (f)(4) shall be based on the finding that the results obtained by the formula in (2) are equal to or less than the results obtained by the formula in (1), both results on a daily weighted average basis.

(1) complying coating equivalent emissions expressed as:

$$\frac{\text{VOC, lbs}}{\text{gal. of solids applied}} = \frac{(\text{EL})}{(\text{TE})(\text{VS})}$$

EL = the coating characteristics established by this regulation, expressed as pounds of VOC per gallon of coating, less water and exempt VOC.

TE = baseline transfer efficiency as defined at K.A.R. 28-19-61, expressed as a decimal.

VS = volume fraction of solids in EL, expressed as a decimal, where the density of coating solvents is assumed to be 7.36 pounds per gallon

(2) actual coating equivalent emissions expressed as:

$$\frac{\text{VOC, lbs}}{\text{gal. of solids applied}} = \frac{(\text{AC}) (\text{I-E})}{(\text{vs})(\text{te})}$$

AC = pounds of VOC per gallon of the coating as delivered to the coating application system, less exempt VOC and water;

E = the demonstrated efficiency of installed vapor processing system determined by the actual vapor collection system efficiency multiplied by the actual VOC emissions control device efficiency, expressed as a decimal;

vs = volume fraction of solids of the coating as delivered to the coating application system, expressed as a decimal. For waterborne coatings the volume fraction of solids is determined without water;

te = the actual demonstrated transfer efficiency of the coating application system, expressed as a decimal.

(A) The owner or operator shall determine AC and vs by (1) using Reference Method 24 data supplied by the coating manufacturer, adjusted by the VOC used

(continued)

for thinning purposes, or (2) from an applied coating analysis conducted by the owner or operator in accordance with Reference Method 24. If manufacturers formulation data is used, verification of the data may be required by Reference Method 24, or a department approved equivalent method, and at the expense of the owner or operator.

(i) The owner or operator of each emission unit within a facility subject to this regulation shall keep and maintain records at the facility and make available for inspection by a department representative to determine continuous compliance of the facility 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) the type and amount of coatings delivered daily to each coating application system. The daily record-keeping requirements of this subsection may be waived if the owner or operator:

(A) demonstrates that it uses only coatings that have been determined to be in compliance with subsection (c) of this regulation, and

(B) has received written approval from the department for a waiver from this requirement;

(2) the manufacturer's coating formulation data, and other test data, including density, weight percent volatiles (as determined using a one hour bake), weight percent water, and weight percent exempt VOC, determined by Reference Method 24 for each coating;

(3) the coating's solids content, as delivered to the coating application system, in volume percent;

(4) the results of any testing conducted at the facility pertaining to transfer efficiencies, capture efficiencies or control equipment reduction efficiencies;

(5) the type, density and amount of solvents used daily for coating thinning, purge and equipment cleaning;

(6) amount, components and density of waste solvents reclaimed daily;

(7) those records as required in subsections (f)(3)(A) through (f)(3)(C); and

(8) maintenance records of the temperature monitoring equipment.

(j) The owner or operator of a facility shall comply with all emission limits within 180 days after the facility becomes subject to the provisions of this regulation.

(k) 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 and implementing K.S.A. 65-3005, 65-3010; effective May 1, 1987; amended, T-88-55, Dec. 16, 1987; amended May 1, 1988; amended June 8, 1992.)

Article 29.—SOLID WASTE MANAGEMENT

28-29-28. Definitions. As used in K.A.R. 28-29-28 through K.A.R. 28-29-36 unless otherwise specified:

(a) "Dispose" means to deposit, dump, spill, or place any waste tire on any land or into any water.

(b) "Financial assurance" means a performance bond, letter of credit, cash deposit, insurance policy, or other instrument approved by the department for the purpose of guaranteeing a required regulatory action that must be performed by the permittee or the department.

(c) "Recycle" or "recycling" means any process by which solid waste materials are transformed into new products in such a manner that the original products lose their identity.

(d) "Retreader" means a person engaged in the business of recapping tire casings to produce recapped tires for sale to the public.

(e) "Rick" means stacking tires securely by overlapping so that the center of a tire is offset from the center of the tire below it.

(f) "Tire collector" means a person who transports waste tires to a permitted tire collection center, processing facility, or permitted solid waste disposal facility for the purpose of storage, processing, or disposal of waste tires. The term "tire collector" does not include the following:

(1) Solid waste collectors collecting mixed residential solid waste and who transport fewer than 5 tires at a time from any location.

(2) Persons who transport fewer than five tires for disposal.

(g) "Tire monofill" means a permitted solid waste landfill or landfill cell in which only processed waste tires are placed.

(h) "Tire processor" means a person engaged in the processing of waste tires.

(i) "Tire derived products" means tire chips or other usable materials produced from the physical processing of a waste tire.

(1) "Truck tire" means a tire with a rim diameter of between 18 and 24.5 inches.

(j) "Waste tires generated in Kansas" means those tires which first become a waste tire in Kansas. A tire casing imported into Kansas for potential recapping, but which proves unusable for that purpose, is a waste tire generated in Kansas. Other examples of waste tires generated in Kansas include but are not limited to:

(1) Tires accepted by a Kansas tire retailer at the time of exchange for new replacement; and

(2) Tires removed from a junked motor vehicle at a wrecking yard in Kansas. (Authorized by K.S.A. 1991 Supp. 65-3324h; implementing K.S.A. 1991 Supp. 65-3424b; effective T-____,____; effective June 8, 1992.)

28-29-29. Unprocessed waste tire disposal prohibited. (a) A person shall not dispose of, or offer for disposal, waste tires in a solid waste disposal site unless:

(1) The waste tires are processed in accordance with the standards in section (b) of this regulation; or

(2) The waste tires are received from a person exempt from the requirement to obtain a waste tire collector permit under K.A.R. 28-29-32(c)(1) and (c)(2).

(b) To be landfilled under subsection (a)(1) of this regulation, waste tires must be processed to reduce volume by at least 50 percent by:

(1) shredding;

(2) cutting in half circumferentially;

(3) cutting into at least four parts with no part being greater than $\frac{1}{4}$ of the original tire size;

(4) chipping;

(5) crumbing; or

(6) an equivalent volume reduction process that has received prior approval, in writing, from the department.

(c) Only the following facilities may accept waste tires for recycling, processing, or disposal:

(1) Solid waste disposal facilities authorized to receive, store, and dispose of solid waste that have been issued a solid waste disposal area permit under the provisions of K.S.A. 65-3401 et seq. and amendments, provided that the waste tires will be processed and disposed or transported for processing in accordance with these regulations;

(2) Waste tire monofills which have been issued a solid waste disposal permit under the provisions of K.S.A. 65-3407 et seq. and amendments, provided that the waste tires will be stored, processed, and disposed of in compliance with these regulations;

(3) Waste tire processing facilities designed to shred, grind, utilize for a fuel source, or otherwise provide processing of waste tires and which have been issued a permit under the provisions of K.A.R. 28-29-30; or

(4) Waste tire collection centers where fewer than 1,000 waste tires are kept on the premises on any given day prior to being offered for recycling and which have been issued a permit under the provisions of K.A.R. 28-29-30.

(d) A person shall not dispose of waste tires in a site other than those listed in paragraph (c). (Authorized by K.S.A. 1991 Supp. 65-3424h; implementing K.S.A. 1991 Supp. 65-3424a; effective T-____,____; effective June 8, 1992.)

28-29-30. Waste tire management permit required.

(a) On or after December 31, 1991, a person who accumulates or stores waste tires for processing or recycling is required to have a waste tire processing facility permit or a collection center permit.

(b) Permit applications for waste tire processing facilities or collection centers shall be submitted to the department not less than 90 days before beginning of facility construction.

(c) The following are exempt from the permit requirement of this regulation:

(1) A permitted sanitary landfill, provided that the landfill complies with K.A.R. 28-29-31(a) through (h) of these regulations and the waste tires are processed and disposed or transported for processing in accordance with these regulations.

(2) A person using waste tires for containment walls, for composting, commercial operations, traffic control, bumpers for boat docks or boats, or other beneficial use approved by the department.

(3) An owner of a pile of tire-derived products, provided the owner demonstrates to the satisfaction of the department that the tire products have an economic value. Tire derived products that have been stored for over six months at any one period shall be presumed by the department to have no economic value, and the site operator must either:

(A) Store the tire products in accordance with the requirements of K.A.R. 28-29-31(a) through (e) and demonstrate to the satisfaction of the department that

the tire products do have an economic value by presenting receipts, orders, or other documentation acceptable to the department; or

(B) Remove the products for recycling, further processing, or disposal.

(d) In order to receive a waste tire processing facility permit, a waste tire processing facility must demonstrate compliance with the requirements of this regulation, K.A.R. 28-29-31, and any special permit conditions required by the department. An application for a waste tire processing facility shall be submitted on forms provided by the department and shall include all information required by the department. A waste tire processing facility permit application shall include, but not be limited to, the following:

(1) The zoning designation of the site and a written statement of compatibility of the proposed waste tire processing facility with the acknowledged local comprehensive plan and zoning requirements from the local government unit or units having jurisdiction;

(2) A description of the land use within a one-half mile radius of the facility, identifying any buildings and surface waters;

(3) A management program for operation of the site, which includes:

(A) Anticipated maximum number of waste tires to be stored until processed at the site for any given one year period;

(B) Proposed methods and schedule for processing or disposal;

(C) Procedures the facility proposes to use to meet the technical tire processing standards in K.A.R. 28-29-29(b) for tires currently stored on the site and tires to be accepted; and

(D) Procedures the facility proposes to use to meet the mosquito and rodent control requirements of K.A.R. 28-29-31(b)(5) and 28-29-31(b)(11);

(4) A contingency plan to minimize damage from fire or other emergencies at the site which shall include procedures to be followed by facility personnel, including measures to be taken to minimize the occurrence or spread of fires;

(5) The following maps:

(A) A site location map showing section, township, range, and site boundaries;

(B) A site layout drawing, showing size and location of all pertinent man-made and natural features of the site including roads, fire lanes, ditches, berms, waste tire storage areas, structures, wetlands, floodways, and surface waters; and

(C) A topographic map using a scale of no less than one inch equals 2,000 feet, with 10 foot intervals on 7.5 minute series showing site boundaries;

(6) Proof that the applicant holds financial assurance in an amount acceptable to the department as necessary for waste tire removal, processing, or other measures to protect the environment and the public health and safety;

(7) Proof that the applicant owns or has a long-term lease of the site;

(8) An application fee of \$250;

(9) A closure plan. The closure plan shall include:

(A) When or under what circumstances the site will close, including any phase-in of the closure;

(continued)

(B) How all waste tires and tire-derived products will be removed from the site or otherwise properly disposed of upon closure;

(C) A schedule for the applicable closure procedures, including the time period for completing the closure procedures; and

(D) A plan for site rehabilitation, if required by the department.

(e) An application for a collection center permit shall be submitted on forms provided by the department and shall include all information required by the department. This application shall include, but not be limited to, the following:

(1) The zoning designation of the site and a written statement of compatibility of the proposed collection center with the acknowledged local comprehensive plan and zoning requirements from the local government unit or units having jurisdiction;

(2) A description of the land use within a one-half mile radius of the facility, identifying any buildings and surface waters;

(3) A site layout drawing, showing size and location of all pertinent man-made and natural features of the site;

(4) A management program for operation of the site, which includes:

(A) Proposed methods and schedule for storage before transportation and recycling;

(B) Procedures the applicant proposes to use to comply with the mosquito and rodent control requirements of K.A.R. 28-29-31(b)(5) and 28-29-31(b)(11); and

(5) An application fee of \$100.

(f) A waste tire processing facility or collection center permit shall be issued for a one year period. A waste tire processing facility or collection center permittee who wants to renew the permit shall apply to the department for permit renewal at least 90 days before the permit expiration date. The renewal application shall be submitted on forms provided by the department and shall include all information required by the department. It shall include a permit renewal fee of \$100 for waste tire processing facilities or \$50 for waste tire collection centers.

(g) A waste tire processing facility or collection center permittee may request from the department a permit modification to modify the operations authorized in an unexpired permit. A permit modification request shall include all information required by the department. The procedure for modifying permits contained in K.A.R. 28-29-8 shall apply.

(h) Notice of plans to transfer ownership of any facility permitted under these regulations must be reported to the department not less than 30 days before said transfer. Permits are issued only for the premises and persons named in the permit. Permits shall not be transferable or assignable.

(i) The owner or operator of any facility permitted under these regulations must allow duly authorized representatives of the department access to both property and records pertaining to the site so that inspections may be completed in accordance with the procedures in K.A.R. 28-29-16 and for other purposes as required to implement the provisions of these regulations.

(j) The owner or operator of any facility permitted under these regulations shall submit for the department's approval an amount of financial assurance required by K.A.R. 28-29-30(d)(6), except that collection centers are exempt from this requirement.

(1) The waste tire processing facility permittee shall base the amount of financial assurance on the estimated cost of cleanup for the maximum number of waste passenger tire equivalents allowed by the facility permit to be stored for processing, disposal, or recycling in one month, and on the estimated cost of fire suppression.

(2) The department will accept as financial assurance only those instruments complying with requirements of 28-29-30(d)(6). Evidence of the required financial assurance shall be filed with the department. Proposed cancellation of any required financial assurance instruments shall be reported to the department 30 days prior to cancellation.

(k) The waste tire processing facility or collection center permittee shall prepare and file a semi-annual operations report with the department on a form provided by the department on or before January 15 and July 15 of each year. These reports will be maintained at the facility for a period of not less than three years. The report must:

(1) Include the total quantity of whole waste tires at the facility and the quantity added and removed since the previous report;

(2) Identify the location to which any whole waste tires have been taken and the quantity transported;

(3) Identify any environmental problems, fires, or significant changes or progress toward the ultimate disposal of or use of waste tires received or located at the facility; and

(4) Identify pesticides and quantities used during the reporting period.

(l) The owner or operator of a permitted waste tire processing facility or collection center shall cease to accept waste tires and shall close the waste tire site in compliance with any special closure conditions established in the facility permit and these regulations, if:

(1) The owner or operator declares the site closed;

(2) The storage, processing, or disposal permit expires or is revoked;

(3) A department order to cease operations is issued; or

(4) A permit compliance schedule specifying closure is to begin.

(m) The owner or operator of a permitted waste tire processing facility or collection center shall comply with the applicable standards for storage and operation in K.A.R. 28-29-31.

(n) Any person who fails to manage waste tires according to the conditions, limitations, or terms of a permit or these regulations, or who fails to obtain a permit, is in violation of these regulations and shall be subject to penalties as provided in K.S.A. 65-3409, as amended by L. 1991, Ch. 197, Sec. 8, and K.S.A. 1990 Supp. 65-3419, or to any other enforcement action provided by law.

(o) The department may suspend any permit issued under this regulation. The procedure for suspension of permits contained in K.A.R. 28-29-9 shall apply.

(p) The department may deny an application or revoke any permit issued under this regulation. The reasons for denial or revocation of permits contained in K.A.R. 28-29-10 shall apply. (Authorized by K.S.A. 1991 Supp. 65-3424h; implementing K.S.A. 1991 Supp. 65-3424b; effective T-____,____; effective June 8, 1992.)

28-29-31. Standards for waste tire sites, processing facilities, and collection centers. (a) A waste tire site or processing facility to which this section applies shall not be operated in a wetland, waterway, floodway, 25-year floodplain, or any area where it may be subjected to submersion in water.

(b) Operation. A waste tire site or processing facility shall be operated in compliance with the following standards:

(1) An outdoor waste tire pile shall not exceed the following maximum dimensions:

- (A) Width: 50 feet;
- (B) Area: 5,000 square feet; and
- (C) Height: six feet.

(2) A 50-foot lane shall be developed around the perimeter of each waste tire pile. An approach and access road to the waste tire storage site shall be maintained passable for any vehicle at all times. Access to the site shall be controlled through the use of fences, gates, or other means of controlling access. Access to the fire lane for emergency vehicles must be unobstructed at all times.

(3) Waste tire sites shall be located at least 60 feet from buildings.

(4) Waste tires to be stored for one month or longer shall be ricked unless the department waives this requirement.

(5) The permittee shall operate and maintain the site in a manner which controls mosquitoes and rodents.

(6) A sign shall be posted at the entrance of the site stating permit number, operating hours, cost of disposal, and site rules if the site receives tires from persons other than the operator of the site.

(7) Activities involving the use of open flames, smoking materials, or other ignition sources shall not be conducted within 25 feet of a waste tire site. Vegetation within 100 feet of a waste tire site shall be maintained at a maximum height of four inches.

(8) If required by local authorities, the waste tire site shall be screened from public view.

(9) An attendant shall be present at all times when the waste tire site is open for business, if the site receives tires from persons other than the operator of the site.

(10) The waste tire site shall be bermed or otherwise protected to prevent any liquid runoff from potential tire fires from entering waterways.

(11) Between March 1 and November 1 of each calendar year a waste tire processing facility, collection center, or waste tire site shall not accumulate or maintain an accumulation of waste tires unless the tires are:

(A) Drained of water on the day of generation or receipt and kept dry by being:

- (i) Placed within a closed container or structure;
- (ii) Covered by material impermeable to water; or
- (iii) Drained or otherwise managed so as to remove water within 24 hours after each precipitation event;

(B) Drained of water on the day of generation or receipt and processed within 14 days; or

(C) Drained of water on the day of generation or receipt and treated within 14 days, with a pesticide appropriate to prevent the development of mosquito larvae and pupae, and treated again as often as necessary to prevent such development, taking into account the persistence (effective life) of the pesticide utilized; or

(D) Treated on the day of generation or receipt with a pesticide appropriate to prevent the development of mosquito larvae and pupae and treated again as often as necessary to prevent such development, taking into account the persistence (effective life) of the pesticide utilized.

(c) Persons applying pesticides shall comply with the Kansas pesticide act K.S.A. 1990 Supp. 2-2438a et seq. Whenever any restricted use pesticide is specified as a part of a vector control program, then the person applying said pesticide shall possess a commercial applicator's certificate as required by K.S.A. 2-2441a in the category of public health pest control in K.S.A. 2-2444a(a)(8).

(d) If pyrolytic oil from a tire fire is released at the waste tire site, the permittee shall remove the oil and contaminated soil in accordance with applicable rules of solid and hazardous waste governing the removal, transportation and disposal of the material.

(e) The department may impose additional requirements for any individual waste tire site which are reasonably necessary to protect the public health or the environment.

(f) Waste tires stored indoors at a waste tire processing facility shall be stored in compliance with the "Standard for Storage of Rubber Tires," NFPA 231D, 1989 edition, published by the National Fire Protection Association, Quincy, Massachusetts.

(g) The department may approve exceptions to the preceding technical and operational standards for a person processing waste tires if:

(1) The average time of storage of a waste tire on that site is 14 days or less; and

(2) The department and the local fire authority are satisfied that the permittee has sufficient fire suppression equipment, materials, or both on site to extinguish an potential tire fire within an acceptable length of time.

(h) Waste tire collection centers are subject to the storage standards in subsection (a), (b)(2), (b)(4), (b)(9), (d), and (g) and the closure provisions in subsection (j) of this regulation.

(i) Tire-derived products shall be subject to the standards in subsections (a) through (e) of this regulation.

(j) Persons operating waste tire sites, including waste tire monofills, solid waste landfills, processing facilities or collection centers, may be required by the department to close the waste tire site. In closing the waste tire site, the permittee shall:

(1) Close public access to the waste tire site for tire storage;

(2) Post a notice indicating to the public that the site is closed and, if the site had accepted waste tires from the public, indicating the nearest site where waste tires can be deposited;

(continued)

(3) Notify the department and local government having jurisdiction over the site of the closing of the site;

(4) Remove all waste tires and tire-derived products to a waste tire site, waste tire processing facility, solid waste disposal site authorized to accept waste tires, or other facility approved by the department;

(5) Remove any solid waste to a permitted solid waste disposal site; and

(6) Submit certification to the department that the site closure is complete.

(k) Any financial assurance not needed for the closure or for other purposes under K.A.R. 28-29-30(j)(1) shall be released to the permittee by the department. (Authorized by K.S.A. 1991 Supp. 65-3424h; implementing K.S.A. 1991 Supp. 65-3424b; effective T-____; effective June 8, 1992.)

28-29-32. Waste tire collector permit required. (a) After December 21, 1991, a person shall not collect or transport waste tire or advertise or represent themselves as being in business as a waste tire collector without first obtaining a waste tire collector permit from the department.

(b) After December 31, 1991, any person who contracts or arranges with another person to collect or transport waste tires for storage, processing, or disposal shall only employ a person holding a waste tire collector permit from the department, unless the person is exempted from permitting requirements by K.A.R. 28-29-30(c).

(c) The following persons are exempt from the requirement to obtain a waste tire collector permit:

(1) Solid waste collectors hauling mixed municipal solid wastes and who collect fewer than five tires at any one time from a residential premise;

(2) Persons transporting fewer than five tires;

(3) Persons transporting tire-derived productions to a market;

(4) Tire retailers or retreaders who transport waste tires in company owned vehicles between company-owned or franchised retail tire outlets and company-owned or franchised retread facilities;

(5) Tire retailers or retreaders who transport used tires or waste tire casings between their retail tire outlet or retread operation and their customers; and

(6) The United States, the state of Kansas, any county, city, town, or municipality in this state, or any department of any of the above except when a vehicle they own or operate is used as a waste tire collector for hire.

(d) Persons who transport waste tires for the purpose of storage, processing, or disposal must apply to the department for a waste tire collector permit within 90 days of the effective date of this regulation. Persons who want to begin transporting waste tires for the purpose of storage, processing, or disposal must apply to the department for a waste tire collector permit at least 90 days before beginning to transport the waste tires. Such persons shall obtain a permit before transporting waste tires.

(e) Applications shall be made on a form provided by the department. It shall include but not be limited to:

(1) A description, license number, and registered vehicle owner for each vehicle to be used for transporting waste tires;

(2) Information on the permitted locations where the waste tires will be transported for storage, processing, or disposal; and

(3) Any additional information required by the department.

(f) Any application for a waste tire collector permit shall include a \$100 non-refundable application fee.

(g) The application for a waste tire collector permit shall also include a financial assurance instrument issued in favor of the department in the amount of a departmentally approved estimate for disposal of the average number of tires transported in one month by the permittee.

(1) Any financial assurance instrument submitted under conditions of this rule shall remain in effect for not less than two years following termination of the waste tire collector permit.

(2) The surety bond or other financial assurance shall be filed with the department and shall provide that:

(A) In performing services as a waste tire collector, the applicant shall comply with the provisions of this rule; and

(B) Any person injured by the failure of a permittee to comply with the provisions of this rule shall have a right of action on the bond or other financial assurance in the name of the person, provided such right of action shall be made to the principal or the surety company within two years after the injury.

(h) A waste tire collector permit shall be issued for a one year period. Waste tire collector permittees who want to renew their permits shall apply to the department for permit renewal 90 days before the permit expiration date. The renewal application shall be submitted on a form provided by the department and shall include all information required by the department and a permit renewal fee of \$50.

(i) A corporation which has more than one separate business location may submit one waste tire collector permit application which provides for services to all the locations.

(j) A waste tire collector permittee may add another vehicle, whether leased for a long term period of time or purchased, to its permitted waste tire collector fleet if it does the following before using the vehicle to transport waste tires:

(1) Submits to the department the information required in section (e) of this rule; and

(2) Carries in each additional vehicle a copy of the waste tire collector permit from the department pursuant to K.A.R. 28-29-33(a) and (b).

(k) A waste tire collector permittee may lease additional vehicles to use under its waste tire collector permit without adding the vehicle to its fleet if the vehicle is leased for less than 30 days, provided:

(1) The permittee notifies the department that it will use vehicles leased for a short-term period of time and carries a copy of the permittee's permit in each leased vehicle;

(2) The permittee keeps a daily record of all vehicles leased for a short period of time which includes, with beginning and ending dates used, license numbers,

registration and the person from whom the vehicles were leased. The daily record must be kept current at all times and is subject to verification by the department. The daily record shall be maintained at the principal Kansas office of the permittee. The daily record shall be submitted to the department each year as part of the permittee's annual report required by K.A.R. 28-29-33(f).

(l) The department may suspend any permit issued under this regulation. The procedure for suspension of permits contained in K.A.R. 28-29-9 shall apply.

(m) The department may deny an application or revoke any permit issued under this regulation. The reasons for denial or revocation of permits contained in K.A.R. 28-29-10 shall apply. (Authorized by K.S.A. 1991 Supp. 65-3424h; implementing K.S.A. 1991 Supp. 65-3424b; effective T-____, ____; effective June 8, 1992.)

28-29-33. Waste tire collector standards. (a) Each person required to obtain a waste tire collector permit shall:

(1) Display a current permit issued by the department in each vehicle which transports waste tires; and

(2) Maintain the financial assurance required under K.A.R. 28-29-32(g).

(b) When a waste tire collector permit expires or is revoked or suspended, the former permittee shall immediately remove all waste tire permits from its vehicles. The permittee shall surrender a revoked or suspended permit, and certify in writing to the department within fourteen days of revocation or suspension that all department permits have been removed from all vehicles.

(c) A waste tire collector only shall leave waste tires at a waste tire facility authorized to accept them under K.A.R. 28-29-29 or at another site approved by the department, such as a site authorized to accept waste tires under the laws or regulations of another state.

(d) Waste tire collector permittees shall record and maintain for three years the following information regarding their activities for each month of operation:

(1) The number of waste tires collected;

(2) Name and location from which the waste tires were collected; and

(3) Where the waste tires were deposited. The waste tire collector shall keep receipts or other written materials documenting where all tires were delivered.

(e) Interstate transportation. Persons who engage in the transportation of waste tires in Kansas, from Kansas to other states or countries, or from other states or countries of Kansas, shall comply with all of the requirements for collectors contained in these sections. Persons who engage in the transportation of waste tires which do not originate or terminate in Kansas are exempt from these regulations.

(f) Waste tire collector permittees shall submit to the department an annual report on a form provided by the department that summarizes the information collected under section (d) of this regulation. This report shall be submitted to the department annually upon application for permit renewal and as a condition of holding a permit. The annual permit renewal fee is \$50.

(g) The permittee shall provide evidence of required financial assurance when the annual renewal fee is

submitted. (Authorized by K.S.A. 1991 Supp. 65-3424h; implementing K.S.A. 1991 Supp. 65-3424b; effective T-____, ____; effective June 8, 1992.)

28-29-34. Waste tire management grants. (a) A multi-county region, county, city, or private business, individually or collectively, is eligible to apply to the department for a waste tire management grant.

(b) Waste tire management grants shall be subject to the availability of funding.

(c) Each county or city or multi-county region in the state that has a solid waste plan established under the provisions of K.S.A. 65-3405 is eligible to receive grant funds for the development and implementation of a base waste tire management program based upon the following formula, except that the minimum grant shall be \$5,000:

(1) Maximum base program grant = (population) × (generation factor) × (\$0.50) where:

(2) "Population" is the population of the jurisdictional area of the applicant as determined by the 1990 U.S. census for the state of Kansas; and

(3) "Generation factor" is the estimate of the quantity of tires generated per capita subject to the excise tax imposed by K.S.A. 1990 Supp. 65-3424d, as amended by L. 1991, Ch. 197, Sec. 4, as determined by the department for the jurisdictional area of the applicant. For the purpose of this regulation, the generation factor shall be presumed to be 1.0 tires per capita per year statewide unless modified by the department.

(d) Eligible projects. Projects eligible for a waste tire management grant include projects whose primary purpose is to divert the stream of waste tires from unlawful stockpiling by effectively managing the transportation, storage, processing, and disposal of waste tires. Eligible waste tire management projects may include the following:

(1) Development and implementation of a waste tire collection, abatement, recycling, and disposal program;

(2) Development and operation of an education program to promote waste tire management and recycling; and

(3) Enforcement of state and local laws relating to waste tire collection and disposal.

(e) Ineligible projects. Projects that are not eligible for a waste tire management grant include, but are not limited to, the following:

(1) Waste tire projects designed principally for research and development; and

(2) Experimental waste tire testing, piloting, and designing of an experimental process, plant, and system.

(f) Eligible costs. Eligible costs for the waste tire management grant include the reasonable and necessary costs of:

(1) Personnel;

(2) In-state travel and out-of-state travel, except that out-of-state travel must receive prior approval by the department;

(3) Equipment rental and operation related to processing, disposal, or transportation of tires;

(4) Professional assistance with project planning, finance, legal affairs, marketing, engineering, and environmental evaluations, when performed in

(continued)

conjunction with the operation of a program, process, or system for waste tire management;

(5) Costs associated with the printing of brochures and other public educational material; and

(6) Specific costs of capital equipment and construction directly related to waste tire management and as approved by the department.

(g) Ineligible costs. Ineligible costs for the waste tire management grant include, but are not limited to, the following:

(1) The costs of preparing permit applications;

(2) Permit fees;

(3) The costs of waste tires purchased as a raw material or feedstock, except as a part of a waste tire abatement project approved by the department;

(4) Costs incurred prior to the issuance of a grant award by the department, unless such costs are associated with the completion of a waste tire abatement project approved by the department; and

(5) Costs incurred after the expiration date of the grant award.

(h) Additional funds may be requested by an applicant to abate waste tire sites which pose a threat to the public health, property, or the environment. Applications for abatement grant funds submitted by private firms shall be approved by the county or city responsible for implementing the solid waste plan approved by the department under the provisions of K.S.A. 65-3405 for the area in which the grant project is to be located prior to submittal to the department. The approval will verify that the project is consistent with the provisions of the local solid waste management plan. Abatement grant funds shall be awarded by the department on the basis of the following criteria:

(1) The size of the waste tire site;

(2) The fire hazard posed by the waste tire site;

(3) The public health and welfare threat posed by the waste tire site due to mosquito or rodent infestation;

(4) The proximity of the waste tire site to populated areas;

(5) The natural resources that may be adversely affected by the waste tire site; and

(6) The likelihood that the waste tire site will be abated without grant assistance. (Authorized by K.S.A. 1991 Supp. 65-3424h; implementing K.S.A. 1991 Supp. 65-3424f; effective T-____, ____; effective June 8, 1992.)

28-29-35. Waste tire grant application. An application for a waste tire management grant shall be submitted on forms provided by the department and shall contain the following information:

(a) An application signed by the governing body or management which:

(1) Authorizes the application and identifies an authorized representative to act on behalf of the applicant;

(2) Assures that the applicant will carry out all proposed activities as described in the grant application and approved for grant funding by the department;

(3) Assures that the applicant will maintain and submit records substantiating program expenditures and activities as required by the department; and

(4) Authorizes department employees access to inspect project sites and records upon request during normal business hours;

(b) A description of the proposed project identifying the location of the activity, the sources and estimated amount of waste tires to be used or managed, the activity or processes involved, the expected goals or products to be produced, and the estimated market potential for any products which may result from the project;

(c) A project budget, including proposed funding sources, detailed estimates of the total project cost and proposed eligible costs, and documentation of how the estimate was made;

(d) A proposed timetable for completion of the project showing the estimated dates of completing major project components; and

(e) Other information as requested by the department to determine compliance with this regulation. (Authorized by K.S.A. 1991 Supp. 65-3424h; implementing K.S.A. 1991 Supp. 65-3424f; effective T-____, ____; effective June 8, 1992.)

28-29-36. Grant awards. (a) The department may issue a waste tire management grant award after it has determined that the project is eligible.

(b) The grant award project period shall expire one year from the date of issuance of the grant award unless an extension is requested by the grantee and approved in writing by the department.

(c) The department may amend a grant award for major changes in project scope if it determines that the changes are necessary to meet the objectives of these regulations. A request for a grant amendment shall be made and fully documented by the grantee. Any amendments to a grant award shall be made in writing and mutually agreed to by the grantee and the department. The department's approval of grant amendments shall be subject to the availability of funds.

(d) The department may cancel a grant award if the grantee does not accept the grant award within 45 days of issuance by the department.

(e) The department may terminate an accepted grant and the grantee shall return the full amount of payments received, if any, if the department determines that:

(1) There has been no substantial performance on the project;

(2) There is substantial evidence that the grant was obtained by fraud; or

(3) There is substantial evidence of gross abuse or corrupt practices by the grantee in carrying out the project. (Authorized by K.S.A. 1991 Supp. 65-3424h; implementing K.S.A. 1991 Supp. 65-3424f; effective T-____, ____; effective June 8, 1992.)

Azzie Young
Secretary of Health
and Environment

Doc. No. 011866

(Published in the Kansas Register, April 23, 1992.)

Summary Notice of Bond Sale
\$1,200,000
Seward County, Kansas
General Obligation Improvement Bonds
(general obligation bonds payable from
unlimited ad valorem taxes)

110,000	3-1-97
120,000	3-1-98
125,000	3-1-99
130,000	3-1-00
140,000	3-1-01
145,000	3-1-02
75,000	3-1-03

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated as of April 22, 1992, of Seward County, Kansas, in connection with the bonds hereinafter described, sealed, written bids shall be received at the county's offices at 415 N. Washington in Liberal, Kansas, until 1:30 p.m. C.D.T. on Monday, May 4, 1992, for the purchase of General Obligation Improvement Bonds, Series A, 1992, of the county, which are hereinafter described. All bids shall be publicly opened, read aloud and considered on said date and at said time and shall be immediately thereafter acted upon by the Board of County Commissioners of the county.

The bonds to be sold are in the aggregate principal amount of \$1,200,000. No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the county clerk. Bids may be submitted by mail or may be delivered in person, and must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the county, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds shall be issued as fully registered bonds in denominations of \$5,000. The bonds shall bear a dated date of May 1, 1992. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds maturing March 1, 2000, and thereafter shall be subject to redemption at the county's option on March 1, 1999, or an any interest payment date thereafter at the par value of the principal amount thereof plus accrued interest to the redemption date, without premium.

Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 1993, and the bonds shall mature serially on March 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$ 60,000	3-1-93
90,000	3-1-94
100,000	3-1-95
105,000	3-1-96

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the county, and the full faith, credit and resources of the county shall be pledged to the payment thereof. The county shall be obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the county to the successful bidder, or at its direction, on or about May 27, 1992, at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, Wichita, Kansas, bond counsel, whose fees will be paid by the county. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The county's 1991 assessed valuation is as follows:

Assessed valuation of taxable tangible property	\$164,837,172
Taxable value of motor vehicles	\$ 496,912
Equalized assessed tangible valuation for computation of bonded debt limitations	\$165,334,084

Exclusive of the bonds described herein, the county has outstanding general obligation indebtedness at the date hereof in the principal amount of \$175,000.

Official Statement

The county has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the county. The preliminary official statement is in a form "deemed final" by the county
(continued)

for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the county shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

Additional Information

For additional information regarding the county, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the county's preliminary official statement for the bonds, all of which may be obtained from the undersigned or the county's financial adviser, Ranson Capital Corporation, 120 S. Market, Suite 450, Wichita, KS 67202, (316) 262-4955.

Dorothy Sanborn, County Clerk
Seward County Courthouse
415 N. Washington
Liberal, KS 67901
(316) 626-3200

Doc. No. 011874

(Published in the Kansas Register, April 23, 1992.)

Summary Notice of Bond Sale

City of Manhattan, Kansas

\$2,943,000

General Obligation Bonds, Series 189

(general obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale and preliminary official statement dated April 21, 1992, sealed bids will be received by the city clerk of Manhattan, Kansas (the issuer), on behalf of the governing body at City Hall, 1101 Poyntz, Manhattan, KS 66502, until 2 p.m. C.D.T. on May 5, 1992, for the purchase of \$2,943,000 principal amount of General Obligation Bonds, Series 189. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$3,000. The bonds will be dated June 1, 1992, and will become due on November 1 in the years as follows:

Year	Principal Amount
1993	\$158,000
1994	\$165,000
1995	\$175,000
1996	\$190,000
1997	\$210,000
1998	\$220,000
1999	\$235,000
2000	\$250,000

2001	\$260,000
2002	\$275,000
2003	\$ 60,000
2004	\$ 65,000
2005	\$ 70,000
2006	\$ 75,000
2007	\$ 75,000
2008	\$ 80,000
2009	\$ 85,000
2010	\$ 90,000
2011	\$100,000
2012	\$105,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on November 1, 1992.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$58,860 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 17, 1992, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1991 is \$156,640,005. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$30,542,000. Said amount does not include any adjustments to the issuer's indebtedness as a result of the issuance of the proposed Series 190 Bonds. Temporary notes in the principal amount of \$3,235,000 will be retired out of proceeds of the bonds and other available funds.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk or from the financial advisor, George K. Baum & Company, One Main Place, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouly, (316) 264-9351.

Dated April 21, 1992.

City of Manhattan, Kansas

Doc. No. 011884

(Published in the Kansas Register, April 23, 1992.)

**Summary Notice of Bond Sale
City of Tonganoxie, Kansas
\$200,000
General Obligation Public Building Bonds
Series 1992**

(general obligation public building bonds payable
from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 13, 1992, sealed bids will be received by the city clerk of Tonganoxie, Kansas (the issuer), on behalf of the governing body at City Hall, 325 Bury, Tonganoxie, KS 66086, until 7 p.m. C.D.T. on April 30, 1992, for the purchase of \$200,000 principal amount of General Obligation Public Building Bonds, Series 1992. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1992, and will become due on November 1 in the years as follows:

Year	Principal Amount
1993	\$20,000
1994	20,000
1995	20,000
1996	20,000
1997	20,000
1998	20,000
1999	20,000
2000	20,000
2001	20,000
2002	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1993.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$4,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 27, 1992, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1991 is \$9,974,007. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$610,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (913) 845-2620, or from the financial advisor, First Securities Company of Kansas, Inc., 200 Hardage Center, 100 S. Main, Wichita, KS 67202, Attention: Larry L. McKown, (316) 262-4411.

Dated April 13, 1992.

City of Tonganoxie, Kansas

Doc. No. 011879

(Published in the Kansas Register, April 23, 1992.)

**Summary Notice of Bond Sale
City of Manhattan, Kansas
\$6,575,000*
General Obligation Refunding Bonds
Series 190**

(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale and preliminary official statement dated April 21, 1992, sealed bids will be received by the city clerk of Manhattan, Kansas (the issuer), on behalf of the governing body at City Hall, 1101 Poyntz, Manhattan, KS 66502, until 2 p.m. C.D.T. on May 5, 1992, for the purchase of \$6,575,000* principal amount of General Obligation Refunding Bonds, Series 190. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1992, and will become due on November 1 in the years as follows:

Year	Principal Amount
1992	\$ 45,000
1993	\$ 35,000
1994	\$ 35,000
1995	\$ 35,000
1996	\$ 40,000
1997	\$ 40,000
1998	\$ 70,000

(continued)

1999	\$380,000
2000	\$470,000
2001	\$560,000
2002	\$595,000
2003	\$625,000
2004	\$675,000
2005	\$710,000
2006	\$760,000
2007	\$655,000
2008	\$565,000
2009	\$170,000
2010	\$110,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on November 1, 1992.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$130,000*.

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 17, 1992, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1991 is \$156,640,005. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$30,542,000. Said amount does not include any adjustments to the issuer's indebtedness as a result of the issuance of the proposed Series 190 bonds. Temporary notes in the principal amount of \$3,235,000 will be retired out of proceeds of the Series 189 Bonds and other available funds.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk or from the financial advisor, George K. Baum & Company, One Main Place, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated April 21, 1992.

City of Manhattan, Kansas

State of Kansas

Secretary of State

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

Bill Graves
Secretary of State

(Published in the Kansas Register, April 23, 1992.)

SENATE BILL No. 716

AN ACT authorizing the secretary of administration to sell certain property in the city of Wichita.

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

Section 1. The secretary of administration is hereby authorized to sell the Wichita state office building property located in the area of Douglas and Rutan streets in the city of Wichita, Kansas.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

SENATE BILL No. 531

AN ACT concerning the state surplus property program; relating to assessments by the director of the Kansas correctional industries; amending K.S.A. 75-6605 and repealing the existing section.

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

Section 1. K.S.A. 75-6605 is hereby amended to read as follows: 75-6605. ~~There is hereby established in the state treasury the state surplus property fee fund.~~ (a) All fees and charges assessed by the director of Kansas correctional industries for transactions pertaining to the state surplus property program and other revenues received pursuant to such program shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the ~~state surplus property fee correctional industries~~ fund. All expenditures from the ~~state surplus property fee correctional industries~~ fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports or interfund transfers issued pursuant to vouchers of the director of Kansas correctional industries or a person or persons designated by the director of Kansas correctional industries.

(b) *On the effective date of this act, the director of accounts and reports is directed to transfer all moneys in the state surplus property fee fund to the correctional industries fund created pursuant to K.S.A. 75-5282, and amendments thereto. On the effective date of this act, all liabilities of the state surplus property fee fund existing prior to the effective date of this act are hereby imposed on the correctional industries fund. The state surplus property fee fund is hereby abolished.*

Sec. 2. K.S.A. 75-6605 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

SENATE BILL No. 742

AN ACT concerning crimes and penalties; relating to controlled substances; amending K.S.A. 1991 Supp. 65-4127a and 65-4127b and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 65-4127a is hereby amended to read as follows: 65-4127a. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess, have under such person's control, possess with intent to sell, offer for sale, sell, prescribe, administer, deliver, distribute, dispense or compound any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107 and amendments thereto. *Except as otherwise provided*, any person who violates this section shall be guilty of a class C felony; ~~except that, upon conviction for the second offense, such person shall be guilty of a class B felony, and upon conviction for a third or subsequent offense, .~~ *If any person has a prior conviction under this section or a conviction for a substantially similar offense from another jurisdiction, then that person shall be guilty of a class B felony and if the person who violates this section has two or more prior convictions under this section or substantially similar offenses under the laws of another jurisdiction, then such person shall be guilty of a class A felony, and the punishment shall be life imprisonment.*

(b) Upon conviction of any person pursuant to subsection (a) in which (1) the substances involved were equal to or greater than the amounts for such substances as specified in K.S.A. 1990 Supp. 65-4127e, and amendments thereto, or (2) the substances involved, regardless of amounts, were possessed with intent to sell, sold or offered for sale to a child under 18 years of age, there shall be at sentencing a presumption that the defendant be sentenced to imprisonment and not granted probation, assignment to a community correctional services program or suspension of sentence.

(c) Notwithstanding any other provision of law, upon conviction of any person for a first offense pursuant to subsection (a), such person shall be guilty of a class B felony if such person is over 18 years of age and the substances involved were possessed with intent to sell, sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12.

Nothing in this subsection shall be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the description above, the actual use of that structure or property at the time alleged shall not be a defense to the criminal charged or the sentence imposed.

(d) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.

Sec. 2. K.S.A. 1991 Supp. 65-4127b is hereby amended to read as follows: 65-4127b. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105 and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto;

(4) any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111 and amendments thereto; or

(5) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto.

Except as otherwise provided, any person who violates this subsection shall be guilty of a class A misdemeanor, ~~except that such person shall be guilty of a class D felony upon conviction for a second or subsequent offense. If any person has a prior conviction under this section or a conviction for a substantially similar offense from another jurisdiction, then such person shall be guilty of a class D felony.~~

(b) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to sell, offer for sale or have in such person's possession with the intent to sell, cultivate, prescribe, administer, deliver, distribute, dispense or compound:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto;

(4) any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto; or

(5) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto.

Any person who violates this subsection shall be guilty of a class C felony.

(c) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess, have under such person's control, prescribe, administer, deliver, distribute, dispense, compound, sell, offer for sale or have in such person's possession with intent to sell any controlled substance designated in K.S.A. 65-4113 and amendments thereto. Any person who violates this subsection shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class D felony if the substance was prescribed for or administered, delivered, distributed, dispensed, sold, offered for sale or possessed with intent to sell to a child under 18 years of age.

(d) Upon conviction of any person pursuant to subsection (a), (b) or (c) in which (1) the substances involved were equal to or greater than the amounts for such substance as specified in K.S.A. 1990 Supp. 65-4127e and amendments thereto, or (2) the substances involved, regardless of amounts, were possessed with intent to sell, sold or offered for sale to a child under 18 years of age, there shall be at sentencing a presumption that the defendant be sentenced to imprisonment and not granted probation, assignment to a community correctional services program or suspension of sentence.

(e) Notwithstanding any other provision of law, upon conviction of any person pursuant to subsection (b) for an offense in which the substances involved were possessed with intent to sell, sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 and such person is over 18 years of age, such person shall be guilty of a class B felony.

Nothing in this subsection shall be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the description above, the actual use of that structure or property at the time alleged shall not be a defense to the criminal charged or the sentence imposed.

(f) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.

Sec. 3. K.S.A. 1991 Supp. 65-4127a and 65-4127b are hereby repealed.

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

(Published in the Kansas Register, April 23, 1992.)

HOUSE BILL No. 2664

AN ACT concerning inservice education; requiring boards of education to provide programs for certificated personnel; amending K.S.A. 72-9601, 72-9603, 72-9604 and 72-9605, and repealing the existing sections.

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

Section 1. K.S.A. 72-9601 is hereby amended to read as follows: 72-9601. This act shall be known and may be cited as the state inservice education opportunities act. It is hereby declared that it is essential to the welfare of the people of Kansas that the *provision of quality of educational opportunities for all pupils in the state be assured. Therefore, it is the intention of this act to promote the continuous professional development, diversification in academic foundations or subject knowledge, improvement in job effectiveness, enhancement of skills and techniques, and competent on-the-job performance of all certificated personnel serving regularly in the public accredited elementary and secondary schools of the state of Kansas.*

Sec. 2. K.S.A. 72-9603 is hereby amended to read as follows: 72-9603. The state board shall adopt rules and regulations for the administration of this act and shall: (a) Prescribe and adopt policies and guidelines for the *promotion of delivery provision* of inservice education programs for all certificated personnel;

(b) establish standards and criteria for procedures, activities and services to be provided in inservice education programs; and

(c) establish standards and criteria for reviewing, evaluating and approving school district inservice education programs and applications of boards for state aid.

Sec. 3. K.S.A. 72-9604 is hereby amended to read as follows: 72-9604. (a) Each board ~~may~~ *shall* establish and maintain an inservice education program for certificated personnel of the school districts. *Inservice education programs shall meet standards and criteria set by the state board and such programs shall be established and operative not later than July 1, 1992.*

(b) Each board, in complying with the requirements of subsection (a), may:

(2) (1) Develop policies and plans for the *delivery provision* of inservice education programs within the school district;

(3) (2) contract with area professional development centers and authorized educational agencies in providing for inservice education programs; and

(4) (3) enter into cooperative or interlocal agreements with one or more other school districts in providing for inservice education programs.

(b) ~~In order to be eligible for state aid under this act, inservice education programs shall meet standards and criteria set by the state board.~~

Sec. 4. K.S.A. 72-9605 is hereby amended to read as follows: 72-9605. (a) *In each school year, each board which has established and is maintaining an inservice education program in compliance with the requirements of this act and which desires to secure state aid for part of the cost of maintaining the program shall certify and file an application with the state board for approval of the program.*

(b) Each board which is maintaining an approved inservice education program and which desires to secure state aid in any school year for part of the cost of exploring and implementing innovative and experimental procedures, activities and services to be provided in the program for enhancement thereof shall certify and file an application with the state board for approval of such procedures, activities and services.

(c) Applications shall be in a form prescribed and furnished by the department, shall contain such information as the state board may require and shall be filed annually at a time to be determined and specified by the state board. Approval by the state board of the program, any innovative and experimental procedures, activities or services provided therein, and the application shall be prerequisite to payment of state aid to any board.

Sec. 5. K.S.A. 72-9601, 72-9603, 72-9604 and 72-9605 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

HOUSE BILL No. 2705

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1992, and June 30, 1993, for the adjutant general, governor's department, legislative coordinating council, state treasurer, department of commerce, state historical society and secretary of state; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal years ending June 30, 1992, and June 30, 1993, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) This act shall not be subject to the provisions of subsection (a) of K.S.A. 1991 Supp. 75-6702 and amendments thereto.

Sec. 2.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

State match for federal disaster relief aid	\$175,426
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Sec. 3.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Governor's department	\$174,008
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Sec. 4.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Legislative coordinating council — operating expenditures for joint committee on Kansas public employees retirement system (KPERs) investment practices	\$30,510
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Sec. 5.

STATE TREASURER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Operating expenditures	\$25,000
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Sec. 6.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal years specified all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

	Fiscal Year 1992	Fiscal Year 1993
Rural development council fund	No limit	No limit
Rural development — federal fund	No limit	No limit

(b) On the effective date of this act, the director of accounts and reports shall transfer \$44,332 from the Kansas economic development endowment account of the state economic development initiatives fund to the rural development council fund.

Sec. 7.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Emergency repairs	\$15,000
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Sec. 8.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Aid to counties for presidential primary	\$1,500,000
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Provided, That all expenditures from this account shall be for payment of expenses incurred by counties for the presidential primary: Provided, however, That expenditures may be made from this account for operating costs incurred by the secretary of state for the presidential primary: Provided further, That such expenditures for state operations shall not exceed \$75,000.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

HOUSE BILL No. 2964

AN ACT concerning the nursing student scholarship program; relating to agreements and obligations under such program; amending K.S.A. 1991 Supp. 74-3293, 74-3294 and 74-3295 and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 74-3293 is hereby amended to read as follows: 74-3293. (a) There is hereby established the nursing student scholarship program. A scholarship may be awarded under the nursing student scholarship program to any qualified nursing student enrolled in or admitted to a school of nursing in a course of instruction leading to licensure as a licensed professional nurse or licensed practical nurse. The number of new scholarships awarded under the nursing student scholarship program in each year shall not exceed 250. Of this number, *except as otherwise provided in this section*, 100 scholarships shall be awarded to nursing students whose sponsors are located in rural areas and who are enrolled in a course of instruction leading to licensure as a registered professional nurse, 50 scholarships shall be awarded for nursing students enrolled in or admitted to a school of nursing operated by a community college, area vocational-technical school or area vocational school in a course of instruction leading to licensure as a licensed practical nurse and the remaining 100 scholarships shall be awarded to any nursing students who have a sponsor and who are enrolled in a course of instruction leading to licensure as a registered professional nurse. *If all scholarships authorized to be awarded under this section to nursing students whose sponsors are located in rural areas have not been awarded by a date established by the state board of regents, the scholarships which have not been awarded by that date may be awarded to nursing students who have a sponsor and who are otherwise qualified to be awarded a scholarship under the nursing student scholarship program.* The determination of the individuals qualified for such scholarships shall be made by the executive officer after seeking advice from the committee. Within each scholarship category prescribed by this subsection, scholarships shall be awarded on a priority basis to qualified applicants who have the greatest financial need for such scholarships. To the extent practicable and consistent with the other provisions of this section, consideration shall be given to minority applicants.

(b) Scholarships awarded under the nursing student scholarship program shall be awarded for the length of the course of instruction leading to licensure as a licensed professional nurse or licensure as a licensed practical nurse in which the student is enrolled in or admitted to unless otherwise terminated before such period of time. Such scholarships shall provide to the nursing student receiving the scholarship the payment of tuition, fees, books, room and board in an amount to not exceed the total of \$3,500 annually. The amount of each scholarship shall be established annually by the executive officer and shall be financed equally by the sponsor of the nursing student and by the state of Kansas *except that if the sponsor is located in a rural area or is a health care facility which has less than 100 beds, the total amount of the scholarship financed by such sponsor shall not exceed \$1,000 and the balance of such amount shall be paid by the state of Kansas.*

Sec. 2. K.S.A. 1991 Supp. 74-3294 is hereby amended to read as follows: 74-3294. (a) An applicant for a scholarship under the nursing student scholarship program shall provide to the executive officer, on forms supplied by the executive officer, the following information:

- (1) The name and address of the applicant;
 - (2) the name and address of the school of nursing which the applicant is enrolled in or to which the applicant has been admitted;
 - (3) the name and address of the sponsor of the applicant and a verified copy of the agreement entered into by the applicant and the sponsor in accordance with the provisions of this act; and
 - (4) any additional information which may be required by the executive officer.
- (b) As a condition to awarding a scholarship under this act, the executive officer and the applicant for a scholarship shall enter into an agreement which shall require that the scholarship recipient:
- (1) Complete the required course of instruction and attain licensure with the Kansas state board of nursing as a licensed professional nurse or a licensed practical nurse;

- (2) engage in the full-time practice of nursing, *or the equivalent to full-time practice as specified by rules and regulations of the state board of regents adopted in accordance with the provisions of K.S.A. 1991 Supp. 74-3297 and amendments thereto*, in the employment of the sponsor in accordance with the agreement entered into by the scholarship recipient and the sponsor and comply with such other terms and conditions as may be specified by such agreement;

- (3) commence the full-time practice of nursing, *or the equivalent to full-time practice as specified by rules and regulations of the state board of regents adopted in accordance with the provisions of K.S.A. 1991 Supp. 74-3297 and amendments thereto*, within six months after registration in accordance with the agreement entered into by the scholarship recipient and the sponsor and continue such full-time practice, *or equivalent to full-time practice*, for the total amount of time required under the agreement, which shall be for a period of not less than the length of the course of instruction for which the scholarship assistance was provided;

- (4) maintain records and make reports to the executive officer as may be required by the executive officer to document the satisfaction of the obligations under this act and under agreements entered into with the sponsor; and

- (5) upon failure to satisfy an agreement to engage in the full-time practice of nursing, *or the equivalent to full-time practice as specified by rules and regulations of the state board of regents adopted in accordance with the provisions of K.S.A. 1991 Supp. 74-3297 and amendments thereto*, for the required period of time under any such agreement, repay to the state and to the sponsor amounts as provided in K.S.A. ~~1989~~ 1991 Supp. 74-3295 and amendments thereto.

(c) Upon the awarding of a scholarship under the nursing student scholarship program, the sponsor shall pay to the executive officer ~~50%~~ of the amount of such scholarship *to be financed by the sponsor*. Each such amount shall be deposited in the nursing student scholarship program fund in accordance with K.S.A. ~~1989~~ 1991 Supp. 74-3298 and amendments thereto.

(d) *The sponsorship by a scholarship recipient may be transferred from one sponsor to another upon the agreement of the original sponsor, the scholarship recipient and the sponsor to which the sponsorship is to be transferred. The terms, conditions and obligations of the transferred agreement shall be substantially similar to the terms, conditions and obligations of the original agreement. No sponsorship shall be transferred unless the agreement transferring such sponsorship provides for service in a rural area and is approved by the executive officer as consistent with the provisions of the nursing student scholarship program and as consistent with any rules and regulations relating thereto adopted by the state board of regents in accordance with the provisions of K.S.A. 1991 Supp. 74-3297 and amendments thereto.*

Sec. 3. K.S.A. 1991 Supp. 74-3295 is hereby amended to read as follows: 74-3295. Except as provided in K.S.A. ~~1989~~ 1991 Supp. 74-3296 and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the nursing student scholarship program, such person shall pay to the executive officer an amount equal to ~~50%~~ of the total amount of money received by such person pursuant to such agreement *which was financed by the state of Kansas plus annual interest at a rate of 15% and shall pay to the sponsor an amount equal to 50% of the total amount of money received by such person pursuant to such agreement which was financed by the sponsor plus annual interest at a rate of 15%.* Installment payments of any such amounts may be made in accordance with the provisions of agreements entered into by the scholarship recipient and the sponsor or if no such provisions exist in such agreements, in accordance with rules and regulations of the state board of regents, except that such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the executive officer based upon the circumstances of each individual case. Amounts paid under this section to the executive officer shall be deposited in the nursing student scholarship program fund in accordance with K.S.A. ~~1989~~ 1991 Supp. 74-3298 and amendments thereto.

Sec. 4. K.S.A. 1991 Supp. 74-3293, 74-3294 and 74-3295 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

HOUSE BILL No. 3110

AN ACT relating to taxation; exempting certain property of school district interlocal cooperatives from ad valorem taxes levied under state law; amending K.S.A. 79-201 and repealing the existing section.

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

Section 1. K.S.A. 79-201 is hereby amended to read as follows: 79-201. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All buildings used exclusively as places of public worship and all buildings used exclusively by school districts and school district interlocal cooperatives organized under the laws of this state, with the furniture and books therein contained and used exclusively for the accommodation of religious meetings or for school district or school district interlocal cooperative purposes, whichever is applicable, together with the grounds owned thereby if not leased or otherwise used for the realization of profit, except that: (a) (1) Any school building, or portion thereof, together with the grounds upon which the building is located, shall be considered to be used exclusively by the school district for the purposes of this section when leased by the school district to any other political or taxing subdivision of the state, including a school district interlocal cooperative, or to any association, organization or nonprofit corporation entitled to tax exemption with respect to such property; and (2) any school building, together with the grounds upon which the building is located, shall be considered to be used exclusively by a school district interlocal cooperative for the purposes of this section when being acquired pursuant to a lease-purchase agreement; and (b) any building, or portion thereof, used as a place of worship, together with the grounds upon which the building is located, shall be considered to be used exclusively for the religious purposes of this section when used as a not-for-profit day care center for children which is licensed pursuant to K.S.A. 65-501 *et seq.*, and amendments thereto, or when used to house an area where the congregation of a church society and others may purchase tracts, books and other items relating to the promulgation of the church society's religious doctrines.

Second. All real property, and all tangible personal property, actually and regularly used exclusively for literary, educational, scientific, religious, benevolent or charitable purposes, including property used exclusively for such purposes by more than one agency or organization for one or more of such exempt purposes. This exemption shall not apply to such property, not actually used or occupied for the purposes set forth herein, nor to such property held or used as an investment even though the income or rentals received therefrom is used wholly for such literary, educational, scientific, religious, benevolent or charitable purposes. This exemption shall not be deemed inapplicable to property which would otherwise be exempt pursuant to this paragraph because an agency or organization: (a) is reimbursed for the provision of services accomplishing the purposes enumerated in this paragraph based upon the ability to pay by the recipient of such services; or (b) is reimbursed for the actual expense of using such property for purposes enumerated in this paragraph; or (c) uses such property for a nonexempt purpose which is minimal in scope and insubstantial in nature if such use is incidental to the exempt purposes of this paragraph; or (d) charges a reasonable fee for admission to cultural or educational activities or permits the use of its property for such activities by a related agency or organization, if any such activity is in furtherance of the purposes of this paragraph.

Third. All moneys and credits belonging exclusively to universities, colleges, academies or other public schools of any kind, or to religious, literary, scientific or benevolent and charitable institutions or associations, appropriated solely to sustain such institutions or associations, not exceeding in amount or in income arising therefrom the limit prescribed by the charter of such institution or association.

Fourth. The reserve or emergency funds of fraternal benefit societies authorized to do business under the laws of the state of Kansas.

Fifth. All buildings of private nonprofit universities or colleges which are owned and operated by such universities and colleges as student union buildings, presidents' homes and student dormitories.

Sixth. All real and tangible personal property actually and regularly used exclusively by the alumni association associated by its articles of incorporation with any public or nonprofit Kansas college or university approved by the Kansas board of regents to confer academic degrees or with any community college approved by its board of trustees to grant certificates of completion of courses or curriculum, to provide accommodations and services to such college or university or to the alumni, staff or faculty thereof.

Seventh. All parsonages owned by a church society and actually and regularly occupied and used exclusively as a residence by a minister or other clergyman of such church society who is actually and regularly engaged in conducting the services and religious ministrations of such society, and the land upon which such parsonage is located to the extent necessary for the accommodation of such parsonage.

Eighth. All real property, all buildings located on such property and all personal property contained therein, actually and regularly used exclusively by any individually chartered organization of honorably discharged military veterans of the United States armed forces or auxiliary of any such organization, which is exempt from federal income taxation pursuant to section 501(c)(19) of the federal internal revenue code of 1986, for clubhouse, place of meeting or memorial hall purposes, and real property to the extent of not more than two acres, and all buildings located on such property, actually and regularly used exclusively by any such veterans' organization or its auxiliary as a memorial park.

Ninth. All real property and tangible personal property actually and regularly used by a community service organization for the predominant purpose of providing humanitarian services, which is owned and operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign not-for-profit corporation if: (a) The directors of such corporation serve without pay for such services; (b) the corporation is operated in a manner which does not result in the accrual of distributable profits, realization of private gain resulting from the payment of compensation in excess of a reasonable allowance for salary or other compensation for services rendered or the realization of any other form of private gain; (c) no officer, director or member of such corporation has any pecuniary interest in the property for which exemption is claimed; (d) the corporation is organized for the purpose of providing humanitarian services; (e) the actual use of property for which an exemption is claimed must be substantially and predominantly related to the purpose of providing humanitarian services, except that, the use of such property for a nonexempt purpose which is minimal in scope and insubstantial in nature shall not result in the loss of exemption if such use is incidental to the purpose of providing humanitarian services by the corporation; (f) the corporation is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986 and; (g) contributions to the corporation are deductible under the Kansas income tax act. As used in this clause, "humanitarian services" means the conduct of activities which substantially and predominantly meet a demonstrated community need and which improve the physical, mental, social, cultural or spiritual welfare of others or the relief, comfort or assistance of persons in distress or any combination thereof including but not limited to health and recreation services, child care, individual and family counseling, employment and training programs for handicapped persons and meals or feeding programs. Notwithstanding any other provision of this clause, motor vehicles shall not be exempt hereunder unless such vehicles are exclusively used for the purposes described therein.

Tenth. For all taxable years commencing after December 31, 1986, any building, and the land upon which such building is located to the extent necessary for the accommodation of such building, owned by a church or nonprofit religious society or order which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and actually and regularly occupied and used exclusively for residential and religious purposes by a community of persons who are bound by vows to a religious life and who conduct or assist in the conduct of religious services and actually and regularly engage in religious, benevolent, charitable or educational ministrations or the performance of health care services.

The provisions of this section, except as otherwise more specifically provided, shall apply to all taxable years commencing after December 31, 1988.

Sec. 2. K.S.A. 79-201 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

HOUSE BILL No. 2979

AN ACT authorizing the state board of regents to sell certain real property on behalf of Kansas state university; imposing certain conditions; prescribing disposition of the proceeds.

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

Section 1. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest in the following described tracts of real estate, improvements thereon and easements, all located in Chase county, Kansas, which were received by Kansas state university as a bequest from the estate of Francis W. ImMasche and which are more particularly described as follows:

(1) TRACT 1.

A tract in the Northwest Quarter of the Northwest Quarter (NW¹/₄ NW¹/₄) of Section Fourteen (14), Township Nineteen (19) South of Range Nine (9) East of the 6th P.M. described as: beginning at the southwest corner of said Northwest Quarter of the Northwest Quarter and running thence east on the south line of said Northwest Quarter of the Northwest Quarter a distance of 99 feet; thence north to the south boundary line of the Atchison, Topeka and Santa Fe Railway Company (formerly K.C.M. and O. Railway); thence southwesterly along said right of way to the west line of the said Northwest Quarter; thence south to the place of beginning. Chase County, Kansas.

(2) TRACT 2.

The West One-half of the Northwest Quarter (W¹/₂ NW¹/₄) of Section Fifteen (15), Township Nineteen (19) South of Range Nine (9) East of the 6th P.M. lying north of the right of way of the county road (formerly U. S. Highway 50 South), except the right of way of U. S. Highway 50 along the north side thereof. Chase County, Kansas.

The East One-half of the Northwest Quarter (E¹/₂ NW¹/₄); the Northeast Quarter (NE¹/₄); all that part of the East One-half of the Southwest Quarter (E¹/₂ SW¹/₄) and the Southeast Quarter (SE¹/₄) lying north of the right of way of the county road (formerly U. S. Highway 50 South), all in Section Sixteen (16), Township Nineteen (19) South, Range Nine (9) East of the 6th P.M. Chase County, Kansas.

All that part of the East One-half of the Southwest Quarter (E¹/₂ SW¹/₄) of Section Sixteen (16), lying south of the right of way of the Atchison, Topeka and Santa Fe Railway. Also, a tract in the West Half of the Southwest Quarter (W¹/₂ SW¹/₄) of said Section Sixteen (16) described as commencing at a point on the east line of the West One-half of said Southwest Quarter (W¹/₂ SW¹/₄) where that line intersects the south line of the right of way of the Atchison, Topeka and Santa Fe Railway Company, thence south 130 feet to a place of beginning; thence west 50 feet; thence south 200 feet; thence east 50 feet; thence north 200 feet to the place of beginning. All in Township Nineteen (19) South of Range Nine (9) East of the 6th P.M. Chase County, Kansas.

The East One-half of the West One-half (E¹/₂ W¹/₂) of Section Twenty-one (21), Township Nineteen (19) South of Range Nine (9) East of the 6th P.M. Chase County, Kansas.

(b) Conveyance of such rights, title and interest in such real estate, improvements thereon and easements, shall be in accordance with the procedures prescribed therefor by the state board of regents and shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale of such real estate, improvements thereon and easements shall be deposited in the state treasury to the credit of the gifts account of the restricted fees fund of Kansas state university — extension systems and agriculture research programs.

(c) No conveyance of real estate, improvements thereon and easements authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

SENATE BILL No. 549

AN ACT relating to the taxation of motor fuels; establishing the international fuel tax agreement clearing fund; providing for the disposition of certain funds; amending K.S.A. 79-34,126 and repealing the existing section.

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

Section 1. K.S.A. 79-34,126 is hereby amended to read as follows: 79-34,126. (a) All amounts collected under the interstate motor fuel use act shall be remitted by the director to the state treasurer daily, and the state treasurer shall deposit the same in the state treasury. The state treasurer shall credit such amounts as follows: To the state freeway fund amounts specified in K.S.A. 79-34,142, and amendments thereto, to be expended in the manner provided in K.S.A. 68-2301, and amendments thereto, and amounts specified in K.S.A. 79-34,142, and amendments thereto, to a special city and county highway fund to be apportioned and distributed in the manner provided in K.S.A. 79-3425c, and amendments thereto.

(b) On each day after the state treasurer has received certification from the secretary of transportation that provisions have been made for the payment of the pro rata share of the amount required to be paid on the next ensuing payment date of either principal and interest or interest on the outstanding highway bonds issued pursuant to K.S.A. 68-2304, and amendments thereto, the state treasurer shall transfer from the state freeway fund to the state highway fund an amount prescribed by K.S.A. 79-34,143, and amendments thereto.

(c) All amounts collected under the international fuel tax agreement shall be remitted by the director to the state treasurer daily. The state treasurer shall deposit the entire amount in the state treasury and credit such amount to the international fuel tax agreement clearing fund which is hereby created. Payments due and owing to member jurisdictions under the international fuel tax agreement and refunds for overpayment of tax shall be made from such fund. The director shall reconcile such clearing fund monthly with balances remitted monthly in accordance with the provisions of subsection (a). The funds in the international fuel tax agreement clearing fund shall be invested in the same manner as provided in K.S.A. 1991 Supp. 68-2324, and amendments thereto, and all earnings shall be deposited in the state treasury and credited to the state highway fund.

Sec. 2. K.S.A. 79-34,126 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

SENATE BILL No. 753

AN ACT concerning the Kansas act against discrimination; relating to reconciliation of statutory conflicts; amending K.S.A. 1991 Supp. 44-1002, 44-1015 and 44-1030 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 44-1002a, 44-1015a and 44-1030a.

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

Section 1. K.S.A. 1991 Supp. 44-1002 is hereby amended to read as follows: 44-1002. When used in this act:

(a) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers.

(b) "Employer" includes any person in this state employing four or more persons and any person acting directly or indirectly for an employer, labor organizations, nonsectarian corporations, organizations engaged in social service work and the state of Kansas and all political and municipal subdivisions thereof, but shall not include a nonprofit fraternal or social association or corporation.

(c) "Employee" does not include any individual employed by such individual's parents, spouse or child or in the domestic service of any person.

(d) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to, employment.

(continued)

(e) "Employment agency" includes any person or governmental agency undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

(f) "Commission" means the *Kansas human rights commission on civil rights* created by this act.

(g) "Unlawful employment practice" includes only those unlawful practices and acts specified in K.S.A. 44-1009 and amendments thereto and includes segregate or separate.

(h) "Public accommodations" means any person who caters or offers goods, services, facilities and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment or food service establishment, as defined by K.S.A. 36-501 and amendments thereto; any bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery which is open to the public; or any public transportation facility. Public accommodations do not include a religious or nonprofit fraternal or social association or corporation.

(i) "Unlawful discriminatory practice" means: (1) Any discrimination against persons, by reason of their race, religion, color, sex, disability, national origin or ancestry:

(A) In any place of public accommodations; or

(B) in the full and equal use and enjoyment of the services, facilities, privileges and advantages of any institution, department or agency of the state of Kansas or any political subdivision or municipality thereof; and

(2) any discrimination against persons in regard to membership in a nonprofit recreational or social association or corporation by reason of race, religion, sex, color, disability, national origin or ancestry if such association or corporation has 100 or more members and: (A) Provides regular meal service; and (B) receives payment for dues, fees, use of space, use of facility, services, meals or beverages, directly or indirectly, from or on behalf of nonmembers.

This term shall not apply to a religious or private fraternal and benevolent association or corporation.

(j) "Disability" means, with respect to an individual:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment by the person or entity alleged to have committed the unlawful discriminatory practice complained of.

Disability does not include current, illegal use of a controlled substance as defined in section 102 of the federal controlled substance act (21 U.S.C. 802), in housing discrimination. In employment and public accommodation discrimination, "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the controlled substance act (21 U.S.C. 812), when the covered entity acts on the basis of such use.

(k) "Reasonable accommodation" means:

(1) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(2) job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(l) "Regarded as having such an impairment" means the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists.

Sec. 2. K.S.A. 1991 Supp. 44-1015 is hereby amended to read as follows: 44-1015. As used in this act, unless the context otherwise requires:

(a) "Commission" means the *Kansas human rights commission on civil rights*.

(b) "Real property" means and includes:

(1) All vacant or unimproved land; and

(2) any building or structure which is occupied or designed or intended for occupancy, or any building or structure having a portion thereof which is occupied or designed or intended for occupancy.

(c) "Family" includes a single individual.

(d) "Person" means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver and fiduciary.

(e) "To rent" means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means any act that is unlawful under K.S.A. 44-1016, 44-1017 or 44-1026, and amendments thereto.

(g) "Person aggrieved" means any person who claims to have been injured by a discriminatory housing practice or believes that such person will be injured by a discriminatory housing practice that is about to occur.

(h) "Disability" has the meaning provided by K.S.A. 44-1002 and amendments thereto.

(i) "Familial status" means having one or more individuals less than 18 years of age domiciled with:

(1) A parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

Sec. 3. K.S.A. 1991 Supp. 44-1030 is hereby amended to read as follows: 44-1030. (a) Except as provided by subsection (c), every contract for or on behalf of the state or any county or municipality or other political subdivision of the state, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

(1) The contractor shall observe the provisions of the Kansas act against discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, national origin or ancestry;

(2) in all solicitations or advertisements for employees, the contractor shall include the phrase, "equal opportunity employer," or a similar phrase to be approved by the commission;

(3) if the contractor fails to comply with the manner in which the contractor reports to the commission in accordance with the provisions of K.S.A. 44-1031 and amendments thereto, the contractor shall be deemed to have breached the present contract and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency;

(4) if the contractor is found guilty of a violation of the Kansas act against discrimination under a decision or order of the commission which has become final, the contractor shall be deemed to have breached the present contract and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency; and

(5) the contractor shall include the provisions of subsections (a)(1) through (4) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

(b) The *Kansas human rights commission on civil rights* shall not be prevented hereby from requiring reports of contractors found to be not in compliance with the Kansas act against discrimination.

(c) The provisions of this section shall not apply to a contract entered into by a contractor:

(1) Who employs fewer than four employees during the term of such contract; or

(2) whose contracts with the governmental entity letting such contract cumulatively total \$5,000 or less during the fiscal year of such governmental entity.

Sec. 4. K.S.A. 1991 Supp. 44-1002, 44-1002a, 44-1015, 44-1015a, 44-1030 and 44-1030a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

SENATE BILL No. 771

AN ACT concerning crimes and punishments; relating to certain trading stamps, coupons and similar devices; amending K.S.A. 21-2803 and repealing the existing section.

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

Section 1. K.S.A. 21-2803 is hereby amended to read as follows: 21-2803. This act shall not apply to any coupon, ticket, certificate, card or other similar device which is issued, distributed, furnished or redeemed:

(a) By a manufacturer or packer, when such coupon, ticket, certificate, card or other similar device is redeemable:

(1) Without or with accompanying cash, for any product of the manufacturer or packer or for one specified and particular product not manufactured or packed by the manufacturer or packer; or

(2) by the manufacturer or packer in cash.

(b) By a retailer, when such coupon, ticket, certificate, card or other similar device is redeemable by the retailer, with or without accompanying cash, for any product which the retailer normally sells in its usual course of business.

(c) *By a person, firm, association or corporation, when such coupon, ticket, certificate, card or other similar device is redeemable, with or without accompanying cash, for air travel, hotel, motel and similar accommodations, vehicle rental or other travel or recreational services.*

Sec. 2. K.S.A. 21-2803 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

HOUSE BILL No. 3146

AN ACT concerning the enforcement of county codes and resolutions; providing for judicial powers to compel appearances; amending K.S.A. 19-4718 and K.S.A. 1991 Supp. 20-310a and repealing the existing sections.

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

Section 1. K.S.A. 19-4718 is hereby amended to read as follows: 19-4718. (a) The judge may compel the appearance of an accused person. *Upon verified application of the attorney prosecuting any complaint or upon a finding of cause by the court that any accused person has or will fail to appear on any summons and notice to appear, the judge may:*

(1) *Issue an order to appear in the manner provided in K.S.A. 19-4715, and amendments thereto, for notices to appear, which shall then be punishable by a contempt citation should the person fail to comply with the order;*

(2) *order the posting of an appearance bond in the manner provided under K.S.A. 12-4301 et seq., and amendments thereto; or*

(3) *issue a bench warrant compelling the appearance of the accused person before the court.*

(b) In addition to the procedures provided in K.S.A. 19-4716, and amendments thereto, the judge, upon request, may permit appearance, pleas and satisfaction of the judgment and sentence of the court by counsel or by mail.

Sec. 2. K.S.A. 1991 Supp. 20-310a is hereby amended to read as follows: 20-310a. (a) Upon the application of the administrative judge of a judicial district to the departmental justice of that district, for good cause shown, or in the absence, sickness or disability of a district judge or district magistrate judge in any judicial district, a judge pro tem may be appointed whenever the departmental justice for such judicial district has not assigned a district judge from another judicial district, as provided in K.S.A. 20-319, and amendments thereto.

(b) Any judge pro tem appointed pursuant to this section shall be a regularly admitted member of the bar of this state. The appointment of any such judge pro tem shall be made by the administrative judge or, in the absence of the administrative judge, by the departmental justice for the judicial district.

(c) Any judge pro tem appointed pursuant to this section shall have the full power and authority of a district judge with respect to

any actions or proceedings before such judge pro tem, except that any judge pro tem appointed pursuant to subsection (d) or (e) shall have only such power and authority as provided therein. A judge pro tem shall receive such compensation as is prescribed by the district court, subject to the budget limitations of such district court.

(d) Subject to the budget limitations of the district court, the administrative judge of any judicial district may appoint one or more judges pro tem for the limited purpose of hearing the original trials of actions filed pursuant to the small claims procedures act or other action within the jurisdiction of a district magistrate judge as provided in K.S.A. 20-302b, and amendments thereto. Any such judge pro tem shall have only such judicial power and authority as is necessary to hear such actions. Any party aggrieved by any order of a judge pro tem under this subsection may appeal such order and such appeal shall be heard by a district judge de novo. If the appeal is a small claims action, the appeal shall be under K.S.A. 61-2709, and amendments thereto. If the appeal is an action within the jurisdiction of a district magistrate judge, the appeal shall be under K.S.A. 20-302b, and amendments thereto.

(e) Subject to the budget limitations of the district court, the administrative judge of any judicial district in which the board of county commissioners is authorized to use the code for the enforcement of county codes and resolutions as provided in subsection (b) of K.S.A. 19-101d, and amendments thereto, may appoint one or more judges pro tem for the limited purpose of hearing such cases. *Any such judge pro tem shall have only such power and authority as is necessary to hear such actions, and shall have the power to compel appearances before the court, to hold persons in contempt for failure to appear, and to issue bench warrants for appearances.* Such judge pro tem shall receive the salary and other compensation set by resolution of the board of county commissioners which shall be paid from the revenues of the county general fund or other fund established for the purpose of financing code enforcement.

(f) The administrative judge of each judicial district shall report to the judicial administrator of the courts: (1) The dates on which any judge pro tem served in such district, (2) the compensation paid to any judge pro tem, and (3) such other information as the judicial administrator may request with regard to the appointment of judges pro tem. The reports shall be submitted annually on or before January 15 on forms provided by the judicial administrator.

New Sec. 3. If a person who is a resident of this state is charged with a violation of a county code or resolution and such person fails to appear after service of notice to appear, then the judge having jurisdiction to hear the complaint may apply in the district court of the county to cite the accused person with contempt of court and may issue or have issued a bench warrant compelling the accused person to appear before the court to plead upon the charge and the citation for contempt. Any law enforcement officer of any county or any city in this state may serve the bench warrant issued for the person and may collect from the person a cash appearance bond in the amount stated in the warrant upon the request of the law enforcement agency of the county in which the warrant was issued. Any appearance bond collected pursuant to this section shall be forwarded to the clerk of the court in the county in which the alleged violation was committed.

Sec. 4. K.S.A. 19-4718 and K.S.A. 1991 Supp. 20-310a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

SENATE BILL No. 519

AN ACT concerning life insurance; purchase of policy benefits; notice to beneficiary; cancellation of transaction.

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

Section 1. As used in this act "person" means an individual, partnership, corporation or other entity that purchases life insurance policies; any rights thereunder or becomes a beneficiary under life insurance policies by paying the policyowner a percentage of the expected policy benefits.

Sec. 2. Any person purchasing any interest in a life insurance policy already in force or beneficiary rights under any such life insurance policy from an existing policyowner shall, at least 90 days prior to doing any act toward the transaction of such business in this state, file an application for a license in the form prescribed by the commissioner of insurance. Such application shall be accompanied by a nonrefundable fee of \$1,000 and the applicant shall provide any information the commissioner may require including a copy of any discount rates, contracts or other forms used in the transactions described in section 1.

Sec. 3. When it appears to the commissioner that it is contrary to the interests of the public for a person licensed pursuant to this act to transact or continue to transact the business in this state, the commissioner may deny the issuance or continuation of a license. If, after a hearing conducted in accordance with the Kansas administrative procedure act, the commissioner concludes that it is contrary to the interests of the public for the person to continue to transact such business, the commissioner may revoke the person's license, or issue an order suspending the license for a period determined by the commissioner.

Sec. 4. Any license issued pursuant to section 2 shall continue in force until revoked, suspended or otherwise terminated by the commissioner upon payment of an annual continuation fee of \$500 on or before May 1 of each year.

Sec. 5. Any person who intends to discontinue transacting business in this state shall so notify the commissioner, and shall surrender such person's license.

Sec. 6. All persons shall disclose or advise any policyowner at the time of solicitation of all of the following:

(a) For policyowners with catastrophic or life threatening illness, possible alternatives to the sale of their life insurance policy or any interest therein, including, but not limited to, accelerated benefits options that may be offered by the life insurer;

(b) tax consequences that may result from entering into a contract described in section 2;

(c) consequences for interruption of public assistance as provided by medicaid or other public assistance programs;

(d) the policyowner has an absolute right to rescind a contract described in section 2 within 30 days of its execution.

Sec. 7. The commissioner may, when the commissioner deems it reasonably necessary to protect the interests of the public, examine the business and affairs of any licensee or applicant for a license. The commissioner shall have the authority to order any licensee or applicant to produce any records, books, files, or other information reasonably necessary to ascertain whether or not the licensee or applicant is acting or has acted in violation of the law or otherwise contrary to the interests of the public. The expenses incurred in conducting any examination shall be paid by the licensee or applicant.

Sec. 8. The commissioner may investigate the conduct of any person when the commissioner has reason to believe the person may have acted, or may be acting, in violation of law, or otherwise contrary to the interests of the public. The commissioner may initiate an investigation on the commissioner's own, or upon a complaint filed by any other individual.

Sec. 9. A person who is not a resident of Kansas may not receive or maintain a license unless a written designation of an agent for service of process is filed and maintained with the commissioner or has filed in the insurance department, such person's written, irrevocable consent that any action may be commenced against such person by the service of process on the commissioner of insurance.

Sec. 10. Any policyowner who enters into a contract with a person shall have the absolute right to rescind the contract within 30 days of execution of the contract, and any waiver or contract language contrary to this section shall be void.

Sec. 11. All medical information solicited or obtained by any person shall be subject to the applicable provisions of Kansas law relating to the confidentiality of medical information.

Sec. 12. The commissioner may adopt rules and regulations reasonably necessary to administer the provisions of this act. This authority includes, but is not limited to, regulation of discount rates used to determine the amount paid in exchange for assignment, transfer, sale, devise or bequest of a benefit under a life insurance policy.

Sec. 13. This act shall not apply to an insurance company in the course of exercising contractual provisions under a life insurance or annuity policy which permit the acceleration of life or annuity benefits in advance of the time they would otherwise be payable or to any assignee of a life insurance or annuity policy that has been used to collateralize a loan.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 23, 1992.)

HOUSE BILL No. 2748

AN ACT relating to investment companies; concerning investment certificates thereof; bankruptcy reorganization; amending K.S.A. 16-601, 16-601r, 16-601s, 16-619 and 16-6a10 and repealing the existing sections; also repealing K.S.A. 16-601p.

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

Section 1. K.S.A. 16-601 is hereby amended to read as follows: 16-601. Application for registration of investment certificates by investment companies under the provisions of this act, shall be directed to the consumer credit commissioner as designated under K.S.A. 16-403, and amendments thereto, who shall administer the provisions of this act as it applies to investment companies as defined by K.S.A. 16-630, and amendments thereto. When investment certificates are registered under this or any other provision of this act, the following standards of operation shall be required and maintained by the issuer:

(1) All evidences of indebtedness issued hereunder shall be called investment certificates.

(2) The investment certificate shall state or provide for: (a) The name and address of the issuer; (b) the name and address of the certificate owner; (c) the dollar amount of the certificates; (d) the stated rate of interest or method of declaring rate of interest; (e) a provision that the certificates may be repurchased by the issuer at the desire of the issuer or of the certificate owner in the same manner as prescribed for savings and loan associations shares in K.S.A. 17-5414, and amendments thereto; (f) a provision as to the manner in which the certificate may be assigned; (g) the priority of claim or right that the certificate shall have in relation to the other obligations of the issuer; and (h) each certificate shall state that a copy of the prospectus of the issuing company shall be available to each certificate holder upon request; and ~~investment certificates authorized hereunder shall have printed thereon the words: "Funds in investment certificates owned by a single investor are protected up to an aggregate maximum of \$10,000 by the Kansas investment certificate guaranty fund corporation, a private corporation which is not an agency of the state of Kansas or of the federal government."~~

Sec. 2. K.S.A. 16-601r is hereby amended to read as follows: 16-601r. The authority to issue investment certificates shall be non-transferable, except with the prior written consent of the commissioner ~~and the investment certificate guaranty fund corporation.~~

Sec. 3. K.S.A. 16-601s is hereby amended to read as follows: 16-601s. The authority to issue investment certificates shall not be acquired by the purchase of the common stock, or the stock which exercises voting control of a company authorized to issue investment certificates without the prior written consent of the commissioner ~~and the investment certificate guaranty fund corporation.~~

Sec. 4. K.S.A. 16-619 is hereby amended to read as follows: 16-619. (a) When the commissioner takes possession of the property and business of any company for the purpose of liquidation, the commissioner may liquidate the company in the manner and pursuant to the procedures provided by law for the liquidation of banks as may be applicable and as provided by K.S.A. 9-1902 to 9-1906, inclusive, and amendments thereto, and K.S.A. 9-1909 to 9-1914, inclusive, and amendments thereto. In such a liquidation the commissioner shall have the same authority with reference to investment companies as are vested in the bank commissioner by law with reference to banks.

(b) ~~In such a liquidation, the commissioner shall designate the Kansas investment certificate guaranty fund corporation as the receiver to liquidate the company or to place the company on a sound fiscal basis. In such capacity the guaranty corporation shall have all of the powers of a receiver as provided by subsection (a) herein.~~

Sec. 5. K.S.A. 16-6a10 is hereby amended to read as follows: 16-6a10. (a) When the property and business of a member has been liquidated or is in the process of liquidation or reorganization by the commissioner or through a case filed under title 11 of the United States code (11 U.S.C.A. § 101 et seq.) and the proceeds of liquidation distributed ratably are insufficient to pay up to \$10,000 for each investment certificate obligation specified in K.S.A. 16-6a05 and amendments thereto the commissioner shall direct the guaranty corporation to pay, and, except as provided in subsection (c) of this section, the guaranty corporation shall pay each such deficiency at the direction of and in amounts as directed by the commissioner or in accordance with a confirmed plan of reorganization under title 11 or applicable bankruptcy law (but not to exceed amounts provided by K.S.A. 16-6a05 and amendments thereto) within 60 days from the date the commissioner makes demand for payment. If the total funds available from the guaranty corporation at such time are insufficient to pay in full the amounts provided by K.S.A. 16-6a05 and amendments thereto, the amount paid to each investment certificate holder shall be ratably reduced in proportion to the amount by which the fund is deficient. Thereafter further payments shall be made ratably to the investment certificate holders in accordance with the directions of the commissioner as additional funds are paid into the guaranty fund from assessments and income accrued on them. The guaranty corporation shall have a claim against any member or the assets of any member which has been liquidated or which is in the process of liquidation for any investment certificate obligation paid under this section, and shall be subrogated to all rights of the owner of such investment certificate obligation to the extent of such payment.

(b) At any time after the expiration of the time fixed for the presentation of claims, the commissioner may direct the guaranty corporation and, except as provided in subsection (c) of this section, within 60 days thereafter, the guaranty corporation shall pay any deficiency up to \$10,000 for each investment certificate obligation specified in K.S.A. 16-6a05 and amendments thereto as estimated by the commissioner, except that no such demand for payment shall be made by the commissioner until the commissioner has given the guaranty corporation notice of the member company's default in payment upon its investment certificates and shall have made and filed the inventory of assets and the first list of claims of the member company in default. The commissioner's estimate shall be based upon an analysis of the claims presented prior to the expiration of the time fixed for presentation, and an examination and evaluation of the member's assets, including its loans and receivables. The commissioner shall employ such competent, qualified appraisers as may be required to appraise the defaulting member's assets, and may call upon the guaranty corporation for this purpose.

(c) Any demand for payment made upon the guaranty corporation under this section shall be in writing, shall specify by name and amount each investment certificate obligation to be paid under this section, the amount of each deficiency or estimated deficiency and the basis upon which each such deficiency is determined or estimated. The demand shall be accompanied by a copy of the inventory of assets, copies of all lists of claims filed by the commissioner and copies of the commissioner appraisals of the member's assets. The demand shall be served upon the guaranty corporation, either by

delivery thereof to the president, vice-president or secretary of the guaranty corporation or by mailing the demand certified or registered mail, return receipt requested, postage prepaid, to the registered office of the guaranty corporation. The guaranty corporation may request such additional material and information as may be appropriate. The commissioner shall produce for inspection and copying such books, records, financial data and other documents of the member in liquidation as may be requested by the guaranty corporation. The guaranty corporation may object to a demand for payment. Such objection shall be heard and determined by the district court in which the liquidation proceedings are pending. Objections shall be in writing, shall set forth the reasons therefor and shall be served upon the commissioner and filed with the clerk of said court within 15 days after receipt by the guaranty corporation of the commissioner's demand. Service of such objection upon the commissioner shall be made by delivering a copy to the commissioner or by mailing it to the office of the commissioner. Service by mail is complete upon mailing. Not later than five days after its objection is filed and served, the guaranty corporation shall file and serve notice of the date, time and place of hearing such objection. The court, sitting without a jury, shall hear and determine any such objection at the earliest possible date. Unless the court, upon such hearing, shall determine that the guarantees provided in this act are not applicable to the obligations of the member in liquidation, the court shall order and the guaranty corporation shall pay such deficiencies and such amounts as shall be ordered by the court within 45 days from the date the order of the court is signed and entered in the register of actions.

(d) The commissioner shall not direct the guaranty corporation in any one calendar year to pay any investment certificate obligations that exceed in the aggregate the total in the fund after allowing for all amounts to be added to these accounts during that year by assessment as provided in this act.

(e) The amount of principal and interest that shall be determined to be owing on each investment certificate obligation of a member shall be the amount owing on the date the commissioner is authorized by order of the district court to liquidate the business and property of such member. The guaranty corporation shall not be liable for any interest on any such obligation that shall accrue thereafter. If the guaranty corporation does not tender payment within the times set forth in subsections (a), (b) or (c) of this section and, in the amount required to be paid by it, such amount shall accrue interest from the last day payment was required to be made by the guaranty corporation until paid. The rate of interest for which the guaranty corporation shall be liable shall be that provided by the investment certificate or the rate of interest provided for judgments in K.S.A. 16-204 and amendments thereto, whichever is less.

(f) In order to assist a member company which has defaulted in payment upon an investment certificate, or when the guaranty corporation has determined that a member company is in danger of defaulting in making payment upon its investment certificates, in order to prevent such a default, the guaranty corporation, with the approval of the commissioner, is authorized, in its sole discretion, to make loans or contributions to, or purchase the assets of, or invest in, such member upon such terms and conditions as the guaranty corporation may agree with such member company. If the member is in liquidation proceedings, any action by the guaranty corporation pursuant to this subsection shall be subject to the approval of the court in which the liquidation proceedings are pending. There shall be no liability on the part of the commissioner or the commissioner's authorized agents or the guaranty corporation or its members, directors, officers, employees or agents for any action taken pursuant to this subsection or for any omission or failure to act pursuant to this subsection.

Sec. 6. K.S.A. 16-601, 16-601p, 16-601r, 16-601s, 16-619 and 16-6a10 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. 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
1-2-30	New	V. 11, p. 278
1-2-81	Revoked	V. 11, p. 278
1-5-15	Amended	V. 10, p. 1688
1-5-27	Revoked	V. 10, p. 1688
1-5-28	Amended	V. 10, p. 1688
1-5-30	Amended	V. 10, p. 1689
1-6-2	Amended	V. 11, p. 278
1-6-29	Amended	V. 10, p. 1689
1-6-32	Amended	V. 11, p. 278
1-9-4	Amended	V. 10, p. 1690
1-9-5	Amended	V. 10, p. 1691
1-9-7a	Amended	V. 10, p. 382, 760
1-9-19a	Amended	V. 11, p. 279
1-9-21	Amended	V. 10, p. 1692
1-16-18	Amended	V. 10, p. 1470, 1497
1-17-1	Amended	V. 10, p. 1471
1-17-2	Amended	V. 10, p. 1471
1-17-2a	Amended	V. 10, p. 1471
1-45-16	Amended	V. 10, p. 1692
1-49-1	Amended	V. 10, p. 1472

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-3-47	Amended	V. 10, p. 1319
4-3-49	Amended	V. 10, p. 1319
4-7-2	Amended	V. 10, p. 1319
4-7-510	Amended	V. 10, p. 1319
4-7-513	Amended	V. 10, p. 1319
4-7-530	New	V. 10, p. 1319
4-7-531	New	V. 10, p. 1319
4-7-532	New	V. 10, p. 1319
4-7-533	New	V. 10, p. 1320
4-7-716	Amended	V. 11, p. 555
4-7-717	Amended	V. 10, p. 1320
4-7-719	Amended	V. 11, p. 63
4-7-722	Amended	V. 10, p. 1320
4-8-14	Revoked	V. 10, p. 1320
4-8-14a	New	V. 10, p. 1320
4-8-27	Amended	V. 11, p. 555
4-8-30	Amended	V. 10, p. 1321
4-8-39	Amended	V. 10, p. 1321
4-8-40	Amended	V. 10, p. 1321
4-8-41	New	V. 11, p. 555
4-13-28	New	V. 10, p. 1321
4-15-2	Amended	V. 11, p. 555
4-16-300 through 4-16-305	New	V. 11, p. 556, 557
4-17-300 through 4-17-305	New	V. 11, p. 557, 558
4-33-1	Amended	V. 10, p. 1315, 1321
4-33-2	New	V. 10, p. 1315, 1321

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
5-40-1	Amended	V. 11, p. 15, 40
5-42-1	Amended	V. 11, p. 40, 361
5-42-3	Amended	V. 11, p. 361

5-44-1 through 5-44-6	New	V. 11, p. 15-17, 40-42
5-45-1 through 5-45-4	Amended	V. 11, p. 42-44, 361-363
5-45-6	Amended	V. 11, p. 44, 363
5-45-7	Amended	V. 11, p. 44, 363
5-45-12	Amended	V. 11, p. 44, 363
5-45-13	Amended	V. 11, p. 45, 364
5-45-14 through 5-45-17	New	V. 11, p. 45, 364, 365

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. 1821, 1822
9-13-4	Revoked	V. 10, p. 257
9-18-1	Amended	V. 10, p. 1822
9-19-1 through 9-19-11	New	V. 10, p. 1822-1827
9-20-1	New	V. 10, p. 1827
9-20-2	New	V. 10, p. 1828
9-20-3	New	V. 10, p. 1828
9-21-1	New	V. 10, p. 1828
9-21-2	New	V. 10, p. 1829
9-21-3	New	V. 10, p. 1829
9-22-1	New	V. 10, p. 1829
9-22-2	New	V. 10, p. 1830
9-22-3	New	V. 10, p. 1830
9-23-1	New	V. 10, p. 1830
9-23-2	New	V. 10, p. 1831
9-23-3	New	V. 10, p. 1831
9-24-1	New	V. 10, p. 1831
9-24-2	New	V. 10, p. 1832
9-24-3	New	V. 10, p. 1832

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 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-11-17	Amended	V. 10, p. 1768
17-11-18	Amended	V. 10, p. 1768
17-11-21	Amended	V. 10, p. 1768
17-12-1	Amended	V. 10, p. 1768
17-12-2	Amended	V. 10, p. 1769
17-14-1	Amended	V. 10, p. 1769
17-15-1	Amended	V. 10, p. 1769
17-16-1	Amended	V. 10, p. 1772
17-16-2	Amended	V. 10, p. 1772
17-16-3	Amended	V. 10, p. 1772
17-16-5	Amended	V. 10, p. 1773
17-16-6	Amended	V. 10, p. 1773
17-16-8	Amended	V. 10, p. 1773
17-16-9	Amended	V. 10, p. 1773
17-18-4	Amended	V. 10, p. 1773
17-20-1	New	V. 10, p. 1773

AGENCY 21: KANSAS HUMAN RIGHTS COMMISSION

Reg. No.	Action	Register
21-34-1 through 21-34-21	New	V. 11, p. 357-360
21-34-21	New	V. 11, p. 504-507

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
23-21-1 through 23-21-14	Revoked	V. 10, p. 1441

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 10, p. 405
25-4-4	Amended	V. 11, p. 164

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1 through 26-8-14	New	V. 10, p. 1285-1287

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-405	Amended	V. 10, p. 257
28-4-530	New	V. 10, p. 1246
28-4-531	New	V. 10, p. 1246
28-17-6	Amended	V. 10, p. 1246
28-17-12	Amended	V. 10, p. 1246
28-19-61	Amended	V. 10, p. 1246
28-19-62	Amended	V. 10, p. 1250
28-19-76	New	V. 10, p. 1251
28-19-77	New	V. 10, p. 1252
28-19-78	New	V. 10, p. 1254
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
28-35-147	Amended	V. 11, p. 130
28-36-30	Amended	V. 10, p. 1655
28-39-77	Amended	V. 10, p. 1655
28-53-1 through 28-53-5	New	V. 10, p. 199
28-59-1 through 28-59-8	New	V. 10, p. 111-113

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 10, p. 1353
30-4-34	Amended	V. 10, p. 956
30-4-41	Amended	V. 10, p. 1648
30-4-63	Amended	V. 10, p. 1353
30-4-64	Amended	V. 10, p. 1355
30-4-90	Amended	V. 10, p. 1356
30-4-101	Amended	V. 10, p. 1357
30-4-111	Amended	V. 10, p. 341
30-4-112	Amended	V. 10, p. 1648
30-4-113	Amended	V. 10, p. 693
30-4-120	Amended	V. 10, p. 343
30-4-130	Amended	V. 10, p. 961
30-4-140	Amended	V. 11, p. 365
30-5-58	Amended	V. 11, p. 365
30-5-59	Amended	V. 11, p. 371
30-5-64	Amended	V. 11, p. 372
30-5-65	Amended	V. 11, p. 372
30-5-70	Amended	V. 11, p. 372
30-5-77	Amended	V. 10, p. 1291
30-5-78	New	V. 10, p. 1364
30-5-79	New	V. 10, p. 1364
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. 11, p. 205
30-5-101	Amended	V. 10, p. 1365
30-5-103	Amended	V. 10, p. 1365
30-5-104	Amended	V. 10, p. 701
30-5-110	Amended	V. 11, p. 373
30-5-112	Amended	V. 10, p. 963
30-5-113	Amended	V. 10, p. 963
30-5-114	Amended	V. 10, p. 1365

44-15-101	Amended	V. 11, p. 335
44-15-102	Amended	V. 11, p. 335
44-15-105a	New	V. 11, p. 336
44-16-104	Amended	V. 11, p. 337

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS' COMPENSATION		
Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 213
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

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
60-4-101	Amended	V. 11, p. 83
60-8-101	Amended	V. 10, p. 496
60-9-101	Revoked	V. 10, p. 1040
60-9-102	Revoked	V. 10, p. 1040
60-9-103	Revoked	V. 10, p. 1041
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 11, p. 83
60-9-106	New	V. 10, p. 1041
60-9-107	New	V. 11, p. 83
60-9-109	New	V. 10, p. 1041
60-11-103	Amended	V. 11, p. 84
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, 1497
60-11-114	New	V. 11, p. 85
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. 11, p. 85
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
60-13-113	New	V. 11, p. 85
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 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 10, p. 1698
63-1-3	Amended	V. 10, p. 1698
63-1-12	Amended	V. 10, p. 1699
63-3-11	Amended	V. 10, p. 1700
63-3-17	Amended	V. 10, p. 1700
63-3-19	Amended	V. 10, p. 1700
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 10, p. 1701
63-6-1	Amended	V. 10, p. 1701

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-1 through 65-4-5	New	V. 11, p. 470, 471
65-5-1 through 65-5-8	New	V. 11, p. 472, 473
65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474
65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474

65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474
65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474
65-8-1 through 65-8-4	New	V. 11, p. 474, 475
65-9-1 through 65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 11, p. 406
66-6-3	Amended	V. 11, p. 407
66-6-4	Amended	V. 11, p. 407
66-6-6 through 66-6-9	Amended	V. 11, p. 408
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408
66-8-1 through 66-8-6	Amended	V. 11, p. 409
66-9-1 through 66-9-4	Amended	V. 11, p. 409, 410
66-10-1 through 66-10-12	Amended	V. 11, p. 410, 411
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 11, p. 412
66-11-3	Amended	V. 11, p. 412
66-12-1	New	V. 11, p. 412
66-13-1	New	V. 11, p. 412

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 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 10, p. 1353

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 1242
81-3-1	Amended	V. 10, p. 1242
81-3-2	Amended	V. 10, p. 1244
81-4-1	Amended	V. 10, p. 1245, 1316
81-4-2	New	V. 10, p. 172

81-4-3	New	V. 10, p. 1440
81-5-8	Amended	V. 10, p. 1245
81-5-9	New	V. 10, p. 1440
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
82-3-103	Amended	V. 11, p. 38
82-3-106	Amended	V. 11, p. 38
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
86-1-4	Amended	V. 10, p. 1466
86-1-5	Amended	V. 10, p. 531
86-1-11	Amended	V. 10, p. 1466
86-3-10	Amended	V. 10, p. 1467
86-3-21	Amended	V. 10, p. 1467

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 10, p. 1467
88-2-2	Amended	V. 10, p. 1467
88-2-3	Amended	V. 10, p. 1467
88-2-4	Amended	V. 10, p. 1468
88-3-1	Amended	V. 10, p. 1468
88-3-2	Amended	V. 10, p. 1508
88-3-3	Amended	V. 10, p. 1469
88-3-5	Amended	V. 10, p. 1469
88-3-8	Amended	V. 10, p. 1469
88-3-9	Amended	V. 10, p. 1469
88-3-10	Amended	V. 10, p. 1469
88-3-11	Amended	V. 10, p. 1469
88-3-12	Amended	V. 10, p. 1470

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

Reg. No.	Action	Register
92-12-112	New	V. 11, p. 559
92-51-34	Amended	V. 11, p. 559
92-52-9	Amended	V. 11, p. 559
92-52-9a	New	V. 11, p. 560

92-55-2a New V. 10, p. 531, 587

**AGENCY 93: DEPARTMENT OF REVENUE—
DIVISION OF PROPERTY VALUATION**

Reg. No. Action Register
93-5-1 New V. 11, p. 554

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

Reg. No. Action Register
99-8-8 Amended V. 10, p. 1322
99-8-9 Amended V. 10, p. 1322
99-25-1 Amended V. 10, p. 1322
99-25-2 Amended V. 10, p. 1322
99-25-3 Amended V. 10, p. 1322
99-30-2 Amended V. 10, p. 1322
99-30-3 Amended V. 10, p. 1323
99-30-4 Amended V. 10, p. 1323
99-30-5 Amended V. 10, p. 1323
99-30-6 Amended V. 10, p. 1323
99-31-3 Amended V. 10, p. 1323
99-31-4 Amended V. 10, p. 1323
99-32-1 through
99-32-6 Revoked V.10, p. 1323

AGENCY 100: BOARD OF HEALING ARTS

Reg. No. Action Register
100-10a-4 Amended V. 10, p. 653
100-11-1 Amended V. 10, p. 653

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

Reg. No. Action Register
109-1-1 Amended V. 11, p. 131
109-2-7 Amended V. 10, p. 1789
109-5-1 Amended V. 10, p. 1789
109-5-4 New V. 10, p. 1790
109-7-1 Amended V. 10, p. 1790
109-8-1 Amended V. 10, p. 1791
109-9-1 Amended V. 10, p. 1791
109-9-4 Amended V. 10, p. 1791
109-9-5 New V. 11, p. 133
109-11-2 Amended V. 10, p. 1792
109-11-6 Amended V. 10, p. 1792
109-11-9 New V. 10, p. 1792

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No. Action Register
110-4-1 through
110-4-4 New V. 11, p. 502-504

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
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