

# Kansas Register

Bill Graves, Secretary of State

Vol. 12, No. 40      October 7, 1993      Pages 1507-1550

## In this issue . . .

Page

<b>Department of Health and Environment</b>	
Notice of meeting .....	1508
Notice to consulting engineering firms .....	1508
Notices of hearing on proposed administrative regulations .....	1509, 1510
Notice concerning Kansas water pollution control permits .....	1511
<b>State Board of Accountancy</b>	
Notice of meeting .....	1509
<b>Attorney General</b>	
Opinions No. 93-127 and 93-128 .....	1509
<b>State Emergency Response Commission</b>	
Notice of meeting .....	1510
<b>Kansas Judicial Council</b>	
Notice of meetings .....	1511
<b>Department of Administration</b>	
Notice of commencement of negotiations for engineering services .....	1512
Notice to bidders for state purchases .....	1512
Legislative interim committee schedule .....	1514
<b>Kansas Commission on Disability Concerns</b>	
Invitation to comment at regional public forums .....	1515
<b>Secretary of State</b>	
Usury rate for October .....	1516
<b>Kansas State Treasurer</b>	
Notice of investment rates .....	1516
<b>State Conservation Commission</b>	
Notice of meeting .....	1516
Notices to contractors .....	1516
<b>Supreme Court docket</b> .....	1517
<b>State Corporation Commission</b>	
Notice of motor carrier hearings .....	1520
<b>Department of Transportation</b>	
Notice of public auction .....	1521
<b>Kansas Arts Commission</b>	
Notice of Northwest Kansas regional meeting .....	1522
Notice of advisory panel meeting .....	1522
<b>Notice of Bond Redemption</b>	
Shawnee County .....	1522
<b>Notice of Bond Sale</b>	
Johnson County Public Building Commission .....	1524
Cloud County .....	1525
U.S.D. 229, Johnson County .....	1525
City of Paola .....	1528
<b>Permanent Administrative Regulations</b>	
Department of Health and Environment .....	1530
<b>Index to administrative regulations</b> .....	1544

State of Kansas

**Department of Health  
and Environment**

**Notice of Meeting**

The Department of Health and Environment will meet at 9 a.m. Tuesday, October 26, in the SRS Staff Development Training Center, State Complex West, 300 S.W. Oakley, Topeka. The meeting is open to the public. Telephone hook-ups are provided at the KDHE district offices located in Chanute, Wichita, Dodge City, Hays, Salina and Lawrence; the Pittsburg Office of Surface Mining; the Wyandotte County Health Department; and the Johnson County Health Department. Any person requiring visual or communication aid or assistance, building access assistance or other similar assistance should contact Mary Ann Cummings at (913) 296-0461 immediately so appropriate arrangements can be made.

The proposed agenda includes:

- Secretary's remarks
- Reports by directors of Health and Environment
- Legislative issues

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013999

State of Kansas

**Department of Health  
and Environment**

**Notice to Consulting Engineering Firms**

It is the intent of the Department of Health and Environment, pursuant to K.S.A. 75-5801, to select qualified engineering firms permitted by law to practice engineering in the state of Kansas for the design of abandoned coal mine reclamation projects in Southeast Kansas. The Surface Mining Section will interview the best qualified firms and enter into contract negotiations for AML projects and one on-call agreement.

Examples of work involved in the projects include design of grading plans, drainage control, roadside improvements, shaft closure, disposal of mine wastes, and revegetation.

The on-call agreement is for assistance with in-house design projects on an as needed basis. This work could involve any aspect of project development, from site characterization to preparation of bid documents.

All interested firms should submit three copies of forms SF 254 and SF 255 to the Surface Mining Section Office no later than 5 p.m. Monday, November 1. Submittals and questions should be addressed to Murray J. Balk, Chief, Surface Mining Section, P.O. Box 1418, Pittsburg 66762, (316) 231-8540.

Robert C. Harder  
Secretary of Health  
and Environment

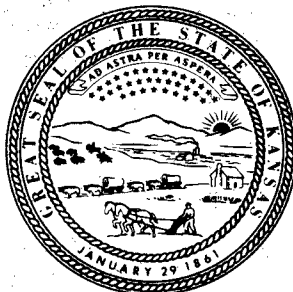
Doc. No. 014000

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.

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

State of Kansas

**Board of Accountancy****Notice of Meeting**

The Board of Accountancy will meet at 9 a.m. Tuesday, October 19, in the conference room on the first floor, 400 Croix, Topeka. Persons interested in agenda items or in attending should contact the board office in Suite 556, Landon State Office Building, 900 S.W. Jackson, Topeka, (913) 296-2162.

Glenda Moore  
Executive Director

Doc. No. 013990

State of Kansas

**Attorney General****Opinion No. 93-127**

**Constitution of the State of Kansas—Bill of Rights—Liberty of Press and Speech; Use of Senior Citizens' Center for Church Services.**

**Constitution of the United States—Amendments to the Constitution of the United States—Freedom of Religion, Speech and Press; Use of Senior Citizens' Center for Church Services. Bill McCormick, Governor's Chief Counsel, Topeka, September 27, 1993.**

Through its action, a board of county commissioners of Harper County has created a public forum in a senior citizens' center. As such, and since no compelling interest exists for prohibiting church services, the county's refusal to allow use of the center by the Baptist Mission violates the First Amendment of the United States Constitution and Section 11 of the Bill of Rights of the Kansas Constitution. Cited herein: Kan. Const., Bill of Rights, Section 11; U.S. Const., Amend. I; U.S. Const., Amend. XIV. RDS

**Opinion No. 93-128**

**Intoxicating Liquors and Beverages—Certain Prohibited Acts and Penalties—Sale on Credit or in Trade Prohibited; Distinction Between On Premise and Off Premise Sales; Equal Protection. Senator Alicia L. Salisbury, 20th District, Topeka, September 7, 1993.**

K.S.A. 1992 Supp. 41-717, prohibiting credit sales of packaged liquor for consumption off the premises but not credit sales of liquor by the drink for consumption on the premises, does not violate the equal protection clause of the United States Constitution. Cited herein: K.S.A. 1992 Supp. 41-102; 41-308; 41-702; K.S.A. 41-715; K.S.A. 1992 Supp. 41-717; 41-2706; U.S. Const., Amends. 14, 21. JLM

Robert T. Stephan  
Attorney General

Doc. No. 013991

State of Kansas

**Department of Health  
and Environment****Notice of Hearing on Proposed  
Administrative Regulations**

The Kansas Department of Health and Environment will conduct a public hearing at 9:30 a.m. Monday, November 8, in Conference Room A of the Kansas Department of Health and Environment, Building 740, Forbes Field, Topeka. KDHE staff will be available at the hearing. The purpose of this public hearing is to consider adoption of proposed new permanent regulation K.A.R. 28-29-6a. The new permanent regulation provides for public notification and receipt of comment when a municipal solid waste landfill permit action has been proposed under K.A.R. 28-29-6 or when a public hearing has been scheduled for a proposed permit action.

Development of a public notification process is required for KDHE to remain fully authorized by the EPA for administration of a permitting program for municipal solid waste management facilities (MSWLFs). KDHE took action earlier to adopt the remaining regulations necessary to be authorized for administering a permitting program for MSWLFs (K.A.R. 28-29-98 and 28-29-99).

Adoption of K.A.R. 28-29-6a should have no impact on the regulated community. It is estimated the economic impact on the agency will be less than \$1000 annually. These costs are associated with publishing the public notice in the Kansas Register and local newspapers, and any public hearings.

Copies of the regulation and the economic statement may be obtained from the Kansas Department of Health and Environment, Bureau of Waste Management, Forbes Field, Topeka 66620, (913) 296-1590. Questions pertaining to the proposed regulation should be directed to Mike Tate at (913) 296-0724.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written comments prior to the hearing. All interested parties will be given reasonable opportunity during the hearing to present their views, orally or in writing, concerning the adoption of the regulation. Following the hearing, all comments will be considered in determining whether to make changes to the proposed new regulation.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 014002

## State of Kansas

## State Emergency Response Commission

## Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Thursday, October 14, in Room 11 of the State Defense Building, 2800 S.W. Topeka Blvd., Topeka.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013983

## State of Kansas

Department of Health  
and EnvironmentNotice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, November 12, in Conference Room A, Building 740, Forbes Field, Topeka, to consider the adoption of proposed changes to K.A.R. 28-19-14 and the revocation of K.A.R. 28-19-14b, existing regulations of the Department of Health and Environment, Division of Environment, Bureau of Air and Radiation.

A summary of the proposed regulations and their economic impact follows. The summary of the existing regulation addresses only the substantial changes. Any remaining changes are intended for the purpose of clarifying requirements that are now in effect.

Description and Purpose of Specific  
Proposed Regulatory Actions

**Amendments to K.A.R. 28-19-14. Permits required.** Proposed amendments to K.A.R. 28-19-14 delete all references to operating permit renewals and annual renewal fees. A paragraph has been added providing that currently issued operating permits which have an expressed expiration date remain valid until the owner or operator is required to file an application under a new operating permit program unless the operating permit is declared invalid for some other reason. Language relating to enforcement action for violation of regulatory or statutory requirements was deleted because it simply restated statutory authorities authorized under new section 7 of L. 1993, Ch. 13.

The proposed amendments are for the purpose of assuring a smooth transition from the current air quality operating permit program to the operating permit program mandated by federal law as a requirement for participating in or implementing a federally-subsidized program.

No overall economic impact is anticipated from the proposed amendments. Any reduction in work load upon the affected regulated community or governmental agencies is expected to be offset by the implementation of the emissions fee regulations and the

development of the new operating permit program. There will be no economic impact upon the general public.

**Revocation of K.A.R. 28-19-14b. Operating permit fee.** Revocation of K.A.R. 28-19-14b deletes the regulation implementing the current annual permit renewal fee requirement. The Kansas air quality program is currently in the process of developing a more comprehensive operating permit program in compliance with the requirements of the federal clean air act amendments of 1990 and L. 1993, Ch. 13. The new operating permit program will be funded primarily through emission fees as mandated by the federal and Kansas acts. KDHE will begin receiving revenue from the emission fees during the first quarter of calendar year 1994.

The proposed revocation is for the purpose of assuring a smooth transition from the current air quality operating permit program to the operating permit program mandated by federal law as a requirement for participating in or implementing a federally-subsidized program.

The combined permit renewal fees paid by the regulated community currently amount to approximately \$230,000. Any savings in permit renewal fees will be directly offset by the new emissions fees. Some smaller sources that will not be required to pay an emissions fee may experience a reduction in fees during the transition period as a result of the deletion of the renewal fee. As a result, there will be no net economic impact to the regulated community, overall, due to the amendments. There will be no economic impact on KDHE, other governmental agencies or the general public because any loss of renewal fee revenues will be offset by emissions fees.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed changes to K.A.R. 28-19-14 and the revocation of K.A.R. 28-19-14b. All interested parties may submit written comments prior to the hearing to Chuck Layman, Bureau of Air and Radiation, Building 740, Forbes Field, Topeka 66620. All interested parties will be given a reasonable opportunity to present their views orally on the proposed changes to K.A.R. 28-19-14 and the revocation of K.A.R. 28-19-14b during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the regulations and the economic impact statement may be obtained from the Kansas Department of Health and Environment, Bureau of Air and Radiation, (913) 296-1587. Questions pertaining to these proposed changes and revocation should be directed to Chuck Layman, (913) 296-1579.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 014003

State of Kansas

**Kansas Judicial Council**

**Notice of Meetings**

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 W. 10th, Topeka:

Date	Committee	Time	Location
Oct. 8	Criminal Law	9:30 a.m.	Room 259
Oct. 8	Care & Treatment	9:30 a.m.	Court of Appeals Courtroom, 2nd Floor
Oct. 15	Civil Code	9:00 a.m.	Room 259
Nov. 5	Care & Treatment	9:30 a.m.	Room 259
Nov. 19	Family Law	9:30 a.m.	Room 259

Justice Kay McFarland  
Chair

Doc. No. 014007

State of Kansas

**Department of Health and Environment**

**Notice Concerning Kansas Water Pollution Control Permits**

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

**Public Notice No. KS-AG-93-108/110**

Name and Address of Applicant	Legal Description	Receiving Water
Koch Agricultural Co., Inc., dba Syracuse Feed Yard Syracuse, KS 67878	E/2, Sec. 9 & 10, T24S, R40W, Hamilton County	Upper Arkansas River Basin

Kansas Permit No. A-UAHM-C001 Federal Permit No. KS-0052825  
The feedlot has capacity for approximately 40,000 cattle and a contributing drainage area of approximately 377 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 271 acre-foot.

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

be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

An operational manual shall be developed for the earthen retention structures 2, 4, 3 and 3-8 which are to be operated evaporative. Three copies of the operational manual shall be submitted to the department within 90 days of issuance of this permit for approval.

Name and Address of Applicant	Legal Description	Receiving Water
Harold Kasper Route 1, P.O. Box 1 Hillsboro, KS 67063	SW/4, Sec. 27, T19S, R2E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B006  
The feedlot has capacity for approximately 600 head of cattle and a contributing drainage area of approximately 4 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 3.2 acre-foot.

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

Name and Address of Applicant	Legal Description	Receiving Water
Fred Grunder 122 S. Main St. John, KS 67576	SE/4, Sec. 19, T22S, R14W, Stafford County	Lower Arkansas River Basin

The proposed facility has the capacity for washing 11 trucks weekly. Wastewater 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: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

**Public Notice No. KS-93-90/92**

Name and Address of Applicant	Waterway	Type of Discharge
City of Dighton City Hall P.O. Box 848 Dighton, KS 67839 Lane County, Kansas	South fork Walnut Creek	Secondary wastewater treatment facility

Kansas Permit No. M-UA10-0001 Fed. Permit No. KS-0022527  
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

(continued)

Name and Address of Applicant	Waterway	Type of Discharge
Janzen Oil, Inc., dba Holiday 66 Service Station Great Bend Facility P.O. Box 687 Hays, KS 67601 Barton County, Kansas	Arkansas River via storm sewer	Treated groundwater
Kansas Permit No. I-UA16-P009      Fed. Permit No. KS-0089842		
Description of Facility: An air stripper is utilized to treat hydrocarbon-contaminated groundwater prior to discharge to the Arkansas river via storm sewer. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.		

Name and Address of Applicant	Waterway	Type of Discharge
Killough Enterprises, Inc. Pomona Quarry-Quenemo P.O. Box 3729 Lawrence, KS 66046-0729 Osage County, Kansas	Marais des Cygnes River via Ten Mile Creek via unnamed tributary	Mine pit dewatering discharge and uncontaminated stormwater runoff
Kansas Permit No. I-MC39-P001      Fed. Permit No. KS-0116076		
Description of Facility: This facility is engaged in a limestone crushing operation with occasional washing. The washwater is treated with a settling pond before discharge. This is an existing facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.		

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 November 7 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-93-108/110 and KS-93-90/02) 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. 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. 014001

## 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 "on-call" engineering services at Kansas State University-Salina. Interested firms should be capable of assisting university personnel on miscellaneous small engineering projects for two to three years.

Any questions or expressions of interest should be directed to Kelly Conway, Deputy Director, Design and Construction Administration, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before October 22. 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. 013992

## State of Kansas

### Department of Administration Division of Purchases

#### Notice to Bidders

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

**Monday, October 18, 1993**

**29700 Rebid**

Statewide—Work shoes

**29933**

Adjutant General's Department—Snow removal services

**29960**

University of Kansas, Kansas State University and Department of Transportation—Laboratory solvents, Lawrence, Manhattan, Topeka, Chanute, Hutchinson and Salina

**29961**

University of Kansas Medical Center—Clinical analyzer reagents and supplies (Kodak)

**29965**

Adjutant General's Department—Natural gas services, various locations

**29967**

Winfield State Hospital and Training Center—Administrative training services

**97371**

Department of Transportation—Wood signposts, Salina

97372

Kansas State University—Furnish all labor and materials to insulate steam lines

97373

University of Kansas—Tektronix ink jet printer

Wednesday, October 20, 1993

A-7196

Winfield State Hospital and Training Center—Reroofing projects, various buildings

29964

Kansas State University—November (1993) meat products

29971

University of Kansas Medical Center—Services for letterpress work

97379

Department of Transportation—Steel signposts, Salina

97380

Department of Wildlife and Parks—Airboat and trailer, Great Bend

Thursday, October 21, 1993

29973

Kansas State University—Unix color diskless workstations/peripherals

97402

Department of Health and Environment—Manual breast pumps

97403

University of Kansas Medical Center—Oscillatory lung ventilator

97404

University of Kansas Medical Center—ECG system upgrade

97405

University of Kansas Medical Center—Blood gas system

97406

University of Kansas Medical Center—Patient monitoring equipment

97407

University of Kansas Medical Center—Nursing equipment

97411

Department of Transportation—Furnish and install heating and air conditioning, various locations

97415

University of Kansas Medical Center—Birthing room furniture

Friday, October 22, 1993

29970

Kansas State University—Commercial/professional VHS duplication services

97381

Kansas Judicial Branch—RISC based Unix server and software

97408

Emporia State University—Audio A/V equipment

97409

University of Kansas Medical Center—Video production system

97410

Kansas State University—Cooling towers

Wednesday, October 27, 1993

A-7145(a)

Emporia State University—Asbestos abatement—Singular Hall

29972

Statewide—Apple computer/Apple compatible products

97399

Department of Administration, Division of Information Systems and Communications—Furnish and install fiber optic cable

Tuesday, October 19, 1993

A-6997

Department of Social and Rehabilitation Services—Replace windows in training building/workshops

29891

University of Kansas Medical Center—Suction regulators and related equipment

29959

Department of Revenue—Motor vehicle registration renewal mailers

29962

El Dorado Correctional Facility—Non-carbonated beverages

29963

Topeka Correctional Facility—Non-carbonated beverages

29966

Winfield State Hospital and Training Center—Electrician services

29968

Department of Administration, Division of Facilities Management—Snow removal and sanding services

Friday, October 29, 1993

A-7279

Pittsburg State University—Handicap ramp

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Request for Proposals

Friday, October 22, 1993

29969

Statewide needs assessment for women and children with special health care needs for the Department of Health and Environment

Thursday, November 4, 1993

29957

Consultation services for a study of long term care services for the Department of Social and Rehabilitation Services

Jack R. Shipman  
Director of Purchases

Doc. No. 013998

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 11 through October 24:

Date	Room	Time	Committee	Agenda
<b>Statutory Committees</b>				
October 12 October 13			Joint Committee on Special Claims Against the State	Canceled
October 18 October 19	123-S 123-S	10:00 a.m. 9:00 a.m.	Legislative Budget Committee	18th: Sentencing guidelines—conferees; state finances—staff reports; budget reforms and impact statements—staff reports and committee discussion. 19th: KU Medical Center issues.
October 19 October 20	519-S 519-S	10:00 a.m. 9:00 a.m.	Task Force on the Funding of Community Colleges and the Kansas Postsecondary Vocational and Technical Training System	Agenda not available.
<b>Interim Study Committees</b>				
October 11	521-S	9:00 a.m.	House Local Government Committee	Conferees on hazardous materials training proposed bill.
October 11-15	Bus Tour		Senate Ways and Means/ House Appropriations	Bus tour of agencies, institutions and programs in the eastern part of the state. (Tour stops in Topeka, Lawrence, Atchison, Lansing, Kansas City, Overland Park, Olathe, Osawatomie, Pittsburg, Oswego, Coffeyville, Winfield, Wichita, Emporia and Burlington.)
October 12	313-S	9:00 a.m.	Joint House and Senate Local Government Committees	Conferees and discussion on special district governments.
October 13	521-S	9:00 a.m.	Senate Local Government Committee	Hearings on proposed state mandates bills.
October 19 October 20	521-S 521-S	8:00 a.m. 8:00 a.m.	House Governmental Organization and Elections Committee	Agenda not available.
October 21	519-S	10:00 a.m.	Joint House and Senate Public Health and Welfare Committees	Agenda not available.
October 22	519-S	9:00 a.m.	House Public Health and Welfare Committee	Agenda not available.
October 22	531-N	9:00 a.m.	Senate Public Health and Welfare Committee	Agenda not available.



October 21 521-S 8:00 a.m. Senate Elections Committee  
 October 22 521-S 8:00 a.m.

### Blue Highway Committees

October 18 10:30 a.m. Parsons Learn to Earn Listening tours.  
 Public Library  
 5:00 p.m. El Dorado  
 City Hall

October 19 11:30 a.m. Lawrence Learn to Earn Listening tours.  
 SRS Area Office  
 Auditorium  
 3:30 p.m. Johnson County  
 Johnson County  
 Community College

Emil Lutz  
 Director of Legislative  
 Administrative Services

Doc. No. 014004

### State of Kansas

#### Commission on Disability Concerns

##### Invitation to Comment at Regional Public Forums

Rehabilitation Services and the Commission on Disability Concerns invite public comment and participation in planning and developing services for Kansans with disabilities. Four public forums have been scheduled to facilitate this process:

##### Lawrence

4 to 7 p.m., October 20  
 Lawrence Public Library  
 707 Vermont

##### Salina

7 to 9 p.m., October 27  
 Kansas Vocational Rehabilitation Center  
 3140 Centennial Road

##### Wichita

4 to 7 p.m., November 15  
 Conference Room 1, SRS Area Office  
 3244 E. Douglas

##### Garden City

7 to 9 p.m., November 16  
 Garden City Plaza Inn  
 1911 E. Kansas Ave.

Comments are welcome on any issues affecting Kansans with disabilities. Comments on the following areas will be especially helpful:

- \* Quality and timeliness of services provided by Rehabilitation Services

- \* Quality and scope of services provided by the Commission on Disability Concerns
- \* Unmet service needs
- \* Ideas for expanding and improving services for Kansans with disabilities, including those who have severe disabilities
- \* Accessibility in employment, community services, transportation and housing

Rehabilitation Services will use the information received through the forums to guide preparation of program and budget priorities and to contribute to development of state plans submitted to the Federal Rehabilitation Services Administration. The Commission on Disability Concerns will use the information to develop its agenda for the 1994 session of the Kansas Legislature and to assist in its ongoing advocacy on behalf of Kansans with disabilities.

For purposes of scheduling, please call 1-800-432-2326 V/TDD if you intend to make a statement.

Individuals who are not able to attend one of the forums may wish to submit written comments. Address these comments to: Peg Spencer, Rehabilitation Services, 1st Floor, Biddle Building, 300 S.W. Oakley, Topeka 66606. Written comments should be received by Rehabilitation Services no later than 5 p.m. November 19.

To receive a copy of the public forum announcement in Braille, large print or audiotape, please call 1-800-432-2326 V/TDD.

Glen Yancey  
 Commissioner

Doc. No. 013986

State of Kansas

Secretary of State

Usury Rate for October

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of October 1, 1993 through October 31, 1993, is 8.38 percent.

Bill Graves  
Secretary of State

Doc. No. 013984

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9:30 a.m. Monday, October 18, at the State Conservation Commission Office, Room 500, 109 W. 9th, Topeka. A copy of the agenda may be obtained by contacting Donna Meader at (913) 296-3600. Please contact the agency three days in advance of the meeting date if special accommodations are needed.

Kenneth F. Kern  
Executive Director

Doc. No. 013979

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1992 Supp. 75-4210. 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 1993 Session Laws of Kansas, Chapter 207.

Effective 10-11-93 through 10-17-93

Term	Rate
0-90 days	3.27%
3 months	2.97%
6 months	3.15%
12 months	3.41%
24 months	3.79%
36 months	4.21%
48 months	4.50%

Sally Thompson  
State Treasurer

Doc. No. 013985

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 52,000 cubic yard detention dam, Site 4-10 in Brown County, will be received by the Roy's Creek Watershed District No. 75 at King Engineering, Inc., 125 W. 4th, Holton 66436, until 5 p.m., or hand carried to the Soil Conservation Service Office, 1310 Oregon, Hiawatha, (913) 742-2012, and submitted immediately prior to bid opening at 8 p.m., on October 25. A copy of the invitation for bids and plans and specifications can be obtained from the office of King Engineering, Inc., (913) 364-4312. A \$25 deposit is required for each set of plans.

Kenneth F. Kern  
Executive Director

Doc. No. 013980

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 23,000 cubic yard detention dam, Site 7-31A in Marshall County, will be received by the Vermillion Creek Watershed District No. 70 at King Engineering, Inc., 125 W. 4th, Holton 66436, until 5 p.m. on October 27, or hand carried and submitted prior to bid opening at 8 p.m., at the Beattie Rural Water District Office, 707 Main St., Beattie 66406. A copy of the invitation for bids and plans and specifications can be obtained from King Engineering, Inc., (913) 364-4312. A \$25 returnable deposit is required for each set of plans.

Kenneth F. Kern  
Executive Director

Doc. No. 013997

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 34,000 cubic yard detention dam, Site 75 in Pottawatomie County, will be received by the Rock Creek Watershed District No. 45 at King Engineering, Inc., 125 W. 4th, Holton 66436, until 5 p.m. on October 26, or hand carried and submitted prior to the bid opening at 7:30 p.m. on October 26, at the Soil Conservation Service Office, 501 State St., Westmoreland. A copy of the invitation for bids and plans and specifications can be reviewed at or obtained from the office of King Engineering, Inc., (913) 364-4312. A \$25 returnable deposit is required for each set of plans.

Kenneth F. Kern  
Executive Director

Doc. No. 013996

State of Kansas

## Office of Judicial Administration

## Supreme Court Docket

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

Monday, October 25, 1993

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,845	St. Francis Regional Medical Center, Inc., Appellant,	Dennis D. Webb	Sedgwick
	v.		
	Marlon K. Weiss, M.D., Appellee.	David G. Seeley	
68,616	The Cadle Company II, Inc., Appellee,	David J. Wood	Sedgwick
	v.		
	Merwin P. Lewis, et al., Appellants.	Stuart R. Collier Martin R. Ufford	On Petition for Review
68,834	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty.	Sedgwick
	v.		
	Corey E. Jones, a/k/a Cory E. Jones, Appellant.	Stephen Douglas Bonney, Special App. Def.	
69,038	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty.	Sedgwick
	v.		
	Daniel F. Donaghey, Appellant.	Michael C. Brown	
		1:30 p.m.	
68,875	Tiphani J. Hephner, A Minor, et al., Appellees,	Clay Cox	Sedgwick
	v.		
	Traders Insurance Company, Appellant.	William A. Vickery	On Petition for Review
68,678	Martha Bullock, et al., Appellants,	Lowell C. Paul	Sedgwick
	v.		
	Donna Whiteman, in her Official Capacity as Secretary of the Department of Social and Rehabilitative Services, Appellee.	Reid Stacey	
67,446	S. Sakuntala Dutta, M.D., Appellee,	John P. Woolf	Sedgwick
	v.		
	St. Francis Regional Medical Center, Inc., Appellant.	Charles E. Hill Richard C. Hite	On Petition for Review

Tuesday, October 26, 1993

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,210	Beech Aircraft Corporation and Beech Acceptance Corporation, Inc., Appellees,	Terry L. Mann	Sedgwick
	v.		
	The Kansas Human Rights Commission, Appellant.	Judy Fowler	
(69,199) (69,200) Consolidated	The Board of County Commissioners of the County of Sedgwick, Kansas, Appellant,	Clarence D. Holeman, Asst. Co. Counselor	Sedgwick
	v.		
	William Lyman Graham, Jr. et al., Appellees.	Joseph Seiwert Ted E. Knopp Michael T. Metcalf	

(continued)

68,658	State of Kansas, Appellant, v. David Wayne Clovis, Appellee.	Robert T. Stephan, Atty. Gen. Julie A. McKenna, Co. Atty.	Saline
68,131	State of Kansas, Appellee, v. Lena B. Ferguson, Appellant.	Mike Sheahon Robert T. Stephan, Atty. Gen. Joan M. Hamilton, Dist. Atty.	Shawnee
1:30 p.m.			
67,081	Credit Union One of Kansas, Appellee, v. Susan D. Stamm, Appellant.	Steven K. Johnson Thomas A. Valentine	Shawnee On Petition for Review
68,202	State of Kansas, Appellee, v. Roy McClanahan, Appellant.	Lynn D. Lauver Robert T. Stephan, Atty. Gen. Timothy J. Chambers, Co. Atty.	Reno
68,687	State of Kansas, Appellee, v. Victor D. Vaughn, Appellant.	Steven R. Zinn, Deputy Appellate Defender Robert T. Stephan, Atty. Gen. Paul J. Morrison, Dist. Atty. M. Kristine Paredes, Asst. App. Defender	Johnson

Wednesday, October 27, 1993

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,309	Marty Louis Kenyon, Appellant, v. Kansas Power & Light Company, d/b/a KPL Gas Service Company, Appellee.	Donald W. Vasos Jeffrey S. Southard Gregory A. Lee	Leavenworth
68,796	Donald C. Long, et al., Appellants, v. The Board of County Commissioners of the County of Wyandotte, Kansas, et al., Appellees.	Gerald C. Golden R. Wayne Lampson	Wyandotte
67,970	State of Kansas, Appellee, v. Douglas Kirt Keesee, Appellant.	Robert T. Stephan, Atty. Gen. Nick A. Tomasic, Dist. Atty.	Wyandotte
68,778	State of Kansas, Appellee, v. Darin T. Mays, Appellant.	Thomas L. Boeding Robert T. Stephan, Atty. Gen. Nick A. Tomasic, Dist. Atty. Steven R. Zinn, Deputy Appellate Defender	Wyandotte
1:30 p.m.			
68,059	State of Kansas, Appellee, v. Mona I. Reed, Appellant.	Robert T. Stephan, Atty. Gen. Kerwin L. Spencer, Co. Atty. Steven R. Zinn, Deputy Appellate Defender	Sumner On Petition for Review
67,855	State of Kansas, Appellee, v. Ronald Smith, Appellant.	Robert T. Stephan, Atty. Gen. Chris E. Biggs, Co. Atty. Jean R. Gilles Phillips, Asst. App. Def.	Geary On Petition for Review

68,816 State of Kansas, Appellee, Robert T. Stephan, Atty. Gen. Geary  
 Chris E. Biggs, Co. Atty.  
 v.  
 Gloria L. Van Winkle, Appellant. Jessica R. Kunen, Chief Appellate  
 Defender

Thursday, October 28, 1993

9:00 a.m.

Case No.	Case Name	Attorneys	County
68,034	Lea Ann Michels, formerly Lea Ann Weingartner, Appellee, v. Stephen Fred Weingartner, Appellant.	Larry J. Putnam W. Irving Shaw	Lyon On Petition for Review
69,185	Manhattan Mall Company, a Kansas General Partnership, Appellee, v. Ernest Shult and Jiang Shult, d/b/a Elegance, et al., Appellants.	Edward L. Bailey Robert C. Johnson	Riley
68,600	State of Kansas, Appellee, v. Watson Kevin Bradford, Appellant.	Robert T. Stephan, Atty. Gen. Frank E. Kohl, Co. Atty. Jessica R. Kunen, Chief Appellate Defender	Leavenworth
68,606	State of Kansas, Appellee, v. Rose Marie Smith, Appellant.	Robert T. Stephan, Atty. Gen. Mary McDonald, Co. Atty. Rebecca E. Woodman, Asst. Appellate Defender	Harvey

Friday, October 29, 1993

9:00 a.m.

Case No.	Case Name	Attorneys	County
67,312	In the Matter of the Marriage of Aileen M. Cray, Appellant, v. Thomas M. Cray, Appellee.	Stephen J. Blaylock Jake W. Brooks	Finney On Petition for Review
69,393	In the Matter of Bradley A. Pistotnik, Respondent.	Stanton A. Hazlett, Deputy Disc. Admin. Bradley A. Pistotnik, <i>pro se</i> Michael A. Barbara	Original
70,100	In the Matter of George Robert Deeds, Respondent.	Martha M. Snyder, Deputy Disc. Admin. George Robert Deeds, <i>pro se</i> D. Lee McMaster	Original
70,101	In the Matter of Michael J. Waite, Respondent.	Martha M. Snyder, Deputy Disc. Admin. Michael J. Waite, <i>pro se</i>	Original

Carol G. Green  
 Clerk of the Appellate Courts

Doc. No. 013978

State of Kansas

**State Corporation Commission**

**Notice of Motor Carrier Hearings**

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

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3146. Anyone needing special accommodations shall give notice to the commission 10 days prior to the scheduled hearing date.

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

**Applications set for October 26, 1993**

**Application for Extension of Certificate of Convenience and Necessity:**

Kenneth Augustine, dba ) Docket No. 137,253 M  
 Augustine & Son )  
 640 Scott )  
 Saline, KS 67401 ) MC ID No. 106182

Applicant's Attorney: None

*General commodities (except household goods, hazardous materials and classes A and B explosives),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Ralph Eissler, dba ) Docket No. 187,726 M  
 Ralph Eissler Trucking )  
 Route 1, Box 129 )  
 Quenemo, KS 66528 ) MC ID No. 147744

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

*Grain, feed, feed ingredients, fertilizer, fertilizer materials, seeds, livestock, machinery and building materials (restricted against the transportation of hazardous materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Abandonment of Certificate of Convenience and Necessity:**

5-S Trucking, Inc. ) Docket No. 141,081  
 Route 1, Box 135 )  
 Ransom, KS 67572-9744 ) MC ID No. 117049

Applicant's Attorney: None

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Audie L. Karst, dba ) Docket No. 187,725 M  
 Karst Harvesting, Farming )  
 & Trucking )  
 1665 N. Main )  
 Russell, KS 67665 ) MC ID No. 148816

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

*Livestock, hay, grain, feed, feed ingredients, fertilizer, salt, seeds, building and construction materials, fencing materials and machinery (restricted, however, to transport no hazardous materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Miller Truck Line, Inc. ) Docket No. 188,908 M  
 Route 4, Box 112 )  
 Emporia, KS 66801 ) MC ID No. 148817

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

*Livestock, hay, grain, feed, feed ingredients, seeds, dry fertilizer, salt, building and construction materials, fencing materials and machinery (restricted, however, to transport no hazardous materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

M.J. Murphy Oil ) Docket No. 187,724 M  
 Company, Inc. )  
 Route 1, Box 116 )  
 Moline, KS 67353 ) MC ID No. 145407

Applicant's Attorney: Joseph Weiler, 2101 S.W. 21st, P.O. Box 237, Topeka, KS 66601-0237

*Fuel oil, gasoline, grease, tires, tubes, lubricating oil and anti-freeze,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Hubert E. Parks, dba ) Docket No. 188,910 M  
 H.E.P. Trucking )  
 407 N. McPherson Road )  
 Burrton, KS 67020 ) MC ID No. 148819

Applicant's Attorney: None

*General commodities (except household goods, classes A and B explosives and hazardous materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Contract Carrier Permit:**

Robinson Oil Company ) Docket No. 188,907 M  
 710 VFW Road )  
 Garden City, KS 67846 ) MC ID No. 114240

Applicant's Attorney: John Jandera, 2101 S.W. 21st, P.O. Box 237, Topeka, KS 66601-0237

*Commodities in bulk,*

Between all points and places in the counties of Finney and Scott, on the one hand, and on the other, between all points and places in the state of Kansas.

Under contract with Reeves Agri-Energy, Inc., Garden City, Kansas.

\*\*\*\*

Application for Certificate of Convenience and Necessity:

Wayne Spencer, dba ) Docket No. 187,727 M
Big T Hotshot Service )
Route 1, Box 18 )
Liberal, KS 67901 ) MC ID No. 149530

Applicant's Attorney: None

All general products (excluding classes A and B explosives and household goods),

Between all points and places in the state of Kansas.

\*\*\*\*

Application for Certificate of Convenience and Necessity:

Tom Talley, dba ) Docket No. 187,728 M
Tom Talley Trucking )
Route 1, Box 1 )
Tyrone, OK 73951 ) MC ID No. 149597

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

Livestock, hay, grain, feed, feed ingredients, seeds, salt, fertilizer, building and construction materials, fencing materials, machinery, food and related articles (restricted, however, to transport no hazardous materials),

Between all points and places in the state of Kansas.

\*\*\*\*

Application for Certificate of Convenience and Necessity:

Donna Unruh, dba ) Docket No. 188,909 M
Prince Trucking )
910 Avenue E )
Dodge City, KS 67801 ) MC ID No. 148818

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

Grain, feed, feed ingredients, fertilizer, fertilizer materials, livestock, seeds, building and construction materials, and machinery (restricted against the transportation of hazardous materials),

Between all points and places in the state of Kansas.

\*\*\*\*

Application for Abandonment of Certificate of Convenience and Necessity:

Melvin L. Wadlinger, Jr. and ) Docket No. 180,744 M
Jean F. Wadlinger, dba )
Sterling Limousine )
2501 N. Estates Drive )
Arkansas City, KS 67005 ) MC ID No. 142157

Applicant's Attorney: None

Don Carlile
Administrator
Transportation Division

Doc. No. 013995

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction November 12 the following improvements located in Pottawatomie County, Kansas, described as follows:

- 1. 10:30 a.m. - Tr. 88, 1,056 sq. ft. one story house—LR, 3BR, Kit, 1 bath with 1 car attached garage. Partial bsmt. (13075 Hwy. 24)
2. 11:30 a.m. - Tr. 18, 1,104 sq. ft. ranch type house—LR, 2 BR, DR, Kit, 1 bath, breezeway between a 1 car attached garage and a 2 car attached garage. Full bsmt. (11005 Hwy. 24)
3. 2-car detached garage with carport to be sold separately

The properties can be inspected November 1 from 10:30 to 11 a.m. and 30 minutes prior to their sale.

The successful bidders will be required to remove the structures from the right of way on or before December 12, 1993. A performance bond of \$2,500 each for item 1 and item 2 and a \$1,000 performance bond for item 3 must be posted on the day of the sale as a guarantee of removal of the structures. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchasers shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Department of Transportation for the sale price paid after said date. Purchasers shall not permit use or occupancy of said structures pending removal from highway right of way.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap, or national origin.

Terms of the Sale

Money order, certified check or cashier's check for full price, payable to "Secretary of Transportation." The purchaser will receive a bill of sale only.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information contact Beverly Lee, Bureau of Right of Way, (913) 296-6933.

Michael L. Johnston
Secretary of Transportation

Doc. No. 013982

State of Kansas

**Kansas Arts Commission**

**Notice of Northwest Kansas Regional Meeting**

Information about funding programs and opportunities available to rural communities from the Kansas Arts Commission will be offered October 20. This informational meeting for rural communities in Northwest Kansas will be presented from 10 a.m. to 5 p.m. at the Gateway Center, located at the intersection of U.S. 36 and U.S. 83 in Oberlin.

The presenter will be the Rural Arts Circuit Rider, Mandy Doolittle. The services offered through the circuit rider are part of a technical assistance partnership between the commission and the Cooperative Extension Service at Kansas State University in Manhattan.

The meeting is co-hosted by the Oberlin Arts and Humanities Commission and the Decatur County Extension Service. There is no fee to attend.

The circuit rider will make appointments to meet individually with interested groups during the afternoon. For more information or to schedule an appointment, call the circuit rider at (913) 532-6624.

The Grassroots Cultural Development Program provides grant opportunities for rural and underserved communities. It is designed to provide a long-term impact on local cultural life and to support arts events originating from local and community resources and initiatives. The program seeks to develop a network of artists and art organizers in underserved communities and to inform them about other state, regional and federal resources.

Other topics to be addressed by the circuit rider include arts and education, design arts and capital aid for arts facilities, and funding opportunities for individual artists.

This is the second in a series of regional meetings for rural communities in Kansas. Any interested persons or organizations—including local government, community colleges, chambers of commerce, extension services, libraries, historical societies, etc.—within the northwest quadrant of the state are encouraged to attend.

For guidelines and application forms, contact the Kansas Arts Commission, Jayhawk Tower, 700 S.W. Jackson, Suite 1004, Topeka 66603-3758; (913) 296-3335. Persons with special communication needs may use the Kansas Relay Service, 1-800-766-3777.

Funding for the Kansas Arts Commission is provided through an appropriation to the commission by the 1993 Kansas Legislature and by grants from the National Endowment for the Arts, a federal agency.

Dorothy L. Ilgen  
Executive Director

Doc. No. 014006

State of Kansas

**Kansas Arts Commission**

**Notice of Advisory Panel Meeting for Salary Assistance Program**

An advisory panel of the Kansas Arts Commission will meet October 15 to review applications from local arts agencies seeking funding assistance to hire a first-time executive director or expand an existing position.

The panel for the Salary Assistance Program will convene at 1 p.m. in the third-floor hearing room at the State Corporation Commission, 1500 S.W. Arrowhead, Topeka. Meetings of the commission, a state agency, and of its advisory panels are open to public observation.

This two-year program is designed to help local arts agencies in Kansas provide salary, benefits, and travel support for first-time or expanded executive director positions.

The fiscal year 1994 Salary Assistance Program is funded by a grant to the commission from the National Endowment for the Arts, a federal agency.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 S.W. Jackson, Suite 1004, Topeka 66603-3758; (913) 296-3335. Persons with special communication needs may use the Kansas Relay Service, 1-800-766-3777.

Dorothy L. Ilgen  
Executive Director

Doc. No. 014005

(Published in the Kansas Register, October 7, 1993.)

**Notice of Redemption  
Shawnee County, Kansas  
Single Family Mortgage Revenue Bonds  
Capital Appreciation Bonds, Series 1984**

Notice is hereby given that \$1,049,897.40 amount of bonds, as listed below, are called for redemption on November 1, 1993, at the price of 100 percent of the accreted value to November 1, 1993.

CUSIP #820624BMS			
Bond Number	Face Value	Amount Called	Face Value Remaining
CAR72	5,000	3,523.95	0
CAR73	5,000	3,523.95	0
CAR75	5,000	3,523.95	0
CAR1979	5,000	3,523.95	0
CAR2043	5,000	3,523.95	0
CAR2883	5,000	3,523.95	0
CAR2967	20,000	10,571.85	5,000
CAR3049	180,000	63,431.10	90,000
CAR3066	20,000	7,047.90	10,000
CAR3071	10,000	3,523.95	5,000
CAR3084	15,000	3,523.95	10,000
CUSIP #820624BN3			
CAR2046	5,000	3,352.14	0
CAR2833	10,000	3,352.14	5,000
CAR3035	5,000	3,352.14	0
CAR3047	15,000	10,056.42	0
CAR3050	230,000	83,803.50	105,000



CUSIP #820624BP8			
CAR2449	25,000	9,515.13	10,000
CAR2521	5,000	3,171.71	0
CAR2619	5,000	3,171.71	0
CAR2620	10,000	3,171.71	5,000
CAR2962	10,000	3,171.71	5,000
CAR2971	5,000	3,171.71	0
CAR3006	15,000	6,343.42	5,000
CAR3020	15,000	3,171.71	10,000
CAR3051	130,000	38,060.52	70,000
CAR3067	45,000	22,201.97	10,000
CAR3088	15,000	3,171.71	10,000
CUSIP #820624BQ6			
CAR334	5,000	3,015.29	0
CAR335	5,000	3,015.29	0
CAR2324	15,000	3,015.29	10,000
CAR2812	20,000	3,015.29	15,000
CAR2973	20,000	12,061.16	0
CAR3011	10,000	6,030.58	0
CAR3013	5,000	3,015.29	0
CAR3014	10,000	3,015.29	5,000
CAR3052	180,000	54,275.22	90,000
CAR3079	5,000	3,015.29	0
CUSIP #820624BR4			
CAR2250	5,000	2,847.91	0
CAR2700	5,000	2,847.91	0
CAR2703	5,000	2,847.91	0
CAR2771	10,000	2,847.91	5,000
CAR3053	190,000	56,958.20	90,000
CAR3081	10,000	5,695.82	0
CAR3082	15,000	5,695.82	5,000
CAR3085	15,000	5,695.82	5,000
CAR3090	10,000	2,847.91	5,000
CUSIP #820624BS2			
CAR2501	5,000	2,705.85	0
CAR2507	5,000	2,705.85	0
CAR2696	5,000	2,705.85	0
CAR2698	5,000	2,705.85	0
CAR3034	25,000	5,411.70	15,000
CAR3054	50,000	21,646.80	10,000
CAR3065	155,000	45,999.45	70,000
CUSIP #820624BTO			
CAR712	5,000	2,551.11	0
CAR736	10,000	5,102.22	0
CAR740	10,000	2,551.11	5,000
CAR2628	10,000	2,551.11	5,000
CAR2651	5,000	2,551.11	0
CAR2654	5,000	2,551.11	0
CAR2656	5,000	2,551.11	0
CAR2663	5,000	2,551.11	0
CAR2974	30,000	5,102.22	20,000
CAR3036	15,000	7,653.33	0
CAR3042	10,000	2,551.11	5,000
CAR3061	15,000	5,102.22	5,000
CAR3068	20,000	5,102.22	10,000
CAR3077	130,000	28,062.21	75,000
CAR3092	5,000	2,551.11	0
CUSIP #820624BU7			
CAR2160	10,000	2,422.43	5,000
CAR2408	5,000	2,422.43	0
CAR2410	5,000	2,422.43	0
CAR2802	5,000	2,422.43	0
CAR3041	15,000	4,844.86	5,000
CAR3044	15,000	2,422.43	10,000
CAR3056	90,000	21,801.87	45,000
CAR3074	15,000	2,422.43	10,000
CAR3083	10,000	2,422.43	5,000
CAR3087	110,000	31,491.59	45,000
CUSIP #820624BV5			
CAR2169	5,000	2,279.85	0
CAR2172	5,000	2,279.85	0
CAR2173	5,000	2,279.85	0

CAR2211	25,000	11,399.25	0
CAR2741	5,000	2,279.85	0
CAR3057	190,000	50,156.70	80,000
CUSIP #820624BW3			
CAR1025	5,000	2,163.55	0
CAR2965	20,000	4,327.10	10,000
CAR3058	180,000	49,761.65	65,000
CAR3078	45,000	4,327.10	35,000
CAR3089	30,000	6,490.65	15,000
CUSIP #820624BX1			
CAR1136	5,000	2,032.61	0
CAR2062	5,000	2,032.61	0
CAR2455	5,000	2,032.61	0
CAR2457	5,000	2,032.61	0
CAR2781	75,000	18,293.49	30,000
CAR2936	30,000	8,130.44	10,000
CAR3038	5,000	2,032.61	0
CAR3059	115,000	26,423.93	50,000
CAR3075	5,000	2,032.61	0
CUSIP #820624BY9			
CAR1268	10,000	1,927.79	5,000
CAR1272	10,000	1,927.79	5,000
CAR2228	30,000	1,927.79	25,000
CAR2254	5,000	1,927.79	0
CAR2268	20,000	1,927.79	15,000
CAR2472	5,000	1,927.79	0
CAR2886	25,000	3,855.58	15,000
CAR3032	15,000	5,783.37	0
CAR3046	20,000	3,855.58	10,000
CAR3060	140,000	34,700.22	50,000
CUSIP #820624BZ6			
CAR1332	5,000	1,807.90	0
CAR1338	5,000	1,807.90	0
CAR1340	5,000	1,870.90	0
CAR1341	5,000	1,807.90	0
CAR1343	5,000	1,807.90	0
CAR1346	5,000	1,807.90	0
CAR1347	5,000	1,807.90	0
CAR2018	15,000	1,807.90	10,000
CAR2928	15,000	3,615.80	5,000
CAR3031	10,000	3,615.80	0
CAR3037	30,000	5,423.70	15,000
CAR3048	85,000	14,463.20	45,000
CAR3063	30,000	5,423.70	15,000
CAR3076	25,000	3,615.80	15,000
CAR3086	15,000	5,423.70	0

On November 1, 1993, all bonds designated for redemption will become due and payable upon presentation thereof at the address given below. On or after November 1, 1993, interest on the principal amount called for redemption shall cease to accrue. The bonds, along with IRS form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the following address: Mercantile Bank, Corporate Trust Department-Paying Agent Section, 7th and Washington, One Mercantile Center, 17th Floor, St. Louis, MO 63101.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of principal on municipal securities will be obligated to withhold 31 percent of the payment of principal to holders who have failed to provide the paying agent with a valid taxpayer identification number. Holders of the above described securities will avoid such withholding by providing a certified taxpayer identification number when presenting securities for payment.

Shawnee County, Kansas

Doc. No. 013988

(Published in the Kansas Register, October 7, 1993.)

**Abbreviated Notice of Bond Sale**  
**\$4,910,000**  
**Public Building Commission**  
**of Johnson County, Kansas**  
**Lease Purchase Revenue Bonds**  
**Series 1993C**

**Sealed Bids**

Bids, submitted in a sealed envelope marked "Bond Bid" and addressed to the undersigned, finance officer of the Public Building Commission of Johnson County, Kansas (the PBC), at the Johnson County Administration Building, 2nd Floor, 111 S. Cherry, Suite 2500, Olathe, KS 66061-3441, will be accepted until 9 a.m. C.D.T. on Thursday, October 14, 1993, for the purchase of the PBC's Lease Purchase Revenue Bonds, Series 1993C, in the principal amount of \$4,910,000, as hereinafter described. All bids will be publicly opened and acted upon by the PBC immediately thereafter. No oral or auction bids will be considered.

Bidders may mail or deliver a bid in person to the finance officer, Johnson County Administration Building, or telephone or telefax a bid to the PBC prior to said time and date. Bidders who transmit their bid by telephone or telefax must: (a) send a blank copy of the official proposal form for the bonds in time to be received by the PBC not less than two business days prior to the date of sale; (b) the blank proposal must provide the name and telephone number of the authorized representative of the lead manager of each account signed by such representative and must list the members of the account on the back thereof. On the day of the sale, at least 15 minutes prior to the time of sale, the authorized representative of the account may transmit to the finance officer, by telephone or telefax, the bid for the bonds. The signed proposal will be completed by the finance officer with such information. Telephone bids must be made to either of the following telephone numbers: (913) 764-8484, extension 5534 or (913) 764-8484, extension 5440. Telefax transmissions must be sent to the following number: (913) 791-5284. The PBC will not accept responsibility for inaccurate bids submitted through the telephone or telefax, including garbled transmissions or the inability of a bidder to access the telephone or telefax number prior to the indicated sale time.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, will be dated November 1, 1993, will be issued in the principal amount of \$4,910,000, under certain conditions or events will be subject to redemption prior to maturity and will become due serially on September 1 in each of the years as follows:

Maturity	Principal Amount
September 1 1994	\$260,000
1995	225,000
1996	250,000
1997	250,000

1998	250,000
1999	250,000
2000	250,000
2001	225,000
2002	250,000
2003	250,000
2004	250,000
2005	250,000
2006	250,000
2007	225,000
2008	250,000
2009	250,000
2010	250,000
2011	250,000
2012	250,000
2013	225,000

The bonds will bear interest from their date at rates to be determined when the bonds are sold as herein provided, which interest will be payable semiannually on March 1 and September 1 in each year, commencing March 1, 1994.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$98,200, payable to the order of the PBC, must accompany each bid for the bonds.

**Costs**

The PBC will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Burke, Williams, Sorensen & Gaar, bond counsel, approving the legality of the bonds and the exclusion of the interest (with specified minor exceptions) thereon from federal and Kansas gross income taxes.

**Security for the Bonds**

The bonds are special obligations of the PBC payable as to both principal and interest from lease payments received from Johnson County, Kansas, by the PBC for the county's use of certain public facilities located within the county. Application has been made to Moody's Investors Service for a rating on the bonds.

**Bid Forms**

All bids must be made on forms which may be procured from the finance officer. No additions or alterations in such forms may be made and any erasures may cause rejection of any bid. The PBC reserves the right to waive irregularities and to reject any and/or all bids.

**Additional Information**

A complete notice of bond sale, preliminary official statement and bid form approved by the PBC will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the finance officer, Johnson County Administration Building, Olathe, KS 66061-3441, (913) 764-8484, extension 5534.

Public Building Commission  
of Johnson County, Kansas  
By: Ronald F. Cousino  
Finance Officer  
Administration Building  
Olathe, KS 66061-3441  
(913) 764-8484, extension 5534

Doc. No. 013994

(Published in the Kansas Register, October 7, 1993.)

**Summary Notice of Bond Sale  
Cloud County, Kansas  
\$700,000**

**General Obligation Refuse Disposal Bonds  
Series 1993**

(General obligation bonds payable from  
unlimited ad valorem taxes)

**Sealed Bids**

Subject to the notice of bond sale dated September 27, 1993, sealed bids will be received by the clerk of Cloud County, Kansas (the issuer), on behalf of the governing body at the county courthouse, 811 Washington, Concordia, KS 66901, until 11 a.m. C.D.T. on October 14, 1993, for the purchase of \$700,000 principal amount of General Obligation Refuse Disposal Bonds, Series 1993. No bid of less than the entire par value of the bonds, except a discount of not greater than 1.5 percent of the 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 October 1, 1993, and will become due on October 1 in the years as follows:

**Serial Bonds**

Year	Principal Amount
1994	\$50,000
1995	60,000
1996	60,000
1997	65,000
1998	65,000
1999	70,000
2000	75,000
2001	80,000
2002	85,000
2003	90,000

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 \$14,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before October 28, 1993, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1993 is \$51,879,177. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$700,000.

**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 Betty L. Musick, county clerk, (913) 243-8110.

Dated September 27, 1993.

Cloud County, Kansas

Doc. No. 013987

(Published in the Kansas Register, October 7, 1993.)

**Notice of Bond Sale**

**\$27,260,000\***

**General Obligation Refunding Bonds,  
Series 1993-B**

**of Unified School District 229  
Johnson County, Kansas (Blue Valley)**

Unified School District 229, Johnson County, Kansas, will receive sealed bids addressed to Diane Harris, District Clerk, District Office, 15020 Metcalf, P.O. Box 23901, Overland Park, KS 66223, (913) 681-4000, until noon C.D.T. on Wednesday, October 13, 1993, for the purchase of \$27,260,000\* General Obligation Refunding Bonds, Series 1993-B, of the school district, at which time and place such bids will be publicly opened and read. The bids will be reviewed and acted upon by the Board of Education at a meeting to be held that same evening.

**Terms of the Bonds**

The bonds will be dated October 15, 1993, and will mature serially on September 1 in the years and in the amounts set forth below. The bonds will consist of fully registered certificated or uncertificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing on the same maturity date. Interest will be payable semiannually on March 1 and September 1, beginning March 1, 1994 (the interest payment dates).

Amount	Maturity
\$2,150,000	09/01/02
2,250,000	09/01/03
2,350,000	09/01/04
2,465,000	09/01/05
2,590,000	09/01/06
2,715,000	09/01/07
2,855,000	09/01/08

(continued)

3,005,000	09/01/09
3,175,000	09/01/10
3,355,000	09/01/11
350,000	09/01/12

\* Subject to change as provided under "Adjustment of Issue Size" herein.

Bonds maturing on September 1, 2004, and thereafter will be subject to redemption prior to maturity at the option of the school district, as a whole or in part, on September 1, 2003, or on any interest payment date thereafter, at the redemption price of 100 percent of the principal amount of bonds redeemed plus accrued interest to the redemption date. In the event of partial redemption, the amount of bonds of each maturity to be redeemed will be determined by the school district.

The principal of the bonds will be payable at the principal office of the Kansas State Treasurer (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds will be payable to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month preceding each interest payment date (the record dates). The fees of the bond registrar for registration and transfer of the bonds will be paid by the school district.

#### Security

The bonds will be general obligations of the school district, and the principal of and interest thereon will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property within the territorial limits of the school district.

#### Municipal Bond Insurance

The school district has applied for and expects to receive a commitment for municipal bond insurance from a nationally-recognized municipal bond insurance provider. The insurance policy, when issued, will cause the bonds to receive a rating of "AAA" by Standard and Poor's Corporation and a rating of "Aaa" by Moody's Investors Service, Inc. The premium for such insurance will be paid by the school district. All bids shall be conditioned upon the issuance, effective as of the date on which the bonds are issued, of a policy of insurance guaranteeing the payment of principal of and interest on the bonds.

#### Condition of Bids

Bids will be received for the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate will apply to all bonds of the same maturity. Each interest rate specified will be a multiple of  $\frac{1}{8}$ th or  $\frac{1}{20}$ th of 1 percent. The difference between the highest and lowest rates specified in any bid will not exceed 3 percent. No interest rate will exceed the maximum interest rate allowed by Kansas law, said rate being the weekly index of treasury bonds published in *The Bond Buyer* in New York, New York, on October 11, 1993, plus 2 percent. No bid of less than the entire par value of the bonds, except a discount not

to exceed 1.25 percent of the principal amount of the bonds, and accrued interest will be considered. The successful bidder will initially reoffer the bonds at dollar prices equal to or greater than 100 percent of the principal amount of the bonds.

#### Bid Form and Good Faith Deposit

Bids will be submitted on the official bid form furnished by the school district, and will be addressed to Diane Harris, District Clerk, District Office, 15020 Metcalf, P.O. Box 23901, Overland Park, KS 66223, and will be plainly marked "Bond Bid." Each bid will specify the total interest cost to the school district on the basis of such bid, the premium, if any, the discount, if any, and the net interest cost. Each bid will also certify the issue price for each maturity (see "Certification as to Offering Prices" herein).

Each bid must be accompanied by a certified or cashier's check equal to \$545,200, made payable to Unified School District 229, Johnson County, Kansas. The check of the bidder whose bid is accepted will be deposited into an account of the school district and applied toward the purchase price of the bonds on the day of delivery. In the event a bidder whose bid is accepted fails to carry out the contract to purchase the bonds, said deposit will be retained by the school district as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

#### Basis of Award

The school district reserves the right to reject any and/or all of the bids and to waive any irregularities. Following the opening of the bids, the low bidder will be designated by a representative of the district. The low bidder will be the bidder whose bid will result in the lowest "true interest cost" ("TIC" or the "Canadian Method"), determined as follows: The TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the bonds, from the payment dates to November 10, 1993 (the date of delivery), produces an amount equal to the price bid, including premium or discount, if any, and including interest accrued to the date of delivery. Payments of principal and interest on the bonds will be based on the principal amounts set forth in this notice and the interest rates specified by each bidder. Present value will be computed on the basis of semi-annual compounding and a 360-day year of 12 30-day months. No bidder will be designated as the low bidder or as the successful bidder unless its bid shall be in compliance with the other terms and conditions of this notice. In the event that two or more bidders offer bids at the same lowest TIC, a representative of the district will determine by lot which bidder will be designated as the low bidder.

The bonds, if awarded, will be awarded to the low bidder (hereinafter, the "successful bidder") at a meeting of the Board of Education of the district to be held in the evening on October 13, 1993, at the district office. The successful bidder must pay accrued interest, computed on a 360-day year basis, from the date of the bonds to the date of delivery. Bidders are requested

to supply an estimate of the TIC for the bonds on the official bid form described in this notice, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the bidder or the board.

#### Adjustment of Issue Size

The district reserves the right on the date of the award to, in its sole discretion, increase or decrease the total principal amount of the bonds, depending on the interest rates bid and the issue prices specified, in order to properly structure the escrow account for the bonds to be refunded. Principal maturities will be increased or decreased at the discretion of the district. The aggregate size of the issue will be increased or decreased by not more than 15 percent. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the bonds as described herein. In the event there is an increase or decrease in the final aggregate principal amount of the bonds or in the principal amount per maturity as described above, the successful bidder will be notified in writing of such increases or decreases. The net production as a percentage of the par amount of bonds generated from the bid of the successful bidder will not be decreased as a result of any change in the aggregate principal amount of the bonds or in the principal amount per maturity.

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, which opinion will be furnished and paid for by the school district and printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also include the opinion of bond counsel relating to the exclusion of the interest on the bonds from gross income for federal and Kansas income tax purposes. Reference is made to the preliminary official statement for further discussion of federal and Kansas income tax matters relating to the interest on the bonds.

#### Delivery of the Bonds

The number and denominations of bonds and names of the registered owners to be shown on the bonds initially delivered must be submitted in writing by the successful bidder to the bond registrar not later than November 1, 1993.

The successful bidder will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds will be made in Federal Reserve funds or other immediately available funds not later than 10 a.m. C.S.T. on the day of delivery. Delivery of the bonds will be made to the successful bidder on November 10, 1993, or on such other date as may be agreed upon by the district and the successful bidder, at such lo-

cation as may be specified by the successful bidder. The purchase price, including accrued interest from the date of delivery, will be paid at delivery or the good faith deposit will be forfeited.

#### Certification as to Offering Prices

To provide the school district with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, the successful bidder will be required to complete, execute and deliver to the district prior to the delivery of the bonds, a certificate regarding the "issue price" of the bonds (as defined in Section 148 of the code), reflecting the initial offering prices (excluding accrued interest and expressed as dollar prices) at which a substantial amount (i.e., 10 percent or more) of the bonds of each maturity have been or are expected to be sold to the public. Such issue prices must also be inserted in the official bid form when a bid for the bonds is submitted. The term "public" excludes bond houses, brokers or similar persons, or organizations acting in the capacity of underwriters or wholesalers. Such certificate shall state that 10 percent or more of the bonds of each maturity have been or are expected to be sold to the public at prices no higher than such initial offering prices. However, such certificate may indicate that the successful bidder will not reoffer the bonds for sale.

#### CUSIP Identification Numbers

CUSIP identification numbers will be printed on the bonds. All expenses in relation to printing of CUSIP numbers on the bonds and the expenses charged by the CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the school district.

#### Preliminary Official Statement and Official Statement

The school district has prepared a preliminary official statement dated October 1, 1993, copies of which may be obtained from the undersigned or the district's financial advisor. The preliminary official statement is in a form "deemed final" by the district for purposes of Rule 15c2-12(b)(1) of the Securities and Exchange Commission. Upon the sale of the bonds, the board will approve the final official statement and will furnish the successful bidder a reasonable number of copies thereof without additional cost. Additional copies may be ordered at the successful bidder's expense.

#### Information

Additional copies of this notice of bond sale, the official bid form or further information may be obtained from George K. Baum & Company, Twelve Wyandotte Plaza, Kansas City, MO 64105, (816) 474-1100, the school district's financial advisor.

Dated October 1, 1993.

Unified School District 229  
Johnson County, Kansas  
by Diane Harris, Clerk  
Board of Education

Doc. No. 013993

(Published in the Kansas Register, October 7, 1993.)

**Notice of Bond Sale**  
**\$65,000**  
**General Obligation Bonds**  
**Series A, 1993**  
**of the**  
**City of Paola, Kansas**  
**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Sealed Bids**

Sealed bids will be received by the undersigned, clerk of the city of Paola, Kansas (the issuer), on behalf of the governing body at the Paola City Hall, 19 E. Peoria St., Paola, Kansas, until 4 p.m. C.D.T. (the submittal hour), on October 26, 1993, for the purchase of \$650,000 principal amount of General Obligation Bonds, Series A, 1993, of the issuer. All bids will be publicly opened and read and will be acted upon by the governing body at its meeting to be held at 4:30 p.m. on the date of sale, October 26, 1993, at the Paola Cultural Center, 905 E. Wea, Paola. No oral or auction bids 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 October 1, 1993, and will become due on October 1 in the years as follows:

Year	Principal Amount
1994	\$50,000
1995	\$50,000
1996	\$50,000
1997	\$60,000
1998	\$60,000
1999	\$70,000
2000	\$70,000
2001	\$80,000
2002	\$80,000
2003	\$80,000

The bonds will bear interest from the date thereof at the 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.

**Place of Payment and Bond Registration**

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

The issuer will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond

blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

**Redemption of Bonds Prior to Maturity**

The bonds will not be callable prior to maturity.

**Authority, Purpose and Security**

The bonds are being issued pursuant to K.S.A. 12-685 *et seq.*, as amended, for the purpose of paying the cost of construction of certain city streets. The bonds shall be general obligations of the issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the issuer. The full faith, credit and resources of the issuer are irrevocably pledged for the prompt payment of the principal and interest on the bonds as the same become due.

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity year. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed a rate equal to the index of treasury bonds published by *The Bond Buyer*, successor to *Muni Week*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified cannot exceed 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered. Each bid must specify the total interest cost to the issuer during the term of the bonds on the basis of such bid, the premium if any, offered by the bidder, and the net interest cost to the issuer on the basis of such bid, all certified by the bidder to be correct. The issuer will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the issuer on the basis of such bid.

**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 \$13,000, payable to the order of the issuer to secure the issuer from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the issuer until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the issuer fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the

proceeds of such check will be retained by the issuer as and for liquidated damages, and the issuer reserves the right to pursue any consequential damages as a result of such default. No interest will be paid upon the successful bidder's good faith check.

#### Basis of Award

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

#### Bid Forms

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

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned clerk and marked "Proposal for the Purchase of General Obligation Bonds, Series A, 1993." Bids may be submitted by mail or delivered in person to the undersigned at Paola City Hall and must be received by the undersigned at Paola City Hall prior to the submittal hour at 4 p.m. C.D.T. on Tuesday, October 26, 1993.

#### CUSIP numbers

It is anticipated that CUSIP identification numbers will be printed on or assigned to the bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the issuer.

#### Delivery and Payment

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 December 1, 1993, at such bank or trust company as may be specified by the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the

bonds must be made in Federal Reserve funds, immediately subject to use by the issuer. The number and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners must be submitted in writing by the successful bidder to the bond registrar at least 10 days prior to the closing date. In the absence of such information, the issuer will deliver one bond per maturity registered in the name of the manager of the successful bidder.

#### Certification as to Offering Price

To provide the issuer with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, the successful bidder will be required to complete, execute and deliver to the issuer prior to the delivery of the bonds a certificate regarding the "issue price" of the bonds (as defined in Section 148 of the code), reflecting the initial offering prices (excluding accrued interest and expressed as dollar prices) at which a substantial amount (i.e., 10 percent or more) of the bonds of each maturity have been or are expected to be sold to the public. The term "public" excludes bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers. Such certificate shall state that 10 percent or more of the bonds of each maturity have been or are expected to be sold to the public at prices no higher than such initial offering prices. However, such certificate may indicate that the successful bidder will not reoffer the bonds for sale.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property, including motor vehicles, within the issuer for the year 1993 is \$19,596,995.

The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,520,000.

#### Legal Matters

The bonds will be sold subject to the approving legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, which opinion will be furnished and paid for by the issuer and will be printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also include the opinion of bond counsel relating to the exclusion of the interest on the bonds from gross income for federal income tax purposes and from computation of Kansas adjusted gross income.

#### Federal Tax Exemption

In the opinion of Gilmore & Bell, P.C., bond counsel, under existing law, the interest on the bonds is excludable from gross income for federal income tax purposes and is not an item of tax preference for purposes of federal alternative minimum tax imposed on individuals and corporations. It should be noted, however, that for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted current earnings. The opinions set forth in this paragraph are subject to the

(continued)

condition that the city comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. The city has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of interest on the bonds in gross income for federal income tax purposes retroactive to the date of issuance of the bonds. The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code.

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

#### Kansas Tax Exemption

The interest on the bonds is exempt from Kansas income taxation.

#### Other Tax Consequences

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial restrictions within the meaning of Section 265(b)(5) of the code; (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning before January 1, 1996, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year, if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain Railroad Retirement benefits to take into account, in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisors as to the applicability of these consequences.

#### Additional Information

Additional information regarding the bonds may be obtained from the city clerk, city hall, Paola, Kansas.

Dated September 14, 1993.

City of Paola, Kansas  
By Jill Ann Holmes, City Clerk  
Paola City Hall  
19 E. Peoria St.  
Paola, KS 66071  
(913) 294-2397

Doc. No. 013981

#### State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulations

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

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

(a) "Affected source" means a stationary source that includes one or more affected units subject to emission reduction requirements or limitations under title IV, acid deposition control, of the federal clean air act, 42 USC 7401 et seq.

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

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

(d) "Capture efficiency" (CE) means the amount of an air contaminant emitted from an emissions unit which is directed to an air emissions control device (ce) divided by the total emissions of the air contaminant from the emissions unit (te) expressed as a two decimal number between 0.00 and 1.00. (CE = ce/te)

(e) "Class I or class II air pollutant" means a substance subject to a standard promulgated under or established by title VI, stratospheric ozone protection, of the federal clean air act, 42 USC 7401 et seq.

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

(g) "Control device efficiency" (CDE) means the amount of an air contaminant directed to an air emissions control device or devices (ce) minus the emissions of the air contaminant emitted from the air emissions control device or devices, or otherwise re-



leased into the atmosphere, (re) divided by the amount of the air contaminant directed to the air emissions control device or devices (ce) expressed as a two decimal number between 0.00 and 1.00. (CDE = (ce-re)/ce)

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

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

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

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

(l) "Emission source" means any machine, equipment, device or other article or operation that directly or indirectly releases contaminants into the outdoor atmosphere.

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

(n) "Federally designated fugitive emissions source" means:

- (i) coal cleaning plants, with thermal dryers;
- (ii) kraft pulp mills;
- (iii) portland cement plants;
- (iv) primary zinc smelters;
- (v) iron and steel mills;
- (vi) primary aluminum ore reduction plants;
- (vii) primary copper smelters;
- (viii) municipal incinerators capable of charging more than 250 tons of refuse per day;
- (ix) hydrofluoric, sulfuric, or nitric acid plants;
- (x) petroleum refineries;
- (xi) lime plants;
- (xii) phosphate rock processing plants;
- (xiii) coke oven batteries;
- (xiv) sulfur recovery plants;
- (xv) carbon black plants that use a furnace process;
- (xvi) primary lead smelters;
- (xvii) fuel conversion plants;
- (xviii) sintering plants;
- (xix) secondary metal production plants;
- (xx) chemical process plants;
- (xxi) fossil-fuel boilers, or combination thereof, totaling more than 250 million british thermal units per hour heat input;
- (xxii) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) taconite ore processing plants;
- (xxiv) glass fiber processing plants;
- (xxv) charcoal production plants;

(xxvi) fossil-fuel-fired steam electric plants of more than 250 million british thermal units per hour heat input; or

(xxvii) any other stationary source categories regulated by a standard promulgated under section 111, new source performance standards, or section 112, hazardous air pollutants, of the federal clean air act, 42 USC 7401 et seq., but only with respect to those air pollutants that have been regulated for that category.

(o) "Hazardous air pollutant" means one or more of the following chemical pollutants:

CAS number	Chemical name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene

(continued)

94757	2,4-D, salts and esters	72435	Methoxychlor
3547044	DDE	74839	Methyl bromide (Bromomethane)
334883	Diazomethane	74873	Methyl chloride (Chloromethane)
132649	Dibenzofurans	71556	Methyl chloroform (1,1,1-Trichloroethane)
96128	1,2-Dibromo-3-chloropropane	78933	Methyl ethyl ketone (2-Butanone)
84742	Dibutylphthalate	60344	Methyl hydrazine
106467	1,4-Dichlorobenzene(p)	74884	Methyl iodide (Iodomethane)
91941	3,3-Dichlorobenzidene	108101	Methyl isobutyl ketone (Hexone)
111444	Dichloroethyl ether(Bis(2-chlorethyl)ether)	624839	Methyl isocyanate
542756	1,3-Dichloropropene	80626	Methyl methacrylate
62737	Dichlorvos	1634044	Methyl tert butyl ether
111422	Diethanolamine	101144	4,4-Methylene bis(2-chloroaniline)
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)	75092	Methylene chloride (Dichloromethane)
64675	Diethyl sulfate	101688	Methylene diphenyl diisocyanate (MDI)
119904	3,3-Dimethoxybenzidine	101779	4,4-Methylenedianiline
60117	Dimethyl aminoazobenzene	91203	Naphthalene
119937	3,3-Dimethyl benzidine	98953	Nitrobenzene
79447	Dimethyl carbamoyl chloride	92933	4-Nitrobiphenyl
68122	Dimethyl formamide	100027	4-Nitrophenol
57147	1,1-Dimethyl hydrazine	79469	2-Nitropropane
131113	Dimethyl phthalate	684935	N-Nitroso-N-methylurea
77781	Dimethyl sulfate	62759	N-Nitrosodimethylamine
534521	4,6-Dinitro-o-cresol, and salts	59892	N-Nitrosomorpholine
51285	2,4-Dinitrophenol	56382	Parathion
121142	2,4-Dinitrotoluene	82688	Pentachloronitrobenzene (Quintobenzene)
123911	1,4-Dioxane (1,4-Diethyleneoxide)	87865	Pentachlorophenol
122667	1,2-Diphenylhydrazine	108952	Phenol
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106503	p-Phenylenediamine
106887	1,2-Epoxybutane	75445	Phosgene
140885	Ethyl acrylate	7803512	Phosphine
100414	Ethyl benzene	7723140	Phosphorus
51796	Ethyl carbamate (Urethane)	85449	Phthalic anhydride
75003	Ethyl chloride (Chloroethane)	1336363	Polychlorinated biphenyls (Aroclors)
106934	Ethylene dibromide (Dibromoethane)	1120714	1,3-Propane sultone
107062	Ethylene dichloride (1,2-Dichloroethane)	57578	beta-Propiolactone
107211	Ethylene glycol	123386	Propionaldehyde
151564	Ethylene imine (Aziridine)	114261	Propoxur (Baygon)
75218	Ethylene oxide	78875	Propylene dichloride (1,2-Dichloropropane)
96457	Ethylene thiourea	75569	Propylene oxide
75343	Ethylidene dichloride (1,1-Dichloroethane)	75558	1,2-Propylenimine (2-Methyl aziridine)
50000	Formaldehyde	91225	Quinoline
76448	Heptachlor	106514	Quinone
118741	Hexachlorobenzene	100425	Styrene
87683	Hexachlorobutadiene	96093	Styrene oxide
77474	Hexachlorocyclopentadiene	1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
67721	Hexachloroethane	79345	1,1,2,2-Tetrachloroethane
822060	Hexamethylene-1,6-diisocyanate	127184	Tetrachloroethylene (Perchloroethylene)
680319	Hexamethylphosphoramide	7550450	Titanium tetrachloride
110543	Hexane	108883	Toluene
302012	Hydrazine	95807	2,4-Toluene diamine
7647010	Hydrochloric acid	584849	2,4-Toluene diisocyanate
7664393	Hydrogen fluoride (Hydrofluoric acid)	95534	o-Toluidine
123319	Hydroquinone	8001352	Toxaphene (chlorinated camphene)
78591	Isophorone	120821	1,2,4-Trichlorobenzene
58899	Lindane (all isomers)	79005	1,1,2-Trichloroethane
108316	Maleic anhydride	79016	Trichloroethylene
67561	Methanol	95954	2,4,5-Trichlorophenol
		88062	2,4,6-Trichlorophenol
		121448	Triethylamine

1582098	Trifluralin
580841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds *1
0	Glycol ethers *2
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers *3
0	Nickel Compounds
0	Polycyclic Organic Matter *4
0	Radionuclides (including radon) *5
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical as part of that chemical's infrastructure.

\*1 X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or Ca(CN)<sub>2</sub>

\*2 Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OH. Polymers are excluded from the glycol category.

\*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers, or other mineral derived fibers, of average diameter 1 micrometer or less.

\*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100-C.

\*5 A type of atom which spontaneously undergoes radioactive decay.

(p) "Indirect heating equipment" means any device in which fuel is burned to produce heat that is transferred through a heat conducting materials barrier or by a heat storage medium to a material that is to be

heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.

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

(r) "Kansas air quality regulations" means those regulations appearing at article 28-19 of the Kansas administrative regulations adopted by the secretary pursuant to K.S.A. 65-3001 et seq., and amendments thereto.

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

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

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

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

(w) "Owner or operator" means any person who owns, leases, operates, controls, or supervises an emissions unit or stationary source subject to any standard or requirement of the Kansas air quality act, K.S.A. 65-3001 et seq., or any rule and regulation promulgated thereunder.

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

(y) "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR 53.8 or by an equivalent method designated by the administrator of the U.S. environmental protection agency in accordance with 40 CFR 53.8, as amended on July 31, 1992. Appendix J

(continued)

of 40 CFR Part 50 and 40 CFR 53.8, as amended on July 31, 1992 are adopted by reference.

(z) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, or any legal successor, representative, agent or agency of the foregoing.

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

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

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

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

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

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

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

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

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

(ff) "Responsible official" means one of the following:

(1) For a corporation, a president, secretary, treasurer or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall

operation of one or more manufacturing, production or operating facilities applying for or subject to permit or other relevant regulatory requirement and either:

(A) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million, in second quarter, 1980 dollars; or

(B) the delegation of authority to such representative is approved in advance by the department;

(2) For a partnership or sole proprietorship, a general partner or the proprietor, respectively;

(3) For a municipality, state, federal or other public agency, a principal executive officer or ranking elected official. For purposes of this definition, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

(4) For affected sources, the designated representative under title IV, acid deposition control, of the federal clean air act, 42 USC 7401 et seq.

(gg) "Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

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

(ii) "Total suspended particulate" means particulate matter as measured by the method described in appendix B of 40 CFR Part 50, as in effect on July 31, 1992. Appendix B of 40 CFR Part 50 as amended on July 31, 1992 is adopted by reference.

(jj) "USEPA" means the United States environmental protection agency, or its successor.

(kk) "Waste" means garbage, refuse and other discarded materials including, but not limited to solids, semisolids, sludges, liquids and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. The term "waste" shall not include hazardous wastes which is defined in K.A.R. 28-31-3. (Authorized by and implementing K.S.A. 65-3005; effective Jan. 1, 1971, amended Jan. 1, 1972; amended, E-73-8, Dec. 27, 1972; amended Jan. 1, 1974; amended May 1, 1975; amended, T-84-39, Dec. 21, 1983; amended May 1, 1984; amended, T-85-29, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1988; amended Oct. 16, 1989; amended Nov. 22, 1993.)

**28-19-200 and 28-19-201. Reserved.**

**28-19-202. Annual emissions fee.** (a) The owner or operator of each stationary source of air emissions that has actual emissions of the type and quantity spec-

ified in subsection (b) shall pay an annual emissions fee to the department.

(b) The types of air emissions and the quantity of air emissions, determined on a calendar year basis according to K.A.R. 28-19-210, for which annual emissions fees shall be assessed are:

(1) air emissions of 100 tons per year or more of any of the following:

(A) sulfur oxides measured as sulfur dioxide;

(B) particulate matter calculated as  $PM_{10}$ , except if no emission factor or approvable method for calculating  $PM_{10}$  is available, annual emissions fees shall be assessed for total suspended particulate emissions;

(C) nitrogen oxides expressed as nitrogen dioxide; and

(D) total volatile organic compounds;

(2) air emissions of hazardous air pollutants, from source categories other than source categories specifically excluded from the USEPA notice entitled "Initial list of categories of sources under section 112(c)(1) of the clean air act amendments of 1990," 57 FR 31576, July 16, 1992;

(A) of 10 tons per year or more of any single hazardous air pollutant; or

(B) of 25 tons per year or more of any combination of hazardous air pollutants, whichever is greater.

For purposes of this subsection, actual emissions shall include fugitive emissions from federally designated fugitive emission sources. Actual emissions shall also include fugitive emissions required to be reported under the provisions of section 313 of the federal emergency planning and community right-to-know act of 1986, Title III, P.L. 99-499.

(c) The annual emissions fee shall equal the sum of the actual emissions of the pollutant or pollutants specified in subsection (b), rounded to the nearest ton, multiplied by \$18.00 per ton of emissions, subject to the following limitations:

(1) No pollutant emitted from the stationary source shall be included in the fee calculation more than one time;

(2) no emissions in excess of 4000 tons per year of any single pollutant from any stationary source shall be included in the fee calculation; and

(3) annual emission fees for a portable emissions unit or stationary source which operates both in Kansas and out-of-state shall be calculated only for emissions from the emissions unit or stationary source while operating in Kansas.

(d) Calculations of actual emissions and calculations of the annual emissions fee shall be completed on forms provided by the department.

(1) The completed forms shall be signed by a responsible official or the person most directly responsible for the compilation of the submitted information.

(2) The annual emissions fee payment shall be submitted to the department by April 1 of the year following the calendar year for which the actual emissions were determined unless a subsection (e) election is made. Timeliness of submissions shall be determined by the postmark if submitted by mail.

(3) Annual emissions fee payments shall be made by check, draft, or money order payable to the department.

(4) For purposes of liability to the department, payment of emission fees shall be the responsibility of the person or persons who are the owners or operators of the emissions unit or stationary source on the date the emissions fee is due.

(e) The owner or operator of a stationary source of air emissions subject to this regulation, that is also required to report air emissions under the provisions of section 313 of the federal emergency planning and community right-to-know act of 1986, Title III, P.L. 99-499, and K.A.R. 28-65-3, may elect to submit the annual emission fee payment required by subsection (d) for those actual emissions subject to fees under this regulation and reported under section 313, by July 1 of each year at the time of submission of the section 313 report form. Any person who elects to submit an annual emission fee as authorized by this subsection shall notify the department of the election by April 1 of the year for which the annual emission fee is due. The annual emissions fee imposed by this regulation for any air emission of a pollutant may be reduced, but not below zero, by the amount of any fee paid pursuant to K.A.R. 28-65-4, or amendments thereto, that is assessed for that specific air emission of that specific pollutant.

(f) Any owner or operator which fails to timely pay the annual emissions fee:

(1) shall pay an additional fee of \$100.00 or 1% of the annual emissions fee, whichever is greater; and

(2) beginning seven days after the department notifies the permittee in writing that the department has not received the annual emissions fee, shall pay an additional \$10 per day or .05% of the annual emissions fee per day, whichever is greater.

(g) The amount of any overpayment, as determined by the department, made by the owner or operator of a stationary source shall be credited to the annual emissions fee for subsequent years for that stationary source. (Authorized by K.S.A. 65-3005; implementing L. 1993, Ch. 13; effective Nov. 22, 1993.)

**28-19-203 through 28-19-209. Reserved.**

**28-19-210. Calculation of actual emissions.** (a) Whenever required to be determined by the Kansas air quality regulations, the quantity of actual emissions from any emissions unit or stationary source shall be calculated by the owner or operator of an emissions unit or stationary source using:

(1) Data generated from continuous monitoring systems as specified in subsection (c) of this regulation;

(2) approved emission factors as specified in subsection (d) of this regulation;

(3) material balances as specified in subsection (e) of this regulation;

(4) any other method specifically approved by the department in writing, specified in a permit issued to the owner or operator by the department for the particular emission unit or stationary source using such method, or specified in the Kansas air quality regu-

(continued)

lations for the particular emissions unit or stationary source;

(5) the potential to emit if the emission unit or stationary source fails to qualify for any other method; or

(6) any combination of the above which most accurately demonstrates actual emissions from each emissions unit.

(b) Actual emissions shall be calculated in a manner which most accurately reflects the actual emissions of each emissions unit using the best available data for that emissions unit under current operating conditions. Where a specific actual emissions calculation procedure is required for any other purpose by the Kansas air quality regulations or 40 CFR part 75, as promulgated at 58FR 3590 on January 11, 1993, that calculation procedure shall also be used to calculate actual emissions for purposes of this regulation.

(c) Data generated by continuous monitoring systems may be used to calculate actual emissions for any emissions unit if the requirements of this subsection are met.

(1) For sources subject to 40 CFR part 75, actual emissions shall be calculated as required by 40 CFR part 75.

(2) For sources not subject to 40 CFR part 75, the owner or operator shall:

(A) Obtain approval from the department prior to using data generated by a continuous monitoring system for the purpose of calculating actual emissions;

(B) develop and follow a written quality assurance procedure for the continuous monitoring system which is appropriate for purposes of this regulation as determined by the department; and

(C) submit the data to the department in a format approved by the department.

(3) For sources not subject to 40 CFR part 75, actual emissions during periods of missing data shall be calculated as follows.

(A) For periods of missing data of one hour or less, data for the hour immediately preceding the missing data and data for the hour immediately following the missing data shall be averaged and submitted to the department as actual emissions for the missing data. For purposes of this subsection, periods of operation of less than one hour between periods of missing data shall be included as part of the period of missing data.

(B) For periods of missing data of more than one hour but equal to or less than 24 consecutive hours, actual emissions reported to the department shall be the greater of:

(i) the data determined by the method specified in subsection (c)(3)(A) of this regulation; or

(ii) the average of the actual emission data for the applicable reporting time period during which the continuous monitoring system was properly operating.

(C) For periods of missing data of more than 24 consecutive hours, actual emissions shall be determined using other appropriate calculation methods specified by this regulation.

(D) For periods during upsets, start-up, shut-down, control equipment malfunctions, and other abnormal operating conditions, actual emissions shall be deter-

mined using other appropriate calculation methods specified in this regulation.

(d) Actual emissions determined using emission factors shall be calculated using the following formula:

$$\text{Actual emissions} = \text{OR} \times \text{EF} \times (1 - (\text{CE} \times \text{CDE}))^*$$

Where:

OR = the operating rate as documented through records kept at the emissions unit or stationary source. If insufficient records are kept to determine the actual operating rate of the emissions unit or stationary source during the reporting period, the operating rate shall be determined using the maximum operating capacity during the known hours of operation. If the known hours of operation cannot be determined, the hours of operation shall be the maximum number of hours the facility is permitted to operate during the reporting period.

EF = an appropriate emission factor obtained from an approved publication listed in subsection (g) unless the permittee demonstrates to the satisfaction of the department that an alternative emission factor is applicable to the relevant emissions unit or stationary source.

CE = capture efficiency of the control device emissions collection system determined according to subsection (f) of this regulation or through performance testing.

CDE = control device efficiency determined according to subsection (f) of this regulation or through performance testing.

This formula assumes a single overall control efficiency has been developed for situations where emissions are controlled by a series of air emissions control devices. If a single overall control efficiency has not been developed, actual emissions shall be calculated as follows:

$$\text{Actual emissions} = \text{OR} \times \text{EF} \times (1 - (\text{CE} \times \text{CDE}))_{D_1} \times \dots \times (1 - (\text{CE} \times \text{CDE}))_{D_n}$$

where D is an emissions control device (or devices) for which an overall control efficiency is available.

Prior approval by the department shall be obtained before the development of an alternative emission factor or control device efficiency based upon performance testing of an emissions unit or stationary source.

(e) Actual emissions determined using material balances shall be calculated using one of the following formulas:

(1) For volatile organic compound emissions;

$$\text{Actual emissions} = (Q_{\text{added}} - Q_{\text{recovered}}) \times (1 - (\text{CE} \times \text{CDE}))^*$$

(2) for sulfur dioxide emissions;

$$\text{Actual emissions} = (F_{\text{burned}} \times (\%S/100) \times \text{CF}) \times (1 - (\text{CE} \times \text{CDE}))^*$$

(3) for all other emissions for which a material balance procedure is appropriate;

$$\text{Actual emissions} = (Q_{\text{added}} - Q_{\text{consumed}} - Q_{\text{recovered}}) \times (1 - (\text{CE} \times \text{CDE}))^*$$

Where:

$Q_{\text{added}}$  = the total quantity of the regulated substance which enters the process or operation;

$Q_{\text{recovered}}$  = the total quantity of the regulated substance recovered for reuse which is not accounted for by the emission control device calculations;

$Q_{\text{consumed}}$  = the total quantity of the regulated substance which becomes an integral part of the product;

$F_{\text{burned}}$  = the quantity of sulfur containing fuel by weight;

$\%S$  = percent sulfur, by weight, in the sulfur containing fuel;

- CE = capture efficiency of the control device emissions collection system determined according to subsection (f) of this regulation or through performance testing;
- CDE = control device efficiency determined according to subsection (f) of this regulation or through performance testing; and
- CF = a conversion factor of 1.95 for coal and 2.00 for natural gas, oil and other fuels.

\* See footnote \* at subsection (d) of this regulation.

(f) Calculation of credits for actual emissions reductions due to air emission control equipment capture efficiencies and control device efficiencies may be taken in accordance with this subsection.

(1) All emissions during startup, shut down, control equipment malfunctions or by-passes, or other periods of greater than normal emissions, shall be calculated as if the emissions unit or stationary source was being operated without air emission control equipment unless a more accurate manner of calculating actual emissions is demonstrated by the owner or operator and approved by the department.

(2) Unless otherwise specifically approved in writing by the department or stated in an air quality permit issued by the department for the emissions unit or stationary source, the following air emission control equipment control device efficiencies shall be used when calculating actual emissions:

(A) Particulate matter, in the absence of information to the contrary, all particulate matter emissions from any control equipment shall be assumed to be  $PM_{10}$ .

- |  |      |
|--|------|
| (i) electrostatic precipitator or baghouse | 0.90 |
| (ii) high energy wet scrubber              | 0.80 |
| (iii) low energy wet scrubber              | 0.70 |
| (iv) cyclonic separator                    | 0.50 |

(B) Acid gases:

- |                   |      |
|-------------------|------|
| (i) wet scrubber  | 0.90 |
| (ii) dry scrubber | 0.70 |

(C) Volatile organic compounds:

- |  |      |
|--|------|
| (i) incinerator (operating at a temperature 1400° Fahrenheit or greater) | 0.98 |
| (ii) carbon absorber   | 0.95 |

(3) Unless otherwise specifically approved in writing by the department or stated in an air quality permit issued by the department for the emissions unit or stationary source, the following air emission control equipment control device capture efficiencies shall be used when calculating actual emissions:

(A) The capture efficiency for a totally enclosed emissions source operating under negative pressure shall be 1.00.

(B) The capture efficiency for an emissions source which is not totally enclosed or which is not operated under negative pressure shall be 0.50.

(4) Capture efficiencies and control device efficiencies for other types of air emission control equipment not listed in paragraphs (f)(2) and (f)(3) shall be determined by the department on a case by case basis based upon an appropriate demonstration by the owner or operator of the capture efficiency and control device efficiency of the air emission control equipment.

(5) Capture efficiencies and control device efficiencies alternative to those specified in paragraphs (f)(2) and (f)(3) may be approved by the department upon an appropriate demonstration by the owner or operator of capture efficiency and control device efficiency of the air emission control equipment.

(6) Each owner or operator which uses an air emission control equipment capture efficiency or control device efficiency, or both, when calculating actual emissions shall maintain the air emission control equipment in accordance with any applicable Kansas air quality regulation, permit requirement or manufacturer's recommendation. Beginning January 1, 1994, the owner or operator shall also keep a written log recording the date and type of action taken when performing preventive or other maintenance on the air emission control equipment. Failure of the owner or operator to maintain the air emission control equipment or to keep a written record as required by this subsection shall be considered a control equipment malfunction for purposes of subsection (f)(1).

(g) Appropriate emission factors obtained from the following publications or data bases are approved for determining emissions from emission units or stationary sources:

(1) AP-42 compilation of air pollution emission factors—4th edition—September, 1985. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(2) AIRS facility subsystem source classification codes (SCCs) and emission factor listing for criteria pollutants (EPA-450/4-90-003). United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(3) Locating and estimating air emissions from sources of acrylonitrile. EPA #450/4-84-007A, March, 1984. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(4) Locating and estimating air emissions from sources of carbon tetrachloride. EPA #450/4-84-007B, March, 1984. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(5) Locating and estimating air emissions from sources of chloroform. EPA #450/4-84-007C, March, 1984. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(6) Locating and estimating air emissions from sources of ethylene dichloride. EPA #450/4-84-007D, March, 1984. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(7) Locating and estimating air emissions from sources of nickel. EPA #450-4-84-007F, March, 1984. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(8) Locating and estimating air emissions from sources of chromium. EPA #450/4-84-007G, March,

(continued)

1984. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(9) Locating and estimating air emissions from sources of epichlorohydrin. EPA #450/4-84-007J, September, 1985. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(10) Locating and estimating air emissions from sources of vinylidene chloride. EPA #450/4-84-007K, September, 1985. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(11) Locating and estimating air emissions from sources of manganese. EPA #450/4-84-007H, September, 1985. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(12) Locating and estimating air emissions from sources of phosgene. EPA #450/4-84-007I, September, 1985. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(13) Locating and estimating air emissions from sources of ethylene oxide. EPA #450/4-84-007L, September, 1986. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(14) Locating and estimating air emissions from sources of chlorobenzenes. EPA #450/4-84-007M, September, 1986. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(15) Locating and estimating air emissions from sources of polychlorinated biphenyls (PCB's). EPA #450/4-84-007N, May, 1987. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(16) Locating and estimating air emissions from sources of polycyclic organic matter (POM). EPA #450/4-84-007P, September, 1987. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(17) Locating and estimating air emissions from sources of benzene. EPA #450/4-84-007Q, March, 1988. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(18) Estimating air toxics emissions from organic liquid storage tanks. EPA #450/4-88-004, October, 1988. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(19) Locating and estimating air toxics emissions from municipal waste combustors. EPA #450/2-89-006, April, 1989. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(20) Locating and estimating air emissions from sources of chromium (supplement). EPA #450/2-89-002, August, 1989. United states environmental protection

agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(21) Locating and estimating air emissions from sources of perchloroethylene and trichloroethylene. EPA #450/2-89-013, August, 1989. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(22) Locating and estimating air emissions from sources of 1, 3-butadiene. EPA #450/2-89-021, December, 1989. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(23) Locating and estimating air toxics emissions from sewage sludge incinerators. EPA #450/2-90-009, May, 1990. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(24) Locating and estimating air emissions from sources of formaldehyde (revised). EPA #450/4-91-012, March, 1991. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711.

(25) Locating and estimating air emissions from sources of styrene, interim report. EPA #450/4-91-029, October, 1991. United states environmental protection agency, office of air quality planning and standards, research triangle park, North Carolina 27711. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3007 and L. 1993, Ch. 13; effective Nov. 22, 1993.)

#### Article 29.—SOLID WASTE MANAGEMENT

**28-29-98. Criteria for municipal solid waste landfills.** (a) 40 CFR Part 258, as in effect June 1, 1993, exclusive of appendix I of that part, is adopted by reference.

(b) Wherever "appendix I" is referenced in 40 CFR part 258, the table titled "Appendix I to this Part 258—constituents for detection monitoring" shall be replaced with the following table:

##### Appendix I—constituents for detection monitoring

###### Geochemicals:

Alkalinity

Calcium

Chemical Oxygen Demand (COD)

Chloride

Nitrogen (Ammonia)

Potassium, dissolved

Sodium, dissolved

Sulfate

Total dissolved solids (TDS)

###### Organics:

Acetone

Benzene

Bromodichloromethane

Bromomethane

Bromoform

2-Butanone

Carbon disulfide

Carbon tetrachloride

Chlorobenzene

Chlorethane



2-Chlorethylvinyl ether  
 Chloroform  
 Chloromethane  
 Dibromochloromethane  
 1,1-Dichloroethane  
 1,2-Dichloroethane  
 1,1-Dichloroethene  
 trans-1, 2-Dichloroethene  
 1,2-Dichloropropane  
 cis-1,3-Dichloropropene  
 trans-1,3-Dichloropropene  
 Ethylbenzene  
 2-Hexanone  
 4-Methyl-2-pentanone  
 Methylene chloride  
 Styrene  
 Tetrachloroethene  
 Toluene  
 Total xylenes  
 1,1,2,2-Tetrachloroethane  
 1,1,1-Trichloroethane  
 1,1,2-Trichloroethane  
 Trichloroethene  
 Vinyl acetate  
 Vinyl chloride

(c) When used in a provision adopted from 40 CFR part 258, references to "director of an approved state" shall be replaced with "director of the division of environment" and "state director" shall be replaced with "director of the division of environment."

(d) Differences between state and federal definitions. When the same word or phrase is defined both in the Kansas statutes or regulations and in 40 CFR part 258, and are not identical, the definition prescribed in the Kansas statutes or regulations controls. (Authorized by K.S.A. 65-3406; amended by L. 1993, Ch. 274, Sec. 2; implementing K.S.A. 65-3401; effective, T-28-9-30-93, Sept. 30, 1993; effective Nov. 22, 1993.)

**28-29-99. Effective dates for municipal solid waste landfill criteria.** (a) For all municipal solid waste landfills the effective implementation date for 40 CFR Part 258 Subpart G—Financial Assurance shall be April 9, 1995.

(b) For municipal solid waste landfills disposing of less than 100 tons per day of any combination of household, commercial, or industrial waste, based on an annual average, the effective implementation date for 40 CFR Part 258 shall be April 9, 1994, unless otherwise specified. (Authorized by K.S.A. 65-3406; amended by L. 1993, Ch. 274, Sec. 2; implementing K.S.A. 65-3401; effective, T-28-9-30-93, Sept. 30, 1993; effective Nov. 22, 1993.)

#### Article 30.—WATER WELL CONTRACTOR'S LICENSE; WATER WELL CONSTRUCTION AND ABANDONMENT

**28-30-2. Definitions.** (a) "License" means a document issued by the Kansas department of health and environment to qualified persons making application therefore, authorizing such persons to engage in the business of water well contracting.

(b) "Department" means the Kansas department of health and environment.

(c) "Abandoned water well" means a water well determined by the department to be a well:

(1) whose use has been permanently discontinued;

(2) in which pumping equipment has been permanently removed;

(3) which is either in such a state of disrepair that it cannot be used to supply water, or has the potential for transmitting surface contaminants into the aquifer, or both;

(4) which poses potential health and safety hazards;

or

(5) which is in such a condition that it cannot be placed in active or inactive status.

(d) "Water well contractor" or "contractor" means any individual, firm, partnership, association, or corporation who constructs, reconstructs, or treats a water well. The term shall not include:

(1) an individual constructing, reconstructing or treating a water well located on land owned by the individual, when the well is used by the individual for farming, ranching, or agricultural purposes or for domestic purposes at the individual's place of abode; or

(2) an individual who performs labor or services for a licensed water well contractor at the contractor's direction and under the contractor's supervision.

(e) "Aquifer" means an underground formation that contains and is capable of transmitting groundwater.

(f) "Confined aquifer" is an aquifer overlain and underlain by impermeable layers. Groundwater in a confined aquifer is under pressure greater than atmospheric pressure and will rise in a well above the point at which it is first encountered.

(g) "Unconfined aquifer" is an aquifer containing groundwater at atmospheric pressure. The upper surface of the groundwater in an unconfined aquifer is the water table.

(h) "Domestic uses" means the use of water by any person or family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, or for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns.

(i) "Public water-supply well" means a well that:

(1) provides groundwater to the public for human consumption; and

(2) has at least 10 service connections or serves an average of at least 25 individuals daily at least 60 days out of the year.

(j) "Groundwater" means the part of the subsurface water which is in the zone of saturation.

(k) "Grout" means cement grout, neat cement grout, bentonite clay grout or other material approved by the department used to create a permanent impervious watertight bond between the casing and the undisturbed formation surrounding the casing or between two or more strings of casing.

(1) "Neat cement grout" means a mixture consisting of one 94 pound bag of portland cement to five to six gallons of clean water.

(2) "Cement grout" means a mixture consisting of one 94 pound bag of portland cement to an equal

(continued)

volume of sand having a diameter no larger than 0.080 inches (2 millimeters) to five to six gallons of clean water.

(3) "Bentonite clay grout" means a mixture consisting of water and commercial grouting or plugging sodium bentonite clay containing high solids such as that manufactured under the trade name of "volclay grout," or an equivalent as approved by the department.

(A) The mixture shall be as per the manufacturer's recommendations to achieve a weight of not less than 9.4 pounds per gallon of mix. Weighting agents may be added as per the manufacturer's recommendations.

(B) Sodium bentonite pellets, tablets or granular sodium bentonite may also be used if they meet the specifications listed in paragraph (k)(3) of this regulation.

(C) Sodium bentonite products that contain low solids, are designed for drilling purposes, or that contain organic polymers shall not be used.

(l) "Pitless well adapter or unit" means an assembly of parts installed below the frost line which will permit pumped groundwater to pass through the wall of the casing or extension thereof and prevent entrance of contaminants.

(m) "Test hole" or "hole" means any excavation constructed for the purpose of determining the geologic, hydrologic and water quality characteristics of underground formations.

(n) "Static water level" means the highest point below or above ground level which the groundwater in the well reaches naturally.

(o) "Annular space" means the space between the well casing and the well bore or the space between two or more strings of well casing.

(p) "Sanitary well seal" is a manufactured seal installed at the top of the well casing which, when installed, creates an airtight and watertight seal to prevent contaminated or polluted water from gaining access to the groundwater supply.

(q) "Treatment" means the stimulation of production of groundwater from a water well, through the use of hydrochloric acid, muriatic acid, sulfamic acid, calcium or sodium hypochlorite, polyphosphates or other chemicals and mechanical means, for the purpose of reducing or removing iron and manganese hydroxide and oxide deposits, calcium and magnesium carbonate deposits and slime deposits associated with iron or manganese bacterial growths which inhibit the movement of groundwater into the well.

(r) "Reconstructed water well" means an existing well that has been deepened or has had the casing replaced, repaired, added to or modified in any way for the purpose of obtaining groundwater.

(s) "Pump pit" means a watertight structure which:

(1) is constructed at least two feet away from the water well and below ground level to prevent freezing of pumped groundwater; and

(2) houses the pump or pressure tank, distribution lines, electrical controls, or other appurtenances.

(t) "Grout tremie pipe" or "grout pipe" means a steel or galvanized steel pipe or similar pipe having equivalent structural soundness that is used to pump grout to a point of selected emplacement during the

grouting of a well casing or plugging of an abandoned well or test hole.

(u) "Uncased test hole" means any test hole in which casing has been removed or in which casing has not been installed.

(v) "Drilling rig registration license number" means a number assigned by the department which is affixed to each drilling rig operated by or for a licensed water well contractor.

(w) "Active well" means a water well which is an operating well used to withdraw water, or to monitor or observe groundwater conditions.

(x) "Inactive status" means a water well which is not presently operating but is maintained in such a way that it can be put back in operation with a minimum of effort.

(y) "Heat pump hole" means a hole drilled to install piping for an earth coupled water source heat pump system, also known as a vertical closed loop system. (Authorized by K.S.A. 1992 Supp. 82a-1205 and implementing K.S.A. 82a-1202, K.S.A. 1992 Supp. 82a-1205, 82a-1213; effective E-74-34, July 2, 1974; modified, L. 1975, ch. 481, May 1, 1975; amended May 1, 1980; amended May 1, 1987; amended Nov. 22, 1993.)

**28-30-3. Licensing.** (a) Eligibility. To be eligible for a water well contractor's license an applicant shall:

(1) pass an examination conducted by the department; or

(2) meet the conditions contained in subsection (c).

(b) Application and fees.

(1) Each application shall be accompanied by an application fee of \$10.00.

(2) Before issuance of a water well contractor's license, each contractor shall pay a license fee of \$100.00 plus \$25.00 for each drill rig operated by or for the contractor. These fees shall accompany the application and shall be by bank draft, check or money order payable to the Kansas department of health and environment—water well licensure.

(c) Reciprocity.

(1) Upon receipt of an application and payment of the required fees from a nonresident, the secretary may issue a license, providing the nonresident holds a valid license from another state and meets the minimum requirements for licensing as prescribed in K.S.A. 82a-1207, and any amendments thereto.

(2) If the nonresident applicant is incorporated, evidence shall be submitted to the department of health and environment showing that the applicant meets the registration requirements of the Kansas secretary of state.

(3) Nonresident fees for a license shall be equal to the fee charged a Kansas contractor by the applicant's state of residence but shall not be less than \$100.00. The application fee and drill rig license fee shall be the same as the Kansas resident fees.

(d) License renewal.

(1) Each licensee shall make application for renewal of license and rig registrations before July 1 of each year by filing the proper renewal forms provided by the department and fulfilling the following requirements:

(A) payment of the annual license fee and a rig registration fee for each drill rig to be operated in the state;

(B) filing of all well records for each water well constructed, reconstructed or plugged by the licensee in accordance with K.S.A. 28-30-4 during the previous licensure period;

(C) filing a report, on a form provided by the department, of all approved continuing education units earned by the licensee during the previous licensure period;

(D) satisfying the continuing education requirements set forth in subsection (g);

(E) providing any remaining outstanding information or records requested that existed prior to the issuance of revocation of a license.

(2) Failure to comply with paragraphs (A), (B), (C), (D) and (E) above shall be grounds to revoke the existing license and terminate the license renewal process.

(e) Water well construction fee. A fee of \$5.00 shall be paid to the Kansas department of health and environment, either by bank draft, check or money order, for each water well constructed by a licensed water well contractor. The construction fee shall be paid when the contractor requests the water well record form WWC-5 from the department, or shall accompany the water well records submitted on form WWC-5 as required under K.A.R. 28-30-4. No fee shall be required for reconstructed or plugged water wells.

(f) License number. Each drill rig operated by or for a licensed water well contractor shall have prominently displayed thereon the drill rig license number, as assigned by the department, in letters at least two inches in height. Decals, paint, or other permanent marking materials shall be used.

(g) Continuing education requirements. Licensed water well contractors shall earn at least eight units of approved continuing education per year beginning with the first full year of licensure or the renewal period. One unit of continuing education shall equal 50 minutes of approved instruction except for trade shows and exhibitions which shall be counted as one unit per approved trade show and exhibition attended. (Authorized by K.S.A. 1992 Supp. 82a-1205; implementing K.S.A. 82a-1202, K.S.A. 1992 Supp. 82a-1205, 82a-1206, 82a-1207, 82a-1209; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended May 1, 1980; amended May 1, 1983; amended May 1, 1987; amended Nov. 22, 1993.)

#### Article 44.—PETROLEUM PRODUCTS STORAGE TANKS

**28-44-28. Aboveground storage tank fees.** Fees required by K.A.R. 28-44-29 shall be in the form of a check or money order made payable to the Kansas department of health and environment. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 22, 1993.)

**28-44-29. Aboveground storage tank operating permit.** (a) Before a permit for an aboveground storage tank can be obtained or renewed, the owner shall comply with the following requirements.

(1) Each aboveground storage tank shall be registered with the department as required by K.S.A. 65-34,104. Registration shall be made on forms provided by the department, and shall include the following information:

- (a) Owner's name, address, and telephone number;
- (b) facility address or location;
- (c) tank status;
- (d) tank age;
- (e) tank capacity;
- (f) tank system construction details; and
- (g) product stored.

(2) An annual registration fee of \$10.00 per tank shall be paid to the department by each owner or operator of an aboveground storage tank prior to December 31 of each year; and

(3) A late notice fee of \$10.00 shall be charged for each facility which fails to submit the required fees prior to December 31 of each year.

(b) After March 1, 1994, a regulated substance shall not be placed in an aboveground storage tank unless a valid permit is openly displayed at the facility. (Authorized by and implementing K.S.A. 65-34,105 and 65-34,106; effective Nov. 22, 1993.)

#### Article 65.—EMERGENCY PLANNING AND RIGHT-TO-KNOW

##### A. General Regulations

**28-65-1. General provisions.** (a) Any reference by these rules and regulations to standards, procedures or requirements of 40 CFR Parts 350, 355, 370 and 372 as in effect on July 1, 1992 shall constitute a full adoption by reference of the part, subpart and paragraph so referenced, including any notes and appendices associated therewith, unless otherwise specifically stated in these rules and regulations. When the same word is defined both in the Kansas statutes and in any federal regulation adopted by reference in the rules and regulations and the definitions are not identical, the definition prescribed in the Kansas statutes shall control.

(b) When used in any provisions adopted from 40 CFR Parts 350, 355, 370 and 372 as in effect on July 1, 1992:

(1) the words "the United States" shall be replaced with the words "state of Kansas";

(2) "environmental protection agency" shall be replaced with the "Kansas department of health and environment";

(3) "administrator" or "regional administrator" shall be replaced with the "secretary of the department of health and environment"; and

(4) "federal register" shall be replaced with "Kansas register." (Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended Nov. 22, 1993.)

(continued)

**28-65-2. Definitions.** (a) "Commission" means the Kansas state emergency response commission established under K.S.A. 65-5703.

(b) "Department" means the Kansas department of health and environment.

(c) "Extremely hazardous substance" means a substance listed in the appendices to 40 CFR part 355, emergency planning and notification, as in effect July 1, 1992 or on the list of Kansas reportable chemicals authorized by K.S.A. 65-5704.

(d) "Facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person, or by any person which controls, is controlled by, or under common control with, such person. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

(e) "Federal act" means Title III of the superfund amendments and reauthorization act of 1986, P.L. 99-499, and the emergency planning and community right-to-know act of 1987.

(f) "Hazardous chemical" has the meaning given to that term by 40 CFR part 370, hazardous chemical reporting: community right-to-know, as in effect July 1, 1992.

(g) "Kansas tier II form" or "tier II form" means the hazardous chemical inventory form developed by the Kansas department of health and environment.

(h) "Material safety data sheets (MSDS)" means reporting sheets required under the occupational safety and health act at 15 USC 651 et seq.; hazard communication program 29 CFR parts 1910.1200, as in effect on July 1, 1992.

(i) "Operator" means the owner or owner's designee who is director of a business, service, or industrial concern and conducts the affairs or manages an activity.

(j) "Owner" means the person in whom is vested ownership, dominion, possession or title of property; proprietor. (Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended Nov. 22, 1993.)

**28-65-3. Submitting notifications and reports.** (a) Except as provided in K.A.R. 28-65-4(e)(3), each notification and report required under sections 302, 311 and 312 of the federal act and these regulations shall be completed using the Kansas tier II form. Each notification and report required to be submitted to the commission under sections 302, 311 and 312 of the federal emergency planning and community right-to-know act shall be submitted to the right-to-know program, bureau of air and radiation of the department.

(b) The toxic chemical release inventory report required under section 313 of the federal emergency planning and community right-to-know act and these regulations shall be completed using the federal form R. Each federal form R required to be submitted to state officials under section 313 of the federal act shall be submitted to the right-to-know program, bureau of air and radiation of the department prior to July 1 of each year for the previous calendar year.

(c) Each emergency release notification submitted pursuant to the requirements of section 304 of the federal act shall be submitted to the division of emergency preparedness of the adjutant general's department.

(d) Hazardous chemical and extremely hazardous substance information submitted under the provisions of section 302, 311 and 312 of the federal act and subsection (a) of this regulation may be submitted in an alternative aggregate format that includes more than one facility if the following conditions are met.

(1) The facilities reported shall be under common ownership or a common operator.

(2) A separate listing including the names and locations of the facilities to which the Kansas tier II form is to apply shall be submitted with the report.

(3) The chemical types and quantities reported on the Kansas tier II form shall be similar and representative of those present at all facilities listed.

(4) The proposed alternative aggregate format shall have been previously reviewed and approved by the department for compliance with the requirements of these regulations.

(e) Each owner or operator of a facility required to report under this regulation shall notify the department within 60 days following:

(1) a change in the name, address, or both, of the owner or operator responsible for filing the facility report; or

(2) facility closure. (Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended, T-89-19, May 27, 1988; amended Sept. 26, 1988; amended Nov. 22, 1993.)

**28-65-4. Fees.** (a) Except as provided in subsections (d) and (e) of this regulation, each owner or operator of a facility required to report under section 312 of the federal act and K.A.R. 28-65-3 shall pay an annual report fee based upon the sum of the maximum daily quantities of extremely hazardous substances or hazardous chemicals, or both, present at the facility as reported on the Kansas tier II form. These fees shall be calculated on forms provided by the department using the tables in paragraphs (c)(1) and (c)(2) of this regulation as appropriate. The fees required under this subsection shall be submitted to the department prior to March 1 of each year at the time of submission of the Kansas tier II form.

(b) Each owner or operator of a facility required to file the toxic chemical release form required under section 313 of the federal act and K.A.R. 28-65-3 shall pay an annual report fee based upon the total quantity of chemicals released as reported on the federal form R. These fees shall be calculated on forms provided by the department using table 3 in paragraph (c)(4) of this regulation. The fees required under this section shall be submitted to the department prior to July 1 of each year at the time of submission of the federal form R.

(c) Fees payable under subsection (a) of this regulation shall be determined using tables 1 and 2 below as applicable.

(1) Fees on the total maximum daily quantity of extremely hazardous substances reported on the Kansas

tier II form required under subsection (a) shall be determined using table 1 as follows:

Table 1

Sum of the maximum daily Amounts of all extremely Hazardous substances reported (pounds)	Annual fee
0-9,999	\$25
10,000 - 999,999	\$50
1,000,000 or greater	\$150

(2) Fees on the total maximum daily quantity of hazardous chemicals reported on the Kansas tier II form required under subsection (a) shall be determined using table 2 as follows:

Table 2

Sum of the maximum daily Amounts of all hazardous Chemicals reported (pounds)	Annual fee
10,000 - 99,999	\$25
100,000 - 999,999	\$50
1,000,000 - 9,999,999	\$150
10,000,000 or greater	\$300

(3) For the purposes of this subsection the term "hazardous chemical" shall not include any extremely hazardous substances included in the calculation of fees under paragraph (c)(1); table 1, of this regulation or sand, gravel, clay, salt or brine or other similar materials as approved by the department.

(4) Fees payable under subsection (b) of this regulation on the total quantity of chemicals released reported on the federal form R shall be determined as follows:

Table 3

Sum of the total chemical Releases reported (pounds)	Annual fee
100 - 19,999	\$250
20,000 - 99,999	\$700
100,000 - 999,999	\$1,700
1,000,000 or greater	\$3,000

(d) Each owner or operator of an oil or gas well that is required to report under section 312 of the federal act and K.A.R. 28-65-3 shall pay an annual fee of \$25. For the purposes of this subsection, the term "well" shall have the meaning given such term by K.S.A. 55-150. The fee required under this section shall be submitted to the department prior to March 1 of each year at the time of submission of the information required on the Kansas tier II form.

(e) Each owner or operator of a facility that contains a petroleum underground storage tank system as defined in K.S.A. 65-34,102 that is required to report under section 312 of the federal act and K.A.R. 28-65-

3 shall be exempt from the fee requirements of subsection (a) of this regulation as applicable to petroleum fuels stored in the underground storage tanks provided;

(1) The underground storage tank system is registered under the provisions of K.A.R. 28-44-16;

(2) the owner or operator has paid an annual registration fee in compliance with K.A.R. 28-44-17; and

(3) the owner or operator has submitted the necessary information to the department on the special underground storage tank program forms provided by the department to comply with the reporting requirements of section 312 of the federal act, K.A.R. 28-65-3, and K.A.R. 28-44-16.

(f) Each owner or operator of a facility that qualifies for a fee exemption under subsection (e) of this regulation that has chemicals present other than petroleum fuels that are reportable under section 312 of the federal act and K.A.R. 28-65-3 shall pay annual report fees in compliance with subsection (a) of this regulation as applicable to the remaining chemicals.

(g) Each owner or operator of a facility that qualifies for a fee exemption under subsection (e) may elect to comply with the provisions of these regulations by submitting the Kansas tier II form in lieu of submitting the required information on the special underground storage tank program forms. Such owners or operators that elect to submit the Kansas tier II form shall calculate and pay annual report fees in compliance with subsection (a) of this regulation as applicable.

(h) Each owner or operator subject to these regulations shall not be assessed an annual report fee in total greater than \$3000 during any single report year excluding late fees.

(i) Report fees and other payments shall be paid by check, draft, or money order to the department. Any owner or operator may make an aggregate payment covering more than one facility by a single check, draft, or money order provided a statement accompanies each aggregate payment which indicates the individual facility names, addresses, and fees for each facility for which payment is made.

(j) Each owner or operator of a facility subject to these regulations shall not be charged a fee for chemical information submitted on a voluntary basis beyond that required under K.A.R. 28-65-3 provided that the optional nature of the information is clearly marked in the appropriate box on the Kansas tier II form. (Authorized by and implementing K.S.A. 65-5704; effective Nov. 22, 1993.)

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013989

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

Table with columns: Reg. No., Action, Register. Lists regulations from 1-2-30 to 1-50-2.

AGENCY 2: MUNICIPAL ACCOUNTING BOARD

Table with columns: Reg. No., Action, Register. Lists regulation 2-3-3.

AGENCY 4: BOARD OF AGRICULTURE

Table with columns: Reg. No., Action, Register. Lists regulations from 4-4-900 to 4-8-27.

Table with columns: Reg. No., Action, Register. Lists regulations from 4-8-28 to 4-17-305.

AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES

Table with columns: Reg. No., Action, Register. Lists regulations from 5-42-1 to 5-45-17.

AGENCY 7: SECRETARY OF STATE

Table with columns: Reg. No., Action, Register. Lists regulations from 7-23-8 to 7-32-1.

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

Table with columns: Reg. No., Action, Register. Lists regulations from 14-10-5 to 14-22-3.

AGENCY 17: STATE BANKING DEPARTMENT

Table with columns: Reg. No., Action, Register. Lists regulations from 17-11-21 to 17-22-1.

AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Table with columns: Reg. No., Action, Register. Lists regulations from 19-1-1 to 19-63-6.

AGENCY 20: CRIME VICTIMS COMPENSATION BOARD

Table with columns: Reg. No., Action, Register. Lists regulations from 20-1-1 to 20-2-9.

AGENCY 21: KANSAS HUMAN RIGHTS COMMISSION

Table with columns: Reg. No., Action, Register. Lists regulations from 21-34-1 to 21-80-10.

AGENCY 22: STATE FIRE MARSHAL

Table with columns: Reg. No., Action, Register. Lists regulations from 22-1-2 to 22-18-3.

Table with 3 columns: Regulation number, Action, and Register. Entries range from 22-19-1 to 22-22-1.

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Table with 3 columns: Regulation number, Action, and Register. Entries range from 25-1-8 to 25-4-4.

AGENCY 26: DEPARTMENT ON AGING

Table with 3 columns: Regulation number, Action, and Register. Entries range from 26-5-5 to 26-8-7.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Regulation number, Action, and Register. Entries range from 28-1-2 to 28-24-16.

Table with 3 columns: Regulation number, Action, and Register. Entries range from 28-25-1 to 28-39-76.

Table with 3 columns: Regulation number, Action, and Register. Entries range from 28-39-77 to 28-61-10.

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with 3 columns: Regulation number, Action, and Register. Entries range from 30-2-16 to 30-9-13.

(continued)

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
30-31-7	Amended	V. 12, p. 901, 975
30-46-10	Amended	V. 12, p. 1231

**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
36-39-1		
through		
36-39-6	New	V. 12, p. 1088-1090

**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
44-2-103	New	V. 12, p. 822
44-6-120	Amended	V. 11, p. 230
44-6-124	Amended	V. 12, p. 1154
44-6-125	Amended	V. 11, p. 231
44-6-135	Amended	V. 11, p. 231
44-6-146	New	V. 12, p. 1154
44-7-104	Amended	V. 11, p. 1830
44-7-113	Amended	V. 11, p. 316
44-7-115	New	V. 11, p. 316
44-7-116	New	V. 12, p. 1155
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
51-9-7	Amended	V. 12, p. 1399
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
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-110	Amended	V. 12, p. 1205
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 12, p. 489
60-4-103	Amended	V. 12, p. 489
60-7-106	New	V. 12, p. 1206
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 12, p. 489
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 12, p. 349
60-9-107	Amended	V. 12, p. 1206
60-11-103	Amended	V. 12, p. 350
60-11-108	Amended	V. 12, p. 1208
60-11-114	New	V. 11, p. 85
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 12, p. 489
60-12-104	Amended	V. 12, p. 1208
60-12-105	Amended	V. 12, p. 1208
60-13-101	Amended	V. 12, p. 489
60-13-113	New	V. 11, p. 85

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-3	Amended	V. 12, p. 631
63-1-4	Amended	V. 12, p. 632
63-3-10	Amended	V. 12, p. 632
63-3-11	Amended	V. 12, p. 632
63-3-19	Amended	V. 12, p. 633
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 12, p. 633

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-4-1		
through		
65-4-5	New	V. 11, p. 470, 471
65-4-3	Amended	V. 12, p. 630
65-4-4	Amended	V. 12, p. 630
65-5-1		
through		
65-5-8	New	V. 11, p. 472, 473
65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474
65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474
65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474



65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474

65-8-1 through 65-8-4	New	V. 11, p. 474, 475
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65-9-1 through 65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 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	Amended	V. 12, p. 11, 12
66-8-6	Amended	V. 11, p. 409
66-9-1	Amended	V. 12, p. 12
66-9-2	Amended	V. 12, p. 12
66-9-3	Revoked	V. 12, p. 12
66-9-4	Amended	V. 12, p. 12
66-9-5	New	V. 12, p. 12
66-10-1	Amended	V. 12, p. 13
66-10-2	Revoked	V. 12, p. 13
66-10-3	Amended	V. 12, p. 13
66-10-4	Amended	V. 12, p. 13
66-10-5	Amended	V. 12, p. 13
66-10-6	Revoked	V. 12, p. 13
66-10-7	Revoked	V. 12, p. 13
66-10-8	Revoked	V. 12, p. 13
66-10-9	Amended	V. 11, p. 409
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**

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	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**

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 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-1-16	New	V. 12, p. 439
71-1-17	New	V. 12, p. 439
71-3-3	Amended	V. 12, p. 532

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-7	Amended	V. 11, p. 847
74-5-2	Amended	V. 12, p. 1039
74-5-103	Amended	V. 11, p. 848
74-5-104	Amended	V. 11, p. 848
74-5-202	Amended	V. 12, p. 1039
74-5-203	Amended	V. 12, p. 1040
74-5-405	Amended	V. 12, p. 1040
74-5-406	Amended	V. 12, p. 1040
74-6-1	Amended	V. 12, p. 1040
74-6-2	Amended	V. 12, p. 1041
74-8-2	Amended	V. 12, p. 1041
74-8-5	Amended	V. 12, p. 1041
74-14-1	New	V. 12, p. 1041
74-14-2	New	V. 12, p. 1041

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

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 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-8-1 through 80-8-7	New	V. 12, p. 980, 981

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-1	Amended	V. 12, p. 788
81-3-3	Amended	V. 12, p. 790
81-3-4	New	V. 12, p. 790
81-5-3	Amended	V. 12, p. 790
81-5-8	Amended	V. 12, p. 791
81-5-9	Amended	V. 12, p. 791
81-5-10	New	V. 12, p. 791
81-7-1	Amended	V. 12, p. 791
81-7-2	New	V. 12, p. 794
81-11-11	Amended	V. 12, p. 794

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-228	Amended	V. 12, p. 147
82-1-232	Amended	V. 12, p. 148
82-3-401	Amended	V. 12, p. 376
82-3-401a	New	V. 12, p. 377
82-4-1	Amended	V. 12, p. 439
82-4-3	Amended	V. 12, p. 440
82-4-6d	Amended	V. 12, p. 441
82-4-8a	Amended	V. 12, p. 441
82-4-20	Amended	V. 12, p. 442
82-4-27a	Amended	V. 12, p. 442
82-4-27c	Amended	V. 11, p. 812
82-4-27e	Amended	V. 11, p. 812
82-4-27g	New	V. 11, p. 812
82-4-29	Amended	V. 12, p. 443
82-4-34	Revoked	V. 12, p. 443
82-4-35a	Amended	V. 12, p. 443
82-4-37	Amended	V. 12, p. 443
82-4-38	Revoked	V. 12, p. 443
82-4-39	Amended	V. 12, p. 443

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-13	Amended	V. 11, p. 1230
86-3-23	New	V. 11, p. 1832
86-3-24	Revoked	V. 12, p. 980
86-3-24	New	V. 11, p. 1832

**AGENCY 88: BOARD OF REGENTS**

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
88-10-4	Amended	V. 12, p. 631
88-11-5	Amended	V. 12, p. 631
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**

Reg. No.	Action	Register
91-1-27d	New	V. 11, p. 765
91-1-30	Amended	V. 12, p. 579
91-1-80	Amended	V. 12, p. 580
91-1-102a	New	V. 12, p. 581
91-1-104b	New	V. 12, p. 582
91-1-104c	New	V. 12, p. 582
91-1-110a	Amended	V. 12, p. 582
91-1-110c	New	V. 12, p. 583
91-1-112c	New	V. 12, p. 583
91-1-112d	New	V. 12, p. 584
91-1-113b	New	V. 12, p. 584
91-5-2	Amended	V. 11, p. 1144
91-5-7	Amended	V. 11, p. 1584
91-12-22	Amended	V. 12, p. 585
91-12-23	Amended	V. 12, p. 589
91-12-24a	Amended	V. 12, p. 590
91-12-27	Amended	V. 12, p. 590
91-12-28	Amended	V. 12, p. 590
91-12-30	Amended	V. 12, p. 591
91-12-33	Amended	V. 12, p. 591
91-12-37	Amended	V. 12, p. 591
91-12-40	Amended	V. 12, p. 592
91-12-41	Amended	V. 12, p. 593
91-12-44	Amended	V. 12, p. 594
91-12-47	Amended	V. 12, p. 595
91-12-51	Amended	V. 12, p. 596
91-12-53	Amended	V. 12, p. 596
91-12-54	Amended	V. 12, p. 597
91-12-55	Amended	V. 12, p. 598
91-12-59	Amended	V. 12, p. 598
91-12-61	Amended	V. 12, p. 598
91-12-64	Amended	V. 12, p. 599
91-12-65	Amended	V. 12, p. 600

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-112	New	V. 11, p. 559
92-51-34	Amended	V. 11, p. 559
92-52-9	Amended	V. 11, p. 559
92-52-9a	New	V. 11, p. 560

**AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-5-1	New	V. 11, p. 554

**AGENCY 98: KANSAS WATER OFFICE**

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**

Reg. No.	Action	Register
100-11-1	Amended	V. 11, p. 1039, 1117
100-46-6	New	V. 12, p. 679
100-47-1	Amended	V. 12, p. 679
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

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**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-5-1 through 102-5-12	New	V. 12, p. 189-194

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

Reg. No.	Action	Register
105-3-2	Amended	V. 12, p. 976, 1013
105-3-9	Amended	V. 11, p. 1832
105-5-2	Amended	V. 12, p. 976, 1013
105-5-6	Amended	V. 12, p. 977, 1013
105-5-7	Amended	V. 12, p. 977, 1014
105-5-8	Amended	V. 12, p. 977, 1014
105-5-9	New	V. 12, p. 1014
105-9-5	New	V. 12, p. 1014

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-2-5	Amended	V. 12, p. 1015
109-2-8	Amended	V. 12, p. 1016
109-5-1	Amended	V. 12, p. 1018
109-9-5	New	V. 11, p. 133
109-10-2	New	V. 12, p. 1091
109-11-4	Amended	V. 12, p. 1019

**AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING**

Reg. No.	Action	Register
110-4-1 through 110-4-4	New	V. 11, p. 1176-1178, 1258-1260
110-5-1 through 110-5-6	New	V. 11, p. 1370, 1371, 1703, 1704
110-6-1 through 110-6-6	New	V. 12, p. 1294, 1295, 1489, 1490
110-6-7	New	V. 12, p. 1490

**AGENCY 111: THE KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 12, p. 1261
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20	New	V. 11, p. 199
111-2-21	New	V. 11, p. 1471
111-2-22	New	V. 11, p. 1972
111-2-23	New	V. 12, p. 113
111-2-24	Amended	V. 12, p. 912
111-2-25	New	V. 12, p. 677
111-2-26	New	V. 12, p. 1113
111-2-27	New	V. 12, p. 1370
111-3-1	Amended	V. 10, p. 1210
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 11, p. 1149

111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-4-1 through 111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6 through 111-4-15	Revoked	V. 12, p. 113
111-4-16 through 111-4-66	Revoked	V. 12, p. 113
111-4-67 through 111-4-77	New	V. 7, p. 207-209
111-4-78 through 111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 12, p. 1113
111-4-101	Amended	V. 12, p. 1113
111-4-102	Amended	V. 12, p. 1114
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 12, p. 1114
111-4-105	Amended	V. 12, p. 1114
111-4-106	Amended	V. 11, p. 1472
111-4-106a	Amended	V. 11, p. 1149
111-4-107	Amended	V. 11, p. 978
111-4-108	Amended	V. 12, p. 1114
111-4-110	Amended	V. 11, p. 978
111-4-111	Amended	V. 9, p. 1366
111-4-112	Amended	V. 12, p. 1114
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153 through 111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177 through 111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213 through 111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986
111-4-221 through 111-4-224	Revoked	V. 10, p. 1585
111-4-225 through 111-4-228	Revoked	V. 10, p. 1585
111-4-229 through 111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237 through 111-4-240	Revoked	V. 11, p. 413
111-4-241 through 111-4-244	Revoked	V. 12, p. 1371
111-4-245 through 111-4-248	Revoked	V. 12, p. 1371
111-4-249 through 111-4-256	Revoked	V. 12, p. 113, 114
111-4-257 through 111-4-286	Revoked	V. 11, p. 413, 414
111-4-287 through 111-4-300	New	V. 10, p. 883-886
111-4-287 through 111-4-290	Revoked	V. 12, p. 1371
111-4-291 through 111-4-300	Revoked	V. 12, p. 114
111-4-301 through 111-4-307	New	V. 10, p. 1015, 1016
111-4-301	Amended	V. 12, p. 1115
111-4-303	Amended	V. 12, p. 1115
111-4-304	Amended	V. 12, p. 1115
111-4-306	Amended	V. 12, p. 1115
111-4-308 through 111-4-320	New	V. 10, p. 1214, 1215
111-4-308	Amended	V. 12, p. 1261
111-4-311	Amended	V. 12, p. 1262
111-4-312	Amended	V. 12, p. 1262
111-4-313	Amended	V. 12, p. 1262

111-4-318 through 111-4-321	Revoked	V. 12, p. 114
111-4-322 through 111-4-331	New	V. 10, p. 1411-1413
111-4-322 through 111-4-327	Revoked	V. 12, p. 1371
111-4-328 through 111-4-335	Revoked	V. 12, p. 114
111-4-336 through 111-4-345	New	V. 10, p. 1526-1528
111-4-336 through 111-4-340	Amended	V. 12, p. 1371, 1372
111-4-341	Revoked	V. 11, p. 1473
111-4-341a	Revoked	V. 12, p. 1372
111-4-341b	Amended	V. 12, p. 1372
111-4-344	Amended	V. 12, p. 1373
111-4-346 through 111-4-361	New	V. 10, p. 1586-1589
111-4-346 through 111-4-349	Revoked	V. 12, p. 114
111-4-362 through 111-4-365	Revoked	V. 12, p. 114, 115
111-4-362	Amended	V. 11, p. 13
111-4-366 through 111-4-379	New	V. 11, p. 136-139
111-4-366 through 111-4-369	Revoked	V. 12, p. 1373
111-4-380 through 111-4-383	New	V. 11, p. 477, 478
111-4-384 through 111-4-387	Revoked	V. 12, p. 1373
111-4-388 through 111-4-400	New	V. 11, p. 478-481
111-4-388 through 111-4-391	Revoked	V. 12, p. 1373
111-4-392	Amended	V. 12, p. 520
111-4-394 through 111-4-400	Amended	V. 12, p. 521, 522
111-4-401 through 111-4-404	Revoked	V. 12, p. 1373
111-4-405 through 111-4-413	New	V. 11, p. 756, 757
111-4-405	Amended	V. 12, p. 912
111-4-407	Amended	V. 12, p. 912
111-4-408	Amended	V. 12, p. 912
111-4-409	Amended	V. 11, p. 1473, 1474
111-4-411	Amended	V. 11, p. 1474
111-4-412	Amended	V. 11, p. 1475
111-4-413	Amended	V. 11, p. 1475
111-4-414 through 111-4-428	New	V. 11, p. 981-983
111-4-414	Amended	V. 11, p. 1150
111-4-429 through 111-4-432	Revoked	V. 12, p. 1373
111-4-433 through 111-4-436	Revoked	V. 12, p. 1374
111-4-437 through 111-4-444	New	V. 11, p. 1475-1477
111-4-437 through 111-4-440	Revoked	V. 12, p. 1374
111-4-445 through 111-4-453	New	V. 11, p. 1794-1796
111-4-445	Revoked	V. 12, p. 1374
111-4-448	Revoked	V. 12, p. 1374

111-4-454 through  
 111-4-457 New V. 11, p. 1944  
 111-4-458 through  
 111-4-461 New V. 11, p. 1972, 1973  
 111-4-462 through  
 111-4-465 New V. 12, p. 115  
 111-4-466 through  
 111-4-473 New V. 12, p. 316, 317  
 111-4-470 Amended V. 12, p. 522  
 111-4-474 through  
 111-4-488 New V. 12, p. 522-524  
 111-4-489 through  
 111-4-492 New V. 12, p. 861  
 111-4-493 through  
 111-4-496 New V. 12, p. 525  
 111-4-497 through  
 111-4-500 New V. 12, p. 913, 914  
 111-4-501 through  
 111-4-512 V. 12, p. 1115-1118  
 111-4-513 through  
 111-4-521 V. 12, p. 1374, 1375  
 111-5-1 through  
 111-5-23 New V. 7, p. 209-213  
 111-5-9 through  
 111-5-15 Amended V. 8, p. 210, 211  
 111-5-11 Amended V. 9, p. 505  
 111-5-12 Amended V. 11, p. 415  
 111-5-17 Amended V. 8, p. 211  
 111-5-18 Amended V. 10, p. 13  
 111-5-19 Amended V. 8, p. 212  
 111-5-21 through  
 111-5-33 New V. 11, p. 415-418  
 111-5-22 Amended V. 11, p. 481  
 111-5-23 Amended V. 11, p. 481  
 111-5-24 Amended V. 11, p. 983  
 111-5-25 Amended V. 11, p. 482  
 111-5-27 Amended V. 11, p. 482  
 111-5-28 Amended V. 12, p. 317  
 111-5-34 New V. 12, p. 318  
 111-5-35 through  
 111-5-38 New V. 12, p. 526  
 111-6-1 through  
 111-6-15 New V. 7, p. 213-217  
 111-6-1 Amended V. 12, p. 527  
 111-6-3 Amended V. 12, p. 527  
 111-6-4 Amended V. 10, p. 1413  
 111-6-5 Amended V. 12, p. 1262  
 111-6-6 Amended V. 11, p. 1973  
 111-6-7 Amended V. 11, p. 1477  
 111-6-7a New V. 12, p. 1118  
 111-6-8 Revoked V. 12, p. 1263  
 111-6-9 Amended V. 10, p. 1217  
 111-6-11 Revoked V. 12, p. 1376  
 111-6-12 Amended V. 8, p. 212  
 111-6-13 Amended V. 8, p. 299  
 111-6-15 Amended V. 12, p. 677  
 111-6-17 Revoked V. 10, p. 1475  
 111-7-1 through  
 111-7-10 New V. 7, p. 1192, 1193  
 111-7-1 Amended V. 8, p. 212  
 111-7-3 Amended V. 11, p. 1796  
 111-7-3a New V. 11, p. 1796  
 111-7-4 Amended V. 9, p. 1367  
 111-7-5 Amended V. 9, p. 986  
 111-7-6 Amended V. 9, p. 987  
 111-7-9 Amended V. 12, p. 1263  
 111-7-11 Amended V. 10, p. 1475  
 111-7-12 through  
 111-7-32 New V. 7, p. 1194-1196  
 111-7-33 through  
 111-7-43 New V. 7, p. 1197, 1198  
 111-7-33a New V. 8, p. 300

111-7-44 through  
 111-7-54 New V. 9, p. 1367-1370  
 111-7-46 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  
 111-7-78 New V. 11, p. 1478-1480  
 111-7-79 Amended V. 12, p. 914  
 11-7-80 through  
 111-7-83 New V. 11, p. 1478-1480  
 111-7-84 through  
 111-7-90 New V. 12, p. 677, 678  
 111-7-91 through  
 111-7-98 New V. 12, p. 914  
 111-7-99 through  
 111-7-105 New V. 12, p. 1376, 1377  
 111-8-1 New V. 7, p. 1633  
 111-8-2 New V. 7, p. 1633  
 111-8-3 Amended V. 10, p. 886  
 111-8-4 New V. 7, p. 1714  
 111-8-4a New V. 7, p. 1995  
 111-8-5 through  
 111-8-13 New V. 7, p. 1634  
 111-9-1 through  
 111-9-12 New V. 7, p. 1714-1716  
 111-9-1 through  
 111-9-6 Revoked V. 9, p. 1680  
 111-9-13 through  
 111-9-18 Revoked V. 9, p. 1680  
 111-9-25 through  
 111-9-30 New V. 9, p. 699, 700  
 111-9-31 through  
 111-9-36 New V. 10, p. 262  
 111-9-37 through  
 111-9-48 New V. 10, p. 1439, 1440  
 111-9-49 through  
 111-9-54 New V. 12, p. 318, 319  
 111-9-55 through  
 111-9-60 New V. 12, p. 1263, 1264  
 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. 12, p. 1152, 1369
112-4-4	Amended	V. 11, p. 165
112-4-5	Amended	V. 12, p. 1152
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
112-4-24	New	V. 12, p. 1153, 1370
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. 975, 1211  
 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. 975, 1211  
 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 New 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  
 112-17-15 New V. 12, p. 1034, 1211  
 112-18-2 through  
 112-18-19 New V. 11, p. 1512-1516, 1579-1583

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

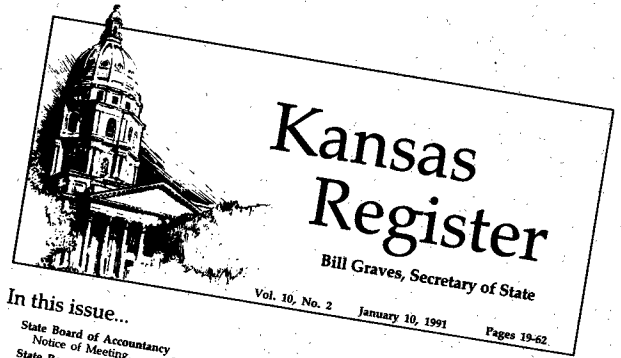
Reg. No.	Action	Register
115-1-1	Amended	V. 11, p. 599
115-2-1	Amended	V. 11, p. 1329
115-2-2	Amended	V. 11, p. 1330
115-2-3	Amended	V. 11, p. 1330
115-2-4	Amended	V. 11, p. 1330
115-4-1	Amended	V. 12, p. 570

(continued)

115-4-3	Amended	V. 12, p. 570	115-17-14	New	V. 11, p. 607	117-2-4	Amended	V. 12, p. 529
115-4-5	Amended	V. 12, p. 571	115-18-4	Amended	V. 12, p. 1491	117-3-1	Amended	V. 12, p. 529
115-4-6	Amended	V. 12, p. 572	115-18-8	New	V. 11, p. 608	117-4-1	Amended	V. 12, p. 530
115-4-7	Amended	V. 12, p. 574	115-18-12	New	V. 12, p. 1491	117-4-4	Amended	V. 12, p. 530
115-5-1	Amended	V. 12, p. 1490	<b>AGENCY 116: STATE FAIR BOARD</b>			117-6-1	Amended	V. 12, p. 531
115-8-6	Amended	V. 11, p. 1743	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	117-6-2	Amended	V. 12, p. 531
115-8-9	Amended	V. 11, p. 1330	116-3-1	New	V. 12, p. 1175	117-8-1	Amended	V. 12, p. 531
115-11-2	Amended	V. 11, p. 1144	116-3-2	New	V. 12, p. 1175	<b>AGENCY 118: STATE HISTORICAL SOCIETY</b>		
115-15-1	Amended	V. 11, p. 1145	<b>AGENCY 117: REAL ESTATE APPRAISAL BOARD</b>			<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
115-15-2	Amended	V. 11, p. 1146	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	118-1-1		
115-16-3	Amended	V. 11, p. 1147	117-1-1	Amended	V. 12, p. 528	through		
115-17-6	Amended	V. 11, p. 606	117-2-1	Amended	V. 12, p. 528	118-1-4	New	Vol. 11, p. 1119, 1120
115-17-7	Amended	V. 11, p. 606				118-2-1	New	V. 11, p. 554
115-17-9	Amended	V. 11, p. 607						

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State Records Board	
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Kansas Agricultural Value-Added Processing Center	
Notice of Leadership Council Meeting.....	20
Kansas Water Authority	
Notice of Meeting.....	21
Kansas Sentencing Commission	
Notice of Meeting.....	21
Executive Appointments	
Kansas Apprenticeship Committee	
Notice of Meeting.....	21
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Notice of Bond Sale	
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