



# Kansas Register

Bill Graves, Secretary of State

Vol. 12, No. 12    March 25, 1993    Pages 413-468

In this issue . . .	Page
<b>State Banking Board</b>	
Notice of meeting.....	415
<b>Social and Rehabilitation Services</b>	
Notice of hearing on federal block grants.....	415
<b>Kansas State Treasurer</b>	
Notice of investment rates.....	415
<b>State Historical Society</b>	
Notice of deaccession lists.....	415
<b>Department of Administration</b>	
Notice of commencement of negotiations for engineering services.....	415
<b>Executive appointments.....</b>	416
<b>Private Industry Council</b>	
Notice of meeting.....	416
<b>State Fair Board</b>	
Notice of hearing on proposed administrative regulations.....	416
<b>Department of Health and Environment</b>	
Notice of hearing on federal block grants.....	416
Notice of hearing.....	417
Requests for variance from hazardous waste regulations.....	417, 418
Notice concerning Kansas water pollution control permits.....	419
<b>Kansas Agricultural Value-Added Processing Center</b>	
Notice of Leadership Council meeting.....	420
<b>Kansas Commission on Children, Youth and Families</b>	
Notice of meeting.....	420
<b>Corporation for Change</b>	
Request for proposals.....	420
<b>Legislative bills introduced March 11-17.....</b>	421
<b>Notice to bidders for state purchases.....</b>	425
<b>University of Kansas</b>	
Notice to bidders.....	426
<b>State Board of Education</b>	
Notice of available federal funding.....	426

(continued)

Court of Appeals docket .....	426
<b>Department of Transportation</b>	<b>434</b>
Notice to consulting engineers .....	434
Notice to contractors .....	434
<b>Temporary Administrative Regulations</b>	<b>435</b>
Department of Health and Environment .....	435
<b>Permanent Administrative Regulations</b>	<b>437</b>
Department of Health and Environment .....	437
Kansas Dental Board .....	439
State Corporation Commission .....	439
State Fire Marshal .....	444
<b>Notice of Bond Sale</b>	<b>451</b>
City of Independence .....	452
City of Valley Center .....	453
City of Newton .....	453
<b>Notice of Bond Redemption</b>	<b>454</b>
City of Marysville .....	454
City of Kansas City .....	455
Johnson County .....	456
City of Caney .....	456
<b>New State Laws</b>	
Senate Bill 248, concerning fees prescribed by the Behavioral Sciences Regulatory Board for certain examinations .....	456
Senate Bill 58, abolishing the Savings and Loan Department, the office of the Savings and Loan Commissioner and the Savings and Loan Board .....	456
Senate Bill 29, concerning air contaminant emission sources .....	457
<b>Index to administrative regulations .....</b>	<b>463</b>

The Kansas Register (ISSN No. 0744-2254) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.54 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

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

© Kansas Secretary of State 1993. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

**PUBLISHED BY**  
**Bill Graves**  
 Secretary of State  
 2nd Floor, State Capitol  
 Topeka, KS 66612-1594  
 (913) 296-2236



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

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, April 19, in the conference room of 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. 013199

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Federal Block Grants

The Senate Ways and Means Committee of the Kansas Legislature will conduct a public hearing at 11 a.m. Thursday, April 1, in Room 123-S, State Capitol, Topeka. The scheduled agenda includes social service block grant; low income home energy assistance block grant; community mental health services block grant; block grant for the prevention and treatment of substance abuse; projects for assistance in transition from homelessness (formerly mental health services for the homeless) block grant; and other matters pertaining to the SRS budget.

Donna L. Whiteman  
Secretary of Social and  
Rehabilitation Services

Doc. No. 013205

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210 as amended per 1992 Session Laws of Kansas, Chapter 146. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and K.S.A. 75-4209(a)(1)(B), as amended by the 1992 Legislature.

Effective 3-29-93 through 4-4-93

Term	Rate
0-90 days	3.03%
3 months	3.00%
6 months	3.14%
12 months	3.34%
24 months	3.90%
36 months	4.45%
48 months	4.91%

Sally Thompson  
State Treasurer

Doc. No. 013216

State of Kansas

State Historical Society

Notice of Deaccession Lists

The first lists of property proposed to the Deaccession Review Committee for removal from the collections of the Kansas State Historical Society will be posted in the Center for Historical Research, 120 W. 10th, Topeka, through April 30. For further information regarding the lists or meetings of the committee, contact David A. Haury, Assistant Director, (913) 296-3086.

Ramon Powers  
Executive Director

Doc. No. 013193

State of Kansas

Department of Administration  
Division of Architectural Services

Notice of Commencement of Negotiations  
for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services for design and construction administration services for the following projects at the University of Kansas, Lawrence.

**Learned Hall**—Convert air handling units to variable air volume (VAV).

Estimated construction cost: \$216,000

**Nichols Hall**—Convert electric heating to hot water heating.

Estimated construction cost: \$288,000

One firm will be selected to perform both projects. Individuals and firms interested in providing these services should submit a letter of interest indicating their qualifications and educational background. A federal SF 255 form is required as an attachment to the letter of interest. The SF 255 form should detail the specific project experience which is directly applicable, or similar to, this project.

Any questions or expressions of interest should be directed to George Steele, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before April 9. 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. 013207

## 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, published by the Secretary of State's office.

The following appointments were filed March 1-19:

## Edwards County Commissioner, 3rd District

**Norma Bowers**, 716 E. 8th, Kinsley 67547. Term expires when a successor is elected and qualifies according to law. Succeeds Lloyd Britton.

## Smith County Register of Deeds

**Helen Baetz**, Route 2, Box 114, Smith Center 66967. Term expires when a successor is elected and qualifies according to law. Succeeds Steven Flint, deceased.

## Kansas Board of Barbering

**T. Michael "Mike" Amyx**, Barbering Appointee, 1935 Alabama, Lawrence 66046. Term expires April 30, 1996. Succeeds Mark Strange.

**Paul C. Lenard**, Chairman, Barbering Appointee, 1021 S.W. Gage Blvd., Topeka 66604. Term expires February 16, 1995. Succeeds Terry Stearman.

## Kansas Community Service Advisory Council

**Avery T. Carter**, 730 1/2 S.W. Saline, Topeka 66606. Term expires January 12, 1995. Succeeds Ladislado Hernandez.

## Kansas Commission for the Deaf and Hard of Hearing

**Rebecca N. Gaughan**, Otolaryngologist Appointee, 13025 S. Mur-Len, #200, Olathe 66062. Term expires April 29, 1995. Succeeds Richard Cummings.

## Kansas Geographic Information System Policy Board

**David Yearout**, Butler County Planning Office, Courthouse, 205 W. Central Ave., El Dorado 67042. Serves at the pleasure of the Governor. Succeeds Mark Hixon.

## Advisory Commission on Juvenile Offender Programs

**Mark Bailey**, 2229 Adams, Topeka 66605. Serves at the pleasure of the Governor. Succeeds Eric Mims.

## Kansas Inc.

**John E. Moore**, Cessna Aircraft Corporation, Mid-Continent Facility, 6330 Southwest Blvd., Wichita 67215. Subject to Senate confirmation. Term expires June 30, 1996. Succeeds Dan Meisinger, resigned.

## Law Enforcement Officers Memorial Advisory Committee

**Robert L. Weinkauff**, 1566 S.W. Glendale Drive, Topeka 66604. Serves at the pleasure of the Governor. Succeeds Robert Schumaker.

Bill Graves  
Secretary of State

## State of Kansas

## Private Industry Council

## Notice of Meeting

The monthly meeting of the corporate board of the Kansas Private Industry Council, Service Delivery Area III, will be at 8 a.m. Thursday, March 25, in the Kansas Private Industry Council conference room, Suite 1025, Gateway Tower II, 400 State Ave., Kansas City, Kansas. The public is invited to attend.

Ann Conway  
Executive Director

Doc. No. 013204

## State of Kansas

## Department of Health and Environment

## Notice of Hearing on Federal Block Grants

The Senate Ways and Means Committee of the Kansas Legislature will conduct a public hearing at 11 a.m. Thursday, April 1, in Room 123-S, State Capitol, Topeka. The scheduled agenda includes the Maternal and Child Health Services Block Grant and the Preventive Health Services Block Grant.

Robert C. Harder  
Secretary of Health and Environment

Doc. No. 013226

## State of Kansas

## State Fair Board

## Notice of Hearing on Proposed Administrative Regulations

The State Fair Board will conduct a public hearing at 8 a.m. Wednesday, May 12, in the board room of the State Fair Office in Hutchinson, to consider Kansas administrative regulation 116-3-2, which covers soliciting and advertising on the Kansas State Fairgrounds during the annual state fair or any non-fair event. There will be no fiscal impact on any governmental agencies, persons subject to the regulation, or the general public.

Interested parties may present their views either orally or in writing. Oral presentation should be accompanied with a written outline.

The period of 30 days notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. Written comments may be submitted to the Kansas State Fair, 2000 N. Poplar, Hutchinson 67502, prior to the hearing. Copies of the full text of the proposed regulation and the economic impact statement also may be obtained at that address.

For additional information, contact Deana Novak at (316) 669-3612.

Deana K. Novak  
Administrative Officer

Doc. No. 013194



State of Kansas

## Department of Health and Environment

### Request for Variance from Hazardous Waste Regulations

The Kansas Department of Health and Environment is providing public notice that on December 23, 1992, Lowen Corporation, 1501 N. Halstead, Hutchinson, submitted a request for a renewal of a variance from specific hazardous waste regulations. The current request expired on January 10, 1993. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4(g)(1) and 40 CFR 265.176, which require the storage of containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Lowen Corporation generates ignitable hazardous waste, which is stored prior to being recycled. Lowen Corporation stores this waste in the production plant located 14 feet from the north property line which is shared with an active farm field of about 20 acres. KDHE has reviewed the variance request and concluded that the variance is justified. In accordance with K.A.R. 28-31-13(b), public notice is being provided of the tentative decision to grant the variance.

Copies of the variance request will be available for public review through April 24 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 740, Forbes Field, Topeka, and at the KDHE district office, 1919 Amidon, Suite 130, Wichita.

Comments concerning this variance request may be directed to Glynis Perry, Kansas Department of Health and Environment, Bureau of Waste Management, Hazardous Waste Section, Building 740, Forbes Field, Topeka 66620. Comments must be submitted in writing prior to April 24. Requests for additional information may be made by contacting KDHE at (913) 296-1600.

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

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

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013224

State of Kansas

## Department of Health and Environment

### Notice of Hearing

The Kansas Department of Health and Environment is providing notice of a public hearing for consideration of modifications, revocation and reissuance, or termination of a national pollutant discharge elimination system permit for a wastewater treatment facility for the Meyer Land and Cattle Co., Inc. confined feeding operation. A notice of intent to issue the water pollution control permit (A-SALC-C002, KS-0088722) was published in the Kansas Register on March 19, 1992. No request for a public hearing was filed during the public comment period, therefore, the permit was issued under the authority of K.S.A. 65-161 *et seq.* by the Secretary of Health and Environment on April 23, 1992. The permit authorizes the permittee to operate a water pollution control facility for a livestock facility for approximately 1,000 head of cattle located in the West/2, Section 28, Township 12S, Range 10W, Lincoln County, Kansas.

A request for permit revocation has since been received pursuant to K.A.R. 28-16-62(g), and the Kansas Department of Health and Environment has determined that a public hearing be held on the matter of permit modifications, revocation and reissuance, or termination of the permit.

In conformance with K.A.R. 28-16-61 and 28-16-62, a public hearing has been scheduled for 7 p.m. Tuesday, April 27, at the American Legion Hall, Main Street, Sylvan Grove. Written and verbal comments on the proposed action will be taken during the hearing. The hearing officer, may, at his discretion, limit the time each participant may speak to assure adequate opportunity for all interested parties to be heard. Also, the hearing officer, may, at his discretion, allow additional time for written comments to be presented to KDHE for consideration in this matter.

Additional information and copies of the permit application and issued permit may be obtained by contacting Larry Hess, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka 66620, (913) 296-5570.

The Secretary of Health and Environment will make a final permit decision after consideration of all requirements of state statutes and regulations and of all comments received prior to the public hearing comment closure date as established at the public hearing.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013206

State of Kansas

**Department of Health  
and Environment**

**Request for Variance from  
Hazardous Waste Regulations**

The Kansas Department of Health and Environment is providing public notice that on November 2, 1987, Safety-Kleen Corporation, 9317 Woodend Road, Edwardsville, submitted a request for a variance from specific hazardous waste regulations. The current request expired on February 18, 1993. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-8(a), which adopts by reference 40 CFR 265.176. This regulation requires that containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Safety-Kleen Corporation stores waste paint thinner as part of its operations as a hazardous waste storage facility. The waste paint thinner is stored on-site pending shipment to another Safety-Kleen facility for recycling in quantities never exceeding 104 containers (52 16-gallon drums and 52 5-gallon containers). Safety-Kleen Corporation is storing this waste approximately 25 feet from the south and west property lines in an area zoned for industrial use. The storage area is located in the southwest corner of the facility, removed from other waste handling activities, and 75 feet from the nearest off-site building.

As the storage structure has been completed, Safety-Kleen is requesting this variance to allow it to store waste in this structure in compliance with Kansas hazardous waste regulations. KDHE has reviewed this request and concluded that the variance is justified.

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of this variance request are available for public review through April 24 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Bureau of Waste Management, Forbes Field, Building 740, Topeka; at the KDHE district office, 800 W. 24th, Lawrence; and at the U.S. Environmental Protection Agency Office, 726 Minnesota Ave., Kansas City, Kansas.

Comments concerning this variance request may be directed to Kansas Department of Health and Environment, Bureau of Waste Management, Hazardous Waste Section, Building 740, Forbes Field, Topeka 66620. Written comments must be postmarked no later than April 24. Requests for additional information may be made by contacting KDHE at (913) 296-0679.

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

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

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013222

State of Kansas

**Department of Health  
and Environment**

**Request for Variance from  
Hazardous Waste Regulations**

The Kansas Department of Health and Environment is providing public notice that on October 29, 1992, Globe Engineering Company, Inc., 1539 S. St. Paul, Wichita, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4(g)(1) and 40 CFR 265.176, which require the storage of containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Globe Engineering Company, Inc. generates ignitable hazardous waste, which is stored prior to being shipped off-site for reclamation. Globe Engineering Company, Inc. proposes to store this waste in a waste storage area located within the north warehouse building. KDHE has reviewed the variance request and concluded that the variance is justified. In accordance with K.A.R. 28-31-13(b), public notice is being provided of the tentative decision to grant the variance.

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request of this variance justified and made a decision to grant the variance. A public comment period to receive comments regarding this tentative decision was established February 11, 1993 to March 11, 1993. No public comments regarding this decision were received.

In accordance with K.A.R. 28-31-13(b), KDHE is announcing its decision to approve the request for a variance and not to include any special conditions. The variance shall become effective on March 25, 1993, and shall remain in effect until March 25, 1998.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013223

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, 28-46-7, 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-93-26

Name and Address of Applicant	Waterway	Type of Discharge
City of Chanute Municipal Power Plant #1 % City of Chanute P.O. Box 907 Chanute, KS 66720	Neosho River	Cooling tower blowdown; boiler blowdown, floor drains; oil storage runoff, and regenerate from demineralizer

Neosho County, Kansas  
Kansas Permit No. I-NE11-P003      Fed. Permit No. KS-0079880

Description of Facility: This facility is a standby electrical generation station used for peaking and emergency power. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Public Notice No. KS-EG-93-2

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for the construction of a Class I non-hazardous waste injection well within the state of Kansas for the applicant described below.

Name and Address of Applicant	Well Location
Ferrellgas Well Identification #SWD-1 2610 S. Mohawk Road Hutchinson, KS 67501 Kansas Permit No. KS-01-155-008	NESENE 29-23-6W Reno County, Kansas approximately 3431' fsl and 150' fel of SE Corner

Description of Facility: This facility is a storage facility for liquid petroleum gas products.

Public Notice No. KS-AG-93-37

Name and Address of Applicant	Legal Description	Receiving Water
D & S Farms % Delbert Conder Route 2, Box 64A Erie, KS 66733 Kansas Permit No. A-NENO-S023	NE/4, Sec. 27, T27S, R19E, Neosho County	Neosho River Basin

The proposed facility will have capacity for approximately 250 swine. Waste Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 450 gallons per hour and dispersing the wastewater over five acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before April 24 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-93-26, KS-EG-93-2, KS-AG-93-37) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, 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 (28-46-21 for UIC). 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.

Robert C. Harder  
Secretary of Health and Environment

Doc. No. 013227

## State of Kansas

### Kansas Agricultural Value-Added Processing Center

#### Notice of Leadership Council Meeting

The Leadership Council of the Kansas Agricultural Value-Added Processing Center will meet from 9 a.m. to 3 p.m. Friday, March 26, at the KTEC board room, 112 W. 6th, Suite 400, Topeka. For further information contact Susan J. Goetsch, Assistant Director, at (913) 532-7033.

Richard R. Hahn  
Director

Doc. No. 013202

## 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, April 2, at Social and Rehabilitation Services Staff Development, Feldman Building, Room C, State Complex West, 300 S.W. Oakley, Topeka.

Robert C. Harder  
Chairman

Doc. No. 013225

## State of Kansas

### Corporation for Change

#### Request for Proposals

#### The Problem

The Blueprint for Investing in Kansas Children and Families recognized that "the current governmental structure, despite intermittent efforts at restructuring, remains cumbersome and impedes coordination for children and family services." The Blueprint echoes the findings of *Beyond Rhetoric*, the final report of the National Commission on Children, which pointed out that families facing serious problems must deal with human services that "typically provide specialized, narrowly defined services" and that this often discourages service providers from looking broadly at a child's or family's general health and well-being or working together to meet their multiple needs."

Target V of the Blueprint calls for modification of the service delivery system through improved coordination and reduced institutionalization. It states:

The state should develop an integrated system for children's services that implements a statewide investment strategy involving social service, judicial, health, mental health and educational agencies at all levels of government. Such a coordinated system must be based upon a cooperative relationship between schools, social agencies, business, community

programs, and the courts . . . Programs that address the needs of children and families must be flexible in design, administration, and funding, and should allow service for a child, free from some of the constraints imposed by state or federal funding.

The purpose of this research project is to identify barriers to coordinated service delivery. It is intended that the findings of this study will be used to design a new system of service delivery, which moves beyond existing programmatic lines, and which is more family-centered and community based.

#### Scope of Services

##### A. Identify regulatory constraints to coordinated service delivery.

This section will identify barriers created by federal and state regulations that limit eligibility for certain services or that limit the services that can be provided to eligible populations. The source of the regulation, the rationale for the regulation, and the potential for waivers to troublesome regulations should be specified.

Among the groups and organizations that should be included in this discussion are: schools, judges, district attorneys, SRS social workers, income maintenance workers, private service providers, and county mental health agencies.

##### B. Identify data barriers to effective service coordination.

There is growing concern that the state lacks the data systems needed to effectively manage its many programs for children and families. In order to ensure efficient use of resources for children and families in need of services, it is necessary to avoid service duplication and to overcome barriers to interagency and intra-agency communication. This section will identify data integration problems, i.e. how to track one child through many different state and local programs and to see how much it costs to serve the child in total.

Some recent efforts have been made to overcome privacy and confidentiality problems that prevent interagency coordination. This section will also review those efforts, including 1992 legislation and administrative orders from District Courts that allow agencies to share information, and evaluate their effectiveness in overcoming barriers.

##### C. Identify other barriers to effective service coordination.

In addition to regulatory and data barriers to improved service delivery, this project should identify any other problems that prevent agencies and individuals from meeting the needs of children and families. These problems might include agency practices or traditions or historical rivalries, lack of personal communication skills, lack of appropriate training for service providers and decision makers, poor management practices, decision making that is either too centralized or insufficiently centralized, and unarticulated differences in underlying values among agencies and individuals.

Researchers should feel free to explore a wide range of possible barriers. They should also consider differences in barriers across regions of the state. Finally, they should explore the extent to which cultural differences between clients and service providers create barriers to successful service delivery.

**D. Recommendations**

Discuss the pros and cons of the existing service delivery system. Make recommendations for ways to overcome the barriers identified in the research. Based on the findings of this project, suggest alternative models of service delivery that can more effectively and efficiently meet the needs of Kansas children and families.

**Criteria for Selection of Researcher**

The contract will be awarded on a competitive basis using the following criteria and weights:

1. Quality of the proposal and the closeness with which it meets the scope of services statement (30 percent).
2. Methodology to be used to gather specific information from state agencies and other relevant parties (25 percent).
3. Cost (20 percent).
4. Experience in evaluating public policy (15 percent).
5. Time-frame in which various components of the study can be completed (10 percent).

Bids are expected to fall in the range of \$10,000 to \$25,000. The Corporation for Change is anxious to receive results as soon as possible. The report can be divided into components and submitted as each is completed.

**Proposal Format**

The following information must be included in each proposal:

1. Cover page including title of proposal, principle investigator, agency address and phone number.
2. Method and scope of work statement. Describe how the applicant agency will gather specific data. Applicant must present plans for conducting the work involved in each section of the study. Included in this discussion will be the following:
  - eliciting agency cooperation
  - coordinating with local area SRS, judicial staff, school district personnel, local mental health departments, etc.
  - consulting with other agencies/organizations
  - anticipating potential difficulties in conducting the research
  - planning work to fit a reasonable time frame
3. Qualifications of applicant. Include in this section a brief history of the organization, evidence of credibility, and expertise of key staff.
4. Budget. Include detailed budgets for all phases of the study.

**Application Procedures**

Submit two copies of the proposals to Dr. Nancy McCarthy, Director of Research and Accountability, The Corporation for Change, 700 S.W. Jackson, Suite 902, Topeka 66603-3758. The deadline for applications is April 2.

Jolene M. Grabill  
Executive Director

Doc. No. 013215

## State of Kansas

## Legislature

## Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1993 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 March 11-17:

## House Bills

**HB 2529**, by Committee on Appropriations: An act concerning elections; relating to registration of voters; amending K.S.A. 1992 Supp. 25-2304 and repealing the existing section.

**HB 2530**, by Committee on Appropriations: An act concerning unclaimed property; providing for disposition thereof; enacting the uniform unclaimed property act; providing for administration by the state treasurer; repealing K.S.A. 58-3901, 58-3906, 58-3908, 58-3911, 58-3913, 58-3914, 58-3915, 58-3916, 58-3917, 58-3918, 58-3920, 58-3923, 58-3924, 58-3925, 58-3926, 58-3927, 58-3930 and 58-3931 and K.S.A. 1992 Supp. 58-3902, 58-3903, 58-3904, 58-3905, 58-3907, 58-3909, 58-3909a, 58-3910, 58-3912, 58-3919, 58-3921, 58-3922, 58-3929, 58-3932 and 58-3933.

**HB 2531**, by Committee on Appropriations: An act concerning the Kansas commission on governmental standards and conduct; relating to fees; amending K.S.A. 1992 Supp. 25-4119f, 25-4145 and 46-265 and repealing the existing sections.

**HB 2532**, by Committee on Appropriations: An act concerning the department of social and rehabilitation services; relating to the closure of a state institution for the mentally retarded.

**HB 2533**, by Committee on Appropriations: An act concerning state educational institutions under the supervision and control of the state board of regents; relating to financing the operations thereof; creating the regents faculty salary enhancement fund; making and concerning appropriations for the fiscal years ending June 30, 1995, and June 30, 1996, and June 30, 1997; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending K.S.A. 76-719 and repealing the existing section.

## House Concurrent Resolutions

**HCR 5021**, A proposition to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limitations upon state general fund appropriations and mandates on local governments by the state of Kansas.

## Senate Bills

**SB 419**, by Committee on Ways and Means: An act concerning irrigation districts; relating to the powers thereof; relating to the dissolution thereof; amending K.S.A. 42-711 and 42-722 and repealing the existing sections.

**SB 420**, by Committee on Ways and Means: An act authorizing the university of Kansas medical center to establish, maintain and operate a telemedicine communications system; telemedicine advisory committee established.

**SB 421**, by Committee on Ways and Means: An act relating to the financing of certain city redevelopment projects from sales, compensating use and transient guest taxes collected from taxpayers doing business within the redevelopment district; amending K.S.A. 12-195, 12-1774, 79-3620 and 79-3710 and K.S.A. 1992 Supp. 12-1698 and 12-1771 and repealing the existing sections.

**SB 422**, by Committee on Ways and Means: An act concerning the Kansas development finance authority; relating to the Kansas basic enterprises loan program; amending K.S.A. 74-8905 and repealing the existing section.

**SB 423**, by Committee on Federal and State Affairs: An act concerning crimes, criminal procedure and punishment; amending K.S.A. 8-116, 8-262, as amended by section 27 of chapter 239 of the 1992 Session Laws of Kansas, 8-287, as amended by section 28 of

(continued)







by section 71 of chapter 239 of the 1992 Session Laws of Kansas, 21-3504, as amended by section 73 of chapter 239 of the 1992 Session Laws of Kansas, 21-3505, as amended by section 74 of chapter 239 of the 1992 Session Laws of Kansas, 21-3506, as amended by section 75 of chapter 239 of the 1992 Session Laws of Kansas, 21-3508, as amended by section 76 of chapter 239 of the 1992 Session Laws of Kansas, 21-3509, as amended by section 77 of chapter 239 of the 1992 Session Laws of Kansas, 21-3510, as amended by section 78 of chapter 239 of the 1992 Session Laws of Kansas, 21-3511, as amended by section 79 of chapter 239 of the 1992 Session Laws of Kansas, 21-3513, as amended by section 81 of chapter 239 of the 1992 Session Laws of Kansas, 21-3514, as amended by section 82 of chapter 239 of the 1992 Session Laws of Kansas, 21-3517, as amended by section 84 of chapter 239 of the 1992 Session Laws of Kansas, 21-3518, as amended by section 85 of chapter 239 of the 1992 Session Laws of Kansas, 21-3519, as amended by section 86 of chapter 239 of the 1992 Session Laws of Kansas, 21-3602, as amended by section 88 of chapter 239 of the 1992 Session Laws of Kansas, 21-3603, as amended by section 89 of chapter 239 of the 1992 Session Laws of Kansas, 21-3606, as amended by section 92 of chapter 239 of the 1992 Session Laws of Kansas, 21-3608, as amended by section 93 of chapter 239 of the 1992 Session Laws of Kansas, 21-3609, as amended by section 94 of chapter 239 of the 1992 Session Laws of Kansas, 21-3612, as amended by section 99 of chapter 239 of the 1992 Session Laws of Kansas, 21-3701, as amended by section 100 of chapter 239 of the 1992 Session Laws of Kansas, 21-3703, as amended by section 101 of chapter 239 of the 1992 Session Laws of Kansas, 21-3704, as amended by section 102 of chapter 239 of the 1992 Session Laws of Kansas, 21-3705, as amended by section 103 of chapter 239 of the 1992 Session Laws of Kansas, 21-3706, as amended by section 104 of chapter 239 of the 1992 Session Laws of Kansas, 21-3714, as amended by section 112 of chapter 239 of the 1992 Session Laws of Kansas, 21-3717, as amended by section 116 of chapter 239 of the 1992 Session Laws of Kansas, 21-3721, as amended by section 120 of chapter 239 of the 1992 Session Laws of Kansas, 21-3721, as amended by section 46 of chapter 298 of the 1992 Session Laws of Kansas, 21-3732, as amended by section 126 of chapter 239 of the 1992 Session Laws of Kansas, 21-3733, as amended by section 127 of chapter 239 of the 1992 Session Laws of Kansas, 21-3734, as amended by section 128 of chapter 239 of the 1992 Session Laws of Kansas, 21-3735, as amended by section 129 of chapter 239 of the 1992 Session Laws of Kansas, 21-3740, as amended by section 132 of chapter 239 of the 1992 Session Laws of Kansas, 21-3741, as amended by section 133 of chapter 239 of the 1992 Session Laws of Kansas, 21-3745, as amended by section 136 of chapter 239 of the 1992 Session Laws of Kansas, 21-3748, as amended by section 137 of chapter 239 of the 1992 Session Laws of Kansas, 21-3749, as amended by section 138 of chapter 239 of the 1992 Session Laws of Kansas, 21-3750, as amended by section 139 of chapter 239 of the 1992 Session Laws of Kansas, 21-3753, as amended by section 140 of chapter 239 of the 1992 Session Laws of Kansas, 21-3754, as amended by section 141 of chapter 239 of the 1992 Session Laws of Kansas, 21-3803, as amended by section 148 of chapter 239 of the 1992 Session Laws of Kansas, 21-3804, as amended by section 149 of chapter 239 of the 1992 Session Laws of Kansas, 21-3807, as amended by section 151 of chapter 239 of the 1992 Session Laws of Kansas, 21-3809, as amended by section 153 of chapter 239 of the 1992 Session Laws of Kansas, 21-3810, as amended by section 154 of chapter 239 of the 1992 Session Laws of Kansas, 21-3811, as amended by section 155 of chapter 239 of the 1992 Session Laws of Kansas, 21-3813, as amended by section 157 of chapter 239 of the 1992 Session Laws of Kansas, 21-3818, as amended by section 162 of chapter 239 of the 1992 Session Laws of Kansas, 21-3820, as amended by section 164 of chapter 239 of the 1992 Session Laws of Kansas, 21-3824, as amended by section 166 of chapter 239 of the 1992 Session Laws of Kansas, 21-3826, as amended by section 168 of chapter 239 of the 1992 Session Laws of Kansas, 21-3827, as amended by section 169 of chapter 239 of the 1992 Session Laws of Kansas, 21-3829, as amended by section 171 of chapter 239 of the 1992 Session Laws of Kansas, 21-3901, as amended by section 176 of chapter 239 of the 1992 Session Laws of Kansas, 21-3902, as amended by section 177 of chapter 239 of the 1992 Session Laws of Kansas, 21-3904, as amended by section 179 of chapter 239 of the 1992 Session Laws of Kansas, 21-3905, as amended by section 180 of chapter 239 of the 1992 Session Laws of Kansas, 21-3906, as amended by section 181 of chapter 239 of the 1992 Session Laws of

Kansas, 21-3909, as amended by section 182 of chapter 239 of the 1992 Session Laws of Kansas, 21-4112, as amended by section 195 of chapter 239 of the 1992 Session Laws of Kansas, 21-4113, as amended by section 196 of chapter 239 of the 1992 Session Laws of Kansas, 21-4114, as amended by section 197 of chapter 239 of the 1992 Session Laws of Kansas, 21-4201, as amended by section 199 of chapter 239 of the 1992 Session Laws of Kansas, 21-4202, as amended by section 200 of chapter 239 of the 1992 Session Laws of Kansas, 21-4209, as amended by section 205 of chapter 239 of the 1992 Session Laws of Kansas, 21-4209a, as amended by section 206 of chapter 239 of the 1992 Session Laws of Kansas, 21-4214, as amended by section 208 of chapter 239 of the 1992 Session Laws of Kansas and 40-247, as amended by section 86 of chapter 298 of the 1992 Session Laws of Kansas and K.S.A. 1991 Supp. 17-1267, as amended by section 295 of chapter 239 of the 1992 Session Laws of Kansas, 21-3401, as amended by section 37 of chapter 239 of the 1992 Session Laws of Kansas, 21-3405a, as amended by section 42 of chapter 239 of the 1992 Session Laws of Kansas, 21-3405b, as amended by section 43 of chapter 239 of the 1992 Session Laws of Kansas, 21-3503, as amended by section 72 of chapter 239 of the 1992 Session Laws of Kansas, 21-3516, as amended by section 83 of chapter 239 of the 1992 Session Laws of Kansas, 21-3605, as amended by section 91 of chapter 239 of the 1992 Session Laws of Kansas, 21-3707, as amended by section 105 of chapter 239 of the 1992 Session Laws of Kansas, 21-3708, as amended by section 106 of chapter 239 of the 1992 Session Laws of Kansas, 21-3715, as amended by section 113 of chapter 239 of the 1992 Session Laws of Kansas, 21-3716, as amended by section 115 of chapter 239 of the 1992 Session Laws of Kansas, 21-3720, as amended by section 119 of chapter 239 of the 1992 Session Laws of Kansas, 21-3729, as amended by section 123 of chapter 239 of the 1992 Session Laws of Kansas, 21-3805, as amended by section 150 of chapter 239 of the 1992 Session Laws of Kansas, 21-4115, as amended by section 198 of chapter 239 of the 1992 Session Laws of Kansas, 21-4203, as amended by section 201 of chapter 239 of the 1992 Session Laws of Kansas, 21-4204, as amended by section 202 of chapter 239 of the 1992 Session Laws of Kansas, 21-4602, as amended by section 236 of chapter 239 of the 1992 Session Laws of Kansas, 21-4602, as amended by section 91 of chapter 298 of the 1992 Session Laws of Kansas, 21-4603, as amended by section 237 of chapter 239 of the 1992 Session Laws of Kansas, 21-4610, as amended by section 93 of chapter 298 of the 1992 Session Laws of Kansas, 22-3429, as amended by section 261 of chapter 239 of the 1992 Session Laws of Kansas, 28-172a, as amended by section 81 of chapter 298 of the 1992 Session Laws of Kansas, 38-1663, as amended by section 280 of chapter 239 of the 1992 Session Laws of Kansas, 50-1013, as amended by section 296 of chapter 239 of the 1992 Session Laws of Kansas, 65-4127a, as amended by section 281 of chapter 239 of the 1992 Session Laws of Kansas, 65-4127a, as amended by section 74 of chapter 298 of the 1992 Session Laws of Kansas, 65-4127b, as amended by section 282 of chapter 239 of the 1992 Session Laws of Kansas, 65-4127b, as amended by section 75 of chapter 298 of the 1992 Session Laws of Kansas and 75-5202, as amended by section 285 of chapter 239 of the 1992 Session Laws of Kansas.

### Senate Concurrent Resolutions

SCR 1616, A proposition to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limitations upon state general fund appropriations and mandates on local governments by the state of Kansas.

### Senate Resolutions

SR 1832, A resolution congratulating and commending the Clearwater High School wrestling team and Coach Drew Harris for winning the 1993 Kansas State High School Activities Association Class 4A State Wrestling Championship in Kansas.

SR 1833, A resolution designating the Kansas City Blue Devil Cookoff as the Official State Novice Barbecue Championship Competition.

Doc. No. 013214



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. local time on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, April 5, 1993

95419

Pittsburg State University—Irrigation materials

95420

Department of Social and Rehabilitation Services—Rayon wetmop yarn

Tuesday, April 6, 1993

29526

Statewide—Biochemicals and diagnostics

29527

University of Kansas Medical Center—Human serum albumin

29546

Statewide—Site license/maintenance—IRMA boards

95430

Kansas State University—Chemicals

95431

Pittsburg State University—Trucks

95468

Kansas State University—Semi-boneless rounds

Wednesday, April 7, 1993

29551

Kansas Correctional Industries—Chemicals, soap factory

95437

University of Kansas—Grand piano

95442

El Dorado Correctional Facility—Ready-mix concrete

95444

Pittsburg State University—Exterior painting

95445

University of Kansas—Resurface tennis courts

95446

Kansas Highway Patrol and Department of Health and Environment—Breath test devices

Thursday, April 8, 1993

29545

Statewide—Stock computer forms

95452

Kansas State University—Office furniture

95465

Department of Transportation—Asphalt paving, Yates Center and Fort Scott

95466

Department of Transportation—Underground fuel tank removal, Salina

95467

Pittsburg State University—Cargo vans

Friday, April 9, 1993

A-7052(a)

Kansas State University—Boiler replacement project

29548

Department of Social and Rehabilitation Services, Kansas Industries for the Blind—Wetmop yarn

29552

Department of Administration and Department of Human Resources—Pressure sensitive forms

95477

Department of Social and Rehabilitation Services—Novell software

95478

Emporia State University—Furnish and install concrete light poles

95479

Department of Transportation—Wood signposts, Norton

95492

Department of Transportation—Trucks, various locations

Wednesday, April 14, 1993

A-6972

Winfield State Hospital and Training Center—Upgrade fire alarm system, campus-wide; install nurse call system, Treatment Center

Friday, April 23, 1993

29553

Department of Wildlife and Parks—Hay lease, Fall River State Park

\*\*\*\*\*

Request for Proposals

Thursday, April 8, 1993

29554

Audit and assessment of the Kansas criminal history records system for the Department of Administration, Governor's Office of Drug Abuse Programs

Jack R. Shipman  
Director of Purchases

Doc. No. 013217

State of Kansas

## University of Kansas

## Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, April 5, 1993

RFQ 93 0819

Video computer motion measurement and analysis system

RFQ 93 0831

Cryostopped-flow spectrophotometer/fluorimeter system

Gene Puckett, C.P.M.  
Director of Purchasing

Doc. No. 013201

State of Kansas

## Board of Education

## Notice of Available Federal Funding

Notification of anticipated funding under the Stewart B. McKinney Homeless Assistance Act (P.L. 101-645) is hereby announced. The McKinney Act provides federal financial assistance to states to develop educational programs for homeless children and youth. The Kansas State Board of Education anticipates \$110,000 to fund local educational agencies up to \$20,000 to operate projects from October 1, 1993 through September 30, 1994. Applications will be accepted through April 30. Grant awards are contingent on federal funding.

For further information and an application, contact Sandra Suttle, Program Support Services, Kansas State Board of Education, 120 S.E. 10th, Topeka 66612, (913) 296-6066.

Dr. Lee Droegemueller  
Commissioner of Education

Doc. No. 013211

State of Kansas

## Office of Judicial Administration

## Court of Appeals Docket

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

Kansas Court of Appeals  
Fredonia High School, 916 Robinson  
Fredonia, KansasBefore Briscoe, C.J.; Larson, J.; and David J. King,  
District Judge, assigned.

Tuesday, April 6, 1993

11:00 a.m.

Case No.	Case Name	Attorneys	County
68,406	In the Matter of the Trust Estate of Fred Walker.	David A. Brace John M. Wall Lynn Perkins	Chautauqua
68,584	Lois Karhoff, <i>et al.</i> , Appellants, v. National Mills, Inc., <i>et al.</i> , Appellees.	Frederick R. Smith Robert J. Fleming	Crawford
68,284	State of Kansas, Appellee, v. James Ellis, Appellant.	1:00 p.m. County Attorney Attorney General	Labette
68,857	Pan Oil & Gas Expl., Inc., Appellee, v. Kelt Kansas, Inc., <i>et al.</i> , Appellants.	Timothy J. Grillot John R. Horst Jon R. Viets	Montgomery

Kansas Court of Appeals  
 District Courtroom, Wilson County Courthouse  
 Fredonia, Kansas

Before Briscoe, C.J.; Larson, J.; and David J. King,  
 District Judge, assigned.

Tuesday, April 6, 1993

2:30 p.m.

Case No.	Case Name	Attorneys	County
68,064	State of Kansas, Appellee, v. Marcia E. Barker, Appellant.	County Attorney Attorney General	Coffey
68,268	State of Kansas, Appellee, v. Dale Culbertson, Appellant.	Rick Kittel County Attorney Attorney General  Rick Kittel	Wilson
68,646	Union State Bank, Appellee, v. St. Paul Fire & Marine Ins. Co., Appellant.	Larry D. Nuss Charles N. Henson  Zackery E. Reynolds	Bourbon
68,579	Karee Erie, Appellee, v. Ohio Cas. Co., Appellant; and Shane Wood, Appellee.	Zackery E. Reynolds  Mark Beam-Ward Robert L. Farmer	Bourbon

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

Wednesday, April 7, 1993

Before Briscoe, C.J.; Larson, J.; and David J. King,  
 District Judge, assigned.

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,341	In the Interest of T.D.W. and S.W.	County Attorney Eric A. Stahl John Swarts III Mitzi Phalen Kelly Hodge	Geary
68,385	Terry Cupples, Appellant, v. Department of Corrections, <i>et al.</i> , Appellees.	Steven M. Roth  Timothy G. Madden	Shawnee
68,914	Kenneth and Juanita Finlay, Appellants, v. Robert Finlay, Appellee.	Lee R. Barnett  Marian A. Burns	Osage

(continued)

		1:00 p.m.	
68,359 SC	Robert R. Waterbury, Appellant, v. State of Kansas, Appellee.	Julie Gorenc  Attorney General County Attorney	Morris
68,776	In the Interest of M.R., C.R., and C.R.	William M. Malcolm Donna J. Long County Attorney Bruce H. Wingerd	Clay
<b>Summary Calendar—No Oral Argument</b>			
68,630	Kathryn Cummings, Appellant, v. Wolf Creek Nuclear Operating Corp., <i>et al.</i> , Appellees.	John David Jurcyk Gary L. Jordan  Dale V. Slape	Coffey
68,235	State of Kansas, Appellee, v. Gregory Williams, Appellant.	County Attorney Attorney General  Steven R. Zinn	Cowley

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

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

Tuesday, April 6, 1993

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,386	Kathie Locks, Appellee, v. The Boeing Co., <i>et al.</i> , Appellants. Lorraine West-Mills, Appellee,	Kelly Johnston J. Philip Davidson  Stephen M. Kerwick James B. Zongker Vincent Bogart	Sedgwick  Sedgwick
68,352	Dillon Co., Inc., <i>et al.</i> , Appellants.	Douglas Greenwald John F. Hayes	
10:30 a.m.			
68,061	Excel Corp., Appellant, v. Kansas Human Rights Comm., <i>et al.</i> , Appellees.	Robert D. Overman  Judy Fowler	Sedgwick
68,276 68,645	Burrowwood Assoc., Inc., Appellee, v. Safelite Glass Corp., Appellant.	John B. Gilliam  Walter C. Williamson	Sedgwick
1:00 p.m.			
68,264	State of Kansas, Appellee, v. Tommy O. Wainwright, Appellant. State of Kansas, Appellee,	County Attorney Attorney General  Thomas Jacquinet Debra S. Byrd Attorney General	Reno  Sedgwick
68,351	Steve A. Orme, Appellant. Kenneth Raye Wilkins, Appellant, v. State of Kansas, Appellee.	Thomas Jacquinet Hazel Haupt  Attorney General Debra S. Byrd	Sedgwick

67,707	State of Kansas, Appellee,	Debra S. Byrd Attorney General	Sedgwick
	v.		
	Cleophus D. James, Appellant.	Hazel Haupt	
67,739	State of Kansas, Appellee,	Debra S. Byrd Attorney General	Sedgwick
	v.		
	Louis C. Cardona, Appellant.	Benjamin Wood Jessica R. Kunen	

Wednesday, April 7, 1993  
9:00 a.m.

Case No.	Case Name	Attorneys	County
67,980	Duane Hilger, Appellant,	Bruce A. Swenson	Harper
	v.		
	Danville Coop. Assn., Appellee.	Terry D. Bertholf	
68,320	Clinton Anderson, Appellee,	John E. Stang	Sedgwick
	v.		
	Kansas Dept. of Revenue, Appellant.	Brian Cox	

10:00 a.m.

68,362	First National Bank of Anthony, Appellant,	F.C. Rick Davis II	Kingman
	v.		
	Floyd Dunning, et al., Appellees.	Theodore C. Geisert	

Summary Calendar—No Oral Argument

67,892	State of Kansas, Appellee,	Debra S. Byrd Attorney General	Sedgwick
	v.		
	Michael S. Hartzell, Appellant.	Thomas Jacquinet	
68,444	State of Kansas, Appellee,	Debra S. Byrd Attorney General	Sedgwick
	v.		
	Walter V. Green, Appellant.	Stephen J. House	
68,746	In the Matter of the Marriage of Linda F. George and Kelly Smith.	Dennis D. Webb W. Irving Shaw	Lyon

Kansas Court of Appeals  
District Courtroom B, Barton County Courthouse  
Great Bend, Kansas

Tuesday, April 6, 1993  
9:00 a.m.

Before Lewis, P.J.; Brazil, J.; and Carl B. Anderson, Jr.,  
District Judge, assigned.

Case No.	Case Name	Attorneys	County
68,431	State of Kansas, Appellant,	County Attorney Attorney General	Stafford
	v.		
	Jerry Michael Welch, Appellee.	Michael S. Holland	

(continued)

68,354	The Kinsley Bank, v. Richard Waters, Iuka Coop. Exch., Appellant, and Peoples Bank, Appellee.	Michael K. Johnston Emerson Shields Royce E. Wallace	Stafford
10:00 a.m.			
68,408	In the Matter of the Marriage of Karen L. Lutz and John Lutz.	Don S. Staab Glenn R. Braun	Ellis
68,377	Alva Schaben, Appellant, v. City of LaCrosse, Appellee.	Gregory L. Bauer Barbara Scott Girard	Rush
11:00 a.m.			
Before Brazil, P.J.; Royse, J.; and Carl B. Anderson, Jr., District Judge, assigned.			
68,524	Turner & Boisseau, Chtd., Appellant, v. Robert Lowrance, <i>et al.</i> , Appellees.	Eldon L. Boisseau Charles Owen II	Barton
68,499	State of Kansas, Appellee, v. Stanley Christiansen, Appellant.	County Attorney Attorney General Michael S. Holland	Reno
1:15 p.m.			
68,718	In the Matter of the Marriage of Janna K. Lintel and Todd Lintel.	Jon L. Frobish Bradley G. Rigor	Thomas
Summary Calendar—No Oral Argument			
68,245	Eldon Shear, Appellant, v. State of Kansas, Appellee.	Rick Kittel Attorney General County Attorney	Norton
68,596	In the Matter of the Marriage of Douglas P. Holecek and Cindy Holecek.	Michael S. Holland Richard W. Brown	Russell
Before Lewis, P.J.; Royse, J.; and Carl B. Anderson, Jr., District Judge, assigned.			
1:45 p.m.			
68,300	In the Matter of the Parentage of J.T.	Michael W. Murphy Jon L. Frobish Faustina Tesmer	Sherman
68,458	Michigan Millers Mut. Ins. Co., Appellant, v. Engelhardt Grain Co., Inc., <i>et al.</i> , Appellees.	Donald G. Reinsch Kenneth Clark	Thomas
68,364	In the Matter of the Marriage of Ross R. Cranston and Christie A. Cranston.	Ronald S. Shalz Thomas C. Boone Steven P. Flood	Thomas
Summary Calendar—No Oral Argument			
68,158 68,450	State of Kansas, Appellee, v. Steve Clark, Appellant.	County Attorney Attorney General Jessica R. Kunen William Wright	Wichita

Kansas Court of Appeals  
 Supreme Court Courtroom, 3rd Floor, Kansas Judicial Center  
 Topeka, Kansas

Wednesday, April 7, 1993  
 10:00 a.m.

Before Lewis, P.J.; Royse, J.; and Daniel L. Brewster,  
 District Judge, assigned.

Case No.	Case Name	Attorneys	County
68,073	State of Kansas, Appellee,	District Attorney Attorney General	Shawnee
	v. Sylvia Williams, Appellant.	Rebecca Woodman	
68,263	Charles F. Strauch, Appellant,	Edward Collister Jessica R. Kunen	Shawnee
	v. State of Kansas, Appellee.	District Attorney Attorney General	
68,323	State of Kansas, Appellee,		
	v. Terry W. Dudley, Appellant.	Thomas Jacquinot	Shawnee
68,314	State of Kansas, Appellee,	District Attorney Attorney General	Shawnee
	v. Frank J. Burnett, Appellant.	Thomas Jacquinot	

11:00 a.m.

Before Brazil, P.J.; Royse, J.; and Daniel L. Brewster,  
 District Judge, assigned.

68,106	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	v. Paul Merrell, Appellant.	Jean Gilles Phillips	
68,095	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	v. Joseph M. Deans, Appellant.	Jessica R. Kunen	

Summary Calendar—No Oral Argument

68,447	Earl E. Wilburn, Appellant,	Mark Doty	Atchison
	v. State of Kansas, Appellee.	Attorney General County Attorney	
68,260	State of Kansas, Appellee,	District Attorney Attorney General	Johnson
	v. Kenny R. Martin, Appellant.	Patrick Lawless	

2:30 p.m.

Before Brazil, P.J.; Lewis, J.; and Daniel L. Brewster,  
 District Judge, assigned.

68,331	Jerry Lee Finnigin, Appellant,	Lucille Marino	Marshall
	v. State of Kansas, Appellee.	Attorney General County Attorney	

(continued)

68,401	Ron and Nancy Wilcox, Appellants,	Don W. Noah Rodney G. Nitz	Cloud
	v.		
68,335	Isabell Gentry, <i>et al.</i> , Appellees. State of Kansas, Appellee,	Isabell Gentry, pro se District Attorney Attorney General	Shawnee
	v.		
	Shane Smith, Appellant.	Steven R. Zinn	
Summary Calendar—No Oral Argument			
68,621	State of Kansas, Appellee,	District Attorney Attorney General	Johnson
	v.		
	Vernon L. Daniels, Appellant.	Reid Nelson	

Kansas Court of Appeals  
Santa Fe Room, Dodge City Community College  
Dodge City, Kansas

Before Rulon, P.J.; Elliott, J.; and Jack L. Burr,  
District Judge, assigned.

Tuesday, April 6, 1993

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,647	Mary Lou Milhon, Appellant,	Stanley Antrim	Commanche
	v.		
67,772	Leona Hazen, <i>et al.</i> , Appellees. State of Kansas, Appellee,	Larry Myers County Attorney Attorney General	Haskell
	v.		
	John Shrimplin, Appellant.	J. Douglas Miller	
10:30 a.m.			
68,884	U.S. Fidelity & Guar. Co., Inc., Appellee,	Christopher Sanders	Hamilton
	v.		
67,932	Lyle Baker Agency, Inc., <i>et al.</i> , Appellants. State of Kansas, Appellee,	John C. King County Attorney Attorney General	Seward
	v.		
	Joe Vega, Appellant.	J. Gregory Swanson	

Kansas Court of Appeals  
Dodge City Senior High School  
Dodge City, Kansas

Before Rulon, P.J.; Elliott, J.; and Jack L. Burr,  
District Judge, assigned.

Tuesday, April 6, 1993

2:00 p.m.

Case No.	Case Name	Attorneys	County
68,108	State of Kansas, Appellee,	County Attorney Attorney General	Seward
	v.		
	Roger L. Finch, Appellant.	Lucille Marino	



68,286	David Hilker, Appellant, v. David L. Pope, Director of Division of Water Resources, Appellee.	Michael K. Ramsey Constance Crittenden	Gray
68,241	State of Kansas, Appellee, v. Kenneth Laverne Freel, Appellant.	County Attorney Attorney General Steven R. Zinn	Ford

**Kansas Court of Appeals**  
**Ford County Government Center, 100 Gunsmoke St.**  
**Dodge City, Kansas**

Before Rulon, P.J.; Elliott, J.; and Jack L. Burr,  
District Judge, assigned.

Wednesday, April 7, 1993

9:00 a.m.

Case No.	Case Name	Attorneys	County
67,570	State of Kansas, Appellee, v. Joe Louis Lara, Appellant.	County Attorney Attorney General Susan Jones	Finney
67,467	Sara Dunlap, Appellant, v. Garden City Recreation Comm., Appellee.	Dean Ryan Charles Owen II	Finney
10:00 a.m.			
67,398	State of Kansas, Appellee, v. Leonardo Alvarez Flores, Appellant.	County Attorney Attorney General Rick Kittel	Finney
67,423	State of Kansas, Appellee, v. Carolina Pena-Cano, Appellant.	County Attorney Attorney General Wendy Slayton	Finney
68,097	Alan L. Bitner, Appellant, v. State of Kansas, Appellee.	Rick Kittel Attorney General County Attorney	Stevens

**Summary Calendar—No Oral Argument**

67,732	Steven James White, Appellant, v. State of Kansas, Appellee.	Kristine Paredes Attorney General Debra S. Byrd	Sedgwick
68,610	In the Interest of A.D.S. and A.D.S.	Donald C. Astle Jennifer L. Jones Richard V. Foote	Sedgwick
67,571	In the Interest of M.R.H., <i>et al.</i>	Richard L. Dickson Kevin B. Johnson E. Jolene Rooney H. Stephen Mosley	Sedgwick

Carol G. Green  
Clerk of the Appellate Courts

## State of Kansas

## Department of Transportation

## Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consultant engineering firms for the following project:

**Project No. 1 70-31 K-5090-01 I-70 Geary County**

Roadway reconstruction including shoulders from one mile east of McDowell Creek Road, east to the Geary-Wabaunsee county line. Project will include guard fence on bridge 032 (I-70 over Local Road) and deck repair, overlay, handrail and guard fence on bridge 033 and 034 over K-177. Total project length is 7.5 miles with an estimated total construction cost of \$16,330,000. Pre-construction activities are scheduled to be completed by November 15, 1994.

Responses must be received by April 8 if the consultant engineering firm wishes to be considered. Seven signed copies of responses need to be mailed to Al Cathcart, P.E., Project Control Engineer, Office of Engineering Support, Kansas Department of Transportation, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

This project will require design services for surveying, traffic control, permanent signing, pavement marking, seeding and erosion control. A complete package of information on this project and activities will be furnished to consultant engineering firms who are selected as finalists by the KDOT Consultant Selection Committee prior to being interviewed by the KDOT Negotiating Committee.

From firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, nor more than five) and invite them to attend a pre-proposal conference. Firms not selected will be notified by letter.

The Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with firms invited to the pre-proposal conference and select one firm with which to negotiate a contract. After a contract has been awarded, the remaining firms will be notified by letter.

It is the policy of KDOT to use the following criteria as the basis for selection of consultant engineering firms:

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance record.

Michael L. Johnston  
Secretary of Transportation

Doc. No. 013213

## 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. April 22, 1993, and then publicly opened:

**District One—Northeast**

**Johnson**—46 U-1420-01—103rd and Pflumm in Lenexa, intersection improvement. (Federal Funds)

**Leavenworth**—52 C-2467-01—County road, 0.5 mile southeast of Tonganoxie then north, 0.2 mile, grading and bridge. (Federal Funds)

**Leavenworth**—73-52 K-5097-01—U.S. 73 and Johnson Street in Leavenworth, traffic signal. (State Funds)

**Pottawatomie**—99-75 K-4894-01—K-99 and 4th Street in Wamego, traffic signal. (State Funds)

**Shawnee**—70-89 K-2446-5—I-70, 0.4 mile east of the west junction of U.S. 75, then east to the Polk-Quincy viaduct, 4.9 miles, seeding. (Federal Funds)

**Wyandotte**—40-105 K-4756-01—Southbound U.S. 40 ramp to I-70 bridge 159, bridge repair. (State Funds)

**District Two—Northcentral**

**Ellsworth**—27 C-2896-01—County road, 3.8 miles west and 4 miles north of Ellsworth, 0.2 mile, grading and bridge. (Federal Funds)

**Geary**—31 C-2185-01—County road, 5.2 miles south and 1.8 miles west of Junction City, then west, 0.2 mile, bridge replacement. (Federal Funds)

**Jewell**—14-45 K-2058-01—White Rock Creek bridge 18 at Lovewell Reservoir, bridge deck. (State Funds)

**District Three—Northwest**

**Graham**—24-33 K-4746-01—U.S. 24, Antelope Creek drainage bridge 2, east of the Sheridan-Graham county line, bridge overlay. (State Funds)

**Phillips**—183-74 K-4062-02—Detour for future U.S. 183 project on county road from U.S. 383 at Long Island south to U.S. 36, 9 miles, overlay. (State Funds)

**Rawlins**—25-77 K-4228-01—K-25, from U.S. 36 to Main Street in Atwood, 0.3 mile, pavement reconstruction. (State Funds)

**Rooks**—183-82 K-3835-01—U.S. 183, Bow Creek 25 and drainage bridge 26 south of the Rooks-Phillips county line, 0.4 mile, bridge replacement. (Federal Funds)

**Rooks**—183-82 K-4049-01—U.S. 183, from the curb and gutter in Stockton north to 0.7 mile south of the Rooks-Phillips county line, 7.9 miles, grading and bridge. (State Funds)

**Russell**—281-84 K-4788-01—U.S. 281, Coon Creek bridge 46, 0.7 mile north of the east junction of K-18, bridge overlay. (State Funds)

**Sherman**—91 C-1962-01—County road, from Goodland, then east, 6 miles, surfacing. (Federal Funds)

**Smith—8-92 K-5159-01—K-8**, from the junction of U.S. 36, north 16 miles to the Kansas-Nebraska state line, 16 miles, overlay. (State Funds)

**Trego—283-98 K-4787-01—U.S. 283**, Saline River bridge 42, 1.8 miles south of the Trego-Graham county line, bridge overlay. (State Funds)

#### District Four—Southeast

**Cherokee—69-11 K-5011-01—U.S. 69** Alternate and 13th Street in Baxter Springs, traffic signal. (State Funds)

**Cherokee—166-11 K-5012-01—U.S. 69** Alternate and U.S. 166 in Baxter Springs, traffic signal. (State Funds)

#### District Five—Southcentral

**Butler—8 K-2831-03—El Dorado State Park**, 2.7 miles, grading and bituminous surfacing. (State Funds)

**Butler—77-8 K-4769-01—U.S. 77**, West Branch Walnut River bridge 32, 0.7 mile, north of U.S. 54, bridge painting. (State Funds)

**Cowley—18 C-3060-01—County road**, 2.1 miles east and 7.3 miles north of Winfield, then north, 0.2 mile, bridge replacement. (Federal Funds)

**Cowley—38-18 K-4754-01—K-38**, Grouse Creek bridge 62, 0.7 mile east of K-15, bridge painting. (State Funds)

**Cowley—160-18 K-4781-01—U.S. 160**, Walnut River bridge 24, 8.3 miles east of the Sumner-Cowley county line, bridge painting. (State Funds)

**Pratt—61-76 K-2860-01—K-61**, Ninnescah River drainage bridge 13, 4.9 miles northeast of U.S. 54, bridge replacement. (Federal Funds)

**Sedgwick—54-87 K-4760-01—U.S. 54**, pedestrian overpass 319, 0.6 mile west of the junction of I-135, bridge painting. (State Funds)

**Sedgwick—135-87 K-4778-01—I-135**, Union Pacific Railroad and Chisholm Creek drainage bridge 24 and Union Pacific Railroad and Hydraulic Avenue bridge 26 in Wichita, bridge overlay. (State Funds)

**Reno/Kingman/Sedgwick—106 K-1802-05—Cheney State Park Roads**, 14.1 miles, grading, milling and bituminous surfacing. (State Funds)

#### District Six—Southwest

**Finney—83-28 K-4773-01—U.S. 83**, Arkansas River bridge 15, 1.6 miles northeast of U.S. 83 Business, bridge repair. (State Funds)

**Grant—160-34 K-4444-01—U.S. 160**, from the west city limits of Ulysses east to the junction of K-25, 0.5 mile, grading and surfacing. (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 cor-

poration 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. 013212

#### State of Kansas

### Department of Health and Environment

#### Temporary Administrative Regulations

#### Article 29.—SOLID WASTE MANAGEMENT

**28-29-84. Permit renewal; solid waste permit fees.** (a) General provisions. Each permit issued by the department for any solid waste disposal facility or area, processing facility, incinerator, transfer station, composting plant or area and reclamation facility may be renewed on or before the anniversary date of the permit each year in the following manner.

(1) Each solid waste facility operating in Kansas pursuant to a valid existing permit shall submit to the department, on or before the anniversary date of the permit, a report of the permitted activities on forms provided by the department.

(2) The annual permit renewal fee shall accompany the report. Action to approve the renewal of the permit shall not begin until such time as a properly completed report and the appropriate annual permit renewal fee are received by the department.

(b) Failure to submit. Failure to submit a complete annual report and the annual permit renewal fee on or before the anniversary date of the permit each year may subject the permit holder to denial, revocation, or suspension of the permit.

(c) Fee schedule. The fee for a permit to operate a solid waste disposal area or facility will be as follows.

(1) The fee for an application for a proposed facility for which no permit has previously been issued by the department, or for reapplication due to loss of the permit resulting from departmental action, such as revocation, denial or suspension shall be:

(continued)

Construction demolition debris disposal area .....	\$1,000.00
Incinerator .....	\$5,000.00
Industrial solid waste disposal area .....	\$3,000.00
Municipal solid waste disposal area .....	\$5,000.00
Processing facility .....	\$2,000.00
Reclamation facility .....	\$2,000.00
Solid waste compost facility .....	\$ 250.00
Transfer station .....	\$1,000.00

(2) Each facility or disposal area operating pursuant to a valid, current permit issued by department shall be required to pay an annual permit renewal fee. The annual permit renewal fees shall be:

Construction demolition debris disposal area .....	\$ 500.00
Incinerator .....	\$1,000.00
Industrial solid waste disposal area .....	\$1,000.00
Municipal solid waste disposal area .....	\$2,000.00
Processing facility .....	\$1,000.00
Reclamation facility .....	\$1,000.00
Solid waste compost facility .....	\$ 250.00
Transfer station .....	\$ 500.00

(d) Multiple activities. Any person conducting more than one of the activities listed in K.A.R. 28-29-84(c)(1) at one location shall pay a single fee. This fee shall be in the amount specified for the activity having the highest fee of those conducted. (Authorized by K.S.A. 65-3406, as amended by L. 1992, Ch. 316, sec. 4; implementing K.S.A. 1991 Supp. 65-3407, as amended by L. 1992, Ch. 316, sec. 5; effective, T-28-3-15-93, March 15, 1993.)

**28-29-85. State solid waste tonnage fees.** (a) General provisions. The operator of each solid waste disposal area in Kansas shall pay to the department a tonnage fee for each ton or equivalent volume of solid waste received and disposal of at the facility during the preceding reporting period. The fee shall be paid each reporting period until the facility no longer receives waste and begins departmentally approved closure activities. Municipal solid waste disposal areas receiving 50,000 tons or more of solid waste annually shall file the reports required by paragraph (b) and pay their tonnage fee monthly, on or before the 15th of the following month. Municipal solid waste disposal areas receiving less than 50,000 tons of solid waste annually, and all other solid waste disposal areas shall file reports and pay their tonnage fee quarterly, on or before the fifteenth day of April, July, October and January.

(b) Certification and late fees. The operator of each solid waste disposal area shall certify, on a form provided by the department, the amount, source and type of solid waste received, processed, recycled, and disposed of during the preceding reporting period. Any operator failing to remit the appropriate tonnage fee and submit the report within 15 days after each reporting period shall pay a late processing fee of one and one-half percent per month on the unpaid balance from the date the fee was due until paid.

(c) Determination of waste tonnages.

(1) Operator estimates. The operator of each municipal solid waste disposal area that receives 50,000 tons or more of solid waste annually shall use actual weight records. The operator of each municipal solid waste disposal area that receives less than 50,000 tons of solid waste annually shall, subject to department approval, use one of the following methods for determining the number of tons of waste disposed of at the solid waste disposal area.

(A) The operator may use actual weight records.

(B) The operator may use actual volume records based upon direct aerial and field survey techniques, using the conversion factor of 1,000 pounds per cubic yard less a department approved deduction for cover material.

(C) Actual volume records based upon daily logs which record the source, type and measurement or estimate of each load using the conversion factors as specified in (d).

(D) The operator of a landfill serving one county or an identifiable population of less than 20,000 may use a per capita waste generation rate charge equivalent of .8 ton per person per year. This generation rate may only be used during calendar year 1993. This method may be used after December 31, 1993, only with specific departmental approval.

(2) Other disposal site estimates. All other solid waste disposal sites shall, subject to departmental approval, use the method provided in paragraph (c)(1)(A), (c)(1)(B) or (c)(1)(C) of this regulation.

(3) Departmental estimates. The department may estimate the number of tons received at a solid waste disposal area. The estimate may be based upon the number of tons received and reported for the previous reporting period, or any other recognized method.

(d) Payment calculation. The solid waste tonnage fee of \$1.50 per ton shall be calculated on department forms. If volume records are used, the following volume to weight factors shall be used to calculate tonnage unless the operator demonstrates to the department that a different conversion factor is appropriate.

Municipal solid waste (as delivered)

Residential/commercial	
loose	325 pounds/cubic yard
compacted	650 pounds/cubic yard
Industrial	
general	330 pounds/cubic yard
liquids/sludges	8.3 pounds/gallon
Construction demolition	1,250 pounds/cubic yard

(e) Exemptions. The state solid waste tonnage fee shall not apply to non-hazardous waste that is received at a solid waste disposal area, and recycled, reclaimed or reused. Such items include scrap and composted wastes. (Authorized by K.S.A. 65-3415b; implementing L. 1992, Ch. 316, new sec. 9; effective, T-28-3-15-93; March 15, 1993.)

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013200

State of Kansas

**Department of Health  
and Environment**

**Permanent Administrative  
Regulations**

**Article 38.—LICENSURE OF ADULT CARE HOME  
ADMINISTRATORS**

**28-38-18. Examination required.** (a) Each candidate for licensure as an adult care home administrator shall successfully pass national examination and a state rules and regulations examination for adult care home administration approved by the board.

(b) The minimum passing scaled score for the national examination is 113. The minimum passing raw score for the state examination is 75 percent.

(c) Each candidate for licensure who has been disqualified for failure of the examination shall be given written notification by the board of such disqualification and the reasons therefor.

(d) Each candidate for licensure who has been disqualified for having failed the examination may submit a new application for examination if the requirements for examination in force at the time of such reapplication are met.

(e) The licensure examinations shall be held at least two times each year at such times and places as the board shall designate. (Authorized by K.S.A. 1991 Supp. 65-3503; implementing K.S.A. 1991 Supp. 65-3504; effective May 1, 1981; amended July 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended Sept. 24, 1990; amended May 10, 1993.)

**28-38-19. Qualification for examination.** (a) Each candidate for initial licensure as an adult care home administrator shall meet the following requirements.

(1) Each candidate shall hold a baccalaureate or higher degree from an accredited college or university.

(2) Each candidate shall have successfully completed a long-term care administration practicum approved by an accredited college or university of not less than 480 clock hours.

(3) Each candidate shall file with the board certification of sound physical and mental health and evidence of the absence of contagious and infectious diseases. This certification shall be by a physician with a license to practice in the United States or the District of Columbia. A candidate may be required by the board to be present at a designated time and place for inquiry as to suitability as provided for in this regulation.

(b) "Accredited college or university" means a college or university that is accredited by an accrediting body recognized by the council on postsecondary accreditation or the secretary of the U.S. department of education.

(c) "Long-term care administration practicum" means an academic training program of not less than 480 clock hours approved by an accredited college or university that:

(1) Incorporates the "core of knowledge";

(2) provides the training in either or combination of a Kansas-licensed adult care home or long-term care unit of a Kansas-licensed hospital;

(3) has the college or university designate a preceptor in the adult care home and in the hospital long-term care unit; and

(4) has the college or university responsible for coordinating with the preceptor the type of training and supervision to be provided during the practicum.

(d) "Preceptor" means a licensed adult care home administrator with a minimum of three years' full-time licensed experience during the last five years. Each preceptor is responsible for the training, knowledge, and professional activities within the facility and for the development and refinement of the trainee as a prospective adult care home administrator. No preceptor shall supervise more than two trainees at a time.

(e) Each preceptor shall be a full-time administrator of record in the facility in which the training is to be provided.

(f) No administrator whose license is under any disciplinary administrative proceedings or under any disciplinary action pursuant to K.S.A. 65-3508 shall be a preceptor.

(g) Each college or university shall submit the practicum curriculum and preceptor qualifications for the board's approval. Any change in the practicum curriculum or preceptor shall require approval by the board. Each trainee shall have received at least 60 college semester credit hours and be 18 years of age prior to participating in a practicum. (Authorized by K.S.A. 1991 Supp. 65-3503; implementing K.S.A. 1991 Supp. 65-3504; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended Sept. 24, 1990; amended May 10, 1993.)

**28-38-20. Application for examination.** (a) Each candidate for examination for licensure as an adult care home administrator shall make application in writing on forms provided by the board, furnish evidence satisfactory to the board of having met the qualifying requirements of K.A.R. 28-38-19 no later than 30 days following the date of the examination, and submit a license application fee of \$100.00.

(b) Each candidate shall provide the board with academic transcripts and proof of receipt of undergraduate or graduate degrees. This proof shall be provided directly to the board by the accredited college or university.

(c) Each applicant who is a graduate of a college or university from outside the United States shall provide the board an officially translated English copy of his or her transcript and, where necessary, supporting documents. The transcript shall be translated by a source and in a manner that is acceptable to the board.

(d) Applications shall be filed with the board not later than 60 days prior to the date of the examination. Each applicant who has to reschedule to take the national examination shall do so on a board-prescribed form and, if the examination has not been passed after

(continued)

two years from original application, shall resubmit an application in accordance with (a) above.

(e) Each applicant shall pay the required examination fee for the national examination directly to the testing agency. (Authorized by K.S.A. 1991 Supp. 65-3503; implementing K.S.A. 1991 Supp. 65-3504; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended Sept. 24, 1990; amended May 10, 1993.)

**28-38-21. Temporary license.** (a) Each facility requesting a temporary licensee shall provide the board with written documentation that licensed, qualified applicants are unavailable, thus creating an emergency. Each candidate for consideration by the board for a temporary license shall:

- (1) Submit an application on board-prescribed forms accompanied by a fee of \$100.00;
- (2) be at least 18 years of age;
- (3) be endorsed in writing to be the most qualified applicant by the board of directors, corporation, or ownership of the facility where the person is to be employed;
- (4) have accumulated not less than 60 college credit hours or have an undergraduate or graduate degree from an accredited college or university, or has been licensed in Kansas as an adult care home administrator and is otherwise eligible for reinstatement, or holds a license as an adult care home administrator in another state and is otherwise eligible for reciprocity; and
- (5) have passed an examination on state rules and regulations with a score of at least 75 percent correct answers.

(b) No person whose license has been revoked or suspended shall be issued a temporary license.

(c) No person who has failed the examinations specified in K.A.R. 28-38-18 shall be issued a temporary license. (Authorized by and implementing K.S.A. 65-3502; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended Sept. 24, 1990; amended May 10, 1993.)

**28-38-22. Licensure by reciprocity.** Each applicant shall submit an application on board-prescribed forms accompanied by a reciprocity application fee of \$120.00 and a license application fee of \$100. (Authorized by K.S.A. 1991 Supp. 65-3503; implementing K.S.A. 65-3505; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1984; amended Sept. 24, 1990; amended May 10, 1993.)

**28-38-23. Renewal of license.** (a) Each application for renewal of license shall be filed on or before June 30 of the calendar year in which the license expires. All licenses shall be renewable on a biennial basis, with the day of expiration to be June 30 of the applicable year.

(b) Each applicant shall submit an application on board-prescribed forms accompanied by the \$100.00 renewal fee. An additional \$50.00 shall be assessed for

each application which is received postmarked after June 30th of the year in which the license expires.

(c) Each application for renewal shall be accompanied by a transcript verifying that the applicant has completed not less than 60 clock hours of board-approved continuing education during the 24-month licensure period, July 1 to June 30, immediately preceding renewal of license. These 60 clock hours of continuing education shall be earned through attendance at board-approved educational offerings pertaining to the "core of knowledge" for the field of adult care home administration and shall be accumulated within subject areas as follows:

- (1) Administration—20 clock hours, including:
  - (A) General administration;
  - (B) Applicable standards of environmental health and safety;
  - (C) Local health and safety regulations;
  - (D) Departmental organization and management;
- and
- (E) Community interrelationships.
- (2) Resident care—20 clock hours, including:
  - (A) Psychology of resident care;
  - (B) Principles of medical care;
  - (C) Personal and social care; and
  - (D) Therapeutic and supportive care.
- (3) Electives—20 clock hours which shall be in the "core of knowledge" or in health-related fields.
- (d) Facility inservice education shall not be considered as a continuing education activity for the purpose of licensure renewal.

(e) Fifteen clock hours of educational credit shall be awarded for each college credit semester hour earned within the renewal period. Ten clock hours of education credit shall be awarded for each board-approved continuing education unit (CEU) obtained.

(f) If an administrator chooses to attend an educational offering not submitted to the board for prior approval and accreditation for continuing education, educational credit may be granted subject to the following consideration: Within the 24-month licensure period, July 1 to June 30, the candidate shall submit an application for subsequent approval, verification of attendance, and a copy of the educational program objectives and content for approval by the board.

(g) Each administrator who attends an educational opportunity and who also serves as a presenter shall receive the amount of educational credit awarded for attendance in addition to one clock hour per hour of presentation time. Presenters shall not receive additional credit for repetition of such presentations.

(h) Each preceptor shall be awarded 7.5 clock hours per trainee.

(i) Each applicant for reinstatement in accordance with K.S.A. 65-3505(d) shall submit an application on board-prescribed forms accompanied by the \$100.00 renewal fee and the \$120.00 reinstatement fee. (Authorized by K.S.A. 1991 Supp. 65-3503; implementing K.S.A. 65-3505; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1984; amended Sept. 24, 1990; amended May 10, 1993.)



**28-38-29. Definitions.** Whenever used in these rules and regulations, the following words and phrases should have the meaning respectively ascribed to them.

"Core of knowledge" means educational training contents for the field of adult care home administration. The "core of knowledge" for the field of adult care home administration is listed in the federal register, vol. 37, no. 61, 252.20(i)(1-9), page 6152, as described by the department of health, education and welfare, and as in effect March 29, 1972, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1991 Supp. 65-3503; effective May 10, 1993.)

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013198

State of Kansas

### Kansas Dental Board

#### Permanent Administrative Regulations

#### Article 1.—GENERAL RULES

**71-1-16. Definition of certain terms:** (a) "Removal of or addition to the hard or soft tissue of the oral cavity" means:

- (1) A surgical or cutting procedure on hard or soft tissues;
- (2) the grafting of hard or soft tissues;
- (3) the final placement or intraoral adjustment of a fixed crown or fixed bridge; and
- (4) root planing or the smoothing of roughened root surfaces.

(b) "Diagnosis of or prescription for treatment" means:

- (1) A comprehensive examination;
- (2) diagnosis and treatment planning; and
- (3) the prescription of a drug, medication, or work authorization.

(c) "Correction of malformation of teeth or the jaws" means surgery, cutting or any other irreversible procedure.

(d) "General or local anesthesia of any nature in connection with a dental operation" means any general anaesthetic and any local anaesthetic whether block or infiltration. The term shall not include the administration and monitoring of the analgesic use of nitrous oxide/oxygen. (Authorized by K.S.A. 74-1406(1); implementing K.S.A. 65-1423(g); effective May 10, 1993.)

**71-1-17. Nitrous Oxide/Oxygen; unlicensed assistant.** A dentist may utilize an assistant not licensed by the Kansas dental board in the administration and monitoring of nitrous oxide/oxygen if such person has satisfactorily completed a course of instruction in such functions approved by the dental board. (Authorized by K.S.A. 74-1406(1); implementing K.S.A. 65-1423(g); effective May 10, 1993.)

Carol L. Macdonald  
Administrative Secretary

Doc. No. 013196

State of Kansas

### State Corporation Commission

#### Permanent Administrative Regulations

#### Article 4.—MOTOR CARRIERS OF PERSONS AND PROPERTY

**82-4-1. Definitions.** The following terms used in connection with the regulations of the state corporation commission governing motor carriers shall be considered and defined as follows:

(a) The term "motor carrier" means any corporation, partnership or individual subject to the provisions of the motor carrier law of Kansas and under the jurisdiction of the state corporation commission of the state of Kansas.

(b) The term "certificate" refers to a document evidencing a certificate of convenience and necessity issued to intrastate common carriers to operate motor vehicles as common carriers.

(c) The term "permit" refers to the document evidencing authority of a motor carrier to operate motor vehicles as a contract or private carrier.

(d) The term "license" refers to the document evidencing the registration of an interstate common or contract motor carrier or interstate exempt motor carrier to operate motor vehicles in the state of Kansas in interstate commerce.

(e) The term "tariff publication" means the rates, charges, classification, ratings, or rules and regulations published by, for or on behalf of common or contract motor carriers of property or passengers.

(f) For the purpose of this rule, the term "entire direct case" shall include, but not be limited to, all testimony, exhibits and other documentation offered in support of the proposed rates.

(g) The term "distance" means air line distances. Distances shall be computed from the corporate limits of incorporated communities and from the post office of unincorporated communities. If there is no post office in the unincorporated community, the distance shall be computed from the center of the business district.

(h) The term "express carrier" means a common or contract carrier who carries shipments, the maximum weight of which do not exceed 350 pounds for each package or parcel.

(i) The term "KCC" means the state corporation commission of Kansas.

(j) The term "driveaway operation" or "towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more set of wheels of the vehicle being transported are on the surface of the roadway during transportation.

(k) The term "driver" means a commercial motor vehicle operator.

(l) The term "organization" means a legal entity which administers an agreement approved under K.A.R. 82-4-69.

(continued)

(m) The term "single line rate" means a rate, charge, or allowance established by a single common or contract motor carrier of property or passengers that is applicable only over its line and for which the transportation can be provided by that carrier.

(n) The term "joint line rate" means a rate, charge, or allowance established by two or more common motor carriers of property or passengers that is applicable over their lines and for which the transportation can be provided by these carriers.

(o) The term "docketing" means entering the proposal in the organization files and then giving notice of the proposal to other carrier members of the organization and shipper subscribers.

(p) The terms "general increase" or "general decrease" mean a common or contract motor carrier rate increase or decrease proposed as a general adjustment of substantially all the rates published in a tariff.

(q) The term "notice" means advance notification to shipper subscribers through the organization's docket service.

(r) The term "affiliate" means a person or company controlling, controlled by, or under common control or ownership with another person or company.

(s) The term "ownership" means an equity holding in a business entity of at least 5%.

(t) The term "industry average carrier cost information" means the average intrastate cost of the carriers who participate in an organization tariff and who have authority from the commission to transport the commodities indicated in the organization tariff.

(u) Except when used in 49 CFR Part 391 subpart H, the term "commercial motor vehicle" designates:

(1) A vehicle that has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds;

(2) A vehicle designed to transport more than 15 passengers, including the driver; or

(3) A vehicle used in the transportation of hazardous materials in a quantity requiring placarding under 49 C.F.R. 172.500 through and including 172.514, effective as of December 31, 1991.

(v) The term "licensed physician" means a licensed doctor of medicine or osteopathy.

(w) The term "administrator" means the administrator of the transportation division of the state corporation commission. (Authorized by and implementing K.S.A. 66-1,112, 66-1,112a, 66-1,112g; effective Jan. 1, 1971; modified L. 1981, Ch. 424, May 1, 1981; amended, T-83-45, Dec. 8, 1982; amended May 1, 1983; amended May 1, 1984; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993.)

**82-4-3. Motor carrier safety regulations.** (a) The following parts of the federal rules and regulations promulgated by the U.S. department of transportation, federal highway administration, and office of motor carriers, are hereby incorporated by reference as the rules and regulations of the state corporation commission of the state of Kansas. The incorporation by reference shall cover the parts as they exist on March 1,

1992. (1) Federal motor carrier safety regulations: General, 49 CFR Part 390, except:

(A) 49 CFR 390.3(b), and (f);

(B) The following terms as they appear in 49 CFR 390.5; "motor vehicle," "person" and "private motor carrier of property"; "commercial motor vehicle," "motor carrier," and "driver"; and

(C) 49 CFR 390.11.

(2) Qualifications of drivers: 49 CFR Part 391, except sections 49 CFR 391.2(a), (b) & (c), 391.11(b)(1), 391.49 and 391.69.

(3) Driving of motor vehicles: 49 CFR Part 392, except sections 49 CFR 392.2, 392.30, 392.31, 392.32, 392.40 and 392.41.

(4) Parts and accessories necessary for safe operation: 49 CFR Part 393, except sections 49 CFR 393.81, 393.87 and 393.95(a).

(5) Notification and reporting of accidents: 49 CFR Part 394.

(6) Hours of service of drivers: 49 CFR Part 395, except section 395.8(l)(2).

(7) Inspection, repair and maintenance: 49 CFR Part 396.

(8) Transportation of hazardous materials; driving and parking rules: 49 CFR Part 397.

(9) Transportation of migrant workers: 49 CFR Part 398.

(10) Employee safety and health standards: 49 CFR Part 399.

(11) Minimum levels of financial responsibility for Motor Carriers: 49 CFR Part 387.

(12) Procedures for transportation workplace drug testing programs: 49 CFR Part 40.

(b) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (a), those references shall not be applicable to this regulation.

(c) The following terms as used in this regulation and the identified sections of the regulations adopted by reference are defined as follows:

(1) The term "special agent of FHWA or special agent of the federal highway administration and authorized representatives of the federal highway administration," as used in 49 CFR 394.15(a), 395.13(a), 398.8(a) and appendix B, to Subchapter B means authorized representatives of the state corporation commission of Kansas, and members of the Kansas highway patrol who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.

(2) The term "authorized personnel," as used in 49 CFR 396.9(c), means members of the Kansas highway patrol or authorized representatives of the state corporation commission of Kansas who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.

(3) The term "associate regional administrator, motor carrier safety, federal highway administration," as used in 49 CFR 394.9(d), means the superintendent of the Kansas highway patrol.

(4) The term "director, regional motor carrier safety office of the federal highway administration," as used



in 49 CFR 390.40, 391.51(g), 394.7(a), 394.9(a), 394.11(a) 395.8(k)(2) and 397.19(b), means the superintendent of the Kansas highway patrol and the administrator of the transportation division of the state corporation commission of Kansas.

(5) The term "regional federal highway administrator," as used in 49 CFR 391.51(b)(2), means the administrator of the transportation division of the state corporation commission of Kansas.

(6) The term "department of transportation act," as used in 49 CFR 394.3(a), means the department of transportation act and the motor carrier act of the state of Kansas.

(d) Copies of the motor carrier safety regulations promulgated by the U.S. department of transportation may be obtained from the superintendent of documents, United States government printing office, Washington, D.C. 20402. (Authorized by and implementing K.S.A. 66-1,112, 66-1,112a, 66-1,112g and K.S.A. 1991 Supp. 66-1,129; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993.)

**82-4-6d. Waiver of physical requirements.** (a) Any person failing to meet the requirements of 49 C.F.R. 391.41 as in effect on March 1, 1992, may be permitted to drive a vehicle, other than a vehicle transporting passengers, if the administrator finds that the granting of a waiver is consistent with highway safety and the public interest.

(b) The application for a waiver shall:

(1) be submitted jointly by the person seeking the waiver and by the carrier wishing to employ the person as a driver, with both parties agreeing to fulfill all conditions of the waiver;

(2) be accompanied by:

(A) reports of medical examinations, administered by a licensed physician, which are satisfactory to the administrator; and

(B) recommendations from at least two licensed physicians, at least one of whom shall be selected and compensated by the carrier. The reports and recommendations shall indicate the opinions of the licensed physicians regarding the ability of the driver to safely operate a commercial vehicle of the type to be driven;

(3) contain a description which is satisfactory to the administrator of the type, size and special equipment of the vehicle or vehicles to be driven, the general area and type of roads to be traversed, the distances and time period contemplated, the nature of the commodities to be transported and the method of loading and securing them, and the experience of the applicant in driving vehicles of the type to be driven.

(A) If the applicant motor carrier is a corporation, the application shall be signed by a corporation officer and the applicant driver.

(B) If the applicant motor carrier is a partnership, the application shall be signed by at least one of the members of the partnership and the applicant driver.

(C) If the applicant motor carrier is a sole proprietorship, the application shall be signed by the proprietor and the applicant driver; and

(4) specify that both the person and the carrier shall file periodic reports as required with the administrator. These reports shall contain complete and truthful information regarding the extent of the person's driving activity, accidents in which he or she may have been involved, and all arrests, suspensions, or convictions in which the person is involved.

(c) The waiver shall not exceed two years and shall be renewable upon submission and approval of a new application.

(d) While on duty, the letter granting the waiver or a legible photographically reproduced copy of the waiver shall be in each driver's possession;

(e) The waiver may be suspended by the administrator for good cause and may be canceled after the applicant has been given a reasonable opportunity to show cause, if any, why such cancellation should not be made.

(f) The letter granting the waiver under this section or a legible photographically reproduced copy shall be retained in the files of the motor carrier at its principal place of business during the period the driver is in the carrier's employment. A copy of the waiver shall be retained by the motor carrier for a period of 12 months after the termination of the driver's employment.

(g) All convictions for violations of laws and ordinances and all revocations or suspension of driving privileges shall be reported to the administrator immediately on occurrence. (Authorized by and implementing K.S.A. 66-1,112; effective May 1, 1981; amended Sept. 16, 1991; amended May 10, 1993.)

**82-4-8a. Accessories and equipment.** Every motor vehicle which meets the definition of commercial motor vehicle shall be equipped with a fire extinguisher.

(1) Every motor vehicle shall be equipped with a fire extinguisher that is properly filled and is readily accessible.

(2) The fire extinguisher shall be securely mounted on the vehicle.

(3) The fire extinguisher shall be designed, constructed and maintained to permit visual determination of whether it is fully charged.

(4) The extinguisher shall have an extinguishing agent that does not need protection from freezing.

(5) The classification and rating of fire extinguishers in this subsection shall conform to the laboratory standards recognized by the national fire protection association.

(6) The fire extinguisher shall not use a vaporizing liquid that gives off vapors more toxic than those produced by these substances shown as having a toxicity rating of five or six in the classification of comparative life hazard of gases and vapors.

(7) Motor vehicles that are not used to transport hazardous materials shall be equipped with either a fire extinguisher having a rating of five B:C or two fire extinguishers, each of which has a rating of four B:C.

(continued)

(8) Motor vehicles that are used to transport hazardous materials shall be equipped with a fire extinguisher having a rating of not less than 10 B:C.

(9) Cargo tank vehicles requiring flammable liquid placards shall be provided with at least one approved hand fire extinguisher, whether a dry chemical or carbon dioxide type, having a net content of not less than 20 B:C. Two approved hand fire extinguishers, either a dry chemical or carbon dioxide type, having a net content of not less than 10 B:C for each extinguisher, may be used in lieu of one 20 B:C extinguisher. Fire extinguishers shall be kept in good operating condition, shall be located in an accessible place on each motor vehicle or tank vehicle and shall be housed in a weather-tight enclosure.

(10) The requirements shall not apply to any bus having a seating capacity of eight or less persons or to a driveway or towaway operation.

(11) Each fire extinguisher shall be labeled or marked with its rating. (Authorized by and implementing 1991 Supp. K.S.A. 66-1,129; effective May 1, 1981; amended May 1, 1984; amended April 30, 1990; amended May 10, 1993.)

**82-4-20. Transportation of hazardous materials by motor vehicles.** (a) The following parts of the federal hazardous materials rules and regulations promulgated by the U.S. department of transportation are incorporated by reference as the rules and regulations of the state corporation commission of the state of Kansas: Title 49 CFR, Parts 107.103(b) and 107.105, 107.502, 171, 172, 173, 177, 178, and 180; except for the referenced materials not listed below under section 49 CFR 171.7(a)(3), as in effect on December 31, 1991: ASTM A 242-81 Standard Specification for High-Strength Low-Alloy Structural Steel; ASTM A 370-77 Standard Methods and Definition for Mechanical Testing of Steel Products; ASTM A 441-81 Standard Specification for High-Strength Low-Alloy Structural Manganese Vanadium Steel; ASTM A 514-81 Standard Specification for High-Yield-Strength, Quenched and Tempered Alloy Steel Plate, Suitable for Welding; ASTM A 516-79b Standard Specification for Pressure Vessel Plates, Carbon Steel, for Moderate and Lower-Temperature Service; ASTM A 537-80 Standard Specification for Pressure Vessel Plates, Heat-Treated, Carbon Manganese-Silicon Steel; ASTM A 588-81 Standard Specification for High-Strength Low-Alloy Structural Steel with 50 Ksi Minimum Yield Point to 4 in. Thick; ASTM A 606-75 Standard Specification for Steel Sheet and Strip Hot-Rolled and Cold-rolled, High-Strength, Low Alloy, with Improved Atmospheric Corrosion Resistance, 1975 (Reapproved 1981); ASTM A 633-79a Standard Specification for Normalized High-Strength Low-Alloy Structural Steel, 1979 Edition; ASTM A 715-81 Standard Specification for Steel Sheet and Strip, Hot-Rolled, High-Strength, Low-Alloy, with improved Formability, 1981. Cargo tanks in existence on July 1, 1991 and utilized by an intrastate carrier transporting petroleum crude oil, flammable liquid, U.N. 1267 between an oil field tank battery and an oil well are exempt from the packing requirements of 49 CFR 173.119. Any cargo tank placed into service after July

1, 1991 and used for the transportation of petroleum crude oil, flammable liquid, U.N. 1267 shall comply with the requirements of 49 CFR 173.119.

(b) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (a), those references shall not be applicable to this regulation. (Authorized by K.S.A. 66-1,112, 66-1,112a, 66-1,112g and K.S.A. 1991 Supp. 66-1,129; implementing K.S.A. 66-1,112 and K.S.A. 1991 Supp. 66-1,129; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993.)

**82-4-27a. Applications for transfer of certificates of convenience and necessity and permits.** (a) A certificate of public convenience and necessity issued to common motor carriers under the provisions of K.S.A. 66-1,114, and permits issued to contract carriers under K.S.A. 66-1,112a, shall not be assigned or transferred without the consent of the commission. The commission may reasonably alter, restrict or modify the terms and provisions of any certificate or impose restrictions on any transfers when the public interest may be best served.

(b) Applications for approval by the commission of the transfer of the common carrier certificate shall be completed by both transferor and transferee and filed on forms prescribed by the commission. The applicant shall file an original and three copies of the application with the commission. The application shall contain the following information:

(1) A certified or sworn contract entered into by the parties shall be filed as an exhibit with the application, shall set out in full the agreement between the parties and shall detail all transferred items including equipment, property, good will, assumption of debt, covenants not to compete, and any other items relevant to the financial stability of the parties; and

(2) A statement shall be filed indicating the complete territorial description of the authority sought to be transferred, in the form required by K.A.R. 82-4-27(e).

(c) The transferor or present owner of the certificate shall file a statement containing the following information:

(1) Name and address of the present owner of the certificate;

(2) the date the certificate was obtained;

(3) a signed affidavit setting out the territory where service has been performed during the past year and the number of units operated;

(4) the reason for the transfer;

(5) a signed affidavit stating whether the transferor is currently under citation or suspension by the commission;

(6) a signed affidavit stating whether all ad valorem taxes have been paid to the state of Kansas, or a statement which clearly indicates which party shall be responsible for filing any delinquent rendition statement and who shall be responsible for paying any outstanding ad valorem tax obligation; and

(7) a sworn statement from the transferor that the vehicle maintenance records, driver qualification files, driver logs and bills of lading of the transferor for the three years prior to the date of the transfer will be in the transferee's possession upon conclusion of the transfer.

(d) The transferee of the certificate shall file a statement containing the following information:

(1) Name and address of the transferee.

(A) If the transferee is a corporation, the application shall designate the state in which the charter was issued and the name and address of all officers.

(B) If the transferee is an individual, partnership or association, the application shall indicate the names and addresses of all parties owning an interest in the transferee and the percentage each owns;

(2) a financial statement showing in detail the financial ability and responsibility of the transferee;

(3) a sworn statement by the transferee specifying the amount the transferee borrowed or otherwise obtained to make the purchase of the items detailed in subsection (b) and specifying all details regarding the transactions;

(4) a sworn statement from the transferee that the vehicle maintenance records, driver qualification files, driver logs and bills of lading of the transferor will be in the transferee's possession for a period of three years from the date of the transfer. The transferee shall accept all responsibility for the books and records, and have them available at any time for inspection by the state corporation commission or its employees; and

(5) in the event the transferee of the certificate presently owns a certificate covering all or a part of the route authorized in the transferred certificate, a request to consolidate the transfer so as to eliminate the duplication of operating authority, as required in K.A.R. 82-4-27e. The request shall point out in detail which part of the commodity and geographic description of the duplicated authority is to be eliminated. (Authorized by K.S.A. 1991 Supp. 66-1,117, K.S.A. 66-1,112; implementing K.S.A. 66-1,112a, K.S.A. 1991 Supp. 66-1,117 and K.S.A. 1991 Supp. 66-1,118; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1983; amended May 1, 1987; amended Sept. 16, 1991; amended May 10, 1993.)

**82-4-29. Applications for private carrier permits.**

All applications for private carrier permits shall be on forms furnished by the commission and shall contain:

(a) The name, residence and post-office address of the applicant and the title under which the applicant proposes to operate;

(b) the financial condition of the applicant;

(c) a list of motor vehicles to be used by the applicant by make, year, and engine number;

(d) the commodities which the applicant intends to transport; and

(e) the nature of the enterprise or enterprises for which commodities are to be transported. (Authorized by K.S.A. 66-1,112g, K.S.A. 1991 Supp. 66-1,117; implementing K.S.A. 66-1,112g, 66-1,115, K.S.A. 1991 Supp. 66-1,117; effective Jan. 1, 1971; amended May 1, 1981; amended May 10, 1993.)

**82-4-34.** (Authorized by K.S.A. 66-1,112, 66-1,112a, 66-1,112g; implementing K.S.A. 66-1,112, 66-1,112a, 66-1,112g; effective Jan. 1, 1971; amended May 1, 1981; revoked May 10, 1993.)

**82-4-35a. Inspections of motor carrier documents.** Authority cards, cab cards, driver logs, bills of lading, way bills, freight bills, run tickets or equivalent documents and orders shall be held available upon request for inspection by duly authorized representatives of the commission, the state highway patrol, or other law enforcement officers. (Authorized by K.S.A. 66-1,112a, K.S.A. 66-1,112, K.S.A. 66-1,112g; implementing K.S.A. 66-1,112a, K.S.A. 66-1,112, 66-1,112g, 66-1-131, 66-1,139; effective May 1, 1987; amended May 10, 1993.)

**82-4-37. Identification cards.** Holders of certificates, permits or licenses shall carry on every vehicle operated under the certificates, permits or licenses, an identification card issued by the state corporation commission during the current calendar year showing the certificate, permit or license number, a complete description of the vehicle, and the identification tag issued to it. The identification card shall be carried in the driver's compartment of the vehicle. (Authorized by K.S.A. 66-1,112; 66-1,112a, 66-1,112g; implementing K.S.A. 66-1,112, 66-1,112a, 66-1,112g, K.S.A. 1991 Supp. 66-1,139; effective Jan. 1, 1971; amended May 1, 1981; amended May 10, 1993.)

**82-4-38.** (Authorized by K.S.A. 66-1,112, K.S.A. 66-1,112a, K.S.A. 66-1,112g, K.S.A. 66-1333; implementing K.S.A. 66-1,129 as amended by L. 1988, ch. 356 §242, K.S.A. 66-1,139 as amended by L. 1989, ch. 208, §1, K.S.A. 66-1329; effective Jan. 1, 1971; amended May 1, 1981; amended, T-85-48, Dec. 19, 1984; amended May 1, 1985; amended April 30, 1990; revoked May 10, 1993.)

**82-4-39. Surrender of identification cards.** (a) If operations are abandoned under any certificate, permit or license or upon cancellation or revocation thereof by the commission, all identification cards and authority cards issued under the certificate, permit or license shall be immediately forwarded to the commission.

(b) If by order of the commission or otherwise, operations are suspended under any certificate, permit or license, the carrier shall immediately remove all identification cards issued under the certificate, permit or license, from all vehicles. The identification cards and KCC identification tags shall be preserved by the carrier who shall, at the request of the commission, immediately forward them to the commission.

(c) If a motor vehicle is removed from service and withdrawn from registration with the commission, all identification cards and KCC identification tags issued to the motor vehicle shall be immediately forwarded to the commission. (Authorized by and implementing K.S.A. 66-1,112, 66-1,112a, 66-1,112g; effective Jan. 1, 1971; amended May 1, 1981; amended May 10, 1993.)

Judith McConnell  
Executive Director

Doc. No. 013197

## State of Kansas

## State Fire Marshal

Permanent Administrative  
Regulations

## Article 1.—KANSAS FIRE PREVENTION CODE

**22-1-2. Compliance with certain building codes.** If a building conforms to one of the following updated editions of nationally recognized building codes, it shall be deemed to comply with the Kansas fire prevention code pursuant to K.S.A. 31-134a:

- (a) the 1991 edition of the uniform building code;
- (b) the 1990 edition of the Building Officials and Code Administrations (B.O.C.A.) basic building code; or
- (c) the 1991 edition of the standard building code also known as the southern building code. (Authorized by and implementing K.S.A. 31-134a; effective May 1, 1985; amended Aug. 28, 1989; amended May 10, 1993.)

**22-1-3. Adopted national codes.** The following National fire protection association pamphlets are adopted by reference.

- (a) Portable fire extinguishers. National fire protection association pamphlet no. 10, including appendices a, b, c, d, e, f, and g, 1990 edition.
- (b) Installation of sprinkler systems. National fire protection association pamphlet no. 13, including appendices a and c, 1991 edition.
- (c) Installation of standpipe and hose systems. National fire protection association pamphlet no. 14, including appendices a, b, c, 1990 edition.
- (d) Dry chemical extinguishing systems. National fire protection association pamphlet no. 17, chapters 1, 2, 3, 6, and 7 including appendices A and excluding sections 2-11.2, 6-4, 6-5, and 6-6, 1990 edition.
- (e) Wet chemical extinguishing systems. National fire protection association pamphlet no. 17A, chapters 1 through 4, and appendices A and B, excluding sections 3-1 and 3-2 and section A-1-4 of Appendix A, 1990 edition.
- (f) Water-based fire protection systems. National fire protection association pamphlet no. 25, including appendices a, b, and c, 1992 edition.
- (g) Flammable and combustible liquids. National fire protection association pamphlet no. 30, including appendices a, b, c, d, e, f, and g, 1990 edition.
- (h) Automotive and marine service stations. National fire protection association pamphlet no. 30A, chapter 1 through 9, except section 4-4, 1990 edition.
- (i) Compressed natural gas (CNG) vehicular fuel systems. National fire protection association pamphlet no. 52, including appendix a, 1992 edition.
- (j) Liquefied petroleum gases. National fire protection association pamphlet no. 58, including appendices a, b, c, d, e, f, g, h, i, and j, except section 1-6 shall be applicable January 1, 1994, 1992 edition.
- (k) Signaling systems for central station service. National fire protection association pamphlet no. 71, including appendices a and b, 1989 edition.

(l) Installation, maintenance and use of protective signaling systems. National fire protection association pamphlet no. 72, including appendices a, b, and c, 1990 edition.

(m) Automatic fire detectors. National fire protection association pamphlet no. 72E, including appendices a, b, c, and d, 1990 edition.

(n) Testing procedures for signaling systems. National fire protection association pamphlet no. 72H, 1988 edition.

(o) Vapor removal from cooking equipment. National fire protection association pamphlet no. 96, including appendix a, 1991 edition.

(p) Life safety code. National fire protection association pamphlet no. 101, including appendices a and b, except chapter 21, sections 10-7.1.1.1 and 11-7.1.1.1 and the first sentence of section 11-8.1.1.1 and 11-9.1.1.1, 1991 edition.

(q) Alternative approaches to life safety. National fire protection association pamphlet no. 101M, 1992 edition.

(r) Assembly seating, tents, and membrane structures. National fire protection association pamphlet no. 102, including appendices a and b, 1992 edition.

(s) Emergency and standby power systems. National fire protection association pamphlet no. 110, including appendices a, b, and c, 1988 edition.

(t) Firesafety symbols. National fire protection association pamphlet no. 170, including appendices a, b, and c, 1991 edition.

(u) Tank vehicles for flammable and combustible liquids. National fire protection association pamphlet no. 385, including appendices a and b, 1990 edition.

(v) Explosive materials code. National fire protection association pamphlet no. 495, including appendices a, b, c, and d except sections 1-1.3 and 2-1.8, and chapter 10, 1992 edition.

(w) Fire Safety criteria for manufactured home installations, sites and communities. National fire protection association pamphlet no. 501A, including appendices a, b, c, and d, 1992 edition.

(x) Outdoor display of fireworks. National fire protection association pamphlet no. 1123, including appendices a, b, c, d, and e, 1990 edition.

(y) Manufacture, transportation, and storage of fireworks. National fire protection association pamphlet 1124, including appendices a, b, and c, 1988 edition. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-1-4. Variances and exemptions.** Upon a written application the state fire marshal may grant an exemption or variance from compliance with any provision of the regulations adopted pursuant to the Kansas fire prevention code when it is clearly demonstrated that: (a)(1) the enforcement of a specific requirement will cause unnecessary hardship; or

(2) the exemption is necessary for the petitioner to take advantage of new methods or equipment; and,

(b) the condition, structure, or activity in noncompliance poses no immediate life safety hazard. (Authorized by K.S.A. 1991 Supp. 31-133; implementing K.S.A. 31-136; effective May 10, 1993.)

**22-1-5. Denial, refusal, suspension, or revocation.**

(a) A registration certificate authorized under the Kansas fire prevention code that has been duly issued by the office of the state fire marshal or has been applied for may be denied, suspended, revoked, or renewal refused, if:

(1) the office of the state fire marshal finds from available evidence that the individual or business has violated any provisions of the Kansas fire prevention code or these regulations; or

(2) certified as an arson investigator, the holder has been convicted of a felony.

(b) A person or business aggrieved by an order of the office of the state fire marshal may seek an appeal and hearing under the provisions of K.S.A. 31-140, 31-141, and 31-142 by filing a notice of appeal in the office of the state fire marshal within fifteen (15) days from the date of the service of this order. (Authorized by and implementing K.S.A. 1991 Supp. 31-133, K.S.A. 31-133a, as amended by L. 1992, ch. 220, § 1, and K.S.A. 31-157; effective May 10, 1993.)

**22-1-6. Commercial fire suppression and detection firms, filing.** Any business which currently installs, maintains, modifies, or repairs any fire sprinkler systems, fire detection systems, or fire alarm systems, except those performing these functions solely in one and two family dwellings, shall file a notification of doing business by April 1, 1994 with the state fire marshal. Any new business performing these functions after April 1, 1994 shall file a notification of doing business within 30 days of commencing business with the State Fire Marshal. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

#### Article 2.—REGULATORY STANDARD FOR TANK VEHICLES FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS

**22-2-1.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133 as amended by L. 1990, Ch. 135, Sec. 1; effective May 1, 1981; amended May 1, 1986; amended Jan. 21, 1991; revoked May 10, 1993.)

#### Article 3.—LIFE SAFETY CODE

**22-3-1.** (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1980; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended Aug. 28, 1989; revoked May 10, 1993.)

**22-3-2.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective Aug. 28, 1989; amended Sept. 17, 1990; revoked May 10, 1993.)

#### Article 4.—EXPLOSIVE MATERIALS

**22-4-1.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1980; amended May 1, 1985; amended May 1, 1986; amended Sept. 17, 1990; revoked May 10, 1993.)

#### Article 5.—FIRE REPORTING REQUIREMENTS

**22-5-3.** Reporting of fire losses by insurance companies. (a) Definitions.

(1) Annual report means a report submitted to the state fire marshal by a company setting forth the total number of fire losses and the total amount of losses paid for one calendar year.

(2) Company means a property or casualty insurance company transacting business in Kansas.

(3) FDID means a fire department identification number. Each fire department in Kansas shall be assigned an FDID.

(4) KILR form means the current edition of the Kansas insurance loss report form used by companies that do not use the PILR to report fire losses to the state fire marshal.

(5) Machine readable medium means a form that is readable by electronic data processing machines.

(6) PILR means the property insurance loss register reporting service of the American insurance association.

(7) PILR form means the reporting form used by PILR subscribers to report fire losses as approved by the state fire marshal.

(8) Reportable fire means a fire in Kansas that damages any property, dwelling, building, automobile, cropland, contents, and other such items, and that results in five hundred dollars (\$500) or more in loss.

(9) Reporting service means a service provided by a third party to a company, such as adjusting services or bureaus that report to the state fire marshal on behalf of a company, including PILR. (Authorized by and implementing K.S.A. 40-2,110; effective, E-82-4, Jan. 21, 1981; effective May 1, 1981; amended May 10, 1993.)

#### Article 6.—FIREWORKS

**22-6-10.** (Authorized by K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986; revoked May 10, 1993.)

**22-6-17.** (Authorized by and implementing K.S.A. 31-133; effective Aug. 28, 1989; revoked May 10, 1993.)

#### Article 7.—FLAMMABLE AND COMBUSTIBLE LIQUIDS

**22-7-1.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective, E-80-16, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1983; amended May 1, 1986; amended Sept. 17, 1990; revoked May 10, 1993.)

**22-7-2.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective, E-80-16, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1987; amended Sept. 17, 1990; revoked May 10, 1993.)

**22-7-3.** (Authorized by and implementing K.S.A. 1980 Supp. 31-133; effective May 1, 1981; revoked May 10, 1993.)

**22-7-5.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1986; amended Sept. 17, 1990; revoked May 10, 1993.)

**22-7-6.** Flammable and combustible liquids; applications and checklists. The State fire marshal shall make available on request applications, guidelines,

(continued)



checklists, procedures, applicable regulations and the like regarding the safe storage, use and sale of flammable and combustible liquids as well as the installation and maintenance of related tanks, piping, valves and dispensers. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-7. Approval of plans.** (a) Except as otherwise provided in this section, before the construction or modification of any installation for the storage, handling or use of flammable liquids is undertaken, drawings or blueprints made to scale shall be submitted to the state fire marshal with an application, all in duplicate, for approval. Within a reasonable time after receipt of the application with drawings or blueprints, the state fire marshal shall examine the plans and, if found to conform to applicable requirements of the Kansas Fire Prevention Code, shall signify approval of the application either by endorsement thereon or by attachment thereto, retain one copy for the files and forward the second copy to the Kansas Department of Health and Environment for their required approvals and eventual return to the requestor. If the drawings or blueprints do not indicate conformity with the applicable requirements of the Kansas Fire Prevention Code, the state fire marshal shall notify the applicant accordingly. Plans and applications shall be submitted postage paid to the address specified by the state fire marshal.

(b) The plans approval requirements applies to the following:

(1) Each new installation of tanks containing flammable or combustible liquids in the following amounts:

(A) Any state, county or local governmental unit installing tanks of 660 gallons or more capacity;

(B) any Industrial or Business company installing tanks of 660 gallons or more capacity;

(C) any agricultural farm installation of tanks of 1,100 gallons or more capacity; and

(D) any tank installed for the retail sale of flammable or combustible product through dispenser devices;

(2) any modifications to or replacements of tanks or piping at any establishment or facility meeting the requirements of (1); and

(3) any installation of new dispenser locations at any establishments or facility meeting the requirements of (1). This does not include the routine replacement of dispensers at existing sites.

(c) This plans approval requirements is in addition to any local jurisdiction requirements necessary to meet local zoning or permit approval and additional local requirements. In the event of a dispute as to whether or not the drawings or blueprints show conformity with the applicable requirements of these regulations, the local decision can be appealed to the state fire marshal in accordance with statutory provisions.

(d) All submitted drawings shall include the following minimum information:

(1) The name of the person, firm, or corporation proposing the installation, the location thereof and the adjacent streets or highways;

(2) for bulk plants, in addition to any applicable features required under (4) and (5) of this section, the

plot of ground to be utilized and its immediate surroundings, including any structures of value located on adjacent properties within 100 feet of the property line, on all sides, the complete layout of buildings, tanks, loading and unloading docks, and the types of construction of each building;

(3) for service stations, in addition to any applicable features required under (4) and (5) of this section, the plot of ground to be utilized and the complete layout of buildings, drives, and dispensing equipment;

(4) for aboveground storage, the location and capacity of each tank, the dimensions of each tank, the class and name of liquid to be stored in each tank, the type of any tank supports, the types and sizes of normal and emergency valves, and the location of pumps and other facilities by which the tanks are filled or drained;

(5) in the case of underground storage, the location and capacity of each tank, the class and name of liquid to be stored in each tank, and the location of fill, gauge and vent pipes and openings; and

(6) in the case of installation for storage, handling or use of flammable liquids within the buildings or enclosures at any establishment or occupancy covered in this section, such detail as to show whether applicable requirements are met. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-8. Retroactivity.** (a) Kansas Fire Prevention Code regulations governing flammable and combustible liquids shall apply uniformly at all new or existing establishments and facilities in Kansas except as modified below. Requirements pertaining to operational practices and use of containers shall apply and be enforced at all new or existing establishments and facilities at or in which flammable or combustible liquids are stored, handled or used as of the effective date of these regulations.

(1) Physical installations shall apply and be enforced at all establishments and facilities erected, constructed, installed or first devoted to flammable or combustible liquid storage, handling or use on or after the effective date of these regulations.

(2) Establishments and facilities in existence prior to the effective date of these regulations shall comply with the following minimum requirements.

(A) The location or arrangement of buildings, tanks, platforms, docks, or spacing or clearances between these installations or between these installations and adjoining property lines, shall not be deemed to be distinctly hazardous and may be continued. When reconstruction or modernization of any noncomplying establishment or facility existing prior to the effective date of these regulations is undertaken, the elimination or correction of such nonconformity shall then be made in the course of such work.

(B) Lack of adequate emergency venting on any aboveground tank, or lack of an operable fire valve at any tank opening below the liquid level on above ground tanks of more than 1,100 gallons or on any site above ground tank used for refueling at a service station, is deemed to be distinctly hazardous and shall

be corrected or eliminated by no later than January 1, 1994 in all tanks except for crude oil tanks in oil fields, or tanks at refineries or marine or pipeline terminals.

(C) Lack of a liquid level gauge or a suitable means to prevent tank overfilling with the availability of appropriate conversion charts to determine the available capacity of a tank is deemed to be distinctly hazardous, and such system or means shall be installed and operable by no later than October 1, 1993.

(D) Lack of diking of existing aboveground tanks to contain a fuel spill of at least 110 percent to the capacity of the largest tank is deemed to be distinctly hazardous, and such diking or containment shall be installed which contains the product at a location away from inhabited buildings or places of high value by no later than January 1, 1994.

(E) Lack of breakaway devices on all dispenser hoses and the secure anchoring of dispensers is deemed to be distinctly hazardous, and such shall be installed, anchored and operable by no later than October 1, 1993.

(F) Lack of a properly installed fire valve underneath a dispenser in a pressurized piping system is deemed to be distinctly hazardous, and such device shall be installed immediately.

(G) Lack of a properly operating solenoid valve installed adjacent to any tank installed at an elevation which produces a gravity head on a dispensing device used to refuel vehicles and in the piping serving any such dispenser is deemed to be distinctly hazardous, and such valve shall be installed by no later than July 1, 1994, or at any prior date when such piping or dispenser is modified or replaced.

(H) Lack of a fire valve or vacuum-activated anti-siphon valve installed underneath any suction type dispenser served by aboveground tanks at an elevation that produces a gravity head on a dispensing device used to refuel vehicles is deemed to be distinctly hazardous, and either a fire valve or anti-siphon vacuum activated valve shall be installed by no later than July 1, 1994, or at any prior date when such piping or dispenser is modified or replaced.

(I) Lack of substantial collision protection at the end of dispenser islands is determined to be distinctly hazardous, and such protection shall be provided no later than January 1, 1994, or any prior date when dispenser island is modified or upgraded. (Authorized by and implementing K.S.A. 1992 Supp. 31-133; effective May 10, 1993.)

**22-7-9. Flammable and combustible liquid transfer responsibility.** Each individual conducting the transfer of flammable or combustible liquids from a transport vehicle to a storage tank governed by the Kansas Fire Protection Code shall verify the available capacity of the tank prior to starting any transfer operations, be in attendance during such operations and take the necessary steps to insure that overfilling does not occur. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-10. Emergency response training.** (a) Each employee involved in fuel transfer into motor vehicles at a retail service station, including attendants and

cashiers of self-service stations, upon employment and at least annually thereafter shall receive training from a responsible facility representative or industry organization on the proper procedures to be used in case of fire, overfill, or fuel spill situation. Such training shall include information regarding improper transfer of fuels, types of improper and illegal containers, and instruction of the proper use of fire extinguishers. Documentation of such training shall be maintained and shall be available for inspection upon request by a deputy state fire marshal.

(b) Each establishment or facility involved in fuel transfer into motor vehicles at retail service stations shall have emergency instructions covering fire, overfill or fuel spill procedures posted and readily available in the vicinity of all control consoles or attendant locations. Emergency telephone numbers shall be included on the instructions. The owner or designee of each establishment or facility is responsible for developing and posting the instructions. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-11. Connection of the aboveground tanks to dispensers used for refueling vehicles.** (a) Aboveground tanks of no more than 12,000 gallons total capacity may be connected to a dispenser used for refueling vehicles if, by the determination of the state fire marshal, adequate safeguards, including distances to property of value, proper valving and dispenser protection are provided and a reasonable degree of safety is maintained.

(b) Local jurisdictions may supersede this approval through zoning, ordinance or permitting prohibitions against such installation. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-12. Aboveground abandonment of underground tanks.** (a) Any underground tanks previously containing flammable or combustible liquids which are abandoned above ground shall be marked on two sides, in legible numbers not less than eight inches tall, the month, day and year the tank was first abandoned. The local fire department shall be notified of the location of any site where any group of tanks having a combined capacity of more than 12,000 gallons is abandoned.

(b) The tank owner shall be responsible for:

- (1) Purging the tank of vapors;
- (2) insuring that explosive concentrations of vapors cannot gather inside the tank; and
- (3) insuring that no opening of the tank is accessible to children.

(c) Tanks abandoned for more than twelve months shall then be rendered unusable by the tank owner by disassembly or other appropriate means which shall permit the free circulation of the air throughout the tank.

(d) No underground tank shall be reinstalled for aboveground use without being certified for such use by meeting the requirements of UL standard 142 or

(continued)

equivalent. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

#### Article 8.—LIQUEFIED PETROLEUM GASES

**22-8-1.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1979; amended, E-82-28, Dec. 22, 1981; amended May 1, 1984; amended Aug. 28, 1989; amended Sept. 17, 1990; revoked May 10, 1993.)

#### Article 10.—INSTALLATION AND CERTIFICATION STANDARDS FOR EXTINGUISHING DEVICES

**22-10-3a.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133 and K.S.A. 1989 Supp. 31-133a as amended by L. 1990, Ch. 135, Sec. 1; effective Jan. 21, 1991; revoked May 10, 1993.)

**22-10-10.** (Authorized by and implementing K.S.A. 1982 Supp. 31-133; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; revoked May 10, 1993.)

**22-10-12.** (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986; amended Aug. 28, 1989; revoked May 10, 1993.)

**22-10-13.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a, as amended by L. 1990, Ch. 135, Sec. 1; effective, T-82-3, Jan. 1981; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended Oct. 29, 1990; revoked May 10, 1993.)

**22-10-14.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a, as amended by L. 1990, Ch. 135, Sec. 1; effective, T-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986; amended Jan. 21, 1991; revoked May 10, 1993.)

**22-10-17.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133, 31-133a, as amended by L. 1990, Ch. 135, Sec. 1; effective May 1, 1987; amended Aug. 28, 1989; amended Sept. 17, 1990; amended Jan. 21, 1991; revoked May 10, 1993.)

**22-10-18. Minimum performance standards for holders of class RA registration certificates.** (a) Each Class RA registration certificate holder shall insure that the performance of servicing, recharging, installing or inspecting of fixed extinguishing systems in commercial cooking equipment is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted therein and the applicable current design specifications of the manufacturer.

(b) Each Class RA registration certificate holder installing fixed extinguishing systems in commercial cooking equipment shall provide the state fire marshal with written notification within 30 days after installation of each new installation in Kansas. This notification shall contain:

(1) the business name and location of the installation;

(2) reference to the section of the manufacturer's installation manual by which it was installed;

(3) the date of the installation;

(4) the name, address and certificate number of the business making the installation;

(5) the make and model of the system; and

(6) a drawing of the piping layout and nozzle placement as installed.

(c) The performance of servicing, recharging, installing or inspection of fixed extinguishing system in commercial cooking equipment conducted after June 30, 1993 shall include the completion of a checklist, in addition to any other required tag. The original checklist will be left with a business representative at the time the servicing, recharging, installation or inspection is completed. A copy of the checklist will be maintained by the Class RA registration certificate holder for at least 24-months during which time it is subject to inspection on demand by a deputy state fire marshal during normal business hours. The checklist shall include:

(1) the type of system;

(2) the type of service;

(3) the business name and location of the system;

(4) the items checked, repaired or replaced;

(5) the date of service;

(6) the starting time and ending time of the work;

(7) the name of the person completing the work;

(8) the name, address and certificate number of the Class RA Registration Certificate holder conducting the work;

(9) a notation of corrective action, modification or any continuing non-complaint items;

(10) the signature of a representative of the business; and

(11) a statement notifying the business that the checklist will be kept available for inspection by a deputy state fire marshal or local fire inspector.

(d) A new installation of a fixed extinguishing system may be permitted in an existing range hood for vapor removal not strictly in compliance with NFPA pamphlet no. 96 if the state fire marshal determines that no district life safety hazard would result.

(e) The installation of a fixed extinguishing system in self-contained cooking equipment need not comply with NFPA pamphlet no 17, 17A and 96 if designed and installed according to the manufacturer's specification. (Authorized by and implementing K.S.A. 1991 Supp. 31-133 and 31-133a, as amended by L. 1992, ch. 220, subsection 1; effective May 10, 1993.)

**22-10-19. Minimum performance standards for holders of class RB and RC registration certificates.**

(a) Each Class RB registration certificate holder shall insure that the performance of servicing, recharging, installing, or inspecting portable fire extinguishers is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted therein and any applicable design specifications of the manufacturer.

(b) Each Class RC registration certificate holder shall insure that the performance of hydrostatic testing of



non-DOT fire extinguisher cylinders is done in accordance with the Kansas Fire Prevention Code, the appropriate national standards adopted therein and any applicable design specifications of the manufacturer.

(c) The performance of servicing, recharging, installing or inspecting of portable fire extinguishers or hydrostatic testing of non-DOT fire extinguisher cylinders conducted after June 30, 1993 shall include, in addition to any other required tags or labels, the completion of a checklist or invoice. The original checklist or invoice will be left with a business representative at the time the servicing, recharging, installation or inspection is completed. A copy of the checklist will be maintained by the Class RB or RC registration certificate holder for at least 24 months during which time it is subject to inspection on demand by a deputy state fire marshal during normal business hours. The checklist or invoice shall include:

- (1) the business name and location;
- (2) the date of service;
- (3) the starting time and ending time of the work;
- (4) the name of the person completing the work;
- (5) the name, address and certificate number of the RB or RC registration certificate holder conducting the work;
- (6) the signature of a representative of the business;
- (7) a statement notifying the business that the checklist or invoice will be kept available for inspection by a deputy state fire marshal or local fire inspector; and

(8) a summary of the number and types of extinguishers serviced and the type of service performed.

(d) Six-year maintenance labels. After June 30, 1993, each six-year maintenance shall be recorded on a record label consisting of a mylar decal or sticker, with dimensions not exceeding 1.5 inches by 2.5 inches, which shall be affixed on the exterior of the extinguisher shell. Any six-year maintenance tags previously attached to an extinguisher shall be removed prior to affixing a new tag. The label shall contain:

- (1) the year and month that the six-year maintenance was performed;
- (2) the name of the firm completing the service;
- (3) the initials of the person performing the maintenance.

(e) After June 30, 1993, whenever a low-pressure hydrostatic test is performed, it shall be recorded on a test label consisting of a mylar decal or sticker, with dimensions not to exceed 1.5 inches by 2.5 inches, which shall be affixed on the exterior of the extinguisher shell. Any test tag previously attached to an extinguisher shall be removed prior to affixing a new tag. The record label shall contain:

- (1) the year and month that the test was performed;
- (2) the test pressure;
- (3) the name of the firm completing the service; and
- (4) the initials of the person performing the maintenance.

(f) Internal service tags. After June 30, 1992, the following requirements shall be met.

- (1) In addition to any other label required by these regulations, an internal service tag shall be provided

each time an extinguisher is opened for any type of maintenance or for any other purpose. The following types of extinguishers are exempt from this requirement:

- (A) carbon dioxide;
- (B) halogenated agents;
- (C) dry chemical external cartridge-operated types; and
- (D) extinguishers containing water or water-type solutions.

(2) An approved standard internal service label shall be at least 1/2 inch by 3 1/2 inch, on a durable material, either white or yellow in color, with a pressure sensitive adhesive backing conforming to the standards of UL 969, marking and labeling systems.

(3) Internal service labels shall contain:

- (A) The Registration certificate number of the firm conducting the work;
- (B) the month and year the service was performed; and

(C) the initials of the person conducting the work.

(4) A new internal label shall be provided for an extinguisher each time internal service is performed for any purpose.

(5) Internal service labels shall be affixed in the following manner.

(A) Any label previously attached shall be removed prior to affixing a new tag.

(B) The area to which the tag is to be affixed shall be cleaned to remove all residue of any kind, including old adhesive from a previously attached tag.

(C) The tag shall be placed within 1 inch of the top of the siphon tube below the valve assembly.

(D) The tag shall be pressed and adhered solidly around the tube. The writing must remain visible. Under no circumstances shall the required information be written directly on the siphon tube. (Authorized by and implementing K.S.A. 1992 Supp. 31-133 and 31-133a, as amended by L. 1992, ch. 220, subsection 1; effective May 10, 1993.)

#### Article 13.—PLACES OF ASSEMBLY

**22-13-35.** (Authorized by and implementing K.S.A. 31-133; effective May 1, 1985; amended Aug. 28, 1989; revoked May 10, 1993.)

#### Article 18.—EDUCATIONAL OCCUPANCIES

**22-18-3.** School buildings, construction requirements. (a) From and after July 1, 1993 and except as provided in subsection (b), the construction of school buildings shall comply with the requirements of the 1991 edition of the uniform building code, volume 1, and the 1991 edition of the uniform mechanical code, of the international conference of building officials. All electric wiring shall conform to the requirements of the 1990 edition of the national electric code of the national fire protection association. Minimum plumbing requirements shall meet the 1991 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials.

(continued)

(b) The construction of mobile, modular, portable or relocatable school buildings shall conform to the requirements of the 1991 edition of the life safety code as adopted by K.A.R. 22-1-3. Minimum plumbing requirements shall meet the 1991 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials. (Authorized by and implementing K.S.A. 1991 Supp. 31-133, 31-150, as amended by L. 1992, ch. 208, § 4; effective Sept. 17, 1990; amended May 10, 1993.)

Article 19.—CERTIFICATION OF ARSON INVESTIGATORS

22-19-1. Applicability. (a) The state fire marshal, deputies of the state fire marshal, and full-time fire prevention personnel who are assigned investigative duties and who are members of a paid fire department in the state of Kansas may apply for certification by the state fire marshal as an arson investigator, if the applicant meets the requirements contained in K.A.R. 22-19-1 et seq., and if the employing local fire chief recommends the applicant for certification. No application will be accepted from an employee of a local fire department if that department currently employs the maximum number of certified arson investigators specified below:

Table with 2 columns: Population of city or fire district protected by the department, Maximum number of certified arson investigators employed by the department. Rows range from 'Less than 49,999' to 'more than 225,000'.

(b) Each person certified as an arson investigator may exercise their powers while investigating fires which occur within the jurisdictional boundaries of their employing fire department and within the boundaries of any department which the employing district has an appropriate statutorily authorized mutual aid, interlocal agreement or other contractual agreement which covers fire investigations. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993.)

22-19-2. Requirements. (a) Form. Each applicant seeking certification as an arson investigator shall make application on forms provided by the state fire marshal.

(b) Arson Investigation. Each applicant shall submit proof of satisfactory completion of at least 80 hours in fire/arson investigation training or education in a course of study which includes a testing process and which is approved by the state fire marshal. The required 80 hours shall include the number of hours specified for each of the following subject matter areas:

Table with 2 columns: SUBJECT, HOURS. Lists subjects like 'Fire behavior', 'Building construction and fire investigation', etc., with corresponding hour counts.

Table with 2 columns: (1) through (24) Legal aspects, with corresponding hour counts for various topics like 'Basics of insurance and the fire investigator', 'Photography', etc.

(c) Law enforcement training. Each applicant shall submit proof of satisfactory completion of at least 80 hours of law enforcement training or education in a course of study which includes a testing process and which is approved by the state fire marshal. The required 80 hours of training shall include the number of hours specified for each of the following subject matter areas:

Table with 2 columns: SUBJECT, HOURS. Lists subjects like 'Law', 'U. S. constitution and bill of rights', 'Police patrol procedures', etc., with corresponding hour counts.

(d) Firearms Training. Each applicant shall submit proof of satisfactory completion of the firearms course prescribed for law enforcement officers consisting of at least 16 hours.

(e) Substitute Training Programs. Any applicant may satisfy the law enforcement and firearms training requirements of subsections (c) and (d) by successful completion of the course of study at the law enforcement training center administered by the University of Kansas division of continuing education or by successful completion of the course of study at a training school of a state or local law enforcement agency, if the training school has been certified under K.S.A. 74-

5604 by the dean of continuing education at the University of Kansas.

(f) Investigative Experience. Each applicant shall submit proof that the applicant has been employed for at least two years as a fire prevention employee, a law enforcement officer, or a private investigator who is licensed pursuant to K.S.A. 75-7b01 *et seq.* That employment shall have included duties in the area of fire/arson investigation.

(g) Expiration. Each certificate issued pursuant to these regulations shall expire two years after the date of issuance. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993.)

**22-19-3. Renewal of certification.** (a) Form. Any person issued a certificate pursuant to these regulations may apply for renewal of certification on forms supplied by the state fire marshal.

(b) Continuing Education. Each applicant for renewal of a certificate issued pursuant to these regulations shall submit proof of satisfactory completion of at least 40 hours of continuing education in the fields of arson investigation or law enforcement. At least 10 hours shall be in the field of arson investigation. At least 10 hours shall be in law enforcement. The remaining 20 hours shall be in either field. The 40 hours of continuing education shall have been earned after the date the previous certificate was issued. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993.)

**22-19-4.** (Authorized by and implementing K.S.A. 1983 Supp. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; revoked May 10, 1993.)

**22-19-5. Reports, filing with state fire marshal.** Each person certified as a fire investigator shall file a report of every fire investigation conducted by that certified investigator with the state fire marshal within 30 days. The report shall contain all information on the current report form used by the state fire marshal's deputies, including but not limited to name of owner, birthdate of owner, name of suspect, if any, birthdate of suspect, driver's license or other identification number of suspect, name of witnesses, birthdates of witnesses, driver's license or other identification of witnesses, name of insurance company, policy number and amount of insurance coverage. Supplements shall be filed indicating disposition of the case. Failure to file such reports shall be grounds for suspension or revocation of the certificate pursuant to K.A.R. 22-1-5. (Authorized by K.S.A. 1992 Supp. 31-133; implementing K.S.A. 31-137; effective May 10, 1993.)

#### Article 20.—NATURAL GAS AS MOTOR FUEL

**22-20-1.** (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1985; amended Sept. 17, 1990; revoked May 10, 1993.)

#### Article 22.—FIRE DEPARTMENT VEHICLES

**22-22-1. Inspection of fire department vehicles.** (a) Each organized fire department, regular or volun-

teer, shall inspect every fire department vehicle at least annually and after that vehicle is involved in an accident to identify and correct unsafe or non-working conditions. Each fire department shall establish a preventive maintenance program. Inspections shall be performed by a mechanic chosen by the fire chief. All maintenance, inspections and repairs shall be performed in accordance with the manufacturer's guidelines. The inspection shall include but is not limited to the following areas:

- (1) brake system;
- (2) coupling devices;
- (3) exhaust system;
- (4) fuel system;
- (5) lighting devices;
- (6) steering mechanism;
- (7) suspension;
- (8) frame;
- (9) tires;
- (10) wheels and rims; and
- (11) electrical system.

(b) Each fire department shall file, on January 1 of each year, a report of the vehicle inspections performed during the preceding calendar year on the form designated by the state fire marshal.

(c) The state fire marshal may, upon written request and for good cause shown, approve alternatives to the inspections or reporting requirements of this regulation. The alternative approved must provide comparable assurances of safety and reliability of fire department vehicles. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

Edward C. Redmon  
State Fire Marshal

Doc. No. 013203

(Published in the Kansas Register, March 25, 1993.)

#### Summary Notice of Bond Sale Independence, Kansas \$226,000

#### General Obligation Street Improvement Bonds Series 'A', 1993

(general obligation bonds payable from  
unlimited ad valorem taxes)

#### Sealed Bids

Subject to the notice of bond sale dated March 11, 1993, sealed bids will be received by the city clerk of Independence, Kansas (the issuer), on behalf of the governing body at City Hall, 120 N. 6th, Independence, KS 67301, until 6 p.m. C.D.T. on April 8, 1993, for the purchase of \$226,000 principal amount of General Obligation Street Improvement Bonds, Series A, 1993. 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  
(continued)

thereof, except one bond in the denomination of \$6,000. The bonds will be dated April 1, 1993, and will become due on October 1 in the years as follows:

Year	Principal Amount
1994	\$21,000
1995	20,000
1996	20,000
1997	20,000
1998	20,000
1999	25,000
2000	25,000
2001	25,000
2002	25,000
2003	25,000

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 April 1 and October 1 in each year, beginning on April 1, 1994.

#### 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 \$4,520 (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 April 28, 1993, 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 1992 is \$38,063,767. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,571,500.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (316) 332-2500, or from the financial advisor, First Securities Company of Kansas, Inc., 100 S. Main, 200 Hardage Center, Wichita, KS 67202, Attention: Larry L. McKown, (316) 262-4411.

Dated March 11, 1993.

City of Independence, Kansas

Doc. No. 013220

(Published in the Kansas Register, March 25, 1993.)

### Summary Notice of Bond Sale City of Valley Center, Kansas \$685,000

#### General Obligation Bonds, Series 1993-1 (general obligation bonds payable from unlimited ad valorem taxes)

#### Sealed Bids

Subject to notice of bond sale dated March 16, 1993, and preliminary official statement dated March 16, 1993, sealed bids will be received by the city clerk of Valley Center, Kansas (the issuer), on behalf of the governing body at City Hall, 116 S. Park, Valley Center, KS 67147, until 5 p.m. C.D.T. on April 6, 1993, for the purchase of \$685,000 principal amount of General Obligation Bonds, Series 1993-1. 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 April 1, 1993, and will become due on December 1 in the years as follows:

Year	Principal Amount
1994	\$25,000
1995	55,000
1996	55,000
1997	60,000
1998	60,000
1999	65,000
2000	65,000
2001	70,000
2002	75,000
2003	80,000
2004	15,000
2005	15,000
2006	15,000
2007	15,000
2008	15,000

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 June 1 and December 1 in each year, beginning on June 1, 1994.

#### 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 \$13,700 (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 April 29, 1993, 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 1992 is \$14,355,540. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,195,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (316) 755-7310.

Dated March 16, 1993.

City of Valley Center, Kansas

Doc. No. 013219

(Published in the Kansas Register, March 25, 1993.)

**Summary Notice of Bond Sale  
City of Newton, Kansas**

**\$1,240,000**

**General Obligation Bonds, Series 1993-A**

**(general obligation bonds payable from unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale dated March 15, 1993, and preliminary official statement dated March 29, 1993, sealed bids will be received by the city clerk of Newton, Kansas (the issuer), on behalf of the governing body at City Hall, 120 E. 7th, Newton, KS 67114, until 7 p.m. C.D.T. on April 7, 1993, for the purchase of \$1,240,000 principal amount of General Obligation Bonds, Series 1993-A. 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, 1993, and will become due on September 1 in the years as follows:

Year	Principal Amount
1994	\$ 95,000
1995	95,000
1996	100,000
1997	100,000
1998	100,000
1999	100,000
2000	100,000
2001	100,000

2002	100,000
2003	100,000
2004	50,000
2005	50,000
2006	50,000
2007	50,000
2008	50,000

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 March 1 and September 1 in each year, beginning on March 1, 1994.

**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 \$24,800 (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 13, 1993, 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 1992 is \$61,604,185. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$7,290,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (316) 284-6000, 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 March 15, 1993.

City of Newton, Kansas

Doc. No. 013229

(Published in the Kansas Register, March 25, 1993.)

(Published in the Kansas Register, March 25, 1993.)

**Notice of Redemption  
City of Marysville, Kansas  
First Mortgage Elderly Housing Revenue Bonds  
Series 1977**

Notice is hereby given by the Exchange National Bank of Marysville, Kansas (formerly Exchange Bank of Schmidt and Koester of Marysville, Kansas), 1016 Broadway, Marysville, KS 66508 (trustee), that pursuant to Article III of the certain Indenture of Trust of the city of Marysville, Kansas, and the Housing Authority of the city of Marysville, Kansas, to the Exchange Bank of Schmidt and Koester, as trustee (dated June 1, 1977), entered into pursuant to the city's bond resolution authorizing the issuance of city of Marysville, Kansas, First Mortgage Elderly Housing Revenue Bonds, Series 1977, dated June 1, 1977, the trustee hereby calls for redemption on May 1, 1993, the following bonds of the above referenced series of bonds (representing all of the outstanding bonds of said series, totaling \$740,000):

Par Amount	Maturity Date	Rate	Bond Numbers
\$ 15,000	June 1, 1993	7 <sup>3</sup> / <sub>4</sub> %	19, 20, 21
\$ 15,000	June 1, 1994	7 <sup>3</sup> / <sub>4</sub> %	22, 23, 24
\$ 20,000	June 1, 1995	7 <sup>7</sup> / <sub>8</sub> %	25, 26, 27, 28
\$ 25,000	June 1, 1996	7 <sup>7</sup> / <sub>8</sub> %	29, 30, 31, 32, 33
\$665,000	June 1, 1997	8%	34 through 166, inclusive

On May 1, 1993, the redemption date, each of the aforesaid bonds shall become due and payable at a redemption price equal to 101.5 percent of the principal amount thereof, plus accrued interest thereon to May 1, 1993, and from and after such redemption date, interest shall cease to accrue and be payable on said bonds. The bonds so called for redemption and all unmatured coupons appertaining thereto, for interest maturing on or after May 1, 1993, should be presented for payment and redemption at the office of the trustee, Exchange National Bank, 1016 Broadway, Marysville, KS 66508, on or after May 1, 1993.

To avoid a 31 percent backup withholding on gross redemption proceeds required by applicable federal law effective January 1, 1993, bondholders should submit certified taxpayer identification numbers (Social Security or employer identification numbers) on IRS Form W-9 properly completed when presenting their securities for redemption unless the trustee has been provided such form previously.

Dated March 15, 1993.

City of Marysville, Kansas  
By: The Exchange National Bank  
Marysville, Kansas  
as Trustee  
(913) 562-2344

Doc. No. 013228

**NOTICE OF REDEMPTION**

**City of Kansas City, Kansas  
Single Family Mortgage Revenue Bonds 1980 Series A**

Notice is hereby given by Security Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66101, (the "Trustee") that, pursuant to Section 3.01 of the Trust Indenture of The City of Kansas City, Kansas, Single Family Mortgage Revenue Bonds, 1980 Series A, that a total of \$1,315,000 principal amount of the Bonds is being called for redemption on May 1, 1993 at the redemption price of 100 percent of the principal amount plus accrued interest thereon to the redemption date. This Notice was first published on Thursday, March 25, 1993 in the Kansas Register and the Bond Buyer.

The serial numbers of the bearer bonds to be redeemed are as follows: (NOTE: Coupons due May 1, 1993 should be presented in the normal manner. Coupons due November 1, 1993 and all subsequent coupons must be attached to bonds called for redemption.)

**BEARER BONDS**

- CUSIP No. 484770 BK7. Due 05/01/1994 (\$5,000 each)  
995 997 998 1000 1015 1018 1025
- CUSIP No. 484770 BM3. Due 05/01/1995 (\$5,000 each)  
1089 1124 1129 1144 1189 1197
- CUSIP No. 484770 BN1. Due 05/01/1996 (\$5,000 each)  
1247 1269 1279 1302 1312 1343 1351 1375
- CUSIP No. 484770 BP6. Due 05/01/1999 (\$5,000 each)  
1398 1421 1467 1480 1551 1669 1672 1790 1803 1808 1809 1838 1889 1900 1904 1927 1956 1957 1978 1980
- CUSIP No. 484770 BL5. Due 05/01/2012 (\$5,000 each)  
2248 2258 2259 2329 2642 2715 2716 2807 2814 2823 2847 2866 3001 3266 3534 3710 3816 4080 4125 4150 4254 4262 4269 4330 4360 4717 4738 5270 5416 5749 6340 6349 6625 6658 6659 6695 6747 6788 6827 6937 7171 7235 7462 7540

The serial numbers of the registered bonds to be partially or fully redeemed in the amounts described below are as follows:

**REGISTERED BONDS**

**CUSIP No. 484770 BM3. Due 05/01/1995**

Certificate Numbers	Amount Called
R310	\$5,000

**CUSIP No. 484770 BP6. Due 05/01/1999**

Certificate Numbers	Amount Called	Certificate Numbers	Amount Called	Certificate Numbers	Amount Called
R288	\$5,000	R513	\$10,000	R553	\$5,000
R345	5,000	R518	5,000	R555	15,000
R346	5,000				

**CUSIP No. 484770 BL5. Due 05/01/2012**

Certificate Numbers	Amount Called	Certificate Numbers	Amount Called	Certificate Numbers	Amount Called
R33	\$ 5,000	R434	\$ 5,000	R554	\$730,000
R363	10,000	R477	5,000	R559	5,000
R386	5,000	R484	5,000	R560	10,000
R431	10,000	R512	5,000	R569	5,000
R432	10,000	R536	5,000	R570	5,000
R433	5,000	R550	10,000		

**INSTRUCTIONS**

- Send your bond by registered or certified mail, return receipt requested or present it to:  
Security Bank of Kansas City  
Corporate Trust Division  
One Security Plaza  
Kansas City, Kansas 66101  
Attn: Bond Redemption Desk
- Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a valid Taxpayer Identification Number.
- The CUSIP Number is included solely for the convenience of the Bondholders. Neither the Issuer nor the Paying Agent shall be responsible for the selection or the use of the CUSIP Number, nor is any representation made as to its correctness on the securities or as indicated in any redemption notice.
- Interest on the bonds herein called for redemption shall cease to accrue on and after May 1, 1993.

**Security Bank of Kansas City  
Corporate Trust Division**

Doc. No. 013210



(Published in the Kansas Register, March 25, 1993.)

NOTICE OF REDEMPTION

**Johnson County, Kansas  
Single Family Mortgage Revenue Bonds 1980 Series A**

Notice is hereby given by Security Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66101, (the "Trustee") that, pursuant to Section 3.01 of the Trust Indenture of Johnson County, Kansas, Single Family Mortgage Revenue Bonds, 1980 Series A, that a total of \$5,105,000 principal amount of the Bonds is being called for redemption on May 1, 1993 at the redemption price of 100 percent of the principal amount plus accrued interest thereon to the redemption date. This Notice was first published on Thursday, March 25, 1993 in the Kansas Register and the Bond Buyer.

The serial numbers of the bearer bonds to be redeemed are as follows: (NOTE: Coupons due May 1, 1993 should be presented in the normal manner. Coupons due November 1, 1993 and all subsequent coupons must be attached to bonds called for redemption.)

**BEARER BONDS**

**CUSIP No. 478747 AP3, Due 05/01/94 (\$5,000 each)**

2216 2227 2237 2239 2284 2339 2360 2394 2402  
2448 2449 2453 2466 2473 2492 2550

**CUSIP No. 478747 AQ1, Due 05/01/95 (\$5,000 each)**

2570 2575 2586 2673 2682 2684 2697 2778 2833  
2842 2891 2901 2913 2914 2930 2940

**CUSIP No. 478747 AR9, Due 05/01/96 (\$5,000 each)**

3013 3023 3024 3029 3106 3113 3126 3128 3133  
3149 3173 3178 3195 3231 3232 3250 3259 3274  
3280 3344 3348 3353 3364 3379

**CUSIP No. 478747 AU2, Due 05/01/99 (\$5,000 each)**

3421 3527 3533 3578 3581 3848 3872 3953 3957  
3975 3985 4003 4029 4075 4110 4116 4146 4172

(Continued on next column)

(Continued from previous column)

4192 4193 4261 4294 4338 4384 4394 4406 4409  
4430 4452 4453 4582 4613 4684 4686 4716 4753  
4758 4760 4782 4785 4815 4892 4901 4908 4962  
4964 4996 5006 5007 5020

**CUSIP No. 478747 AV0, Due 05/01/11 (\$5,000 each)**

5338 5384 5401 5633 5642 5677 5682  
5825 5852 5903 5923 6442 6610 6613  
6614 6917 6922 7156 7806 7839 8280  
8303 8304 8347 8439 8474 8509 8714  
8797 8983 9114 9115 9169 9230 9235  
9269 9401 9763 9805 9897 9913 10098  
10108 10178 10200 10568 10601 10644 10655  
10656 10801 10909 11109 11144 11159 11571

(Continued on next column)

(Continued from previous column)

11585 11661 11688 12295 12750 12942 13014  
13044 13045 13527 13529 13535 13754 13788  
14002 14035 14064 14248 14252 14255 14354  
14397 14420 14504 14535 14575 14577 14731  
14755 14789 14810 14864 14908 14997 15019  
15031 15097 15098 15109 15654 15983 16014  
16097 16233 17117 17148 17330 17350 17365  
17381 17463 17487 17615 17654 17680 17684  
17688 17784 17884 17919 17948 18038 18048  
18059 18150 18311 18559 18705 18710 18760  
18768 18776 18780 18782 18963 19028 19097  
19107 19131 19570 19810 19820 19876

The serial numbers of the registered bonds to be partially or fully redeemed in the amounts described below are as follows:

**REGISTERED BONDS**

**CUSIP No. 478747 AP3, Due 05/01/94**

Certificate Numbers	Amount Called	Certificate Numbers	Amount Called
R1071	\$10,000	R1092	\$5,000
R1148	5,000		

**CUSIP No. 478747 AQ1, Due 05/01/95**

Certificate Numbers	Amount Called	Certificate Numbers	Amount Called
R1142	\$25,000	R1162	\$5,000

**CUSIP No. 478747 AR9, Due 05/01/96**

Certificate Numbers	Amount Called
R738	\$5,000

(Continued on next column)

(Continued from previous column)

**CUSIP No. 478747 AU2, Due 05/01/1999**

Certificate Numbers	Amount Called	Certificate Numbers	Amount Called
R655	\$5,000	R839	\$ 5,000
R844	5,000	R1143	195,000
R1161	5,000		

**CUSIP No. 478747 AV0, Due 05/01/11**

Certificate Numbers	Amount Called	Certificate Numbers	Amount Called
917	\$5,000	R40	\$5,000
R500	5,000	R576	5,000
R606	5,000	R648	5,000
R780	5,000	R781	5,000
R786	5,000	R809	5,000
R928	5,000	R949	5,000

(Continued on next column)

(Continued from previous column)

Certificate Numbers	Amount Called	Certificate Numbers	Amount Called
R985	\$ 5,000	R1040	\$15,000
R1063	5,000	R1082	5,000
R1097	5,000	R1100	5,000
R1109	5,000	R1112	5,000
R1118	\$5,000	R1119	5,000
R1129	15,000	R1131	5,000
R1138	10,000	R1139	5,000
R1140	5,000	R1141	5,000
R1144	3,340,000	R1149	5,000
R1152	5,000	R1155	5,000
R1159	15,000	R1160	5,000
R1163	10,000	R1167	5,000
R1175	5,000	R1177	35,000
R1178	10,000	R1179	5,000

**INSTRUCTIONS**

- Send your bond by registered or certified mail, return receipt requested or present it to:  
**Security Bank of Kansas City, Corporate Trust Division, One Security Plaza, Kansas City, Kansas 66101, Attn: Bond Redemption Desk**
- Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a valid Taxpayer Identification Number.
- The CUSIP Number is included solely for the convenience of the Bondholders. Neither the Issuer nor the Paying Agent shall be responsible for the selection or the use of the CUSIP Number, nor is any representation made as to its correctness on the securities or as indicated in any redemption notice.
- Interest on the bonds herein called for redemption shall cease to accrue on and after May 1, 1993.

**Security Bank of Kansas City**  
Corporate Trust Division



(Published in the Kansas Register, March 25, 1993.)

**Notice of Call for Redemption  
to the holders of  
City of Caney, Kansas  
Industrial Revenue Bonds  
Series May 1, 1983  
(Robert Wayne Spears)**

Notice is hereby given that pursuant to Section 5 of Ordinance No. 869 of the city of Caney, Kansas, all of the above mentioned bonds maturing on and after May 1, 1994, and all unmatured coupons appertaining thereto, have been called for redemption and payment on May 1, 1993, at the office of BANK IV Kansas, N.A. (formerly the First National Bank of Coffeyville) at its office in Wichita, Kansas (the paying agent).

**Serial Bonds**

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
89-106	05-01-94	90,000	9.75%
107-126	05-01-95	100,000	10.00%
127-148	05-01-96	110,000	10.25%
149-173	05-01-97	125,000	10.50%
174-200	05-01-98	135,000	10.50%

On such redemption date there shall become due and payable, upon the presentation and surrender of each such bond and unmatured coupons, the redemption price thereof equal to 104 percent of the principal amount of each bond together with interest accrued to the redemption date. Interest shall cease to accrue on the bonds so called for redemption from and after May 1, 1993, subject to the condition that sufficient funds for redemption are then on deposit with the paying agent from the proceeds of the refunding bonds issued by the city.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the Series May 1, 1983 bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated March 25, 1993.

City of Caney, Kansas  
By: BANK IV Kansas, N.A.  
Wichita, Kansas  
as Trustee and  
Paying Agent

Doc. No. 013208

## 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, March 25, 1993.)

## SENATE BILL No. 248

AN ACT concerning fees prescribed by the behavioral sciences regulatory board for certain examinations; amending K.S.A. 65-6411 and 74-5311 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board shall fix by rules and regulations and shall collect the following fees:

- (1) For application for registration, not to exceed \$150;
- (2) for examination, not to exceed \$150 \$275;
- (3) for renewal of a registration, not to exceed \$150;
- (4) for reinstatement of a registration, not to exceed \$150;
- (5) for replacement of a registration, not to exceed \$20; and
- (6) for late charges, not to exceed \$5 for each 30 days of delay beyond the date the renewal application was to be made.

(b) Fees paid to the board are not refundable.

Sec. 2. K.S.A. 74-5311 is hereby amended to read as follows: 74-5311. Examinations for applicants under this act shall be held by the board from time to time but not less than once each year. The board shall adopt rules and regulations governing the subject, scope, and form of the examinations or shall contract with a national testing service to provide an examination approved by the board. The board shall prescribe an initial examination fee not to exceed \$250 \$350. If an applicant fails the first examination, such applicant may be admitted to any subsequent examination upon payment of an additional fee prescribed by the board not to exceed \$250 \$350. The examination fees prescribed by the board under this section shall be fixed by rules and regulations of the board.

Sec. 3. K.S.A. 65-6411 and 74-5311 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, March 25, 1993.)

## SENATE BILL No. 58

AN ACT abolishing the savings and loan department, the office of savings and loan commissioner and the savings and loan board; transferring powers, duties and functions; repealing K.S.A. 74-3104, 74-3105, 74-3106, 74-3108, 74-3109, 74-3110, 74-3111, 74-3112, 74-3113, 74-3114 and 74-3115.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. The savings and loan department and the office of savings and loan commissioner created by K.S.A. 74-3104 and amendments thereto are hereby abolished on the effective date of this act. On the effective date of this act, all of the powers, duties and functions of the existing savings and loan department and the existing savings and loan commissioner are hereby transferred to and conferred upon the office of state bank commissioner created by K.S.A. 75-1304 and amendments thereto.

Sec. 2. The savings and loan board created by K.S.A. 74-3113 and amendments thereto is hereby abolished. All of the powers, duties and functions of the existing savings and loan board are hereby transferred to and imposed upon the state banking board established by K.S.A. 74-3004 and amendments thereto.

Sec. 3. (a) The state bank commissioner shall be the successor in every way to the powers, duties and functions of the savings and

(Published in the Kansas Register, March 25, 1993.)

## SENATE BILL No. 29

AN ACT concerning air contaminant emission sources; amending K.S.A. 65-3001, 65-3002, 65-3005, 65-3007, 65-3008, 65-3011, 65-3012, 65-3015, 65-3018 and 65-3409 and repealing the existing sections; also repealing K.S.A. 65-3014.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-3001 is hereby amended to read as follows: 65-3001. It is hereby declared to be the public policy of the state to achieve and maintain levels of air quality which will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of its inhabitants, promote the economic and social development of the state and facilitate the enjoyment of the natural attractions of the state. It is also declared that local and regional air pollution control programs are to be supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality. To this end it is the purpose of this act to provide for a coordinated statewide program of air pollution prevention, abatement and control; for an appropriate distribution of responsibilities among the state and local units of government; and to facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within single jurisdictions; and to provide a framework within which all values may be balanced in the public interest K.S.A. 65-3002, 65-3003, 65-3005 through 65-3013 and 65-3015 through 65-3020 and sections 6, 7, 8, 10, 11, 15 and 16, and amendments thereto, shall be known and may be cited as the Kansas air quality act.

Sec. 2. K.S.A. 65-3002 is hereby amended to read as follows: 65-3002. As used in this act, unless the context clearly requires otherwise:

(a) "Air contaminant" means dust, fumes, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof, but not including water vapor or steam condensate.

(b) "Air contamination" means the presence in the outdoor atmosphere of one or more air contaminants.

(c) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

(d) "Alter" means any physical change in, or change in the method of operation of, an air contaminant emission stationary source which increases the amount of any regulated air pollutant emitted by such source or which results in the emission of any regulated air pollutant not previously emitted.

(e) "Emission" means a release into the outdoor atmosphere of air contaminants.

(f) "Facility" means any building, structure, machine, equipment, device or installation (or group of buildings, structures, machines, equipment, devices or installations), whether temporary or permanent, located on one or more contiguous or adjacent properties and under common control of the same person (or persons under common control). Such term shall not include locomotives, diesel trucks or truck tractors unless otherwise required by the federal clean air act, as amended in November 1990.

(g) "Modify" or "modification," when used in conjunction with an approval or permit action, means an amendment to an existing approval or permit initiated by the permittee. When used to describe a change in any air contaminant emission stationary source, "modify" shall have the same meaning as the term "alter."

(h) "Permittee" means the holder of an approval or the holder of a permit and includes both the owner and the operator of any approved or permitted air contaminant emission source.

(i) "Person" means any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state or federal government, trust, estate or any other legal entity.

(j) "Reopen" means to seek an amendment to an existing approval or permit initiated by any person other than the permittee.

(k) "Secretary" means the secretary of health and environment.

(continued)

loan commissioner in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the state bank commissioner shall be deemed to have the same force and effect as if performed by the savings and loan commissioner in which such powers, duties and functions were vested prior to the effective date of this act.

(b) Whenever the savings and loan department or savings and loan commissioner, or words of like effect, are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state bank commissioner.

(c) All orders and directives of the savings and loan department or savings and loan commissioner in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the state bank commissioner until revised, amended or nullified pursuant to law.

(d) On and after the effective date of this act, whenever any statute, contract or other document concerns the power or authority of the savings and loan department or savings and loan commissioner, the state bank commissioner shall succeed to such power or authority.

Sec. 4. (a) The state banking board shall be the successor in every way to the powers, duties and functions of the savings and loan board in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the state banking board shall be deemed to have the same force and effect as if performed by the savings and loan board in which such powers, duties and functions were vested prior to the effective date of this act.

(b) Whenever the savings and loan board, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state banking board.

(c) All orders and directives of the savings and loan board in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the state banking board until revised, amended or nullified pursuant to law.

(d) On and after the effective date of this act, whenever any statute, contract or other document concerns the power or authority of the savings and loan board, the state banking board shall succeed to such power or authority.

Sec. 5. The state bank commissioner shall succeed to all property, property rights and records which were used for or pertain to the performance of the powers, duties and functions transferred pursuant to this act. Any conflict as to the proper disposition of property, personnel or records arising under this act shall be determined by the state bank commissioner, whose decision shall be final.

Sec. 6. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this act, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

Sec. 7. On the effective date of this act, the balances of all funds appropriated or reappropriated for the savings and loan department, are hereby transferred to the state bank commissioner.

Sec. 8. K.S.A. 74-3104, 74-3105, 74-3106, 74-3108, 74-3109, 74-3110, 74-3111, 74-3112, 74-3113, 74-3114 and 74-3115 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after June 18, 1993, and its publication in the Kansas register.

(l) "Stationary source" means any building, structure, facility or installation which emits or may emit any air contaminant.

Sec. 3. K.S.A. 65-3005 is hereby amended to read as follows: 65-3005. The secretary shall have the power to:

(a) Adopt, amend and repeal rules and regulations implementing and consistent with this act.

(b) Hold hearings relating to any aspect of or matter in the administration of this act concerning air quality control, and in connection therewith, compel the attendance of witnesses and the production of evidence.

(c) Issue such orders, permits and approvals as may be necessary to effectuate the purposes of this act and enforce the same by all appropriate administrative and judicial proceedings.

(d) Require access to records relating to emissions which cause or contribute to air pollution.

(e) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution in this state.

(f) Adopt rules and regulations governing such public notification and comment procedures as authorized by this act.

(g) Encourage voluntary cooperation by persons, or affected groups to achieve the purposes of this act.

(h) (1) Encourage local units of government to handle air pollution problems within their respective jurisdictions and on a cooperative basis; and to (2) provide technical and consultative assistance therefor; and (3) enter into agreements with local units of government to administer all or part of the provisions of the Kansas air quality act in the units' respective jurisdictions.

(i) Encourage and conduct studies, investigations and research relating to air contamination and air pollution and their causes, effects, prevention, abatement and control.

(j) Encourage air contaminant emission sources to voluntarily implement strategies, including the development and use of innovative technologies, market-based principles and other private initiatives to reduce or prevent pollution.

(k) Determine by means of field studies and sampling the degree of air contamination and air pollution in the state and the several parts thereof.

(l) Make a continuing study of the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere of this state and the several parts thereof, and make recommendations to appropriate public and private bodies with respect thereto.

(m) Establish ambient air quality standards for the state as a whole or for any part thereof.

(n) Collect and disseminate information and conduct educational and training programs relating to air contamination and air pollution.

(o) Advise, consult and cooperate with other agencies of the state, local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups.

(p) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problem which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this act, rules and regulations in force pursuant thereto, or any other provision of law.

(q) Accept, receive and administer grants or other funds or gifts from public and private agencies entities, including the federal government, for the purpose of carrying out any of the functions of this act. Such funds received by the secretary pursuant to this section shall be deposited in the state treasury to the account of the department of health and environment.

(r) Enter into contracts and agreements with other state agencies or subdivisions, municipalities, the federal government or its agencies or private entities as is necessary to accomplish the purposes of the Kansas air quality act.

Sec. 4. K.S.A. 65-3007 is hereby amended to read as follows: 65-3007. (a) The secretary, by rule or regulation, may shall classify air contaminant sources which, in the secretary's judgment, may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which relate to air pol-

lution and may require reporting for any such class or classes. The classifications promulgated by the secretary may shall be made to apply to the state as a whole or to any designated area of the state, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(b) The secretary shall require air contaminant emission sources to monitor emissions, operating parameters, ambient impact of any source emissions or any other parameters deemed necessary by the secretary. The secretary may require air contaminant emission sources to keep records and make reports consistent with the purposes of this act.

(c) Any person operating or responsible for the operation of air contaminant sources of any class for which the rules and regulations of the secretary require reporting shall make reports containing information as may be required by the secretary concerning location, size and height of contaminant outlets, processes employed, fuels used and the nature and time periods or duration of emissions, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

Sec. 5. K.S.A. 65-3008 is hereby amended to read as follows: 65-3008. (a) The secretary may prohibit, by rule and regulation, the construction, installation, alteration or use of any stationary machine, equipment, device or other article or facility which the secretary finds may cause or contribute to air pollution, unless a permit therefor has been obtained from the secretary. The secretary may require, by rule and regulation, that notice be given the secretary prior to the construction, installation or establishment of particular types of classes of new air contaminant sources specified in the rules and regulations, and within 15 days after receipt of such notice, the secretary may require that an application for a permit be submitted to the secretary prior to the construction, installation or establishment of any such stationary air contaminant source.

(b) The secretary may require that applications for such permits shall be accompanied by plans, specifications and other information as the secretary deems necessary. The secretary shall consider an application for a permit with reasonable promptness.

(c) The secretary, by rules and regulations, shall provide for the issuance, suspension, revocation and renewal of any permits which the secretary may require pursuant to this section. The secretary shall not issue a permit without holding a public hearing upon the written request of any person affected by such issuance. The request for hearing on the issuance of a permit shall set forth the basis for the request and if in the judgment of the secretary there is sufficient reason a hearing shall be held. The secretary shall not deny, suspend, revoke or fail to renew any permit, unless a public hearing is held upon the request of the person or persons affected by the denial, suspension, revocation or failure to renew any permit. Following such hearing, the secretary may affirm, modify or reverse the decision on such permit. All proceedings pursuant to this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) The secretary may deny a permit for any proposed new stationary source if the owner or operator of such a source fails to demonstrate to the satisfaction of the secretary that any other stationary sources owned or operated by such person (or any entity controlling, controlled by or under common control with such person) in this state are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the federal clean air act and amendments thereto.

(e) No person shall construct, own, operate, install, alter or use any air contaminant emission stationary source which, in accordance with rules and regulations, the secretary finds may cause or contribute to air pollution, unless an appropriate approval or permit has been issued for the source by the secretary under this act. Approvals or permits issued by the secretary may be subject to conditions consistent with the purposes of this act and rules and regulations promulgated under this act.

(f) The secretary shall require that applications for approvals and permits, and renewals thereof, under this act shall be accom-

panied by application fees and such plans, specifications, compliance plans or other information as the secretary deems necessary. Applications shall be submitted on forms provided by the secretary and shall be signed by a responsible official of the source, who shall certify the accuracy of the information submitted.

(c) The issuance or holding of an approval or permit shall not convey any property right or exclusive privilege to the holder thereof.

(d) Without any further action on the part of the secretary, an approval or a permit shall become void and without effect on its expiration date unless a completed application form and any required fee are filed with the secretary on or before the expiration date of the approval or the permit. For purposes of this subsection, the secretary may specify by rule and regulation an amount of time prior to the expiration date of an operating permit by which a complete application form and any required fee must be filed with the secretary in order to be considered timely filed. The secretary may provide for a grace period by rule and regulation.

(e) The secretary may issue by rule and regulation a general approval or permit covering numerous similar sources. Any general approval or permit shall comply with all requirements applicable to approvals or permits under this act. Any source covered by a general approval or permit must apply to the secretary and receive authority to operate under the general approval or permit.

(f) The secretary may fix, charge and collect fees for approvals and permits, and the renewal thereof, to cover all or any part of the cost of administering the provisions of K.S.A. 65-3001 to 65-3020, inclusive, and amendments thereto Kansas air quality act, other than section 15. The secretary shall adopt rules and regulations fixing such fees. The fees shall be deposited in the state treasury and credited to the state general fund, except that if all or any portion of the regulatory services for which a fee is collected under this section is performed by a county, city-county or multicounty health department at the direction of the secretary of health and environment, then, that portion of such fee which pertains to such services, as determined by the secretary, shall be credited to the local air quality control authority regulation services fund, which is hereby created in the state treasury, and shall be paid from such fund to such local air quality control authority.

New Sec. 6. (a) No permit shall be issued, modified, renewed or reopened without first providing the public an opportunity to comment and request a public hearing on the proposed permit action. The request for a public hearing on the issuance of a permit shall set forth the basis for the request and a public hearing shall be held if, in the judgment of the secretary, there is sufficient reason.

(b) The secretary shall affirm, modify or reverse the decision on such permit after the public comment period or public hearing. Any person, other than the applicant for or holder of the permit, who participated in the public comment process or the public hearing shall have standing to obtain judicial review of the secretary's final action on the permit pursuant to the act for judicial review and civil enforcement of agency actions and shall not be required to have exhausted administrative remedies in order to be entitled to review. The record before the court shall consist of the documentation relied upon by the secretary in making the final permit decision, including the permit application and any addenda or amendments thereto, the permit summary, the draft permit, all written comments properly submitted to the secretary, all testimony presented at any public hearing held on the permit application, the secretary's response to the public comments and testimony and the final permit.

(c) When determined appropriate by the secretary, the procedures set out above may be required prior to the issuance, modification, renewal or reopening of an approval.

New Sec. 7. (a) The secretary may suspend or revoke an approval or permit if the permittee has violated any provision of the approval or the permit, any provision of this act or any rule and regulation adopted under this act and applicable to the permitted source.

(b) As applicable to the source for which the approval or permit is sought, the secretary may deny an approval or permit, or a renewal thereof, if the applicant fails to: (1) Submit a complete application; or (2) submit an application fee.

(c) The secretary may deny a permit for any proposed new stationary source if the owner or operator of such a source fails to demonstrate to the satisfaction of the secretary that any other stationary source owned or operated by such person, or by any entity

controlling, controlled by or under common control with such person, in this state is in compliance, or meeting a schedule for compliance, with all applicable emission limitations and standards under this act and the federal clean air act, and amendments thereto.

(d) The secretary may modify or reopen an approval or a permit for cause. The secretary shall reopen a permit whenever requirements under this act become applicable to a permitted source and three or more years remain on the original term of the permit. Any permit revision incorporating a requirement adopted by the secretary shall be effective as soon as practicable, but not later than 18 months after the promulgation of the requirement by the United States environmental protection agency.

(e) Within 15 days after the issuance of a notice of intent to take any action authorized by subsection (a), (b), (c) or (d), or within 15 days after the secretary's written decision to affirm, modify or reverse a permit decision pursuant to subsection (b) of section 6, the permittee may file a request for a hearing with the secretary. Each such notice of intent shall specify the provision of this act or rule and regulation allegedly violated, the facts constituting the alleged violation and the secretary's intended action. Each notice of intent or written decision to affirm, modify or reverse a permit decision shall state the permittee's right to request a hearing. Such hearing shall be conducted in accordance with the Kansas administrative procedure act.

(f) The filing of a request by the permittee for an approval or permit modification, revocation or amendment, or the filing by the permittee of a notification of planned changes or anticipated non-compliance, does not stay any approval or permit condition.

(g) No permit shall be issued, modified, amended, revised or renewed unless the United States environmental protection agency has certified that such permit complies with the requirements of the federal clean air act, except that a permit may be issued if the United States environmental protection agency has not notified the secretary of the United States environmental protection agency's decision within 45 days after receipt of the proposed permit by such agency.

(h) The secretary shall issue or deny the permit (including requests for modification or to reopen the permit):

(1) Within three years of the date the United States environmental protection agency approves the state permitting program pursuant to the provisions of the federal clean air act, as amended in November 1990, for permit applications submitted within the first full year after such date;

(2) pursuant to the time schedule provided by title IV (acid rain) of the 1990 amendments to the federal clean air act, for air contaminant emission sources subject to that title; or

(3) within 18 months after receiving a complete application, in all other cases.

(i) Failure of the secretary to issue or deny the permit, or grant or deny a request to modify or reopen the permit, within the period stated in subsection (h) shall not result in the default issuance of a permit, permit amendment, permit modification or permit renewal nor shall such failure result in any other entity assuming jurisdiction to act on the permit or the request.

New Sec. 8. (a) The secretary may fix, charge and collect annual emissions fees in amounts necessary to pay the direct and indirect costs of administering the provisions of the Kansas air quality act. The secretary shall adopt rules and regulations fixing such fees and shall periodically increase or decrease such fees consistent with the need to cover the direct and indirect costs of administering the program. To the extent possible, annual emission fees shall be based upon actual emissions determined pursuant to rules and regulations adopted by the secretary. For purposes of determining emission fees for a facility, emissions of any single regulated pollutant in excess of 4,000 tons per year shall not be included in the calculation when determining the total emissions from the facility.

(b) There is hereby established in the state treasury the air quality fee fund. Revenue from the following sources shall be deposited in the state treasury and credited to the fund:

(1) Fees collected under subsection (a);

(2) any moneys recovered by the state under the provisions of this act, including administrative expenses, civil penalties and moneys paid under any agreement, stipulation or settlement; and

(continued)

(3) interest attributable to investment of moneys in the fund.

(c) Moneys deposited in the fund shall be expended only for the purpose of administering the Kansas air quality act, including funding of a technical and environmental compliance assistance program, and for no other governmental purposes.

(d) On the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the air quality fee fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the air quality fee fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the air quality fee fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports; and (2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period of time. On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the air quality fee fund for the period of time specified under this subsection.

(e) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for the purposes set forth in this section.

Sec. 9. K.S.A. 65-3011 is hereby amended to read as follows: 65-3011. (a) Whenever the secretary has reason to believe that any person has violated any provision of this act, or of any rule or regulation adopted pursuant thereto, the secretary may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this act or rule or regulation alleged to be violated, and the facts constituting such alleged violation, and may include an order that necessary corrective action be taken within a reasonable time. Such notice shall include notice of the right to a hearing. Any such order shall become final unless, within 15 days after service of the notice and order, the person or persons named in the order shall request in writing a hearing by the secretary. If a request is made for a hearing, the secretary shall notify the alleged violator or violators of the date of hearing, which shall not be more than 30 days after such request is made. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) If, after hearing, or if a hearing is not requested within 15 days, the secretary finds that a violation or violations have occurred, the secretary shall affirm, modify or rescind the order previously issued, or shall issue an appropriate order or orders for the prevention, abatement or control of the emissions or air pollution involved or for the taking of such other corrective action as may be appropriate. Any such order shall prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating or controlling the emissions of air pollution. If the violator does not comply with the order, the secretary may initiate appropriate action for the recovery of a penalty pursuant to K.S.A. 65-3018 and amendments thereto.

(c) The secretary shall attempt to obtain voluntary compliance with this act through warning, conference or any other appropriate means.

(a) If the secretary or the director of the division of environment finds that any person has violated any provision of any approval, permit or compliance plan or any provision of this act or any rule and regulation promulgated under this act, the secretary may issue an order finding such person in violation of the act and directing the person to take such action as necessary to correct the violation. Any order issued shall specify the length of time after receipt of the order during which the person must correct the violations.

(b) Any person to whom an order is issued pursuant to subsection (a) may request a hearing within 15 days after service of the order.

Hearings before the secretary shall be conducted in accordance with the Kansas administrative procedure act.

New Sec. 10. It shall be unlawful for any person to do any of the following:

(a) Violate any provision of an order issued under this act.

(b) Violate any provision of an approval or permit issued under this act.

(c) Violate any provision of this act or any rule and regulation promulgated under this act, unless the secretary makes a determination relating to the permittee that the specified provisions referred to in such determination are not applicable to the source and the permit includes that determination or a concise summary thereof. Compliance with the provisions of a permit shall be deemed compliance with applicable provisions of this act or any rule and regulation promulgated under this act if the permit includes the applicable requirements of such provisions. Nothing in this subsection (c) or in any permit shall alter or affect: (1) The provisions of section 303 of the federal clean air act (emergency orders), including the authority of the administrator of the United States environmental protection agency under that section; (2) the provisions of K.S.A. 65-3012 and amendments thereto; (3) the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; (4) the applicable requirements of the acid rain program consistent with section 408a of the federal clean air act; (5) the ability of the United States environmental protection agency to obtain information from a source pursuant to section 114 of the federal clean air act; or (6) the ability of the secretary to obtain information from a source pursuant to this act.

(d) Construct, modify, alter, use or operate an air contaminant emission stationary source without an approval or permit allowing such construction, modification, alteration, use or operation.

(e) At any time, refuse or hinder entry, inspection, sampling or examination or copying of records related to the purposes of this act by an agent or employee of the secretary after such agent or employee identifies and gives notice of the agent's or employee's purpose.

(f) Fail to pay any fee required by this act or rules and regulations promulgated under this act.

(g) Knowingly make any false material statement, representation or certification in any application, record, report, permit or other document filed, maintained or used for purposes of compliance with this act.

(h) Knowingly destroy, alter or conceal any record required to be maintained under rules and regulations promulgated by the secretary under this act.

New Sec. 11. (a) Violation of any provision of subsections (a) through (f) of section 10 is a class A misdemeanor.

(b) Knowingly violating any provision of section 10 is a class E felony.

(c) In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(d) The county or district attorney of every county shall file appropriate actions for enforcement of this section upon request of the secretary or upon the county or district attorney's own motion after consultation with the secretary.

Sec. 12. K.S.A. 65-3012 is hereby amended to read as follows: 65-3012. (a) Any other provisions of law to the contrary notwithstanding, if the secretary finds that any person is causing or contributing to air pollution and that such pollution creates an emergency which requires immediate action to protect human health or safety, the secretary, with the concurrence of the governor, shall order such person or persons to reduce or discontinue immediately the emission of air contaminants. Upon issuance of any such order the secretary shall fix a place and time, not later than twenty-four (24) hours thereafter, for a hearing to be held. Not more than twenty-four (24) hours after the commencement of such hearing, and without adjournment thereof, the secretary shall affirm, modify or set aside his order.

(b) Nothing in this section shall be construed to limit any power which the governor or any other officer may have to declare an emergency and act on the basis of such declaration, if such power is conferred by statute or constitutional provision;



or inheres in the office.

(a) Notwithstanding any other provision of this act, the secretary may take such action as may be necessary to protect the health of persons or the environment: (1) Upon receipt of information that the emission of air pollution presents a substantial endangerment to the health of persons or to the environment; or (2) for an imminent or actual violation of this act, any rules and regulations adopted under this act, any orders issued under this act or any permit conditions required by this act.

(b) The action the secretary may take under subsection (a) includes but is not limited to:

(1) Issuing an order directing the owner or operator, or both, to take such steps as necessary to prevent the act or eliminate the practice. Such order may include, with respect to a facility or site, temporary cessation of operation.

(2) Commencing an action to enjoin acts or practices specified in subsection (a) or requesting the attorney general or appropriate county or district attorney to commence an action to enjoin those acts or practices. Upon a showing by the secretary that a person has engaged in those acts or practices, a permanent or temporary injunction, restraining order or other order may be granted by any court of competent jurisdiction. An action for injunction under this subsection shall have precedence over other cases in respect to order of trial.

(3) Applying to the district court in the county in which an order of the secretary under subsection (b)(1) will take effect, in whole or in part, for an order of that court directing compliance with the order of the secretary. Failure to obey the court order shall be punishable as contempt of the court issuing the order. The application under this subsection for a court order shall have precedence over other cases in respect to order of trial.

(c) In any civil action brought pursuant to this section in which a temporary restraining order or preliminary injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order or preliminary injunction not be issued or that the remedy at law is inadequate, and the temporary restraining order or preliminary injunction shall issue without such allegations and without such proof.

(d) Any order of the secretary pursuant to subsection (b)(1) is subject to hearing and review in accordance with the Kansas administrative procedure act.

Sec. 13. K.S.A. 65-3015 is hereby amended to read as follows: 65-3015. Any records or other information other than emission data furnished to or obtained by the secretary concerning one or more air contaminant sources, which records or information relate to processes or production unique to the owner or operator or which would tend to affect adversely the competitive position of such owner or operator, shall be only for the confidential use of the department of health and environment and other departments, agencies and officers of the state or federal government or of any local air quality conservation authority, unless such owner or operator shall expressly agree to their publication or availability to the general public. Nothing herein shall be construed to prevent the use of such records or information by any department, commission, agency or officer of the state or federal government or of any local air quality conservation authority in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere nor to prevent making available to the public any records, reports or information concerning emission data.

(a) Except as provided in subsection (b), any records, reports or information obtained pursuant to this act shall be available to the public.

(b) Upon a showing satisfactory to the secretary by any person that records, reports or information, or a particular part thereof (other than emission data), to which the secretary has access under this act, if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the secretary shall consider such record, report or information, or particular portion thereof, confidential, except that: (1) Such record, report or information may be disclosed to officers, employees or authorized representatives of the United States government concerned with carrying out responsibilities under the federal clean air act and amendments

thereto; and (2) this subsection shall not apply to any provision in any air quality approval or permit issued by the secretary and the public shall have access to such approvals and permits in their entirety.

Sec. 14. K.S.A. 65-3018 is hereby amended to read as follows: 65-3018. (a) Any person who violates any order issued under the provisions of this act, or any rule or regulation in force pursuant thereto, other than K.S.A. 65-3017, shall be subject to a fine of not to exceed one thousand dollars (\$1,000). Each day such order is violated shall constitute a separate offense.

(b) Action pursuant to subsection (a) of this section shall not be a bar to enforcement of this act, rules and regulations in force pursuant thereto, and any orders made pursuant to this act, by injunction or other appropriate remedy, and upon the request of the secretary of health and environment, the attorney general shall have power to institute and maintain in the name of this state any and all such enforcement proceedings.

(a) The secretary or the director of the division of environment, upon a finding that a person has violated any provision of section 10 and amendments thereto, may impose a penalty not to exceed \$10,000 which shall constitute an actual and substantial economic deterrent to the violation for which it is assessed. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) No penalty shall be imposed pursuant to this section except after notice of violation and opportunity for hearing upon the written order of the secretary or the director of the division of environment issued to the person who committed the violation. The order shall state the violation, the penalty to be imposed and the right to request a hearing thereon. The request for hearing shall be in writing, directed to the secretary and filed with the secretary within 15 days after service of the order. Hearings under this section shall be conducted in accordance with the Kansas administrative procedure act.

(c) Nothing in this act shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor.

New Sec. 15. (a) There is hereby created the small business stationary source technical and environmental compliance assistance program, to be administered by the secretary. The program shall include each of the following:

(1) Adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources and programs to encourage lawful cooperation among such sources and other persons to further compliance with this act.

(2) Adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution.

(3) A designated office within the Kansas department of health and environment, reporting directly to the secretary, to serve as ombudsman for small business stationary sources in connection with implementation of this act.

(4) A compliance assistance program for small business stationary sources which assists small business stationary sources in determining applicable requirements and in receiving permits under this act in a timely and efficient manner.

(5) Adequate mechanisms to assure that small business stationary sources receive notice of their rights under this act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final rule and regulation or standard adopted under this act.

(6) Adequate mechanisms for informing small business stationary sources of their obligations under this act, including mechanisms for referring such sources to qualified auditors or for providing audits of the operations of such sources to determine compliance with this act.

(7) Procedures for consideration of requests from a small business stationary source for modification of: (A) Any work practice or technological method of compliance; or (B) the schedule of milestones

(continued)



for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source. No such modification may be granted unless it is in compliance with the applicable requirement of this act and rules and regulations promulgated hereunder.

(b) "Small business stationary source" means a stationary air contaminant emission source that:

(1) Is owned or operated by a person that employs 100 or fewer individuals;

(2) is a small business concern as defined in the federal small business act;

(3) is not a major stationary source;

(4) does not emit 50 tons or more per year of any regulated air contaminant; and

(5) emits less than 75 tons per year of all regulated air contaminants.

(c) Upon petition by a source, the secretary, after notice and opportunity for public comment, may include as a small business stationary source for purposes of this section any stationary source which does not meet the criteria of subsection (b)(3), (4) or (5) but which does not emit more than 100 tons per year of all regulated air contaminants.

(d) The secretary may exclude from the small business stationary source definition any category or subcategory of sources that the administrator of the United States environmental protection agency determines to have sufficient technical and financial capabilities to meet the requirements of the federal clean air act without the application of this program, as provided by section 507(c)(3)(A) of the 1990 amendments to the federal clean air act.

(e) The secretary, in consultation with the administrator of the United States environmental protection agency and the administrator of the United States small business administration and after providing notice and the opportunity for public hearing, may exclude from the small business stationary source definition any category or subcategory of sources that the secretary determines to have sufficient technical and financial capabilities to meet the requirements of the act without the application of this section.

(f) There is hereby created a compliance advisory panel composed of seven individuals. The compliance advisory panel shall:

(1) Render advisory opinions concerning the effectiveness of the small business stationary source technical and environmental compliance assistance program, difficulties encountered and degree and severity of enforcement;

(2) make periodic reports to the administrator of the United States environmental protection agency concerning compliance of the small business stationary source technical and environmental compliance assistance program with the requirements of the federal paperwork reduction act, the regulatory flexibility act and the equal access to justice act;

(3) review information for small business stationary sources to assure such information is understandable by the layperson; and

(4) have the small business stationary source technical and environmental compliance assistance program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

(g) The compliance advisory panel shall consist of:

(1) Two members who are not owners, or representatives of owners, of small business stationary sources, appointed by the governor to represent the general public;

(2) two members who are owners, or who represent owners, of small business stationary sources, one appointed by the speaker and one appointed by the minority leader of the Kansas house of representatives;

(3) two members who are owners, or who represent owners, of small business stationary sources, one appointed by the president and one appointed by the minority leader of the Kansas senate; and

(4) one member appointed by the secretary to represent the department of health and environment.

(h) Members of the compliance advisory panel shall serve for terms of two years. Any vacancy in the office of an appointed member shall be filled for the unexpired term by appointment by the original appointing authority.

(i) A chairperson shall be elected annually by the members of the compliance advisory panel. A vice-chairperson shall be designated by the chairperson to serve in the absence of the chairperson.

(j) The secretary may reduce any fee required by this act for any classification of small business sources to take into account the financial resources of such classification.

New Sec. 16. All rules and regulations promulgated pursuant to K.S.A. 65-3001 *et seq.*, and amendments thereto, in existence on the effective date of this act shall continue to be effective until revised, amended, repealed or nullified pursuant to law.

Sec. 17. K.S.A. 65-3409 is hereby amended to read as follows: 65-3409. (a) It shall be unlawful for any person to:

(1) Dispose of any solid waste by open dumping, but this provision shall not prohibit: (A) The use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health; or (B) an individual from dumping or depositing solid wastes resulting from such individual's own residential or agricultural activities onto the surface of land owned or leased by such individual when such wastes do not create a public nuisance or adversely affect the public health or the environment.

(2) Construct, alter or operate a solid waste storage, processing or disposal facility or area of a solid waste management system without a permit or other approval from the secretary or be in violation of the rules and regulations, standards or orders of the secretary.

(3) Violate any condition of any permit issued under K.S.A. 65-3407, and amendments thereto.

(4) Conduct any solid waste burning operations in violation of the provisions of ~~K.S.A. 65-3001 through 65-3020, and amendments thereto~~ the Kansas air quality act.

(5) Store, collect, transport, process, treat or dispose of solid waste contrary to the rules and regulations, standards or orders of the secretary or in such a manner as to create a public nuisance.

(6) Refuse or hinder entry, inspection, sampling and the examination or copying of records related to the purposes of this act by an agent or employee of the secretary after such agent or employee identifies and gives notice of their purpose.

(7) Violate subsection (b) of K.S.A. 65-3424a, ~~and amendments thereto~~, subsection (c) of K.S.A. 65-3424b or K.S.A. 65-3424i, and amendments thereto.

(b) No person shall be held responsible for failure to secure a permit under the provisions of this section for the dumping or depositing of any solid waste on land owned or leased by such person without such person's expressed or implied consent, permission or knowledge.

(c) Any person who violates any provision of subsection (a) shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished as provided by law.

Sec. 18. K.S.A. 65-3001, 65-3002, 65-3005, 65-3007, 65-3008, 65-3011, 65-3012, 65-3014, 65-3015, 65-3018 and 65-3409 are hereby repealed.

Sec. 19. 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 1992 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-30	New	V. 11, p. 278
1-2-34	New	V. 11, p. 1016
1-2-81	Revoked	V. 11, p. 278
1-6-2	Amended	V. 11, p. 278
1-6-31	Amended	V. 11, p. 1016
1-6-32	Amended	V. 11, p. 278
1-8-7	Amended	V. 11, p. 1017
1-9-4	Amended	V. 11, p. 1017
1-9-5	Amended	V. 11, p. 1019
1-9-13	Amended	V. 11, p. 1020
1-9-18	Amended	V. 11, p. 1020
1-9-19a	Amended	V. 11, p. 279
1-9-23	New	V. 11, p. 1194, 1257
1-16-18	Amended	V. 12, p. 6, 54
1-16-18a	Amended	V. 12, p. 7, 55
1-45-14	Amended	V. 11, p. 1195
1-46-1	Amended	V. 11, p. 1195
1-46-3	Amended	V. 11, p. 1195

**AGENCY 4: BOARD OF AGRICULTURE**

Reg. No.	Action	Register
4-4-900	Amended	V. 11, p. 1895
4-4-923	Amended	V. 11, p. 1895
4-4-924	Amended	V. 11, p. 1895
4-4-931	Amended	V. 11, p. 1896
4-4-932	Amended	V. 11, p. 1896
4-4-933	Amended	V. 11, p. 1896
4-4-934	Amended	V. 11, p. 1897
4-4-935	Amended	V. 11, p. 1897
4-4-956	New	V. 11, p. 1897
4-7-716	Amended	V. 11, p. 555
4-7-719	Amended	V. 11, p. 63
4-8-14a	Amended	V. 11, p. 1898
4-8-27	Amended	V. 11, p. 555
4-8-28	New	V. 11, p. 1898
4-8-33	New	V. 11, p. 1898
4-8-40	Amended	V. 11, p. 1898
4-8-41	New	V. 11, p. 555
4-10-1	Amended	V. 11, p. 1898
4-13-36	Amended	V. 11, p. 1899
4-13-38	Amended	V. 11, p. 1899
4-13-41	Amended	V. 11, p. 1900
4-13-42	Amended	V. 11, p. 1900
4-13-62	Amended	V. 11, p. 1900
4-13-63	Amended	V. 11, p. 1901
4-15-2	Amended	V. 11, p. 555
4-16-1a	Amended	V. 11, p. 1901
4-16-1c	Amended	V. 11, p. 1901
4-16-7a	Amended	V. 11, p. 1901
4-16-300	through	
4-16-305	New	V. 11, p. 556, 557
4-17-1a	Amended	V. 11, p. 1901
4-17-1c	Amended	V. 11, p. 1902
4-17-5a	Amended	V. 11, p. 1902
4-17-300	through	
4-17-305	New	V. 11, p. 557, 558

**AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-42-1	Amended	V. 11, p. 361
5-42-3	Amended	V. 11, p. 361

5-45-1	through	
5-45-4	Amended	V. 11, p. 361-363
5-45-6	Amended	V. 11, p. 363
5-45-7	Amended	V. 11, p. 363
5-45-12	Amended	V. 11, p. 363
5-45-13	Amended	V. 11, p. 364
5-45-14	through	
5-45-17	New	V. 11, p. 364, 365

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-23-8	New	V. 11, p. 1257, 1296
7-29-1	Amended	V. 11, p. 1369, 1423
7-32-1	Amended	V. 11, p. 1117, 1143

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

Reg. No.	Action	Register
14-10-5	Amended	V. 11, p. 1929
14-10-10	Amended	V. 11, p. 1930
14-10-11	Amended	V. 11, p. 1930
14-10-12	Amended	V. 11, p. 1931
14-13-1	Amended	V. 11, p. 1931
14-13-2	Amended	V. 11, p. 1932
14-13-13	Amended	V. 11, p. 1933
14-14-1	Amended	V. 11, p. 1934
14-14-11	Amended	V. 11, p. 1711
14-16-20	Revoked	V. 11, p. 1041
14-19-14	Amended	V. 11, p. 1935
14-19-15	Amended	V. 11, p. 1936
14-20-14	Amended	V. 11, p. 1937
14-20-15	Amended	V. 11, p. 1938
14-20-16	Amended	V. 11, p. 1938
14-21-1	Amended	V. 11, p. 1939
14-21-2	Amended	V. 11, p. 1940
14-21-3	Amended	V. 11, p. 1941
14-22-1	Amended	V. 11, p. 1941
14-22-2	Amended	V. 11, p. 1942
14-22-3	Amended	V. 11, p. 1943

**AGENCY 17: STATE BANKING DEPARTMENT**

Reg. No.	Action	Register
17-11-21	Amended	V. 11, p. 1903
17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314
17-21-1	through	
17-21-8	New	V. 11, 1040
17-21-1	Amended	V. 12, p. 314
17-21-2	Amended	V. 12, p. 314
17-22-1	New	V. 11, p. 1371

**AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT**

Reg. No.	Action	Register
19-1-1	Amended	V. 11, p. 714
19-1-11	Amended	V. 11, p. 714
19-3-2	Amended	V. 11, p. 714
19-4-2	Amended	V. 11, p. 715
19-20-2	Amended	V. 11, p. 715
19-27-2	Amended	V. 11, p. 715
19-29-2	Amended	V. 11, p. 716
19-29-4	Amended	V. 11, p. 717
19-29-5	New	V. 11, p. 717
19-30-4	Amended	V. 11, p. 717
19-40-3a	Amended	V. 11, p. 718
19-40-4	New	V. 11, p. 1369
19-40-5	New	V. 11, p. 718
19-41-1	Amended	V. 11, p. 718
19-60-3	Amended	V. 11, p. 719
19-61-1	Amended	V. 11, p. 720
19-61-2	Amended	V. 11, p. 720
19-61-3	Revoked	V. 11, p. 720
19-62-1	Amended	V. 11, p. 721
19-62-2	Amended	V. 11, p. 721
19-63-2	Amended	V. 11, p. 721
19-63-3	Amended	V. 11, p. 721
19-63-4	Amended	V. 11, p. 722
19-63-6	New	V. 11, p. 722

**AGENCY 21: KANSAS HUMAN RIGHTS COMMISSION**

Reg. No.	Action	Register
21-34-1	through	
21-34-21	New	V. 11, p. 357-360
21-34-1	through	
21-34-21	New	V. 11, p. 504-507
21-60-1	through	
21-60-23	New	V. 11, p. 1084-1091, 1153-1160
21-80-1	through	
21-80-10	New	V. 11, p. 1764-1766

**AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT**

Reg. No.	Action	Register
25-2-2	Revoked	V. 11, p. 1742
25-2-5	Revoked	V. 11, p. 1742
25-4-1	Amended	V. 11, p. 1643, 1702
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. 11, p. 1041-1043

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 12, p. 315
28-14-2	Amended	V. 11, p. 1797
28-15-11	Amended	V. 11, p. 1231
28-15-12	New	V. 12, p. 57
28-15-13	Amended	V. 11, p. 1232
28-15-14	Amended	V. 11, p. 1233
28-15-15	Revoked	V. 11, p. 1236
28-15-15a	New	V. 11, p. 1236
28-15-20	Amended	V. 11, p. 1237
28-16-29	Revoked	V. 11, p. 1260
28-16-30	through	
28-16-36	New	V. 11, p. 1260, 1261
28-17-6	Amended	V. 11, p. 1543, 1584
28-17-12	Amended	V. 11, p. 1543, 1584
28-17-20	Amended	V. 11, p. 1543, 1584
28-19-17	Amended	V. 11, p. 608
28-19-17a	through	
28-19-171	Amended	V. 11, p. 608, 609
28-19-17m	through	
28-19-17q	New	V. 11, p. 609, 610
28-19-19	Amended	V. 11, p. 610
28-19-73	Amended	V. 11, p. 612
28-24-1	New	V. 11, p. 1798
28-24-2	New	V. 11, p. 1798
28-24-4	through	
28-24-16	New	V. 11, p. 1798-1800
28-29-28	through	
28-29-36	New	V. 11, p. 614-620, 758-764
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
28-35-147	Amended	V. 11, p. 130
28-53-1	Amended	V. 11, p. 846
28-53-2	Amended	V. 11, p. 846
28-59-7	Amended	V. 11, p. 1643
28-61-1	through	
28-61-10	New	V. 11, p. 1743-1748

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-2-16	Amended	V. 11, p. 1295
30-4-52	Amended	V. 11, p. 1749
30-4-55	Amended	V. 11, p. 1750
30-4-72	Amended	V. 11, p. 1010, 1044
30-4-73	Amended	V. 12, p. 386

(continued)

30-4-90	Amended	V. 12, p. 264
30-4-101	Amended	V. 11, p. 1011, 1045
30-4-109	Amended	V. 11, p. 1263
30-4-112	Amended	V. 11, p. 1263
30-4-140	Amended	V. 11, p. 365
30-5-58	Amended	V. 12, p. 387
30-5-59	Amended	V. 12, p. 392
30-5-60	Amended	V. 12, p. 393
30-5-64	Amended	V. 11, p. 372
30-5-65	Amended	V. 11, p. 372
30-5-70	Amended	V. 12, p. 394
30-5-71	Amended	V. 11, p. 1751
30-5-80	New	V. 11, p. 989
30-5-86	Amended	V. 11, p. 1752
30-5-95	Amended	V. 11, p. 205
30-5-100	Amended	V. 11, p. 1752
30-5-100a	Amended	V. 11, p. 1752
30-5-110	Amended	V. 11, p. 373
30-5-114	Amended	V. 11, p. 1265
30-5-151	Amended	V. 12, p. 266
30-5-159	Amended	V. 11, p. 1753
30-5-160	Amended	V. 11, p. 1753
30-5-161	Amended	V. 11, p. 1753
30-5-169	Amended	V. 11, p. 1753
30-5-171	Revoked	V. 11, p. 1753
30-5-173	New	V. 11, p. 1753
30-5-173a	New	V. 11, p. 1753
30-6-52	Amended	V. 11, p. 1753
30-6-53	Amended	V. 11, p. 1754
30-6-55	Amended	V. 11, p. 374
30-6-56	Amended	V. 12, p. 395
30-6-72	Amended	V. 11, p. 1012, 1046
30-6-73	Amended	V. 11, p. 1265
30-6-86	Amended	V. 11, p. 1756
30-6-103	Amended	V. 11, p. 1757
30-6-106	Amended	V. 11, p. 1757
30-6-109	Amended	V. 11, p. 1268
30-6-112	Amended	V. 11, p. 1269
30-6-113	Amended	V. 12, p. 396
30-6-150	Amended	V. 12, p. 398
30-7-100	through	
30-7-104	New	V. 11, p. 990-992
30-7-100	Amended	V. 12, p. 398
30-9-13	Revoked	V. 11, p. 992
30-9-18	through	
30-9-22	Revoked	V. 11, p. 992
30-10-1a	Amended	V. 11, p. 1481
30-10-1b	Amended	V. 11, p. 1483
30-10-1c	Amended	V. 11, p. 1484
30-10-2	Amended	V. 11, p. 1484
30-10-3	Revoked	V. 11, p. 1485
30-10-4	Revoked	V. 11, p. 1485
30-10-6	Amended	V. 11, p. 1761
30-10-7	Amended	V. 11, p. 1761
30-10-8	Revoked	V. 11, p. 1485
30-10-11	Amended	V. 11, p. 1762
30-10-15a	Amended	V. 11, p. 1485
30-10-15b	Amended	V. 11, p. 1486
30-10-17	Amended	V. 11, p. 1487
30-10-18	Amended	V. 11, p. 1488
30-10-19	Amended	V. 11, p. 1490
30-10-20	Amended	V. 11, p. 1490
30-10-23a	Amended	V. 11, p. 1490
30-10-23b	Amended	V. 11, p. 1491
30-10-23c	Amended	V. 11, p. 1491
30-10-25	Amended	V. 11, p. 1492
30-10-28	Amended	V. 11, p. 1493
30-10-29	Amended	V. 11, p. 1493
30-10-200	Amended	V. 11, p. 207
30-10-210	Amended	V. 11, p. 209
30-10-212	Amended	V. 11, p. 210
30-10-214	Amended	V. 11, p. 1270
30-10-217	Amended	V. 11, p. 210
30-10-219	Amended	V. 11, p. 211

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-13-30	through	
36-13-34	Amended	V. 11, p. 657-662
36-13-36	Revoked	V. 11, p. 663
36-13-37	Amended	V. 11, p. 663
36-13-38	New	V. 11, p. 664

36-13-39	New	V. 11, p. 664
36-37-1	through	
36-37-6	New	V. 12, p. 309, 310
36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-37	Amended	V. 11, p. 1801
40-2-12	Amended	V. 11, p. 1801
40-3-47	Amended	V. 11, p. 1967
40-3-49	New	V. 11, p. 1803
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 11, p. 1803
40-4-37a	New	V. 11, p. 1804
40-4-37b	New	V. 11, p. 1804
40-4-37c	New	V. 11, p. 1804
40-4-37d	New	V. 11, p. 1968
40-4-37e	New	V. 11, p. 1804
40-4-37f	New	V. 11, p. 1805
40-4-37g	New	V. 11, p. 1805
40-4-37h	New	V. 11, p. 1805
40-4-37i	New	V. 11, p. 1806
40-4-37j	New	V. 11, p. 1807
40-4-37k	New	V. 11, p. 1808
40-4-37l	New	V. 11, p. 1809
40-4-37m	New	V. 11, p. 1810
40-4-37n	New	V. 11, p. 1810
40-4-37o	New	V. 11, p. 1810
40-4-37p	New	V. 11, p. 1810
40-4-37r	New	V. 11, p. 1811
40-4-40	New	V. 11, p. 1811
40-7-7	Amended	V. 11, p. 1968
40-7-7a	New	V. 11, p. 1812
40-7-13	Amended	V. 11, p. 1969
40-7-19	Amended	V. 11, p. 1812
40-7-20a	Amended	V. 11, p. 1969
40-8-7	Amended	V. 11, p. 1971
40-9-118	Amended	V. 11, p. 1812
40-14-10	New	V. 11, p. 1971

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-6-120	Amended	V. 11, p. 230
44-6-124	Amended	V. 11, p. 230
44-6-125	Amended	V. 11, p. 231
44-6-135	Amended	V. 11, p. 231
44-7-104	Amended	V. 11, p. 1830
44-7-113	Amended	V. 11, p. 316
44-7-115	New	V. 11, p. 316
44-12-101	Amended	V. 11, p. 316
44-12-102	Amended	V. 11, p. 316
44-12-104	Amended	V. 11, p. 316
44-12-105	Amended	V. 11, p. 317
44-12-201	Amended	V. 11, p. 317
44-12-202	Amended	V. 11, p. 317
44-12-204	Amended	V. 11, p. 317
44-12-205	Amended	V. 11, p. 317
44-12-208	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-301	Amended	V. 11, p. 317
44-12-307	Amended	V. 11, p. 317
44-12-308	Amended	V. 11, p. 317
44-12-309	Amended	V. 11, p. 317
44-12-312	Amended	V. 11, p. 317
44-12-313	Amended	V. 11, p. 318
44-12-314	Amended	V. 11, p. 318
44-12-315	Amended	V. 11, p. 318
44-12-316	Revoked	V. 11, p. 318
44-12-317	Amended	V. 11, p. 318
44-12-319	Amended	V. 11, p. 318
44-12-321	Amended	V. 11, p. 318
44-12-323	Amended	V. 11, p. 318
44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319
44-12-328	New	V. 11, p. 319
44-12-401	Amended	V. 11, p. 319
44-12-501	Amended	V. 11, p. 319
44-12-502	Amended	V. 11, p. 319
44-12-503	Amended	V. 11, p. 319
44-12-505b	New	V. 11, p. 320
44-12-601	Amended	V. 11, p. 320

44-12-602	Amended	V. 11, p. 321
44-12-701	Revoked	V. 11, p. 321
44-12-901	Amended	V. 11, p. 321
44-12-902	Amended	V. 11, p. 322
44-12-1001	Amended	V. 11, p. 322
44-12-1002	Amended	V. 11, p. 322
44-12-1101	Amended	V. 11, p. 322
44-12-1201	Amended	V. 11, p. 322
44-12-1202	Amended	V. 11, p. 322
44-12-1301	Amended	V. 11, p. 323
44-12-1302	Amended	V. 11, p. 323
44-12-1303	Amended	V. 11, p. 323
44-12-1304	Revoked	V. 11, p. 323
44-12-1306	Amended	V. 11, p. 323
44-12-1307	Amended	V. 11, p. 324
44-13-101	Amended	V. 11, p. 324
44-13-101a	Amended	V. 11, p. 325
44-13-103	Amended	V. 11, p. 325
44-13-104	Amended	V. 11, p. 325
44-13-106	Amended	V. 11, p. 325
44-13-115	Revoked	V. 11, p. 325
44-13-201	Amended	V. 11, p. 325
44-13-201b	New	V. 11, p. 326
44-13-202	Amended	V. 11, p. 327
44-13-203	Amended	V. 11, p. 327
44-13-301	Revoked	V. 11, p. 327
44-13-302	Revoked	V. 11, p. 327
44-13-302a	New	V. 11, p. 327
44-13-303	Revoked	V. 11, p. 328
44-13-304	Amended	V. 11, p. 328
44-13-401	Amended	V. 11, p. 328
44-13-401a	Amended	V. 11, p. 328
44-13-402	Amended	V. 11, p. 328
44-13-403	Amended	V. 11, p. 328
44-13-404	Amended	V. 11, p. 330
44-13-405	Revoked	V. 11, p. 331
44-13-405a	Amended	V. 11, p. 331
44-13-406	Amended	V. 11, p. 331
44-13-407	Revoked	V. 11, p. 332
44-13-408	Amended	V. 11, p. 332
44-13-501	Amended	V. 11, p. 332
44-13-502	Revoked	V. 11, p. 332
44-13-502a	New	V. 11, p. 332
44-13-503	Revoked	V. 11, p. 332
44-13-504	Revoked	V. 11, p. 333
44-13-506	Amended	V. 11, p. 333
44-13-507	Amended	V. 11, p. 333
44-13-601	Amended	V. 11, p. 333
44-13-603	Amended	V. 11, p. 333
44-13-610	Amended	V. 11, p. 333
44-13-701	Amended	V. 11, p. 333
44-13-702	Amended	V. 11, p. 334
44-13-703	Amended	V. 11, p. 334
44-13-704	Amended	V. 11, p. 334
44-13-705	Amended	V. 11, p. 334
44-13-706	Amended	V. 11, p. 334
44-13-707	Amended	V. 11, p. 335
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 54: KANSAS STATE LIBRARY**

Reg. No.	Action	Register
54-1-23	New	V. 11, p. 1894

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 11, p. 83
60-4-103	Amended	V. 11, p. 1193
60-7-108	New	V. 12, p. 349
60-9-104	Revoked	V. 11, p. 83

60-9-105	Amended	V. 12, p. 349
60-9-107	New	V. 11, p. 83
60-11-103	Amended	V. 12, p. 350
60-11-114	New	V. 11, p. 85
60-11-118	Amended	V. 12, p. 350
60-12-105	New	V. 11, p. 85
60-13-113	New	V. 11, p. 85

**AGENCY 63: BOARD OF MORTUARY ARTS REGISTER**

Reg. No.	Action	Register
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY REGISTER**

Reg. No.	Action	Register
65-4-1 through 65-4-5		
65-5-1 through 65-5-8	New	V. 11, p. 470, 471
65-6-8	Revoked	V. 11, p. 472, 473
65-6-11	Revoked	V. 11, p. 473
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		
65-9-1 through 65-9-5	New	V. 11, p. 474, 475
65-10-1	New	V. 11, p. 475, 476
65-10-2	New	V. 11, p. 476
65-10-3	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 REGISTER**

Reg. No.	Action	Register
66-6-1	Amended	V. 12, p. 10
66-6-3	Revoked	V. 12, p. 10
66-6-4	Amended	V. 12, p. 10
66-6-6	Amended	V. 12, p. 11
66-6-7	Revoked	V. 12, p. 11
66-6-8	Amended	V. 12, p. 11
66-6-9	Amended	V. 12, p. 11
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408
66-8-1	Amended	V. 11, p. 409
66-8-2 through 66-8-5		
66-8-6	Amended	V. 12, p. 11, 12
66-9-1	Amended	V. 11, p. 409
66-9-2	Amended	V. 12, p. 12
66-9-3	Amended	V. 12, p. 12
66-9-4	Revoked	V. 12, p. 12
66-9-5	Amended	V. 12, p. 12
66-10-1	New	V. 12, p. 12
66-10-2	Amended	V. 12, p. 13
66-10-3	Revoked	V. 12, p. 13
66-10-4	Amended	V. 12, p. 13
66-10-5	Amended	V. 12, p. 13
66-10-6	Amended	V. 12, p. 13
66-10-7	Revoked	V. 12, p. 13
66-10-8	Revoked	V. 12, p. 13
66-10-10	Amended	V. 12, p. 13
66-10-10a	New	V. 12, p. 13
66-10-11	Amended	V. 12, p. 14

66-10-12	Amended	V. 12, p. 14
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 12, p. 14
66-11-3	Amended	V. 12, p. 14
66-12-1	New	V. 11, p. 412
66-13-1	Amended	V. 12, p. 14

**AGENCY 68: BOARD OF PHARMACY REGISTER**

Reg. No.	Action	Register
68-2-20	Amended	V. 11, p. 1611
68-7-12	Amended	V. 11, p. 1611
68-7-12a	New	V. 12, p. 186
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 11, p. 1612
68-12-2	Amended	V. 12, p. 187
68-14-1 through 68-14-7		
68-14-7	New	V. 11, p. 665, 666
68-20-18	Amended	V. 12, p. 187
68-20-19	Amended	V. 12, p. 188

**AGENCY 69: BOARD OF COSMETOLOGY REGISTER**

Reg. No.	Action	Register
69-3-2	Amended	V. 11, p. 1749
69-3-11	Amended	V. 11, p. 1749
69-6-5	Amended	V. 11, p. 1749
69-7-1	Revoked	V. 11, p. 1800
69-7-2	Revoked	V. 11, p. 1800
69-7-3	Revoked	V. 11, p. 1800
69-7-4	Revoked	V. 11, p. 1800
69-7-5	Revoked	V. 11, p. 1800
69-7-7	Revoked	V. 11, p. 1800
69-7-14	Revoked	V. 11, p. 1800
69-7-16	Revoked	V. 11, p. 1800
69-7-22	Revoked	V. 11, p. 1800
69-7-23	Revoked	V. 11, p. 1800
69-7-25	Revoked	V. 11, p. 1800
69-7-26	Revoked	V. 11, p. 1800
69-7-27	Revoked	V. 11, p. 1800
69-11-1	Amended	V. 11, p. 1749

**AGENCY 74: BOARD OF ACCOUNTANCY REGISTER**

Reg. No.	Action	Register
74-4-7	Amended	V. 11, p. 847
74-5-2	Amended	V. 12, p. 229
74-5-103	Amended	V. 11, p. 848
74-5-104	Amended	V. 11, p. 848
74-5-202	Amended	V. 11, p. 849
74-5-203	Amended	V. 11, p. 849

**AGENCY 75: CONSUMER CREDIT COMMISSIONER REGISTER**

Reg. No.	Action	Register
75-6-11	Amended	V. 11, p. 1176
75-6-24	Amended	V. 11, p. 908
75-6-26	Amended	V. 11, p. 1176

**AGENCY 82: STATE CORPORATION COMMISSION REGISTER**

Reg. No.	Action	Register
82-3-401	Amended	V. 12, p. 376
82-3-401a	New	V. 12, p. 377
82-4-1	Amended	V. 11, p. 810
82-4-3	Amended	V. 11, p. 810
82-4-20	Amended	V. 11, p. 811
82-4-27c	Amended	V. 11, p. 812
82-4-27e	Amended	V. 11, p. 812
82-4-27g	New	V. 11, p. 812

**AGENCY 86: REAL ESTATE COMMISSION REGISTER**

Reg. No.	Action	Register
86-1-13	Amended	V. 11, p. 1230
86-3-23	New	V. 11, p. 1832
86-3-24	New	V. 11, p. 1832

**AGENCY 88: BOARD OF REGENTS REGISTER**

Reg. No.	Action	Register
88-8-2	Amended	V. 11, p. 1675
88-8-9	New	V. 11, p. 1675
88-9-3	Amended	V. 11, p. 1675
88-13-4	Amended	V. 11, p. 1675
88-13-11	Amended	V. 11, p. 1675
88-18-3	Amended	V. 11, p. 1676
88-18-8	Amended	V. 11, p. 1676
88-19-2	Amended	V. 11, p. 1676
88-19-4	Amended	V. 11, p. 1676

88-20-3	Amended	V. 11, p. 1676
88-20-9	Amended	V. 11, p. 1677
88-21-3	Amended	V. 11, p. 1677
88-21-8	Amended	V. 11, p. 1677
88-22-1 through 88-22-10	New	V. 12, p. 93, 94

**AGENCY 91: DEPARTMENT OF EDUCATION REGISTER**

Reg. No.	Action	Register
91-1-27d	New	V. 11, p. 765
91-5-2	Amended	V. 11, p. 1144
91-5-7	Amended	V. 11, p. 1584
91-12-23	Amended	V. 11, p. 765
91-12-61	Amended	V. 11, p. 766

**AGENCY 92: DEPARTMENT OF REVENUE REGISTER**

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

**AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION REGISTER**

Reg. No.	Action	Register
93-5-1	New	V. 11, p. 554

**AGENCY 98: KANSAS WATER OFFICE REGISTER**

Reg. No.	Action	Register
98-5-2	Amended	V. 12, p. 351
98-5-3	Amended	V. 12, p. 352
98-5-5	Amended	V. 12, p. 353

**AGENCY 100: BOARD OF HEALING ARTS REGISTER**

Reg. No.	Action	Register
100-11-1	Amended	V. 11, p. 1039, 1117
100-49-5	New	V. 11, p. 1084
100-60-3	Revoked	V. 11, p. 2007
100-60-4	Amended	V. 11, p. 2007
100-60-5	Amended	V. 11, p. 2007
100-60-6	Amended	V. 11, p. 2007
100-60-8 through 100-60-14	Amended	V. 11, p. 2008, 2009

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD REGISTER**

Reg. No.	Action	Register
102-5-1 through 102-5-12	New	V. 12, p. 189-194

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

Reg. No.	Action	Register
105-3-9	Amended	V. 11, p. 1832
105-5-2	Amended	V. 12, p. 9
105-5-6	Amended	V. 12, p. 9
105-5-7	Amended	V. 12, p. 9
105-5-8	Amended	V. 12, p. 9

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES REGISTER**

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-9-5	New	V. 11, p. 133

**AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING REGISTER**

Reg. No.	Action	Register
110-4-1 through 110-4-4		
110-4-4	New	V. 11, p. 1176-1178, 1258-1260
110-5-1 through 110-5-6		
110-5-6	New	V. 11, p. 1370, 1371, 1703, 1704

**AGENCY 111: THE KANSAS LOTTERY REGISTER**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675

(continued)

111-2-6	Amended	V. 11, p. 136	111-4-237			111-4-412	Amended	V. 11, p. 1475
111-2-7	Revoked	V. 10, p. 1210	through			111-4-413	Amended	V. 11, p. 1475
111-2-13	Revoked	V. 10, p. 881	111-4-240	Revoked	V. 11, p. 413	111-4-414		
111-2-14	New	V. 9, p. 30	111-4-241			through		
111-2-15	Revoked	V. 10, p. 881	through			111-4-428	New	V. 11, p. 981-983
111-2-16	Revoked	V. 10, p. 1210	111-4-244	New	V. 9, p. 1812	111-4-414	Amended	V. 11, p. 1150
111-2-17	Revoked	V. 10, p. 1210	111-4-245			111-4-429		
111-2-18	Revoked	V. 11, p. 413	through			through		
111-2-19	Revoked	V. 11, p. 413	111-4-248	New	V. 10, p. 200	111-4-432	New	V. 11, p. 1118
111-2-20	New	V. 11, p. 199	111-4-249			111-4-433		
111-2-21	New	V. 11, p. 1471	through			through		
111-2-22	New	V. 11, p. 1972	111-4-256	Revoked	V. 12, p. 113, 114	111-4-436	New	V. 11, p. 1150, 1151
111-2-23	New	V. 12, p. 113	111-4-257			111-4-437		
111-3-1	Amended	V. 10, p. 1210	through			through		
111-3-9	Revoked	V. 11, p. 1793	111-4-286	Revoked	V. 11, p. 413, 414	111-4-444	New	V. 11, p. 1475-1477
111-3-10			111-4-287			111-4-445		
through			through			through		
111-3-31	New	V. 7, p. 201-206	111-4-300	New	V. 10, p. 883-886	111-4-453	New	V. 11, p. 1794-1796
111-3-11	Amended	V. 8, p. 299	111-4-291			111-4-454		
111-3-12	Amended	V. 10, p. 12	through			through		
111-3-13	Amended	V. 11, p. 1148	111-4-300	Revoked	V. 12, p. 114	111-4-457	New	V. 11, p. 1944
111-3-14	Amended	V. 10, p. 12	111-4-301			111-4-458		
111-3-16	Amended	V. 9, p. 1566	through			through		
111-3-19			111-4-307	New	V. 10, p. 1015, 1016	111-4-461	New	V. 11, p. 1972, 1973
through			111-4-301			111-4-462		
111-3-20	Amended	V. 9, p. 30	through			through		
111-3-22	Amended	V. 11, p. 1148	111-4-306	Amended	V. 11, p. 979	111-4-465	New	V. 12, p. 115
111-3-21	Amended	V. 11, p. 1148	111-4-308			111-4-466		
111-3-23	Amended	V. 11, p. 1148	through			through		
111-3-22	Revoked	V. 10, p. 883	111-4-320	New	V. 10, p. 1214, 1215	111-4-473	New	V. 12, p. 316, 317
111-3-25	Amended	V. 11, p. 1149	111-4-308	Amended	V. 10, p. 1472	111-5-1		
111-3-26	Amended	V. 11, p. 1149	111-4-311	Amended	V. 10, p. 1472	through		
111-3-27	Amended	V. 11, p. 1149	111-4-312	Amended	V. 10, p. 1472	111-5-23	New	V. 7, p. 209-213
111-3-29	Revoked	V. 11, p. 1149	111-4-318			111-5-9		
111-3-31	Amended	V. 8, p. 209	through			through		
111-3-32	Amended	V. 10, p. 883	111-4-321	Revoked	V. 12, p. 114	111-5-15	Amended	V. 8, p. 210, 211
111-3-33	New	V. 7, p. 1434	111-4-322			111-5-11	Amended	V. 9, p. 505
111-4-1			through			111-5-12	Amended	V. 11, p. 415
through			111-4-331	New	V. 10, p. 1411-1413	111-5-17	Amended	V. 8, p. 211
111-4-5	Revoked	V. 12, p. 113	111-4-328			111-5-18	Amended	V. 10, p. 13
111-4-5a	Revoked	V. 12, p. 113	through			111-5-19	Amended	V. 8, p. 212
111-4-6			111-4-335	Revoked	V. 12, p. 114	111-5-21		
through			111-4-336			through		
111-4-15	Revoked	V. 12, p. 113	111-4-345	New	V. 10, p. 1526-1528	111-5-33	New	V. 11, p. 415-418
111-4-66			111-4-336			111-5-22	Amended	V. 11, p. 481
through			through			111-5-23	Amended	V. 11, p. 481
111-4-77	New	V. 7, p. 207-209	111-4-340	Amended	V. 11, p. 1472, 1473	111-5-24	Amended	V. 11, p. 983
111-4-96			111-4-339	Amended	V. 11, p. 1793	111-5-25	Amended	V. 11, p. 482
through			111-4-341	Revoked	V. 11, p. 1473	111-5-27	Amended	V. 11, p. 482
111-4-114	New	V. 7, p. 1606-1610	111-4-341a	New	V. 11, p. 1793	111-5-28	Amended	V. 12, p. 317
111-4-100	Amended	V. 11, p. 1472	111-4-341b	New	V. 11, p. 1794	111-5-34	New	V. 12, p. 318
111-4-101	Amended	V. 11, p. 976	111-4-344	Amended	V. 11, p. 1473	111-6-1		
111-4-102	Amended	V. 11, p. 976	111-4-346			through		
111-4-103	Amended	V. 10, p. 1211	through			111-6-15	New	V. 7, p. 213-217
111-4-104	Amended	V. 11, p. 1793	111-4-361	New	V. 10, p. 1586-1589	111-6-1	Amended	V. 11, p. 1477
111-4-105	Amended	V. 11, p. 977	111-4-346			111-6-3	Amended	V. 9, p. 200
111-4-106	Amended	V. 11, p. 1472	through			111-6-4	Amended	V. 10, p. 1413
111-4-106a	Amended	V. 11, p. 1149	111-4-349	Revoked	V. 12, p. 114	111-6-5	Amended	V. 10, p. 14
111-4-107	Amended	V. 11, p. 978	111-4-362			111-6-6	Amended	V. 11, p. 1973
111-4-108	Amended	V. 11, p. 978	through			111-6-7	Amended	V. 11, p. 1477
111-4-110	Amended	V. 11, p. 978	111-4-365	Revoked	V. 12, p. 114, 115	111-6-8	Amended	V. 11, p. 1478
111-4-111	Amended	V. 9, p. 1366	111-4-362	Amended	V. 11, p. 13	111-6-9	Amended	V. 10, p. 1217
111-4-112	Amended	V. 11, p. 978	111-4-366			111-6-12	Amended	V. 8, p. 212
111-4-113	Amended	V. 9, p. 1366	through			111-6-13	Amended	V. 8, p. 299
111-4-114	Amended	V. 9, p. 1366	111-4-379	New	V. 11, p. 136-139	111-6-17	Revoked	V. 10, p. 1475
111-4-153			111-4-380			111-7-1		
through			through			through		
111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-383	New	V. 11, p. 477, 478	111-7-10	New	V. 7, p. 1192, 1193
111-4-177			111-4-384			111-7-1	Amended	V. 8, p. 212
through			through			111-7-3	Amended	V. 11, p. 1796
111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-387	New	V. 11, p. 414	111-7-3a	New	V. 11, p. 1796
111-4-213			111-4-388			111-7-4	Amended	V. 9, p. 1367
through			through			111-7-5	Amended	V. 9, p. 986
111-4-220	Revoked	V. 10, p. 1213	111-4-400	New	V. 11, p. 478-481	111-7-6	Amended	V. 9, p. 987
111-4-217	Amended	V. 9, p. 986	111-4-401			111-7-9	Amended	V. 9, p. 1569
111-4-221			through			111-7-11	Amended	V. 10, p. 1475
through			111-4-404	New	V. 11, p. 980, 981	111-7-12		
111-4-224	Revoked	V. 10, p. 1585	111-4-405			through		
111-4-225			through			111-7-32	New	V. 7, p. 1194-1196
111-4-228	Revoked	V. 10, p. 1585	111-4-413	New	V. 11, p. 756, 757	111-7-33		
111-4-229			111-4-405			through		
through			111-4-409	Amended	V. 11, p. 1473, 1474	111-7-43	New	V. 7, p. 1197, 1198
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-411	Amended	V. 11, p. 1474	111-7-33a	New	V. 8, p. 300

111-7-44 through 111-7-54	New	V. 9, p. 1367-1370
111-7-46	Amended	V. 11, p. 1152
111-7-54	Amended	V. 11, p. 1511
111-7-55 through 111-7-63	Revoked	V. 10, p. 1217
111-7-60	Amended	V. 10, p. 262
111-7-64 through 111-7-75	New	V. 11, p. 13, 14
111-7-66	Amended	V. 11, p. 1797
111-7-66a	New	V. 11, p. 1797
111-7-76 through 111-7-83	New	V. 11, p. 1478-1480
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5 through 111-8-13	New	V. 7, p. 1634
111-9-1 through 111-9-12	New	V. 7, p. 1714-1716
111-9-1	Revoked	V. 9, p. 1680
111-9-13 through 111-9-18	Revoked	V. 9, p. 1680
111-9-25 through 111-9-30	New	V. 9, p. 699, 700
111-9-31 through 111-9-36	New	V. 10, p. 262
111-9-37 through 111-9-48	New	V. 10, p. 1439, 1440
111-9-49 through 111-9-54	New	V. 12, p. 318, 319
111-10-1 through 111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

**AGENCY 112: KANSAS RACING COMMISSION**

Reg. No.	Action	Register
112-4-1	Amended	V. 11, p. 1974, 2010
112-4-4	Amended	V. 11, p. 165
112-4-5	Amended	V. 11, p. 1975, 2011

112-4-6	Amended	V. 11, p. 1975, 2011
112-4-8	Amended	V. 11, p. 1975, 2011
112-4-9a	New	V. 11, p. 1976, 2011
112-4-12	Amended	V. 11, p. 1976, 2011
112-4-13	Revoked	V. 11, p. 1976, 2012
112-4-16	Amended	V. 11, p. 1976, 2012
112-4-17	Amended	V. 11, p. 1976, 2012
112-4-18	Amended	V. 11, p. 1977, 2012
112-4-19	Amended	V. 11, p. 1977, 2012
112-4-21a	New	V. 11, p. 1977, 2013
112-4-22	Amended	V. 11, p. 1977, 2013
112-4-23	New	V. 11, p. 1977, 2013
112-7-2	Amended	V. 11, p. 1977, 2013
112-7-5 through 112-7-10	Amended	V. 11, p. 1978-1979, 2013-2015
112-7-13	Amended	V. 11, p. 1980, 2015
112-7-15	Revoked	V. 11, p. 1980, 2016
112-7-15a	New	V. 11, p. 1980, 2016
112-7-15b	New	V. 11, p. 1981, 2017
112-7-16	Amended	V. 11, p. 1981, 2017
112-7-16a	New	V. 11, p. 1982, 2017
112-7-18	Amended	V. 11, p. 1982, 2018
112-7-18a	New	V. 11, p. 1982, 2018
112-7-20	Amended	V. 11, p. 1983, 2018
112-7-21	Amended	V. 11, p. 1983, 2018
112-7-22	Amended	V. 11, p. 1983, 2019
112-7-23	New	V. 11, p. 1984, 2020
112-9-2	Amended	V. 12, p. 355
112-9-11a	New	V. 11, p. 560
112-9-12 through 112-9-21	Revoked	V. 11, p. 560, 561
112-9-12a	New	V. 11, p. 561
112-9-13a	New	V. 11, p. 561
112-9-14a	New	V. 11, p. 561
112-9-15a	New	V. 11, p. 562
112-9-16a	New	V. 11, p. 563
112-9-16b	New	V. 11, p. 563
112-9-17a	New	V. 11, p. 564
112-9-18a	Amended	V. 12, p. 355, 378
112-9-19a	New	V. 11, p. 565
112-9-21a	New	V. 11, p. 566
112-9-22	Revoked	V. 11, p. 566
112-9-22a	New	V. 11, p. 566
112-9-30	Amended	V. 12, p. 355
112-9-39	Revoked	V. 11, p. 568
112-9-39a	Amended	V. 12, p. 356, 378
112-9-40	Revoked	V. 11, p. 568
112-9-40a	Amended	V. 12, p. 356, 379
112-9-41	Revoked	V. 11, p. 570, 754
112-9-41a	Amended	V. 12, p. 358, 380
112-9-42	Amended	V. 12, p. 359, 382
112-9-43	Amended	V. 12, p. 361, 383
112-9-44	Amended	V. 12, p. 361, 384

112-10-2 through 112-10-6	Amended	V. 11, p. 1984-1987, 2020-2023
112-10-8	Amended	V. 11, p. 1988, 2023
112-10-9	Revoked	V. 11, p. 1988, 2024
112-10-9a	New	V. 11, p. 1988, 2024
112-10-12	Amended	V. 11, p. 1988, 2024
112-10-32	Amended	V. 11, p. 1989, 2025
112-10-33	Amended	V. 11, p. 1989, 2025
112-10-35	Amended	V. 11, p. 1990, 2026
112-10-36	Revoked	V. 11, p. 165
112-10-36a	New	V. 11, p. 135
112-10-37	Amended	V. 11, p. 1990, 2026
112-11-13	Revoked	V. 11, p. 1990, 2026
112-11-13a	New	V. 11, p. 1991, 2026
112-12-1	New	V. 12, p. 50
112-12-2 through 112-12-11	Amended	V. 12, p. 50-53
112-17-1 through 112-17-14	New	V. 11, p. 1612-1617
112-18-2 through 112-18-19	New	V. 11, p. 1512-1516, 1579-1583

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

Reg. No.	Action	Register
115-1-1	Amended	V. 11, p. 599
115-2-1	Amended	V. 11, p. 1329
115-2-2	Amended	V. 11, p. 1330
115-2-3	Amended	V. 11, p. 1330
115-2-4	Amended	V. 11, p. 1330
115-4-3	Amended	V. 11, p. 601
115-4-5	Amended	V. 11, p. 602
115-4-6	Amended	V. 11, p. 603
115-4-7	Amended	V. 11, p. 605
115-8-6	Amended	V. 11, p. 1743
115-8-9	Amended	V. 11, p. 1330
115-11-2	Amended	V. 11, p. 1144
115-15-1	Amended	V. 11, p. 1145
115-15-2	Amended	V. 11, p. 1146
115-16-3	Amended	V. 11, p. 1147
115-17-6	Amended	V. 11, p. 606
115-17-7	Amended	V. 11, p. 606
115-17-9	Amended	V. 11, p. 607
115-17-14	New	V. 11, p. 607
115-18-8	New	V. 11, p. 608

**AGENCY 118: STATE HISTORICAL SOCIETY**

Reg. No.	Action	Register
118-1-1 through 118-1-4	New	Vol. 11, p. 1119, 1120
118-2-1	New	V. 11, p. 554



**Kansas Register  
Secretary of State  
2nd Floor, State Capitol  
Topeka, KS 66612-1594**

---

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

\_\_\_\_\_ **One-year subscriptions @ \$60 ea.**  
**(Kansas residents must include**  
**\$3.54 state and local sales tax.)**

**Total Enclosed** \_\_\_\_\_  
**(Make checks payable to the Kansas Register)**

**Send to:**

(Please, no  
more than  
4 address  
lines.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zip code must be included

<p><b>This space for Register office use only.</b></p>
Rec. No. _____
Exp. _____
Code _____

---

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

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

**Indicate change of name or address here:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**Mail either form to: Kansas Register, Secretary of State, 2nd Floor,  
State Capitol, Topeka, KS 66612-1594**