

# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Board of Pharmacy

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, January 30, at the Clubhouse Inn, 924 S.W. Henderson Road, Topeka, to consider the adoption of proposed rules and regulations of the Kansas Board of Pharmacy.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Larry Froelich, Executive Secretary, Board of Pharmacy, Landon State Office Building, Room 513, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Michelle Jolly at (785) 296-6504.

These regulations are proposed for adoption on a permanent basis. A brief summary of proposed regulations and their economic impact follows.

**K.A.R. 68-2-22. Electronic prescription transmission.** The regulation allows an electric prescription drug order to be transmitted electronically.

There is no anticipated economic impact on the Board of Pharmacy, other governmental agencies, registrants or the public.

**K.A.R. 68-7-12. Responsibility of pharmacist-in-charge in other than a medical care facility pharmacy.** This regulation states the responsibilities for the pharmacist-in-charge in other than a medical care facility.

There is no anticipated economic impact on the Board of Pharmacy, other governmental agencies, registrants or the public.

**K.A.R. 68-20-10a. Electronic prescription transmission of controlled substances.** The regulation allows an electronic prescription transmission of controlled substances.

There is no anticipated economic impact on the Board of Pharmacy, other governmental agencies, registrants or the public.

Copies of the regulations and their economic impact statements may be obtained by contacting Board of Pharmacy.

Larry Froelich  
Executive Secretary

Doc. No. 019825

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## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 3 through November 16:

Date	Room	Time	Committee	Agenda
November 3	519-S	10:00 a.m.	SRS Transition Oversight Committee	<u>3rd</u> : WSH&TC closure issues, report on Blind Services; ADAS testimony; discussion of committee report.
November 4	519-S	9:00 a.m.		<u>4th</u> : Privatization of children's services at SRS; welfare reform testimony; status of welfare to work funds.
November 5	519-S	9:00 a.m.		<u>5th</u> : Discussion of long-term care ombudsman program transfer.
November 3	West Lounge	10:00 a.m.	Special Committee on Rules and Journal-House	House rules and other matters.
November 4	123-S	10:00 a.m.	Joint Committee on Economic Development	<u>4th</u> : Presentation on impact of implementation of new federal regulations on small meat processing facilities in Kansas.
November 5	123-S	9:00 a.m.		<u>5th</u> : Presentation on possibility of expanding tax on all emergency services to cellular, mobile and wireless telephone service providers. Possible committee discussion and recommendations on these and other previously addressed topics.
November 6	531-N	9:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
November 6	Pratt	8:30 a.m.	Joint Committee on Computers and Telecommunications	Participate in Telepower 1997 Conference.
	Holiday Inn Express			
November 6	514-S	10:00 a.m.	Health Care Reform	Managed care issues.
November 7	514-S	9:00 a.m.	Legislative Oversight Committee	
November 10	529-S	10:00 a.m.	Legislative Post Audit-Subcommittee	Legislative matters.
November 11	519-S	8:00 a.m.	Joint Committee on Pensions, Investments and Benefits	Agenda unavailable.
November 12	519-S	8:00 a.m.		
November 12	123-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda unavailable.
November 13	123-S	9:00 a.m.		
November 12	313-S	8:30 a.m.	Task Force on Retail Wheeling	Agenda unavailable.
November 13	313-S	8:30 a.m.		
November 14	313-S	8:30 a.m.		
November 12	514-S	10:00 a.m.	Special Committee on Education	Agenda unavailable.
November 13	514-S	9:00 a.m.		

Emil Lutz  
Director of Legislative  
Administrative Services

## State of Kansas

## Department of Revenue

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 1 p.m. Tuesday, December 30, in Room 481, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of proposed changes to the existing rules and regulations that support the Kansas retailers' sales and use tax acts. The changes include the adoption of new regulations and the amendment or repeal of a number of existing regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written public comments on the proposed rules and regulations prior to the hearing to Tom Hatten, Attorney/Tax Specialist, Office of Policy and Research, Department of Revenue, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1588.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Tom Hatten at (785) 296-4010 or (785) 296-6461 (TTY). Handicapped parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The north, south and east entrances to the Docking Building are accessible.

The regulations are proposed for adoption on a permanent basis. A summary of the proposed rules and regulations and their economic impact follows.

**Adoption of K.A.R. 92-19-1b; repeal of K.A.R. 92-19-1a. Collection schedules for state and local sales tax.** K.A.R. 92-19-1b would replace the bracket tables in K.A.R. 92-19-1a and K.A.R. 92-21-21 with a written description of the straight percentage calculation that retailers should use to compute sales tax on their customer sales. This should clarify tax collection duties and should not have any economic impact on Kansas retailers, government agencies or units, or the general public.

**Amendment of K.A.R. 92-19-3. Credit, conditional and installment sales.** Amendments to this regulation would strike the repealed tax rate from the regulation and clarify that taxpayers on the accrual basis may deduct bad debts before the debts are written off for federal income tax purposes. These changes reflect current department policy. This should help to clarify what are acceptable accounting procedures for retailers and should not have a significant economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-19-8. Auctions, sales and consignments.** This regulation is inaccurate because it fails to

mention the exemption of certain auction sales made for not more than two households or principals. Its repeal is not intended to change the basic policy of treating auction sales and consignment sales as retail sales. Repeal of this regulation should not have a significant economic impact on Kansas retailers, government agencies or units, or the general public, because the controlling statutes and case law that treat auctioneers as retailers remain in place.

**Adoption of K.A.R. 92-19-13a; repeal of K.A.R. 92-19-13. Florists.** This proposal would provide the same treatment to Kansas florists that other states provide to their florists. If the proposal is implemented, Kansas will no longer be the only state that attempts to collect tax on telegraph orders that their florists receive from other florists. Under this proposal, Kansas florists would be required to collect tax when they accept a telegraph order from a customer and not when they receive an order from another retailer. This proposal will simplify and clarify collection requirements for Kansas florists. It should not have a significant economic impact on Kansas retailers, government agencies or units, or the general public.

**Adoption of K.A.R. 92-19-16a; repeal of K.A.R. 92-19-16. Gifts, premiums, prizes, trading stamps, coupons.** The proposed regulation is intended to clarify the current policy and eliminate a number of internal inconsistencies in the existing regulation. Since the proposed changes are only intended to state the current policy more clearly, there should be no economic impact on retailers, government agencies or units, or the general public.

**Adoption of K.A.R. 92-19-18a; repeal of K.A.R. 92-19-18. Signs.** The regulation being adopted is intended to clarify that the rental of advertising space on a billboard is a nontaxable service rather than a taxable lease of tangible personal property, as the current regulation states. This should clarify taxation of billboards and should not have a significant economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-19-19. Telephone and telegraph services.** This regulation is no longer accurate because it does not implement the 1992 imposition on interstate telephone calls or address the special regulatory treatment that is needed for cellular telephones. Repeal of the regulation should not have any economic impact on Kansas retailers, government agencies or units, or the general public because the controlling statutes, policy and case law remain in place.

**Adoption of K.A.R. 92-19-25b; repeal of K.A.R. 92-19-25a and K.A.R. 92-19-27a. Exemption certificates.** The new regulation would replace two regulations on exemption certificates with one regulation that describes "good faith" in the manner set forth in 1997 House Bill 2105. Repeal of the existing regulations should not have a significant economic impact on Kansas retailers, government agencies or units, or the general public since they do not represent current policy.

**Amendment of K.A.R. 92-19-30. Motor vehicles or trailers; isolated or occasional sales.** Amendments to this regulation are intended to incorporate legislative changes that exempt vehicle sales made between certain family members, and to incorporate other changes to bring it

into compliance with current editorial standards. These changes reflect current department policy and should not have any economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-19-32. Used farm machinery and equipment; repair, replacement parts, and maintenance services.** This regulation implemented the 1978 exemption for used farm machinery and equipment. The exemption for farm machinery and equipment has been greatly expanded since 1978 and the regulation is no longer accurate. Repeal of the regulation should not have any economic impact on Kansas retailers, government agencies or units, or the general public since the regulation is obsolete and is not being followed.

**Repeal of K.A.R. 92-19-34. Isolated and occasional sales exemption.** This regulation does not address changes to the definition of isolated or occasional sales that the legislature made in response to this regulation's adoption and for certain auction sales (see K.S.A. 79-3602(j)). Since the regulation does not reflect the controlling statutes, its repeal should not have a significant economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-19-35. Application for certificate of registration; bond requirements.** This regulation does not state the current policy on corporate bonds. Since the regulation is not being followed, its repeal should not have any economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-19-39. Natural gas, electricity, heat and water; sales for agricultural use.** This regulation should be repealed since it was effectively struck down by the Kansas Court of Appeals in *In re Tax Appeal of Alex Mason*, 21 Kan. App. 2d 863, 909 P.2d 673 (1995). Since this regulation is not being followed, its repeal should have no economic impact on Kansas retailers, government agencies or units, or the general public.

**Adoption of K.A.R. 92-19-49a; repeal of K.A.R. 92-19-49. Refunds and credits.** The proposed regulation is intended to codify department policy with regard to refunds and credits. The new regulation codifies current department procedures which implement legislative changes made in 1997 House Bill 2105. The proposed regulation should clarify procedures for obtaining refunds and should reduce costs associated with refunds for some consumers.

**Amendment of K.A.R. 92-19-66b. Labor services.** The proposed amendments to this regulation mirror the statutory changes of inserting "tornado," while eliminating "windstorm, hailstorm, rainstorm, [and] snowstorm." Since the statute controls, changing the regulation so that it is consistent with the controlling statute should have no economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-19-66d. Factory built and manufactured homes.** This regulation does not correctly apply the sales tax law to this industry and is not being followed by the department. Notice 97-01 was issued earlier this year to serve as a guide for the industry and the department. Since the regulation is not being followed, its repeal

should have no economic impact on Kansas retailers, government agencies or units, or the general public.

**Adoption of K.A.R. 92-19-66e; repeal of K.A.R. 92-19-66a. Project exemptions.** Both regulations concern project exemption certificates. K.A.R. 92-19-66(e) is intended to replace K.A.R. 92-19-66(a). The new regulation codifies current department procedures that implement legislative changes made in 1997 House Bill 2105. It also provides a refund procedure for qualifying entities that neglect to secure a project exemption certificate before materials are purchased for an exempt project. This regulation codifies the department's procedures that instruct political subdivisions how to secure project exemption certificates from the department or issue the certificates themselves as agents of the department. This could reduce their administrative costs.

**Repeal of K.A.R. 92-19-68. Temporary service providers.** This regulation attempts to impose collection duties on temporary service providers when they furnish temporary employees that perform taxable services. The regulation is of questionable legality and should be repealed. Repeal of this regulation should have little economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-19-78. Interest and penalty.** This regulation should be repealed since it does not reflect changes in the law on penalty and interest. For example, penalty is no longer imposed after only 30 days and interest generally applies to refunds. Since the regulation is not being followed and does not reflect the controlling statutes, its repeal should not have an economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-21-18. Place of sale—installation, maintenance, servicing, and repairing—service or maintenance agreement contracts.** This regulation was struck down by the Kansas Supreme Court in *Capital Electric Line Builders, Inc. v. Lennen*, 232 Kan. 379, 654 P.2d 464 (1982). Since the controlling statutes fix the policy and are being followed, the repeal of the regulation should not have any economic impact on Kansas retailers, government agencies or units, or the general public.

**Repeal of K.A.R. 92-21-21. Bracket systems for adding and collecting state and local taxes.** K.A.R. 92-19-1b would replace the bracket tables in K.A.R. 92-19-1a and K.A.R. 92-21-21 with a written description of the straight percentage calculation that retailers should use to compute sales tax on customer sales. Since K.A.R. 92-21-21 is not being followed, its repeal should not have any economic impact on Kansas retailers, government agencies or units, or the general public.

Copies of the regulations and their economic impact statements may be obtained from the Kansas Department of Revenue, Office of Policy and Research.

John D. LaFaver  
Secretary of Revenue

Doc. No. 019820

## State of Kansas

## Attorney General

## Opinion No. 97-79

**Crimes and Punishments; Kansas Criminal Code; Prohibited Conduct—Crimes Affecting Public Trusts—Unlawful Use of Names Derived From Public Records.**

**Public Records, Documents and Information—Records Open to Public—Lists of Names and Addresses Derived From Public Records; Prohibited Uses.** Glenda Cafer, Chairwoman, Board of Cosmetology, Topeka, October 8, 1997.

A publishing company does not violate the K.S.A. 21-3914 prohibition against receiving lists of names derived from public records for the purpose of commercial solicitation by publishing and delivering state boards' official newsletters which contain advertisements. Under the facts presented, the company also may use the lists of licensees' names to solicit advertisements for each newsletter from the licensees who receive the newsletter. Cited herein: K.S.A. 21-3914; 45-220; K.S.A. 1996 Supp. 46-237. SP

## Opinion No. 97-80

**Schools—Boards of Education; Organization, Powers and Finances—Interlocal Cooperation Agreements; Requirements and Conditions; Board of Directors; Votes.** Jack A. Quinlan, Counsel, Unified School District No. 450, Topeka, October 8, 1997.

State statutes do not require that unified school districts entering into an interlocal cooperation agreement pursuant to K.S.A. 12-2901 *et seq.* and 72-8230 have equal voting authority on the board of directors organized pursuant to the agreement. An interlocal cooperation agreement entered into under such authority may provide that a representative of a unified school district will possess no authority to vote on matters brought before the board of directors of the cooperative. Cited herein: K.S.A. 12-2901; 12-2904; 72-8230, as amended by L. 1997, Ch. 35, § 2. RDS

## Opinion No. 97-81

**Insurance—Miscellaneous Provisions—Uninsurable Health Insurance Plan; Kansas Health Insurance Association, Membership, Board of Directors; Plan of Operation, Approval of Commissioner; Powers and Duties of Association; Kansas Tort Claims Act Coverage.** Margaret A. Gatewood, General Counsel, Kansas Department of Insurance, Topeka, October 8, 1997.

The Kansas Health Insurance Association is a governmental entity in that it is created by statute (K.S.A. 1996 Supp. 40-2119, as amended by L. 1997, Ch. 98, §§ 1-4), serves a governmental function of providing insurance coverage to individuals who are in an uninsurable high risk pool, and exercises its power (to create and implement a plan to provide insurance coverage) under the significant control of the Commissioner of Insurance. Thus, the members of the Board of Directors of the Kansas Health Insurance Association are covered by the Kansas

Tort Claims Act. Cited herein: K.S.A. 12-2624; 40-252, as amended by L. 1997, Ch. 175, § 3; 40-2117; K.S.A. 1996 Supp. 40-2119, as amended by L. 1997, Ch. 190, § 8; K.S.A. 40-2120; K.S.A. 1996 Supp. 40-2122, as amended by L. 1997, Ch. 190, § 10; K.S.A. 40-3213; 75-6101; K.S.A. 1996 Supp. 75-6102, as amended by L. 1997, Ch. 156, § 91; 75-6104, as amended by L. 1997, Ch. 156, § 92; 42 U.S.C.A. § § 300gg-61 to 300gg-63. GE

## Opinion No. 97-82

**Schools—School Attendance, Curriculum and Accreditation—Age of Eligibility For School Attendance; Accredited Private, Denominational or Parochial School.** Representative Marti Crow, 41st District, Leavenworth, October 8, 1997.

Whether a child who has completed kindergarten in another state in a school accredited by an entity other than the state is eligible to enroll in first grade at a Kansas public school despite the fact the child does not meet the minimum age requirement established in K.S.A. 1996 Supp. 72-1107 depends on whether the child's previous school met the standards established for accreditation by the state in which the previous school is located. Cited herein: K.S.A. 1996 Supp. 72-1107. RDS

## Opinion No. 97-83

**Corporations—Agricultural Corporations—Definitions; Restrictions; Exceptions; Process for Rescinding County Resolution After Approval by Voters.**

**Counties and County Officers—General Provisions—Home Rule Powers; Limitations; Restrictions; Rescinding Corporate Farming Resolution.** Louis A. Podrebarac, Meade County Counselor, Meade, October 8, 1997.

A county may use K.S.A. 19-101a to rescind a resolution previously adopted pursuant to K.S.A. 17-5908 even though the resolution being rescinded took effect after a failed protest election. Cited herein: K.S.A. 17-5908; K.S.A. 1996 Supp. 19-101a. DMV

## Opinion No. 97-84

**Public Health—Regulation of Dentists and Dental Hygienists—Dental Services for Dentally Indigent Persons; Entities Authorized to Employ or Contract with Persons Licensed Under Dental Practices Act for Such Services.** Representative Carlos Mayans, 100th District, Wichita, October 8, 1997.

K.S.A. 1996 Supp. 65-1466 authorizes a dentist or dental hygienist to practice as an employee or to otherwise contract with a 501(c)(3) not-for-profit corporation [which also qualifies under K.S.A. 65-431(b)], an indigent health care clinic, a federally qualified health center or a local health department to provide dental services to dentally indigent persons. These qualified entities may either define the term "dentally indigent" as provided in the statute or may, in accordance with the statute, define the term more restrictively. A federally qualified health clinic or other qualified entity also may define the term more broadly, but may employ or otherwise contract with licensees of the Kansas Dental Practice Act to serve only

those who qualify under state law as dentally indigent. Cited herein: K.S.A. 65-431; 65-1401; K.S.A. 1996 Supp. 65-1424; K.S.A. 65-1435; K.S.A. 1996 Supp. 65-1436, as amended by L. 1997, Ch. 81, § 2; 65-1466; 26 U.S.C. § 501(c)(3); 42 U.S.C. 254b; 42 C.F.R. § 51c.303. GE

#### Opinion No. 97-85

**Public Records, Documents and Information—Records Open to Public—Definitions; Public Agency; Ad Astra Funds as a Public Agency for Purposes of Open Records Act.**

**State Departments; Public Officers and Employees; Open Public Meetings—Meetings of State and Subdivisions Open to Public; Applicability to Ad Astra Funds. Senator Anthony Hensley, 19th District, Topeka, October 9, 1997.**

The Ad Astra funds, of which the Kansas Technology Enterprise Corporation holds limited partnership interests through a holding company, are not public agencies for purposes of the Kansas Open Records Act. The Ad Astra funds also are not subject to the Kansas Open Meetings Act. Cited herein: K.S.A. 1996 Supp. 45-217; K.S.A. 56-1a203; K.S.A. 1996 Supp. 74-8101; K.S.A. 74-8102; 74-8104; 74-8109; K.S.A. 1996 Supp. 74-8113; K.S.A. 74-8301; 75-4318. SP

Carla J. Stovall  
Attorney General

Doc. No. 019846

#### State of Kansas

### Department of Health and Environment

#### Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Air and Radiation, will conduct a public hearing at 10 a.m. Tuesday, January 6, in the KDHE main conference room, Building 283, Forbes Field, Topeka, to consider proposed amendments to existing air quality regulations K.A.R. 28-19-517, K.A.R. 28-19-546, K.A.R. 28-19-561, K.A.R. 28-19-562 and K.A.R. 28-19-563.

K.A.R. 28-19-517 and K.A.R. 28-19-546 establish annual emissions inventory requirements for Class I and Class II permittees, respectively. K.A.R. 28-19-561, K.A.R. 28-19-562 and K.A.R. 28-19-563 establish Class II operating permits-by-rule for specific categories of sources. A summary of the proposed changes and associated economic impacts follows.

These regulations are proposed for amendment to change the reporting dates for air emissions inventories. The amendments will conform the reporting date of each of these regulations with the annual emissions fee payment date established in the recent amendment of K.A.R. 28-19-202, i.e., June 1 of each year. These revisions are needed to prevent the submission of two duplicative reports. K.A.R. 28-19-517 and 28-19-546 require owners and operators of stationary sources operating under Class I and Class II operating permits, respectively, to file annual

emissions inventory reports. The time for filing is set in each of these regulations as April 1 of each year. The date was originally set to conform to the date set for payment of the annual emissions fee under K.A.R. 28-19-202, which was amended to change, among other elements, the payment date from April 1 to June 1. Sections 517(a) and 546(a) and (b) are proposed for amendment to change the report filing date from April 1 to June 1 of each year, to conform to the new K.A.R. 28-19-202 date.

The deletion of subsection (b) of K.A.R. 28-19-17 is necessary to eliminate a provision that is no longer needed. A records retention time period specification is proposed to clarify the regulation to provide greater certainty regarding the requirements for the regulated community. K.A.R. 28-19-561, K.A.R. 28-19-562 and K.A.R. 28-19-563 also are proposed for amendment to clarify that the requirements to develop compliance plans are not triggered by paperwork violations, but only by the operation of the source at a level exceeding the defined levels of the regulation.

K.A.R. 28-19-546(b) cross-references to K.A.R. 28-19-561 to 28-19-563, which also establish reporting dates set as April 1. Therefore, these sections also are proposed to be amended to change the reporting dates to June 1, specifically at K.A.R. 28-19-561(c)(3), 28-19-562(d)(2), and 28-19-563(b)(2)(C).

No economic impact upon the regulated community, the public or the agency is expected from these proposed regulatory changes.

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 regulatory action. All interested parties may submit written comments prior to the hearing to Ralph J. Kieffer, Kansas Department of Health and Environment, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing, as well as to submit their written comments at that time. 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 proposed amendments and the economic impact and environmental benefit statements may be obtained by contacting Ralph J. Kieffer at (785) 296-6428. Questions pertaining to these proposed amendments should be directed to Ralph J. Kieffer or Gary Miller, (785) 296-1547.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Rob Bradford, (785) 296-1587.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019844

## State of Kansas

**Kansas Development  
Finance Authority**

**Notice of Hearing**

A public hearing will be conducted at 8:30 a.m. Thursday, November 13, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the projects numbered below, in the respective maximum principal amount. Each bond will be issued to assist the respective borrower named below (who will be the owner and operator of the respective project) to finance the cost in the amount of the bond of acquiring the respective projects or for the purpose of refunding a bond previously issued to finance the respective project. Each project shall be located as shown:

**Project No. 000352, Maximum Principal Amount: \$55,000.** Owner/Operator: Jackson L. and Sandra K. Merrill. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 10, Blaine Township, Ottawa County, Kansas; approximately 2 miles east then 5 miles north on U.S. 81 then 1 mile east of Minneapolis.

**Project No. 000356, Maximum Principal Amount: \$34,581.** Owner/Operator: Aaron T. and Erika L. Allen. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 2, Grant Township, Jackson County, Kansas; approximately 11 miles west of Holton on K-16 then 1 mile north on County Road F.

**Project No. 000358, Maximum Principal Amount: \$85,000.** Owner/Operator: David W. Myers. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 26, Wheatland Township, Dickinson County, Kansas; approximately 2 miles north of Carlton on Dove Road.

Each bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. Each bond will be payable solely and only from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on each bond when it shall become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bond for the purpose of financing the respective project, and all written comments

previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding any of the projects described above may be obtained by contacting the Authority.

Any individual affected by any of the above described projects may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Wm. F. Caton  
President

Doc. No. 019839

## State of Kansas

**Department of Health  
and Environment**

**Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed Class II air quality operating permit for Phillips Pipe Line Company in accordance with the provisions of K.A.R. 28-19-540. Emissions of hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Phillips Pipe Line Company, Bartlesville, Oklahoma, owns and operates a petroleum bulk station and terminal located at 2400 E. 37th St. North, Wichita, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or John Stark, (316) 268-8449, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business December 1.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business December 1 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019830



## State of Kansas

**Advisory Committee on Hispanic Affairs****Notice of Meeting**

The Kansas Advisory Committee on Hispanic Affairs (KACHA), an entity within the Kansas Department of Human Resources, will meet from 3 to 5 p.m. Saturday, November 1, at the North High School cafeteria, 1437 N. Rochester, Wichita. The primary purpose of the meeting will be to elect a new board chairman and review the KACHA bylaws. The public is invited to attend.

Wayne L. Franklin  
Secretary of Human Resources

Doc. No. 019834

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. The PQ Corporation has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300. PQ is proposing to expand the Zeolite Catalyst (Zeolyst)-pressured products manufacturing unit. Emissions of nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), volatile organic compounds (VOCs), particulate matter (PM) and particulate matter with a diameter of 10 micrometers or less (PM<sub>10</sub>) were evaluated during the permit review process.

The PQ Corporation owns and operates the stationary source located at 1700 Kansas Ave., Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave., Kansas City, Kansas, and at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka. To obtain or review the proposed permit and supporting documentation, contact Roylene A Cunningham at the Wyandotte County Health Department, (913) 573-6700, or Connie Carreno at the Kansas Department of Health and Environment, (785) 296-6422. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Roylene A. Cunningham, Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business December 1 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Car-

reno, Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, not later than the close of business December 1 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019837

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Boeing has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a wheat starch blasting system. Emissions of particulate matter and particulate matter equal to or less than 10 microns in size were evaluated during the permit review process.

Boeing, Wichita, owns and operates the stationary source located at 3801 S. Oliver, Wichita, at which the wheat starch blasting system is to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (785) 296-6427, at the KDHE central office, or John Stark, (316) 268-8449, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business December 1.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business December 1 for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019836

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on 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 subject to certain conditions.

Public Notice No. KS-AG-97-242/251

Name and Address of Applicant	Legal Description	Receiving Water
777 Ranch c/o Robert Buford 1861 N. Rock Road Wichita, KS 67202	SW/4 of Sec.22, T24S, R8E, Greenwood County	Verdigris River

Kansas Permit No. A-VEGW-B001

This is a permit renewal for an existing facility for 950 head (950 animal units) of beef cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Robert Dean B + J Farms Route 2, Box 124 Mankato, KS 66956	SE/4, of Sec. 28, T3S, R9W, Jewell County	Solomon River

Kansas Permit No. SOJW-B003

This is a reconstruction of an existing facility for 100 head (50 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Gerkin 35445 Renner Road Paola, KS 66071	NE/4 of Sec. 17, T18S, R24, Miami County	Marais des Cygnes River

Kansas Permit No. A-MCMI-S029

This is a new facility for 500 head (200 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
H & H Land and Livestock Keith Holle 1083 7th Road Marysville, KS 66508	SE/4 of Sec. 24, T2S, R6E, Marshall County	Big Blue River

Kansas Permit No. A-BBMS-S044

This is a new facility for 36 head (14 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
H & Land and Livestock Keith Holle 1083 7th Road Marysville, KS 66508	SW/4 of Sec. 13, T2S, R6E, Marshall County	Big Blue River

Kansas Permit No. A-BBMS-S045

This is a new facility for 500 head (100 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Dennis L. Klenda Route 1, Box 111 Lincolnvillle, KS 66858	NW/4 of Sec. 15, T18S, R3E, Marion County	Neosho River

Kansas Permit No. A-NEMN-S019

This is a new facility for 192 head (76.8 animal units) of swine and 30 head (15 animal units) of calves.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 0.3 acre inch per acre per application and solids shall be applied at not greater than 24 ton per acre.

Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 9,955 gallons per day and dispersing the wastewater over 10 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Donald N. Koster 532 K-106 Minneapolis, KS 67467	SW/4 of Sec. 1, SE/4 of Sec. 2, T12S, R4W, Ottawa County	Solomon River

Kansas Permit No. A-SOOT-S013

This is an existing facility for 207 head and 200 head of calves (182.8 animal units).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE 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.

A water pollution control plan to divert the surface runoff from the calving pens to grass land for infiltration activities shall be submitted to the department by January 1, 1998.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Robert L. Leighton Route 1, Box 78 Ouintier, KS 6752	NE/4 of Sec. 26, T13S, R27W, Gove County	Hackberry Creek

Kansas Permit No. A-SHGO-C010      Federal Permit No. KS-0094064  
This is an expansion of an existing facility for 4,000 head (2,000 animal units) of cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE 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.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Paul Patterson Route 3, Box 411 Independence, KS 67301	NW/4 of Sec. 16, T33S, R14E, Montgomery County	Verdigris River

Kansas Permit No. A-VEMG-S039  
This is an expansion of an existing facility for 500 head (200 animal units) to 850 head (340 animal units) of swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** Existing controls meet KDHE requirements.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Merlin Unruh 913 S. Spring Lake Road Halstead, KS 67056	SE/4 of Sec. 20, T23S, R2E, Harvey County	Lower Arkansas River Basin

Kansas Permit No. A-LAHV-S034  
This is an expansion of an existing facility for 1,500 head (600 animal units) of swine greater than 55 pounds each.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE 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 of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

**Public Notice No. KS-97-153/157**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Spring Hill City Hall P.O. Box 424 Spring Hill, KS 66083-0424	Marais des Cygnes River via Bull Creek via Ten Mile Creek via Sweetwater Creek	Treated domestic wastewater

Kansas Permit No. M-MC45-0001      Federal Permit No. KS004813  
Location: SW¼, Section 13, Township 15S, Range 23E, Johnson County

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. The facility consists of a four-cell wastewater lagoon. The permit requirements 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.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Spring Hill City Hall P.O. Box 424 Spring Hill, KS 66083-0424	Marais des Cygnes River via Bull Creek via Ten Mile Creek via Sweetwater Creek	Treated domestic wastewater

Kansas Permit No. M-MC45-0003      Federal Permit No. KS0087441  
Location: SW¼, Section 25, Township 15S, Range 23E, Miami County

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. The facility consists of an Aero-Mod activated sludge package plant. The proposed permit contains interim and final limits and a schedule of compliance requiring the permittee to achieve compliance with the final limits. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Coleman Outdoor Products, Inc. 2111 E. 37th St. North Wichita, KS 67219	Arkansas River via drainage canal via drainage ditch	Cooling water and stormwater

Kansas Permit No. I-AR94-CO10      Federal Permit No. KS0054267  
Facility: Northeast Plant

**Location:** 3600 N. Hydraulic, Wichita, Kansas  
**Facility Description:** The proposed action is to re-issue an existing permit for discharge of various types of cooling water and stormwater. The facility manufactures outdoor camping equipment. City water used for noncontact cooling of various equipment and swamp coolers, and roof drains and stormwater is discharged through an earthen retention pond. Total discharge from this facility, excluding stormwater runoff, is about 18,000 gpd. Cooling tower blowdown and domestic wastewater are discharged to the sanitary sewer. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Clay Center City Hall 427 Court St. Clay Center, KS 67432	Republican River via Huntress Creek via drainage channel	Once-through cooling water

Kansas Permit No. I-LR05-CO02      Federal Permit No. KS0093459  
Location: SW¼, Section 7, Township 8S, Range 3E, Clay County

**Facility Description:** The proposed action is to issue a new permit for discharge of once-through cooling water. The facility is engaged in the generation and distribution of electricity. City water (from groundwater wells contaminated with nitrates) is used for once-through cooling and discharges into the drainage channel. No chemicals are used in the cooling water. The maximum design discharge rate is 750 gpm. Discharge is variable and seasonal between mid-June and mid-September. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Clay Center City Hall 427 Court St. Clay Center, KS 67432	Republican River via Huntress Creek	Treated groundwater

Kansas Permit No. I-LR05-PO02      Federal Permit No. KS0093351  
Location: 8th & McBarthey St., Clay Center, Kansas

(continued)

Facility Description: The proposed action is to issue a new permit for discharge of treated groundwater. The city is engaged in a groundwater remediation project of Public Supply Well No. 2. The contaminated groundwater is treated in an airstripper prior to discharge to Huntress Creek. The design flow rate is 250 gpm. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

#### Public Notice No. KS-ND-97-057/058

Name and Address of Applicant	Legal Location	Type of Discharge
Garvey Industrial Park P.O. Box 20050 Wichita, KS 67208	SE¼, S27, T28S, R1W, Sedgwick County	Nonoverflowing

Kansas Permit No. I-AR94-NP04

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility. This facility is a two-cell lagoon system used to treat approximately 34,000 gpd of domestic wastewater.

Name and Address of Applicant	Legal Location	Type of Discharge
Warren NGL, Inc. c/o Norm King 1000 Louisiana, Suite 5800 Houston, TX 77002-5050	NW¼, S2, T29S, R35W, Grant County	Nonoverflowing

Kansas Permit No. I-CI20-NO01

Facility: Jayhawk Gas Processing Plant, Satanta, KS 67870

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility. This facility extracts natural gas liquids, helium and nitrogen from natural gas produced in the Hugoton Gas Field. Wastewater, consisting of cooling tower and boiler blowdown, evaporator blowdown and floor drains, is commingled with stormwater and discharged to a 1-acre skimming pond and then to a 5-acre evaporative pond. The average flow to the lagoons is about 0.357 million gpd.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments post-marked or received on or before November 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-97-242/251, KS-97-153/157 and KS-ND-97-057/058) 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 determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UTC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, 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 283, Forbes Field, Topeka, from 8 a.m. to 5 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.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019832

State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed Class II air quality operating permit for Amoco Oil Company in accordance with the provisions of K.A.R. 28-19-540. Emissions of hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Amoco Oil Company, Chicago, Illinois, owns and operates a petroleum bulk station and terminal located at 7452 Meridian, Valley Center.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or John Stark, (316) 268-8449, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business December 1.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business December 1 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019831

## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. November 18 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases which have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Dan Riley, Assistant General Counsel, (785) 271-3159. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

**Application for Certificate of Public Service:**

**Jim Eaton, dba Jim Eaton Trucking**, Route 2, Box 61, Liberal, KS 67901; MC ID No. 155089; General commodities (except household goods and hazardous materials).

**Howard and Iris Eck, dba Howard Eck Trucking**, Route 1, Box 92, Haviland, KS 67059; MC ID No. 153821; William Barker, Attorney; General commodities (except household goods and hazardous materials).

**John D. Fairbanks, dba Rapid Delivery**, 1525 N. Van Buren, Hutchinson, KS 67501; MC ID No. 153828; General commodities (except household goods and hazardous materials).

**Don Horak, dba Horak Trucking**, 220 Elm, Delia, KS 66418; MC ID No. 153823; General commodities (except household goods and hazardous materials).

**Ray Irvin, dba Wheatland Farms**, 790 Antonino Road, Hays, KS 67601; MC ID No. 155137; General commodities (except household goods and hazardous materials).

**Frank Joy**, 2160 230th Ave., Hays, KS 67601; MC ID No. 155129; General commodities (except household goods and hazardous materials).

**Lester Knott, dba Knott Trucking**, 809½ Hoy, Buffalo, OK 73834; MC ID No. 153825; General commodities (except household goods and hazardous materials).

**Wesley F. Kowalewski, dba Apple Towing**, 118 Highland Ave., Florance, CO 81226; MC ID No. 153826; Disabled motor vehicles, all law enforcement impounds, repos, motorcycles, trailers, boat, small tractors, ATVs, small motorhomes, sheds, hot tubs, playground equipment, golf carts.

**Eric A. Leroux, dba E & L Trucking**, 619 Whitfield, 8A, Lecompton, KS 66050; MC ID No. 153824; General commodities (except household goods and hazardous materials).

**Minor Trucking, Inc.**, 103 E. Dakota, Butler, MO 64730; MC ID No. 145820; General commodities (except household goods and hazardous materials).

**Christopher A. Morse, dba Morse Hauling**, 105 E. Valley, Lot 33, Wamego, KS 66547; MC ID No. 153827; General commodities (except household goods and hazardous materials).

**Gene Pope, dba G & L Trucking**, 340 Juniper, Springfield, CO 81073; MC ID No. 212096; General commodities (except household goods and hazardous materials).

**Ronald G. Pryor and Karen G. Metzen, dba Pryor Farms Trucking**, 1010 N. Olive, Abilene, KS 67410; MC ID No. 153822; General commodities (except household goods and hazardous materials).

**Sunglo Feeds, Inc.**, 300 N. Main, Hesston, KS 67062; MC ID No. 114517; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

**Application for Transfer of Certificate of Public Service:**

**Albert Bartel and Wayne Bartel, dba Bartel Truck Line**, 1907 Barham, Dodge City, KS 67801, MC ID No. 143158, to: Bartel Truck Line, L.L.C., 1907 Barham, Dodge City, KS 67801; Livestock, hay, grain, dry feed, dry feed ingredients, dry fertilizer (except anhydrous ammonia), salt, seeds, building and construction materials, fencing materials, machinery, meat, meat products and meat by-products and articles dealt in by packinghouses (restricted, however, to transport no hazardous materials).

**Glen Gibbs, dba G & E Gibbs**, 1120 Massey Ferguson Road, Garden City, KS 67846, MC ID No. 147489, to: G & E Gibbs Trucking, Inc., 1120 Massey Ferguson Road, Garden City, KS 67846; William Barker, Attorney; General commodities (except classes A and B explosives and household goods).

**Doyle Harsch, dba Lebo Garage**, 121 W. Broadway, Lebo, KS 66856, MC ID No. 101885, to: Lebo Garage Towing, Inc., 121 W. Broadway, Lebo, KS 66856; Wrecked, disabled, repossessed and replacement vehicles.

**Terry R. Knight and Jeffrey W. Knight, dba Knight Trucking**, 2424 Fauna Road N.W., Lebo, KS 66856, MC ID No. 151631, to: Knight Trucking LLC, 2424 Fauna Road N.W., Lebo, KS 66856; General commodities (except household goods and hazardous materials).

**Randy R. Ranker, dba Randy's Body Shop & Restoration**, 1407 Evans, Ellsworth, KS 67439, MC ID No. 122311, to: Randy's Restoration & Body Shop, Inc., 1407 Evans, Ellsworth, KS 67439; Wrecked, disabled, replacement, repossessed and antique, classic and special interest vehicles; boats and recreational vehicles.

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

**River City Shuttle, LLC**, 600 Spring Garden, Atchison, KS 66002; MC ID No. 153820; Passengers and their baggage in charter party operations.

(continued)

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

**Mayflower Contract Services, Inc.**, 5360 College Blvd., Overland Park, KS 66211, MC ID No. 100714, to: Laidlaw Transit, Inc., 3221 N. Service Road, Burlington, Ontario, Canada L7R 3Y8; Joseph Weiler, Attorney; Charter party service for the transportation of persons, hand luggage, athletic gear and camping gear, in school bus-type equipment, passengers and their baggage.

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

**Janae J. Crum Plummer, dba In Your Dreams Limousines**, 15450 Hwy. 99, Westmoreland, KS 66549; MC ID No. 143451.

Don Carlile  
Administrator  
Transportation Division

Doc. No. 019840

**State of Kansas**

**Department of Administration  
Division of Purchases**

**Notice to Bidders**

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

**Wednesday, November 12, 1997**

- 32783  
University of Kansas—Natural gas services
- 32787  
Fort Hays State University—Elevator maintenance services, Hays
- 6776  
Kansas State University—Vacuum spreader tank wagon
- 6777  
Kansas School for the Deaf, Olathe—Computer furniture
- 6780  
Kansas State University—Diode laser photocoagulaor
- 6781  
Kansas State University—Network/spectrum analyzer
- 6782  
Kansas State University—Differential scanning calorimeter system
- 6783  
Lansing Correctional Facility—Clothes drying tumblers
- 6784  
Kansas State University—Recondition fans
- 6785  
Kansas State University—Repair and reconditioning of fans
- 6790  
Kansas State University—Patch clamp amplifier

**Thursday, November 13, 1997**

- 32621  
Statewide—Assistive technology for the disabled
- 32715  
All agencies of the State of Kansas—Patch panels
- 32781  
University of Kansas Medical Center—Hospital stretchers
- 32788  
Kansas State University—Dry cleaning services, Manhattan
- 32790  
Department of Administration, Central Motor Pool—Daily automobile rental
- 6786  
Wichita State University and Pooled Money Investment Board—Microcomputer
- 6787  
Department of Transportation—Furnish and install fiber optic cable and equipment
- 6788  
University of Kansas Medical Center—Ultrasound imaging system
- 6791  
Kansas State University—Research microscope
- 6792  
Fort Hays State University—Greenhouses
- 6793  
El Dorado Correctional Facility—Furnish and install folding acoustical door

**Thursday, November 20, 1997**

- 6795  
Various state agencies—Riot/crowd control munitions, various locations

**Friday, November 21, 1997**

- A-8330  
Adjutant General's Department—Partial armory reroof, Kansas National Guard Armory

**Tuesday, December 2, 1997**

- 32774  
Hospitals administered by the Department of Social and Rehabilitation Services—Individual physicians' professional liability insurance

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**Request for Proposals**

**Wednesday, November 12, 1997**

- 32761  
Data network security for all agencies of the State of Kansas

**Monday, November 17, 1997**

- 6798  
Video production service for the Commission on Veterans' Affairs

**Wednesday, November 19, 1997**

- 32786  
Document imaging system KBI criminal records for the Kansas Bureau of Investigation

John T. Houlihan  
Director of Purchases

Doc. No. 019845

State of Kansas

**Kansas Military Board**

**Notice of Meeting**

The Kansas Military Board of the Adjutant General's Department will meet at 9:30 a.m. Friday, November 14, at the 190th Air Refueling Wing dining facility, Forbes Field, Topeka. An agenda may be obtained by contacting Charles Bredahl, State Defense Building, 2800 S.W. Topeka Blvd., Topeka, 66611-1287, (785) 274-1004.

Charles G. Bredahl  
Special Assistant to  
the Adjutant General

Doc. No. 019843

State of Kansas

**Board of Healing Arts**

**Notice of Hearing Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, January 13, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of an amended rule and regulation relating to the short-term treatment of obesity as authorized by K.S.A. 65-2837a.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit comments prior to the hearing to the Board of Healing Arts at the address above. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the proposed regulation during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Marsha Schrempp at (785) 296-8962. Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the proposed regulation and its economic impact follows.

**K.A.R. 100-23-1. Treatment of obesity.** The regulation implements amendments to prior current law which limit treatment of obesity using amphetamines and sympathomimetic amines in schedules II, III and IV of the controlled substance act to short term. This regulation will have no cost impact to the State Board of Healing Arts or any other state agency. No increase in cost to the consumer is foreseeable.

Copies of the proposed regulation and the associated economic impact statement may be obtained by contact-

ing Mark Stafford, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66612, (785) 296-7413.

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 019838

State of Kansas

**Department of Transportation**

**Notice to Contractors**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the office of the Chief of Construction and Maintenance, KDOT, Topeka, or at the Clarion Hotel, Wichita, until 2 p.m. November 19, and then publicly opened:

**District One—Northeast**

**Douglas**—23 C 3381-01—County road, 0.3 mile (0.4 kilometer) west of Eudora, 0.6 mile (1 kilometer), grading, bridge and surfacing. (Federal Funds)

**Jackson-Pottawatomie**—16-106—K-6731-01—K-16, from the Pottawatomie-Jackson county line, east to the K-79 junction; K-16, from the K-79 junction east to the west city limits of Holton, K-16, from the north junction of K-99, east, south and east to the Pottawatomie-Jackson county line, 36.1 miles (58.1 kilometers), overlay. (State Funds)

**Johnson**—46 C-3013-01—135th Street, 7.5 miles (12 kilometers) west of K-7, 0.059 mile (0.096 kilometer), grading, bridge and surfacing. (Federal Funds)

**Marshall**—58 K-6729-01—U.S. 77, from the west junction of U.S. 36, north to the Kansas-Nebraska state line; K-233, from the U.S. 77 junction east to the south city limits of Oketo; U.S. 36, from the four-lane divided highway east to the west city limits of Marysville, 16 miles (25.7 kilometers), recycling and overlay. (State Funds)

**Marshall-Pottawatomie**—106 K-6730-01—K-99, from the Pottawatomie-Marshall county line north to the south junction of K-9; K-99, from the south junction of K-9 north to the U.S. 36 junction; K-99, from the north junction of K-16 north to the Pottawatomie-Marshall county line, 23.9 miles (38.4 kilometers), overlay. (State Funds)

**Riley**—81 C-3404-01—Browning Avenue, north of the north city limits of Manhattan, 0.25 mile (0.4 kilometer), grading and surfacing. (Federal Funds)

**Riley**—81 K-6732-01—K-18, from the K-114 junction to the four-lane divided highway at Manhattan; K-113, from Marlatt Avenue north to the U.S. 24 junction at Manhattan, 8.9 miles (14.3 kilometers), overlay. (State Funds)

**Shawnee**—89 U-1596-01—29th and Indiana Street in Topeka, intersection improvement. (Federal Funds)

**Wabaunsee**—99 K-6733-01—K-4, from the Morris-Wabaunsee county line east to the east junction of K-99; K-180, from the K-4 junction to the south city limits of Alta Vista, 24.1 miles (38.8 kilometers), overlay. (State Funds)

**Wabaunsee**—30-99 K-6522-01—K-30, from I-70, north and east to the south city limits of Maple Hill, 2 miles (3.1 kilometers), overlay. (State Funds)

(continued)

**Wyandotte**—635-105 K-6612-01—Interstate 635, Bridges 52 and 53 southbound and northbound over Victory Drive, bridge overlay. (State Funds)

**Wyandotte**—635-105 K-6877-01—I-635, south abutment slope at the 27th Street Bridge, slope repair. (State Funds)

#### District Two—Northcentral

**Clay**—24-14 K-6618-01—U.S. 24, Bridge 001, Five Creek drainage, bridge overlay. (State Funds)

**Geary**—77-31 K-5373-01—U.S. 77, Republican River Bridge, 0.5 mile (0.8 kilometer) north of U.S. 77A, bridge replacement. (Federal Funds)

**Washington**—101 C-3188-01—County road, 6.8 miles (9.2 kilometers) north and 3.6 miles (5.8 kilometers) east of Washington, grading and bridge. (Federal Funds)

**Washington**—36-101 K-5383-02—U.S. 36, east bank Little Blue River Bridge, grading. (State Funds)

#### District Three—Northwest

**Graham-Rooks**—18-106 K-6734-01—K-18, from the junction of U.S. 24 south and east to the Graham-Rooks county line; K-18, from the Graham-Rooks county line east to U.S. 183 at Plainville, 26.9 miles (43.4 kilometers), overlay. (State Funds)

**Norton**—283-69 K-5392-02—County Route 530, from the junction of K-9 at Logan to the junction of U.S. 36 at Prairie View, 11.4 miles (18.4 kilometers), overlay. (State Funds)

**Osborne-Russell-Smith**—106 K-6736-01—U.S. 281, from the Russell-Osborne county line north to the south city limits of Osborne; U.S. 24, from the north junction of U.S. 281 east to the Osborne-Mitchell county line; U.S. 281, from the east junction of K-18 north to the Russell-Osborne county line; U.S. 281, from the Osborne-Smith county line northwest and north to the south city limits of Smith Center, 49.4 miles (79.5 kilometers), recycling and overlay. (State Funds)

**Rooks**—183-82 K-6862-01—U.S. 183, from K-18 north 10.3 miles (16.6 kilometers), seeding and sodding. (State Funds)

#### District Four—Southeast

**Coffey**—16 C 1896-01—County road, 0.5 mile (0.8 kilometer) west and 4.7 miles (7.6 kilometers) south of Waverly, 0.2 mile (0.3 kilometer), grading and bridge. (State Funds)

**Greenwood-Labette-Montgomery**—106 K-6737-01—U.S. 54, from the east junction of K-99 east to the Greenwood-Woodson county line; K-101, from the U.S. 166 junction north to the K-96 junction; K-134, from the U.S. 166 junction north to the south city limits of Bartlett; U.S. 166, 1 mile (1.6 kilometers) west of the west city limits of Coffeyville, 38.2 miles (61.5 kilometers), overlay. (State Funds)

**Labette**—166-50 K-5553-01—U.S. 166, MKT Railroad Bridge 037, 14.1 miles (22.7 kilometers) east of K-101, grading, bridge and surfacing. (Federal Funds)

**Labette**—59-50 K-6498-01—U.S. 59, from the Oklahoma-Kansas state line north 22 miles (35.5 kilometers), overlay. (State Funds)

#### District Five—Southcentral

**Barton**—56-5 M-1874-01—U.S. 56, KDOT mixing strip at the east city limits of Great Bend, stockpile bituminous material. (State Funds)

**Barton**—56-5 K-6889-01—U.S. 56, from the east city limits of Great Bend, east to the west city limits of Ellinwood, 8.1 miles (13.1 kilometers), overlay. (State Funds)

**Butler**—77-8 K-2323-01—U.S. 77, Walnut River Bridge 31, 13.1 miles (21 kilometers) north of the Cowley-Butler county line, bridge replacement. (Federal Funds)

**Rice**—4-80 K-6633-01—K-4, Bridge 19 (Calf Creek), Bridge 21 (Plum Creek) and Bridge 28 (Little Cow Creek), bridge overlay. (State Funds)

**Sedgwick**—235-87 K-5612-01—I-235 Interchange at K-42 in Wichita, traffic signals. (Federal Funds)

#### District Six—Southwest

**Clark**—34-13 M-1868-01—K-34, KDOT mixing strip at the west U.S. 160/U.S. 183 junction, stockpile bituminous material. (State Funds)

**Clark-Ford**—34-106 K-6741-01—K-34, from the U.S. 160 junction north to the Clark-Ford county line; K-34, from the Clark-Ford county line north to the east junction of U.S. 54, 25.5 miles (41.1 kilometers), overlay. (State Funds)

**Finney**—83-28 K-6007-01—South junction of U.S. 83/U.S. 83B, south of Garden City, 0.9 mile (1.5 kilometers), intersection improvement. (State Funds)

**Finney**—23-28 M-1867-01—K-23, KDOT mixing strip along K-156 at the east K-23 junction, stockpile bituminous material. (State Funds)

**Finney**—50-28 K-6547-01—U.S. 50, 5.2 miles (8.4 kilometers) east of the Kearney-Finney county line east and south 9.8 miles (15.8 kilometers), joint repair. (State Funds)

**Finney-Hodgeman**—106 K-6739-01—K-23, from the east junction of K-156 west to the west junction of K-156; K-156, from the Finney-Hodgeman county line east to 0.6 mile (1 kilometer) east of the U.S. 283 junction, 25.5 miles (41 kilometers), recycle and overlay. (State Funds)

**Ford**—56-29 M-1866-01—U.S. 56, KDOT mixing strip 1 mile (1.6 kilometers) south of the U.S. 56 junction, stockpile bituminous material. (State Funds)

**Ford**—29 K-6740-01—U.S. 50, from the east city limits of Dodge City to 0.2 mile (0.3 kilometer) east of the east junction of U.S. 283; U.S. 56, from the east city limits of Dodge City northeast to the U.S. 50 junction; U.S. 50, from County Route 944 east to the west city limits of Dodge City, 16.6 miles (26.7 kilometers), overlay. (State Funds)

**Gray**—23-35 M-1865-01—K-23, KDOT mixing strip north of the U.S. 50 junction, stockpile bituminous material. (State Funds)

**Gray**—23-35 K-6553-01—K-23, from the U.S. 56 junction north to the south city limits of Cimarron, 12 miles (19.2 kilometers), overlay. (State Funds)

**Haskell**—83-41 M-1860-01—U.S. 83, KDOT mixing strip 0.5 mile (0.8 kilometer) north of the U.S. 56 junction, stockpile bituminous material. (State Funds)



(Published in the Kansas Register October 30, 1997.)

**Summary Notice of Bond Sale  
Unified School District No. 218  
Morton County, Kansas  
\$3,400,000**

**General Obligation Bonds, Series 1997  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Haskell-Seward-Stevens—56-106 K-6726-01—U.S. 56,** from the Seward-Haskell county line northeast to the U.S. 83 junction; U.S. 56, from the Stevens-Seward county line northeast to the Seward-Haskell county line; U.S. 56, from the south city limits of Moscow northeast to the Stevens-Seward county line, 22.5 miles (36.2 kilometers), re-cycle and overlay. (State Funds)

**Hodgeman—156-42 M-1862-01—K-156,** KDOT mixing strip 2 miles (3.4 kilometers) west of the U.S. 283 junction, stockpile bituminous material. (State Funds)

**Kearny—25-47 K-6560-01—K-25,** from the Grant-Kearney county line north to the south city limits of Lakin, 16.1 miles (25.9 kilometers), overlay. (State Funds)

**Ness—96-68 K-6563-01—K-96,** from the Lane-Ness county line east to the west city limits of Ness City, 18.3 miles (29.5 kilometers), overlay. (State Funds)

**Ness—4-68 M-1863-01—K-4,** KDOT mixing strip 0.5 mile (0.8 kilometer) west of the U.S. 283 junction, stockpile bituminous material. (State Funds)

**Ness—96-68 M-1864-01—K-96,** KDOT mixing strip east of the U.S. 283 junction, stockpile bituminous material. (State Funds)

**Ness—68 K-6738-01—K-4,** from the junction of U.S. 283 east to the Ness-Rush county line; K-147, from the K-4 junction north to the Ness-Trego county line, 20.1 miles (33.7 kilometers), overlay. (State Funds)

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

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

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 019826

**Sealed Bids**

Subject to the notice of bond sale, sealed bids will be received by the clerk of the Board of Education of Unified School District No. 218, Morton County, Kansas (the issuer), on behalf of the governing body at 150 Wildcat Ave., Elkhart, KS 67950, until 11 a.m. Monday, November 10, 1997, for the purchase of \$3,400,000 principal amount of General Obligation Bonds, Series 1997. No bid of less than the entire par value of the bonds and accrued interest 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 December 1, 1997, and will become due on September 1 in the years as follows:

Maturity September 1	Principal Amount
1998	\$285,000
1999	285,000
2000	300,000
2001	315,000
2002	330,000
2003	345,000
2004	355,000
2005	380,000
2006	395,000
2007	410,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1998.

**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 or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$68,000 (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 December 2, 1997 at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation of the issuer for computation of bond debt limitations for the year

(continued)

1997 is \$56,332,041. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,400,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Logan, Riley, Carson and Kaup, L.C., Overland Park, 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 when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk, (316) 697-2195, or from bond counsel, Logan, Riley, Carson and Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated October 23, 1997.

Unified School District No. 218  
Morton County, Kansas  
by Pat Vandervort, Clerk  
150 Wildcat Ave.  
Elkhart, KS 67950  
(316) 697-2195

Doc. No. 019841

(Published in the Kansas Register October 30, 1997.)

**Summary Notice of Bond Sale  
\$477,000**

**City of Haysville, Kansas  
General Obligation Bonds, Series 1997  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale dated October 13, 1997, sealed bids will be received by the clerk of the City of Haysville, Kansas (the issuer), on behalf of the governing body at 200 W. Grand, Haysville, KS 67060, until 6:30 p.m. November 10, 1997, for the purchase of \$477,000 principal amount of General Obligation Bonds, Series 1997. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,000. The bonds will be dated November 1, 1997, and will become due on November 1 in the years as follows:

Year	Principal Amount
1998	\$37,000
1999	35,000
2000	35,000
2001	35,000
2002	35,000
2003	40,000
2004	40,000
2005	40,000

2006	40,000
2007	40,000
2008	20,000
2009	20,000
2010	20,000
2011	20,000
2012	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 1998.

**Optional Book-Entry-Only System**

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, or a qualified financial surety bond, in the amount of \$9,540 (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 December 10, 1997, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed valuation for computation of bonded debt limitations for the year 1997 is \$31,370,818. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$3,037,000.

**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 when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated October 13, 1997.

City of Haysville, Kansas

Doc. No. 019824

State of Kansas

State Emergency Response Commission

Notice of Meeting

The State Emergency Response Commission will meet from 10 a.m. to noon Thursday, November 13, at the Harvey County Emergency Operation Center, 102 E. 7th, Newton. The meeting will be followed by a South Central Regional Local Emergency Planning Committee (LEPC) meeting at 1:30 p.m.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019821

(Published in the Kansas Register October 30, 1997.)

Statutory Notice of Bond Sale

\$2,170,000

Internal Improvement Bonds

Series 1997

of the

City of Shawnee, Kansas

Dated December 1, 1997

(General obligations payable from  
unlimited ad valorem taxes)

Sealed Bids

Bids, submitted in a sealed envelope, marked "Bond Bid," for the purchase of general obligation bonds of the City of Shawnee, Kansas, consisting of Internal Improvement Bonds, Series 1997, in the principal amount of \$2,170,000, will be received by the undersigned finance director of the city at City Hall, 11110 Johnson Drive, Shawnee, KS 66203, until 11:30 a.m. Monday, November 10, 1997. All bids will be publicly opened at that time and will be considered and acted upon by the governing body of the city at a meeting of the city council scheduled for 7:30 p.m. Monday, November 10, 1997. No oral or auction bids will be considered. Discount bids not to exceed 1.2 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery of the bonds will be considered.

Bond Details

The bonds will consist of fully registered bonds, issued in book entry form only, in the denomination of \$5,000 or any integral multiple thereof; will be dated December 1, 1997; will be issued in the principal amount of \$2,170,000; and will become due serially on December 1 in each of the years as follows:

\$2,170,000

Internal Improvement Bonds

Series 1997

Maturity December 1	Principal Amount
1998	\$105,000
1999	110,000
2000	115,000
2001	120,000
2002	125,000
2003	130,000

2004	135,000
2005	140,000
2006	150,000
2007	155,000
2008	160,000
2009	170,000
2010	175,000
2011	185,000
2012	195,000

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 December 1, 1998, and semiannually thereafter on June 1 and December 1 in each year the bonds are outstanding at the office of the State Treasurer in Topeka, Kansas.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check or financial surety bond payable to the city in the amount of \$43,400 must accompany each bid for the bonds.

Costs

The city will pay the cost of printing the bonds and the expense of all legal services, including the opinion of McDowell, Rice, Smith & Gaar, a professional corporation, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

Delivery and Payment

The bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 45 days after the date of award at such bank or trust company in the continental United States as may be specified by the successful bidder and is acceptable to the city.

Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the bonds, the assessed valuation of the taxable tangible property within the city as of December 20, 1996, is \$299,093,987. The total general obligation bonded indebtedness of the city, including the bonds, as of the date of the bonds, is \$24,840,000.

Additional Information

A complete notice of bond sale, official statement and bid form approved by the city will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Public Finance Advisors, 85 E. 7th Place, #100, St. Paul, MN 55101, (612) 223-3000; and from the City of Shawnee, Kansas, 11110 Johnson Drive, Shawnee, KS 66203, (913) 631-2500, Attention: Lee Meyer, Finance Director.

City of Shawnee, Kansas  
By Lee Meyer  
Finance Director  
City Hall  
11110 Johnson Drive  
Shawnee, KS 66203  
(913) 631-2500

Doc. No. 019842

(Published in the Kansas Register October 30, 1997.)

**Notice of Redemption  
Rural Water District No. 6  
Crawford County, Kansas  
Water Utility Revenue Bonds  
Series B, 1992**

Notice is hereby given, pursuant to Section 3 of the Resolution No. 97-1 of Rural Water District No. 6, Crawford County, Kansas, that the district has called for redemption of all of the outstanding bonds of the above issue maturing December 1, 1998, and thereafter at a redemption price of 100 percent of the principal amount thereof, plus accrued interest thereon to December 1, 1997.

Date	Principal	Interest Rate	Cusip
12-1-06	\$30,000	7.00%	None

From and after December 1, 1997, interest shall cease to accrue and be payable on said bonds.

On December 1, 1997, all of the bonds specifically described above must be surrendered for payment at the principal office of the paying agent, Office of the State Treasurer, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235.

To avoid backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers on IRS Form W-9 when presenting their securities for redemption.

Dated October 9, 1997.

Rural Water District No. 6  
Crawford County, Kansas

Doc. No. 019816

(Published in the Kansas Register October 30, 1997.)

**Summary Notice of Bond Sale  
\$631,000  
City of Rose Hill, Kansas  
General Obligation Bonds, Series 1997  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale dated October 20, 1997, sealed bids will be received by the clerk of the City of Rose Hill, Kansas (the issuer), on behalf of the governing body at 306 N. Rose Hill, Rose Hill, KS 67133, until 6:45 p.m. November 17, 1997, for the purchase of \$631,000 principal amount of General Obligation Bonds, Series 1997. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,000. The bonds will be dated December 1, 1997, and will become due on October 1 in the years as follows:

Year	Principal Amount
1999	\$26,000
2000	55,000

2001	60,000
2002	60,000
2003	65,000
2004	65,000
2005	70,000
2006	75,000
2007	75,000
2008	80,000

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 April 1, 1999.

**Optional Book-Entry-Only System**

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, or a qualified financial surety bond, in the amount of \$12,620 (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 December 17, 1997, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States 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 1997 is \$13,382,730. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$2,439,000.

**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 when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated October 20, 1997.

City of Rose Hill, Kansas

Doc. No. 019823

(Published in the Kansas Register October 30, 1997.)

**NOTICE OF PARTIAL REDEMPTION**

**Crawford County, Kansas  
Single Family Mortgage Revenue Refunding Bonds  
Series 1980 A  
Dated February 1, 1980**

NOTICE IS HEREBY GIVEN, pursuant to the terms of the Indenture dated as of February 1, 1980, between Crawford County, Kansas, as Issuer, and First Trust National Association, as Trustee, that \$305,000 of the Bonds listed below have been selected for Redemption on December 1, 1997 (the Redemption Date) at a price of 100% of the principal amount (the Redemption Price) together with interest accrued to the Redemption Date.

**CUSIP Number: 224851AT2, 8.4000%, Due: December 1, 1998**  
*Bearer Bonds called in the amount of \$5,000 each:*  
925 949 957 1025

**CUSIP Number: 224851AU9, 8.5000%, Due: December 1, 1999**  
*Bearer Bonds called in the amount of \$5,000 each:*  
1078 1082 1132 1139

**CUSIP Number: 224851AW5, 9.0000%, Due: December 1, 2010**  
*Bearer Bonds called in the amount of \$5,000 each:*  
1694 1779 1783 1887 1909 1918 1930 1935 1960  
1972 1987 1992 1998 2022 2033 2042 2069 2094  
2154 2166 2222 2238 2243 2252 2274 2283 2309  
2312 2324 2418 2468 2488 2501 2573 2577 2588  
2666 2673 2737 2747 2798 2815 2818 2822 2866  
2895 2900 2902 2927 3038 3095 3139 3142

Payment of the Redemption Price on the Bonds called for redemption will become due and payable on the Redemption Date upon presentation and surrender thereof in the following manner:

<i>If By Mail: (Registered Bonds)</i>	<i>If by Mail: (Bearer Bonds)</i>
First Trust Association	First Trust National Association
First Trust Center	First Trust Center
P. O. Box 64111	P.O. Box 64452
St. Paul, MN 55164-0111	St. Paul, MN 55164-0452

*If by Hand or Overnight Mail:*  
First Trust National Association  
180 East Fifth Street  
4th Floor - Bond Drop Window  
St. Paul, MN 55101  
(612) 973-5800

Bondholders presenting their bonds in person for same day payment **must** surrender their bond(s) by 1:00 P.M. on the Redemption Date and a check will be available for pick up after 2:00 P.M.. Checks not picked up by 4:30 P.M. will be mailed out to the bondholder via first class mail. If payment of the Redemption Price is to be made to the registered owner of the Bond, you are not required to endorse the Bond to collect the Redemption Price.

Interest on the principal amount designated to be redeemed shall cease to accrue on and after the Redemption Date.

**IMPORTANT NOTICE**

Under the Interest and Dividend Tax Compliance Act of 1983 as amended by the Energy Policy Act of 1992, 31% will be withheld if tax identification number is **not** properly certified.

*\*The Trustee shall not be held responsible for the selection or use of the CUSIP number, nor is any representation made as to its correctness indicated in the Redemption Notice. It is included solely for convenience of the Holders.*

**By: First Trust National Association**  
as Trustee

Date: October 30, 1997

**State of Kansas**

**Pooled Money Investment Board**

**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 1996 Supp. 75-4210. These rates and their uses are defined in K.S.A. 1996 Supp. 12-1675(b)(c)(d), and K.S.A. 1996 Supp. 75-4201(l) and 75-4209(a)(1)(B).

**Effective 10-27-97 through 11-2-97**

Term	Rate
1-89 days	5.55%
3 months	5.42%
6 months	5.44%
9 months	5.54%
12 months	5.65%
18 months	5.71%
24 months	5.78%

William E. Lewis  
Chairman

Doc. No. 019818

(Published in the Kansas Register October 30, 1997.)

**Notice of Redemption  
Rural Water District No. 6  
Crawford County, Kansas  
Taxable Water Utility Revenue Bonds  
Series A, 1992**

Notice is hereby given, pursuant to Section 3 of the Resolution No. 97-1 of Rural Water District No. 6, Crawford County, Kansas, that the district has called for redemption of all of the outstanding bonds of the above issue maturing December 1, 1998, and thereafter at a redemption price of 100 percent of the principal amount thereof, plus accrued interest thereon to December 1, 1997.

Date	Principal	Interest Rate	Cusip
12-1-98	\$20,000	7.75%	None
12-1-99	25,000	8.00%	
12-1-00	25,000	8.25%	
12-1-01	25,000	8.50%	
12-1-02	30,000	8.75%	
12-1-03	30,000	9.00%	
12-1-04	35,000	9.00%	
12-1-05	40,000	9.00%	

From and after December 1, 1997, interest shall cease to accrue and be payable on said bonds.

On December 1, 1997, all of the bonds specifically described above **must** be surrendered for payment at the principal office of the paying agent, Office of the State Treasurer, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235.

To avoid backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers on IRS Form W-9 when presenting their securities for redemption.

Dated October 9, 1997.

Rural Water District No. 6  
Crawford County, Kansas

Doc. No. 019822

Doc. No. 019815

## State of Kansas

## Secretary of State

## Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

## Crawford County Attorney

**Julie E. Richey**, 1706 S. Olive, Pittsburg, 66762. Term expires when a successor is elected and qualifies according to law. Succeeds Barry Disney, resigned.

## Kansas Arts Commission

**Lisa Ashner Adkins**, 8021 Belinder Road, Leawood, 66206. Term expires June 30, 2001. Reappointment.

**Robert L. Feldt**, P.O. Box 338, Great Bend, 67530. Term expires June 30, 2001. Succeeds Charles Kephart.

**Martha Rhea**, 652 Rockview Road, Salina, 67401. Term expires June 30, 2001. Succeeds Judy Langley.

## Criminal Justice Coordinating Council

**Natalie G. Haag**, Office of the Governor, 2nd Floor, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Ronald J. Green.

## State Emergency Response Commission

**Natalie G. Haag**, Office of the Governor, 2nd Floor, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Term expires April 30, 1999. Succeeds Joyce H. McGarry.

## Kansas Advisory Group on Juvenile Justice and Delinquency Prevention

**J. Russell Jennings**, P.O. Box 295, Lakin, 67860. Serves at the pleasure of the Governor. Succeeds J. Kenneth Hales, resigned.

**Michael J. Youngken**, Johnson County Director of Corrections, 135 S. Kansas Ave., Olathe, 66061. Serves at the pleasure of the Governor. Succeeds David P. White, resigned.

## Solid Waste Grants Advisory Committee

**Donald L. Anderson**, 414 N. Washington, Lindsborg, 67456. Term expires December 12, 1999. Reappointment.

**Chiquita Y. Cornelius**, 3526 S.W. Summerwood Road, Topeka, 66614. Term expires December 12, 1999. Reappointment.

**Charles A. Peckham**, P.O. Box 46, Atwood, 67730. Term expires December 13, 1999. Reappointment.

**Dale K. Sutton**, 720 Washington, Hugoton, 67951. Term expires December 12, 1999. Reappointment.

**James R. Triplett, Ph.D.**, 1702 S. Olive, Pittsburg, 66762. Term expires December 12, 1999. Reappointment.

**Philip J. Wittek**, 7411 Delmar St., Prairie Village, 66208. Term expires December 12, 1999. Reappointment.

## State Board of Technical Professions

**Charles "Stan" Peterson**, 4629 S.E. Oak Bend Drive, Berryton, 66409. Term expires June 30, 2001. Reappointment.

## Kansas Youth Authority

**J. Russell Jennings**, P.O. Box 295, Lakin, 67860. Term expires May 30, 1999. Succeeds J. Kenneth Hales, resigned.

**Michael J. Youngken**, Johnson County Director of Corrections, 135 S. Kansas Ave., Olathe, 66061. Term expires May 30, 1999. Succeeds David P. White, resigned.

**Ron Thornburgh**  
Secretary of State

Doc. No. 019819

(Published in the Kansas Register October 30, 1997.)

**Notice of Redemption**  
**City of Elkhart**  
**Morton County, Kansas**  
**Sales Tax Revenue Bonds**  
**Series 1994**

Notice is hereby given, pursuant to Section 3 of Ordinance No. 600 of the City of Elkhart, Morton County, Kansas, that the city has called for redemption of all of the outstanding bonds of the above issue maturing December 1, 1998, and thereafter at a redemption price of 100 percent of the principal amount thereof, plus accrued interest thereon to December 1, 1997.

Date	Principal	Interest Rate	Cusip
12-1-98	\$60,000.00	7.00%	287656 3 AD 4
12-1-99	65,000.00	7.00%	287656 3 AE 2
12-1-00	70,000.00	6.25%	287656 3 AF 9
12-1-01	75,000.00	6.25%	287656 3 AG 7
12-1-02	80,000.00	6.25%	287656 3 AH 5
12-1-03	85,000.00	6.25%	287656 3 AJ 1
12-1-04	90,000.00	6.25%	287656 3 AK 8

From and after December 1, 1997, interest shall cease to accrue and be payable on said bonds.

On December 1, 1997, all of the bonds specifically described above must be surrendered for payment at the principal office of the paying agent, Office of the State Treasurer, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235.

To avoid backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers on IRS Form W-9 when presenting their securities for redemption.

Dated October 21, 1997.

City of Elkhart  
Morton County, Kansas

Doc. No. 019829

## State of Kansas

## Department of Credit Unions

Permanent Administrative  
RegulationsArticle 6.—REPORTING PLACE OF BUSINESS FOR  
CREDIT UNIONS

**121-6-1. Definitions.** "Place of business" shall mean each location owned or leased by the credit union and each shared service center facility in which the credit union is an owner or a lessee, where employees of either the service center or credit union are located and where any of the following occurs:

- (a) payments on shares are received;
- (b) loan or share withdrawals are disbursed;
- (c) loan applications are received, approved, or denied; or
- (d) administrative offices of the credit union are located. (Authorized by and implementing K.S.A. 17-2206(a); effective Nov. 14, 1997.)

**121-6-2. Reporting requirement.** A credit union shall annually report each place of business, as defined in K.A.R. 121-6-1, to the administrator of the Kansas department of credit unions. The report shall be submitted on forms and in the manner prescribed by the administrator. (Authorized by and implementing K.S.A. 17-2206(a); effective Nov. 14, 1997.)

John P. Smith  
Administrator

Doc. No. 019827

## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
RegulationsArticle 19.—AMBIENT AIR QUALITY STANDARDS  
AND AIR POLLUTION CONTROL

**28-19-721. Existing municipal solid waste landfills; definitions.** (a) The definitions at 40 CFR §60.751, as in effect on July 1, 1996, are adopted by reference for the purposes of K.A.R. 28-19-721 through 28-19-727.

(b) The definition of "municipal solid waste landfill" or "MSW landfill" is as defined in K.A.R. 28-19-200.

(c) Unless the context clearly indicates otherwise, the following meanings shall be given to these terms as they appear in 40 CFR part 60.

(1) The term "administrator" shall mean the secretary or the secretary's authorized representative.

(2) The term "United States environmental protection agency" or any term referring to the United States environmental protection agency shall mean the department.

(3) The term "state" shall mean the state of Kansas. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Nov. 14, 1997.)

**28-19-722. Existing municipal solid waste landfills; applicability, permits.** (a) Except as otherwise pro-

vided in subsection (b) of this regulation, the provisions of K.A.R. 28-19-721 through 28-19-727 apply to each existing municipal solid waste landfill that meets all of the following criteria.

(1) Construction, reconstruction, or modification of the MSW landfill commenced before May 30, 1991.

(2) The MSW landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

(3) The MSW landfill has a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters as determined using the methods provided in 40 CFR §60.754(a)(1), as in effect on July 1, 1996, which is adopted by reference for the purposes of K.A.R. 28-19-721 through 28-19-727.

(b) The provisions of K.A.R. 28-19-721 through 28-19-727 shall not apply to any existing MSW landfill that has accepted fewer than 20 tons of municipal solid waste per day and that has received certification of closure from the department before the effective date of this regulation.

(c) In applying the criteria of subsection (a) of this regulation, physical changes or operational changes made to an existing MSW landfill solely to comply with an emission guideline shall not be considered a modification or reconstruction and shall not subject an existing MSW landfill to the requirements of the new source performance standards for MSW landfills, 40 CFR part 60, subpart WWW, as adopted by K.A.R. 28-19-720.

(d) The owner or operator of each existing MSW landfill that meets the criteria of K.A.R. 28-19-722(a) shall be subject to the operating permit requirements at K.A.R. 28-19-510 et seq. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Nov. 14, 1997.)

**28-19-723. Existing municipal solid waste landfills; initial and periodic reporting.** (a) The owner or operator of an existing MSW landfill that meets the criteria of K.A.R. 28-19-722(a) shall prepare and submit to the department an initial design capacity report within 90 days of the effective date of this regulation. The report shall be prepared in accordance with the requirements of 40 CFR §60.757(a)(2), as in effect on July 1, 1996, which is hereby adopted by reference.

(b) The owner or operator of an existing MSW landfill that meets the criteria of K.A.R. 28-19-722(a) shall prepare and submit to the department amended design capacity reports in accordance with the requirements of 40 CFR §60.757(a)(3), as in effect on July 1, 1996, which is hereby adopted by reference.

(c) In meeting the requirements of this regulation, the owner or operator may calculate design capacity as required in subsections (a) and (b) of this regulation in either megagrams or cubic meters for comparison with the corresponding exemption values. Any density conversions and any assumptions made shall be documented and submitted with the initial design capacity report.

(d) If the landfill is permanently closed, a closure notification shall be submitted to the department as provided for in CFR §60.75(d), as adopted by K.A.R. 28-19-726. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Nov. 14, 1997.)

(continued)

**28-19-724. Existing municipal solid waste landfills; NMOC test methods and procedures.** (a) The owner or operator of an existing MSW landfill that meets the criteria of K.A.R. 28-19-722(a) shall calculate the non-methane organic compound (NMOC) emissions from the landfill using the test methods and procedures contained in 40 CFR §60.754(a)(1), as adopted by K.A.R. 28-19-722.

(b) If the initial calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall meet these requirements:

(1) recalculate the emission rate annually using the procedures specified in 40 CFR §60.754(a)(1) as adopted by K.A.R. 28-19-722, until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed; and

(2) submit an annual emission report to the department, except as provided for in 40 CFR §60.757(9b)(1)(ii), as adopted by K.A.R. 28-19-726.

(c) If the recalculated emission rate conducted pursuant to paragraph (b)(1) of this regulation is greater than or equal to 50 megagrams per year, the owner or operator shall comply with the provisions of 40 CFR §60.754(a)(2) through (d), as in effect on July 1, 1996, which is hereby adopted by reference.

(d) The owner or operator of an existing MSW landfill that meets the criteria of K.A.R. 28-19-722(a) and has NMOC emissions greater than or equal to 50 megagrams per year calculated in accordance with the provisions of subsection (a) of this regulation shall comply with the requirements of 40 CFR §60.754(a)(2) through (d), as adopted by K.A.R. 28-19-724. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Nov. 14, 1997.)

**28-19-725. Existing municipal solid waste landfills; collection and control systems.** (a) Gas collection and control. The owner or operator of an existing MSW landfill required to install gas collection and control equipment based on the determination made pursuant to K.A.R. 28-19-724 shall be required to meet these provisions:

(1) submit to the department a collection and control system design plan that meets the requirements of 40 CFR § 60.752(b)(2)(i), as in effect on July 1, 1996, which is hereby adopted by reference;

(2) install a collection and control system that meets the requirements of 40 CFR §60.752(b)(2)(ii), as in effect on July 1, 1996, which is hereby adopted by reference;

(3) route all collected gas to a control system that complies with the requirements of 40 CFR §60.725(b)(2)(iii), as in effect on July 1, 1996, which is hereby adopted by reference; and

(4) comply with the collection and control system capping and removal requirements of 40 CFR § 60.752(b)(2)(v), as in effect on July 1, 1996, which is hereby adopted by reference.

(b) Operational standards. Each existing MSW landfill shall operate the MSW landfill collection and control system in accordance with the provisions of 40 CFR §60.753, as in effect on July 1, 1996, which is hereby adopted by reference.

(c) Compliance. The owner or operator of each existing MSW landfill with a collection and control system shall

determine whether or not the gas collection system complies with the requirements of these regulations according to the provisions of 40 CFR §60.755, as in effect on July 1, 1996, which is hereby adopted by reference.

(d) Monitoring. The owner or operator of each existing MSW landfill with a collection and control system shall monitor operations in accordance with the requirements of 40 CFR §50.756, as in effect on July 1, 1996, which is hereby adopted by reference.

(e) Active gas collection. Any active gas collection system installed to meet the requirements of these regulations shall meet the active collection systems standards for the systems contained in 40 CFR 60.759, as in effect on July 1, 1996, which is hereby adopted by reference. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Nov. 14, 1997.)

**28-19-726. Existing MSW landfills; record-keeping and reporting.** (a) The owner or operator of an existing municipal solid waste landfill subject to the requirements of K.A.R. 28-19-721 through 28-19-727 shall comply with the record-keeping requirements contained in 40 CFR § 60.758, as in effect on July 1, 1996, which is hereby adopted by reference.

(b) Each owner or operator of an existing municipal solid waste landfill subject to the requirements of K.A.R. 28-19-722(a) shall comply with the reporting requirements of 40 CFR §60.757 (b) through (g), as in effect on July 1, 1996, which is hereby adopted by reference. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Nov. 14, 1997.)

**28-19-727. Existing MSW landfills; time for compliance.** (a) Except as provided in subsection (b) of this regulation, the planning, awarding of contracts, and installation of MSW landfill air emissions collection and control systems shall be accomplished within 30 months of the effective date of these regulations.

(b) Each existing landfill that meets the criteria of K.A.R. 28-19-722(a), but that has an NMOC emission rate of fewer than 50 megagrams per year on the effective date of these municipal solid waste landfill air emissions regulations shall accomplish the planning, awarding of contracts, and installation of collection and control equipment within 30 months of the date when the criteria of an NMOC emissions rate greater than or equal to 50 megagrams per year is first met. This determination shall be made pursuant to the requirements of K.A.R. 28-19-724. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective Nov. 14, 1997.)

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019833



## State of Kansas

## State Banking Department

Permanent Administrative  
Regulations

## Article 22.—APPLICATION FEES

**17-22-1. Application fees.** (a) At the time of filing of any application described below, the applicant shall remit to the office of the state bank commissioner the following nonrefundable fee:

(1) Bank or trust company charter	\$2,500
(2) New branch bank	1,000
(3) Relocation	
(A) main office or branch relocation	1,000
(B) short-form main office relocation	500
(C) interchange of main office and branch	500
(4) Merger, consolidation, or transfer of assets and liabilities	1,000
(5) Change of control	
(A) general	1,000
(B) bona fide gift or inheritance	500
(C) formation of one-bank holding company and associated exchange of stock	500
(6) Conversion to state charter	no fee
(7) Bank service corporation	500
(8) Fiduciary activities	
(A) fiduciary powers	no fee
(B) trust branch established pursuant to K.S.A. 9-1135	500
(C) trust service desk established pursuant to K.S.A. 9-2107	500
(D) trust service office established pursuant to K.S.A. 9-2108	500
(E) contracting trustee agreement established pursuant to K.S.A. 9-2107	500
(9) Money order license	100/ plus \$10 per agent
(10) Change of name	250
(11) Revenue bond pledgibility	200
(12) Letter of good standing	50
(13) Administrative appeals pursuant to K.S.A. 9-2108(i), K.S.A. 9-2107(l), or K.S.A. 9-1135(j)	1,000

(b) The statutory procedures governing the applications described in paragraph (a)(2), paragraph (a)(3)(A) or (C), and paragraph (a)(8)(B), (C), or (D) above may require a public hearing. If such a hearing is required, an additional nonrefundable fee of \$400 shall be paid by the applicant to defray the expenses of the hearing.

(c) Any additional cost associated with any examination or investigation shall be paid by the applicant if the state bank commissioner determines that an on-site examination of the financial institutions or trust companies that are parties to the application is necessary. (Authorized by K.S.A. 9-1713; implementing K.S.A. 1996 Supp. 9-509, 9-532, 9-1111b, 9-1115, 9-1135, 9-1722, 9-1724, 9-1803, 9-1804, and 9-2107, and K.S.A. 1996 Supp. 9-1111, as amended by L. 1997, Ch. 180, Sec. 12, K.S.A. 1996 Supp. 9-1402, as amended by L. 1997, Ch. 180, Sec. 4, and K.S.A. 9-1127c, 9-1601, and 9-812; effective Oct. 19, 1992; amended Aug. 16, 1993; amended Oct. 31, 1994; amended Nov. 14, 1997.)

W. Newton Male  
State Bank Commissioner

Doc. No. 019828

## State of Kansas

## Department on Aging

Permanent Administrative  
Regulations

## Article 1.—GENERAL PROVISIONS

**26-1-7. Confidentiality; procedures to protect information; sanctions.** (a)(1) To protect the confidentiality of information about individuals collected in the delivery of services and to safeguard against the unauthorized disclosure of that information, each of the following parties providing services or receiving services through any of the programs in paragraph (a)(2) shall establish and maintain procedures that shall be publicized and shall identify what sanctions shall be imposed against anyone who discloses information in violation of the procedures:

- (A) nutrition program certified assessor;
- (B) client assessment, referral, and evaluation (CARE) assessor;
- (C) senior case manager or case manager;
- (D) service provider;
- (E) area agency;
- (F) contractor, subcontractor, grantee, or subgrantee of an area agency;
- (G) contractor, grantee, or subgrantee of the department;
- (H) legal assistance provider;
- (I) state medicaid fiscal agent; and
- (J) contractor of a state medicaid fiscal agent.

(2) The provisions of paragraph (a)(1) shall apply to the following programs:

- (A) the medicaid nursing facility services payment;
- (B) the medicaid home- and community-based services waiver for the frail elderly;
- (C) the medicaid targeted case management;
- (D) the CARE program;
- (E) the income-eligible home care services;
- (F) the older Americans act;
- (G) the senior care act;
- (H) the in-home nutrition program;
- (I) the state funded case management, custom care, and environmental modification programs; and
- (J) any other program administered by the secretary.

(b) No person or organization identified in subsection (a) above shall disclose, or permit any director, trustee, officer, employee, agent, volunteer, contractor, or subcontractor to disclose, any information about an individual that identifies any of the following:

- (1) name, address, or telephone number;
- (2) past or present receipt of any state or local agency, or federal program services;
- (3) family, social, or economic circumstances;
- (4) medical data, including diagnoses and past history of disease or disability;
- (5) income and other financial information;
- (6) department evaluation of personal or medical information;
- (7) program eligibility; or
- (8) third-party liability for payment for program services to any person or entity without the prior informed

(continued)

consent of the individual or of the individual's representative, unless the disclosure meets any of these criteria:

- (A) is required by court order;
  - (B) is required to enable the delivery of services for which the individual or the individual's representative has requested or applied; or
  - (C) is required for program monitoring purposes by authorized federal, state, or local agencies.
- (c) If, after an investigation, notice, and the opportunity for a hearing, the secretary finds that any person or organization identified in subsection (a) or (b) above has disclosed or permitted the disclosure of any information the disclosure of which is prohibited by this regulation or by any other state or federal law restricting or prohibiting the disclosure of information about individuals requesting or receiving services through any of the department's programs, the person or organization shall have imposed against that person or organization those sanctions that the secretary decides are commensurate with the disclosure under all the circumstances. Sanctions may include any of the following:

- (1) denial, termination, or suspension of performance of any grant, subgrant, contract, subcontract, or other agreement;
- (2) denial, termination, or suspension of participation in any or all department programs;
- (3) referral for criminal prosecution or civil penalty assessments when provided for by law;
- (4) petitioning for temporary or permanent injunctive relief without prior notice;
- (5) exclusion for department data bases; or
- (6) any other sanctions permitted by any state or federal law.

(d) No attorney paid through any program administered by the department to provide legal assistance to an individual shall be required by the department or the area agency to disclose the identity of any individual to whom the attorney provides or has provided legal services or any information protected by the attorney-client privilege. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5945; effective, T-89-14, April 26, 1988; effective Oct. 1, 1988; amended Nov. 14, 1997.)

#### Article 3.—PROCUREMENT

**26-3-4. Responsibilities when subgranting or contracting services under an area plan.** When subgranting or contracting for services under an area plan, each area agency shall meet these requirements:

- (a) Subgrant or contract for services within 90 days after the effective date of the notification of grant award issued by the department, unless written approval for an extension of time is both requested of and granted by the secretary;
- (b) not alter the subgrant or contract during the final 60 days of any grant period, unless prior written approval to do so is requested of and granted by the secretary;
- (c) obtain written approval from the department when proposing to contract or subgrant for services with any for-profit organization; and
- (d) retain pertinent records for each subgrant or contract in the area agency office for review and audit pur-

poses for a period of three calendar years from the end of the calendar year or from the date of the final financial report, whichever is later. If any litigation or audit is begun or if a claim is instituted involving a subgrant or contract, the records pertaining to such subgrant or contract shall be retained until such litigation, audit, or claim is settled. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended, T-89-14, April 26, 1988; amended Oct. 1, 1988; amended Nov. 14, 1997.)

**26-3-7.** (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; revoked Nov. 14, 1997.)

#### Article 4.—NON-MEDICAID HEARINGS AND APPEALS

**26-4-1. Notice of actions; appeals by written requests; time to file written requests.** (a) When the actions is taken or proposed by any of the following parties in any program administered by the secretary, other than a medicaid program administered pursuant to K.S.A. 1996 Supp. 39-968, 75-5321a, and 75-5945 et seq. and any amendments, the procedures in this article 4 shall apply:

- (1) by the secretary or the secretary's designee when it affects any area agency on aging, a service provider, a customer, or any applicant to become a service provider or customer;
- (2) by the secretary or the secretary's designee, an area agency, or any of their agents when it affects a service provider, a customer, or an applicant to become a service provider or customer; or
- (3) by a service provider or its agent when it affects a customer or an applicant to become a customer.

(b)(1) If the secretary or other authority described above in subsection (a) proposes to take any of the actions specified in subsection (a) of this regulation, that authority shall mail written notice of the proposed action and the basis for the proposed action to the affected party or parties at least 10 days before to the effective date of the action identified in the written notice, unless a longer notice period is specifically required by some other provisions of law.

(2) In situations involving an immediate danger to the public health, safety, or welfare, action may be taken by the secretary or other authority without giving prior written notice of proposed action described in this subsection. When action is taken without prior written notice of proposed action prescribed above, written notice of the action shall be mailed by the secretary or other authority to the affected party or parties as soon as practical.

(c) Unless prohibited by some other provision of law, the proposed action may be taken, without any additional notice to the affected party, on the effective date described in the written notice.

(d) Each written notice of proposed action shall identify the reasons for and effective date of the proposed action and include a statement informing the affected party of the right to appeal the action by filing a written request for a hearing with the department on aging within time limits described below in subsection (e).

(e) A party receiving notice of proposed action may appeal the action by filing a written request for a hearing with the department on aging, on or before the date that is 30 days after the effective date of the proposed action identified in the written notice. If no written notice of proposed action is given, an affected party may appeal the action by filing a written request for a hearing with the department on aging on a date that is either within 30 days after the date on which the affected party knew or reasonably should have known of the action or within 30 days after the date on which the affected party received written notice of the action from any source.

(f)(1) A written request for hearing shall be deemed filed with the department on the date it is delivered to the department or on the date of the postmark on the envelope bearing the written request. Written requests that are misdirected to the area agency on aging, a service provider, or the department of social and rehabilitation services, or any agent of any of those organizations shall be forwarded to the department on aging appeals section.

(2) Delivering a copy of a written request for hearing by telecopier or facsimile machine transmission to the department on aging shall be deemed an effective filing only if the original written request for hearing is mailed to the department within 10 days after the date on which the copy was transmitted.

(g) Each request for a hearing shall state clearly the proposed action or the action upon which a hearing is requested. The written request for a hearing shall be included in the department's official record of agency action and record of a hearing as evidence received by it. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; amended Nov. 14, 1997.)

**26-4-2.** (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-34, Oct. 23, 1985; amended May 1, 1986; amended May 1, 1987; revoked Nov. 14, 1997.)

**26-4-3.** (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; revoked Nov. 14, 1997.)

**26-4-4.** (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-89-14, April 26, 1988; amended Oct. 1, 1988; revoked Nov. 14, 1997.)

**26-4-5. Definitions.** As used in article 4 of the department's regulations, the following terms shall have these meanings.

(a) "Appellant" means the area agency on aging, customer, service provider, or an applicant wishing to be a customer or service provider who is affected by, and wishes to appeal, an action or proposed action.

(b) "Customer" means a person who has applied for or asked to receive, or who is receiving, services or benefits from any program, other than a medicaid program, administered by the department.

(c) "Respondent" means the department on aging, an area on aging, a service provider, or an agent whose action or proposed action is being appealed.

(d) "Agent" means a person or organization authorized by grant, subgrant, contract, subcontract, or any other formal or informal arrangement to take action and perform services on behalf of the secretary, the department, an area agency, or a service provider.

(e) "Party" means either an appellant or a respondent, while "parties" means both the appellant and respondent. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-6. Pre-appeal administrative processes.** Before the filing of a written request for a hearing, the parties may engage in any formal or informal administrative procedure or process, the purpose of which is to resolve a dispute or disagreement, to reach a compromise or settlement, or to narrow and define the issues to be appealed. Participation in any pre-appeal administrative process is voluntary and shall not toll or alter in any way the period of time during which an appellant must file a written request for a hearing with the department under K.A.R. 26-4-1 and any amendments. The parties shall not be required to terminate any formal or informal administrative procedure or process when an appellant files a written request for a hearing. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-7. Notice to respondent; presiding officer; summary of respondent's action; notice to parties of hearing date.** (a) Each respondent shall be mailed a copy of the appellant's written request for a hearing by the department within two working days after the written request is timely filed with the department.

(b) After the timely filing of a written request for a hearing, a person to serve as the presiding officer who administers and controls the hearing process shall be designated by the secretary.

(c) The respondent shall prepare and submit to the presiding officer a written summary of its action or proposed action, including a chronological listing of the relevant facts, a recitation of all relevant legal authorities and policies, and an explanation of the reasoning that forms the basis of the action being appealed. The original summary shall be mailed to the department and a copy mailed to the appellant within 15 days after the date on which the respondent receives a copy of the appellant's written request for a hearing from the department. The respondent's summary shall be included in the department's official record of agency action and record of a hearing as evidence received by it.

(d) The appellant and the respondent shall be mailed a written notice of hearing from the department or the presiding officer, identifying the time, date, and place for the hearing at least 15 days before the hearing date identified in the written notice. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-8. Post-appeal; prehearing reviews of action and settlement procedures.** (a) After an appellant files for hearing, a respondent shall review and reevaluate the respondent's action in the course of preparing the sum-

(continued)

mary of its action required K.A.R. 26-4-7 and any amendments. Before the hearing, the appellant shall participate in any grievance or settlement procedure set out in the respondent's written policies.

(b) The parties may communicate directly with each other or through their authorized representatives at any time before the requested hearing to discuss the facts, their positions, their differences, and possible resolutions or settlements.

(c) No testimony or writings relating directly to any prehearing offers of settlement made by either party shall be solicited, introduced, offered, or admitted at a hearing before a presiding officer. In reaching a decision on any issue, the presiding officer shall not consider any information about any prehearing settlement discussions or offers that may be inadvertently disclosed at a hearing. This subsection shall not preclude the presiding officer's consideration of any prehearing stipulations or orders agreed upon in writing by the parties.

(d) The parties shall inform the department and the presiding officer immediately and, when time permits before a hearing, in writing, when they reach any compromise or settlement that eliminates the need for a hearing. Written information of a compromise or settlement shall be included in the department's official record of agency action and record of a hearing as evidence received by it.

(e) An order dismissing an appellant's appeal or permitting an appellant to withdraw the appeal shall be issued by the presiding officer upon receipt of satisfactory evidence from either party that a hearing is no longer necessary due to settlement or compromise. Consent orders, settlement agreements, or stipulations signed by both parties or signed requests to withdraw or dismiss a request for hearing are types of acceptable forms of evidence that the hearing is no longer required and shall be included in the department's official record of agency action and record of a hearing as evidence received by it. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-9. Department's review of its actions; changed actions; resolution and dismissals.** (a) Upon the department's receipt of a written request for a hearing involving the secretary's action, a review shall be made of that action by the department. After the action has been reviewed, it shall be amended, altered, reversed, rescinded, or upheld, as deemed necessary.

(b) If the action is amended, reversed, rescinded, or altered, the appellant shall be given written notice of that change in action by the department. An appellant who is dissatisfied with the change in action shall continue with the original appeal and is not required to file a new written request for a hearing on the changed action. The appeal shall proceed on the changed action.

(c) If the parties resolve their differences over the action being appealed, the presiding officer shall be notified of the resolution by a written report from the department, with a copy of the written resolution report being sent to the appellant. The presiding officer shall dismiss the appellant's request for a hearing if the presiding officer does not receive any further correspondence from the appel-

lant within 10 days after receiving the department's written resolution report. The resolution report and any correspondence from the appellant shall be included in the department's official record of agency action and record of a hearing as evidence received by it. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-10. Hearing; presiding officer; hearing panel; prehearing and posthearing matters; orders of presiding officer.** (a) The person designated and appointed by the secretary as the presiding officer pursuant to K.A.R. 26-4-7 and any amendments shall conduct the hearing and render a decision. Instead of one person, a hearing panel of three persons to hold the hearing may be designated and appointed by the secretary, but only one person on that panel shall be designated to serve as the presiding officer. The decision of the panel shall be the decision with which at least two members of the panel agree.

(b) Either party may be represented by an attorney. An organization may be represented by an employee. An individual who is unable to communicate effectively may be represented by a family member, a guardian, a conservator, or other personal representative at the hearing. If a party is represented at the hearing, the representative shall speak for the party and present the party's evidence through exhibits and the testimony of witnesses, including the party.

(c) The presiding officer may conduct prehearing, hearing, and posthearing matters in accordance with procedures set out in either or both of the Kansas rules of civil procedure, K.S.A. 60-101 *et seq.* and any amendments of the Kansas administrative procedure act, K.S.A. 77-501 *et seq.* and any amendments.

(d) The presiding officer shall conduct the hearing in an informal manner. The presiding officer shall generally adhere to the following format or to some adaptation that the presiding officer finds will promote the interests of time, economy, or fairness under all the circumstances:

- (1) appellant's opening statement or argument, followed by respondent's opening statement or argument;
- (2) appellant's case, with respondent being given the opportunity to cross-examine appellant's witnesses after appellant's direct examination, followed by any re-direct and re-cross-examinations;
- (3) respondent's case, with appellant being given the opportunity to cross-examine respondent's witnesses after respondent's direct examination, followed by any re-direct and re-cross-examinations;
- (4) appellant's rebuttal case of respondent's case;
- (5) respondent's surrebuttal case of appellant's rebuttal case;
- (6) appellant's closing argument, followed by respondent's closing argument, followed by appellant's rebuttal to respondent's closing argument.

(e) the presiding officer may make any order before, during, or after the hearing that the presiding officer deems necessary to ensure a fair hearing for both parties. These orders may include orders relating to prehearing matters such as schedules, deadlines, conferences, prehearing orders, oral or written discovery, pleadings, motions, briefs, objections, and other responses; orders re-

lating to hearing issues such as motions, altering hearing format, time limits for statement or arguments, and objections to evidence, exhibits, or testimony; and orders relating to posthearing issues such as *nunc pro tunc* orders, motions, proposed findings of fact and conclusions of law. When both parties were represented by attorneys at the hearing, the presiding officer may order both parties to submit proposed findings of fact and conclusions of law.

(f) The presiding officer may issue an order granting either party additional time to do some act mandated by statute, regulation, or prior order of the presiding officer. The presiding officer may also order a continuance of a scheduled hearing, conference, or other matter.

(g) Unless both parties specifically agree to the application of the Kansas rules of evidence set out in K.S.A. 60-401 *et seq.* and any amendments, the presiding officer may consider any evidence, including any writing, document, record, exhibit, object, or testimony, presented at the hearing, regardless of whether or not any foundation was laid for it or whether it was formally introduced, offered, or admitted into evidence, as long as that evidence is relevant to an issue being decided at the hearing.

(h) All writings, evidence, documents, and orders relating to prehearing, hearing, and posthearing matters shall be included in the department's official record of agency action and record of a hearing as evidence received by it. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-11. Recording the hearing; transcripts.** (a) A taped recording or other electronically recorded record of the hearing, any prehearing conferences, and any posthearing conferences shall be made by the department at its expense.

(b) A party may have a hearing recorded by a stenographer or court reporter at its own expense, and the opposing party may obtain a copy of the transcript of that recording upon payment of the stenographer's or court reporter's charges for a copy. Parties may agree to share the expense of a stenographer or court reporter and transcripts.

(c) Transcripts of any matter recorded by the department shall be made by the department at the request of either party or the presiding officer. A party requesting a transcript shall pay the department's costs for transcribing, printing, copying, and delivering the transcript. A copy of any transcript prepared by the department or either party or at the request of either party shall be included in the department's official record of agency action and record of a hearing as evidence received by it. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-12. Presiding officer's decision; when final order.** (a) The presiding officer or hearing panel shall issue a signed, written decision and mail copies to the parties within 30 days after the latest of the dates on which the following occurred:

(1) the last day of the hearing;

(2) receipt of the proposed findings of act and conclusions of law; or

(3) the presiding officer's receipt of a copy of the transcript of the hearing. A written decision rendered by a hearing panel shall be signed by all of its members, with a dissenting member so identified. The date on which the decision is mailed to the parties shall be identified on a certificate of mailing signed by the presiding officer, or by the presiding officer's designee, and attached as a part of the written decision.

(b) In the written decision, the presiding officer or hearing panel shall clearly include and identify the following information in separately numbered or lettered paragraphs or sections:

(1) findings of facts based on specifically identified evidence that the presiding officer or majority of the panel decides is reliable and relevant;

(2) policies that are applicable to an issue or to the decision;

(3) conclusions of law specifically identifying statutes and regulations that the presiding officer or the majority of the panel decides are controlling and applicable to the facts; and

(4) a summary of the decision on each issue decided.

(c) The presiding officer's or hearing panel's written decision shall be included in the department's official record of agency action and record of a hearing as evidence received by it.

(d) The written decision of a presiding officer or hearing panel is an initial order that becomes a final order 21 days after the date on which it is mailed to the parties, unless a party has appealed the decision by filing with the department a written request for the secretary's review of the presiding officer's decision within 20 days after the date on which the decision was mailed to the parties.

(e) The 30-day period for filing a petition for review of agency action, in accordance with the Kansas act for judicial review and civil enforcement of agency actions, K.S.A. 77-601 *et seq.* and any amendments, shall begin to run on the date on which the presiding officer's written decision becomes a final order under subsection (d) above. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-13. Appeal of presiding officer's decision; review and decision by the secretary; final order.** (a) Either party may appeal the presiding officer's decision and obtain the secretary's review of the presiding officer's or hearing panel decision by filing a written request for review with the department within 20 days after the date on which the decision was mailed to the parties. The party filing the written request for the review shall simultaneously mail a copy of the request for review to the opposing party.

(b) The written request for the secretary's review shall include, or have attached to it at the time of filing, a memorandum, brief, or written statement in support that meets these requirements:

(1) identifies the mailing date of the presiding officer's or the hearing panel's written decision to be reviewed;

(continued)

(2) identifies the alleged fact-finding errors made by the presiding officer or the hearing panel, listing those findings of fact in which the alleged errors were made;

(3) identifies the alleged errors of law made by the presiding officer or the hearing panel, listing those conclusions of law in which the alleged errors were made; and

(4) includes arguments or reasoning why the presiding officer's or the hearing panel's decision should be amended, revised, overruled, or reversed, in whole or in part. The written request and any attachment shall be included in the department's official record of agency action and record of a hearing as evidence received by it.

(c) A party other than the party that files a written request for the secretary's review may file a memorandum or brief opposing the written request for review. A party's memorandum or brief in opposition to a request for review shall be included in the department's official record of agency action and record of a hearing as evidence received by it.

(d)(1) Oral arguments of the parties may be heard by the secretary. The request for review, the parties' memoranda or briefs in support of and opposing the request, the presiding officer's decision, and any portions of the record deemed necessary shall be reviewed and considered by the secretary or a person who is not the presiding officer and is designated by the secretary, before issuing a final order reviewed, approved, and signed by the secretary.

(2) The secretary's final order shall amend, revise, affirm, or reverse the presiding officer's decision, in whole or in part, and shall direct any action deemed appropriate under the circumstances. The parties shall be mailed a copy of the secretary's final order. The secretary's final order shall be included in the department's official record of agency action and record of a hearing as evidence received by it.

(e) The 30-day period for filing a petition for review of agency action in accordance with the Kansas act for judicial review and civil enforcement of agency actions, K.S.A. 77-601 *et seq.* and any amendments, shall begin to run on the date the secretary's final order is mailed to the parties under subsection (d) above. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-14. Venue.** Hearings requested by an appellant who is a customer shall be held in the planning and service area in which the customer resides, unless the presiding officer designates another location. Hearings requested by appellants other than customers shall be held face-to-face in Topeka, Kansas. (Authorized by and implementing K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

**26-4-15. Telephone proceedings.** Except as provided in K.A.R. 26-4-14 and any amendments, the presiding officer may conduct any appeal proceeding, including the hearing or any prehearing or posthearing conference of any type, by conference telephone call. The presiding officer may grant a party's written request for a face-to-face proceeding if the requesting party shows good cause why a fair and impartial proceeding could not be conducted by telephone. (Authorized by and implementing

K.S.A. 75-5908 and K.S.A. 1996 Supp. 75-5928 and 75-5931; effective Nov. 14, 1997.)

#### Article 4a.—CUSTOMER AND PROVIDER APPEALS IN MEDICAID PROGRAMS

**26-4a-1. Medicaid services fair hearing program; application of department of social and rehabilitation services' fair hearing regulations; requests for fair hearings.** (a) The regulations in this article 4a shall apply only to the medicaid long-term care programs and services that the secretary of aging administers on behalf of the secretary of social and rehabilitation services, pursuant to K.S.A. 1996 Supp. 39-968, 75-5321a, and 75-5945 *et seq.*, as amended.

(b) A fair hearing program to process and decide appeals involving the medicaid long-term care programs and services and the customers and providers of those services shall be administered through the department of social and rehabilitation services' administrative hearing section in accordance with the secretary of social and rehabilitation services' fair hearing regulations set out in K.A.R. 30-7-64 *et seq.*, as in effect on June 1, 1997.

(c) To appeal a written decision, final action, or order made by the secretary of aging or any of the department on aging's employees or agents involving a medicaid program or service, a request for a fair hearing shall be made in writing to the department of social and rehabilitation services' administrative hearings section, pursuant to K.A.R. 30-7-68, as in effect on June 1, 1997, within the time provided therein.

(d) Written requests for hearings that are misdirected to the department on aging or any of its regional offices, an area agency on aging, a service provider, or any agent of any of those organizations shall be forwarded to the department of social and rehabilitation services' administrative hearings section. (Authorized by and implementing K.S.A. 1996 Supp. 75-5908 and K.S.A. 1996 Supp. 75-5945; effective, T-26-7-1-97, July 1, 1997; effective Nov. 14, 1997.)

#### Article 5.—IN-HOME NUTRITION PROGRAM

**26-5-3. Termination of contracts.** (a) A contract may be terminated by the department for cause in whole or in part, at any time before the expiration date, if the provider has failed to comply with the terms of the contract. The provider shall be notified in writing by the department of the determination and the reasons for the termination, together with the effective date.

(b) A contract under the in-home nutrition program may be terminated on other grounds by either party at any time upon 30-day written notice, unless a different time for notice is provided for in the contract.

(c) The applicant denied funding, or the provider whose contract is terminated for cause or on other grounds, shall have the right to appeal the decision by following the procedures outlined in K.A.R. 26-4-1 *et seq.* and any amendments. (Authorized by and implementing K.S.A. 75-5908; effective, T-86-48, Dec. 18, 1985; effective May 1, 1986; amended Nov. 14, 1997.)

**26-5-6. Eligibility for nutrition services, in-home meals, or supportive services and method of determin-**

ing eligibility for specific population groups. (a) A certified assessor shall make a written determination of the eligibility of each individual requesting nutrition services, in-home meals or supportive services using sections, designated by the department, of the state of Kansas uniform assessment instrument adopted in K.A.R. 120-1-1 and any amendments. Assessments shall be made at the individual's residence.

(1) Assessments shall be completed as follows:

(A) not later than the end of the first week of meal delivery if that individual has not been a customer of the congregate nutrition program;

(B) not later than the end of the third week of meal delivery if that individual has been a congregate customer receiving home-delivered meals due to a temporary illness;

(C) not later than the third week of meal delivery if the individual has not been a congregate customer and needs meals on a temporary basis during a recuperative period after discharge from a hospital, and who after the first week of meal service, needs a continuation of meal service as certified by a physician on a form prescribed by the department; or

(D) before the receipt of a home-delivered meal if that individual has been a congregate customer and is requesting home-delivered meals for reasons other than temporary illness.

(2) Subsequent re-assessments shall be performed as follows:

(A) not later than six months after the first determination of eligibility for receiving nutrition services or in-home meals and annually thereafter for individuals whose condition has been determined by written assessment as not likely to improve; or

(B) every six months if the individual chooses, by request, not to receive meals at a congregate site and the certified assessor determines that the individual is psychologically, emotionally, or socially impaired.

(b) In order to be eligible to receive a home-delivered meal provided under either the in-home nutrition program or the older Americans act nutrition program, each individual shall meet the qualifications in paragraph (1), (2), or (3).

(1) Any individual who is age 60 or older, homebound by reason of illness or incapacitating disability, and unable to attend a congregate site shall qualify for services if the individual meets these requirements:

(A) lacks an informal support system of family, friends, neighbors, or others who are willing and able to prepare the individual's meals without charge for the preparation; and

(B) is unable to prepare meals at home for at least one of the following reasons:

(i) limited physical mobility;

(ii) cognitive impairment; or

(iii) lack of knowledge or skills to select and prepare nourishing and well-balanced meals.

(2) Any individual who is age 60 or older and who, due to psychological, emotional, or social impairment, chooses not to receive meals at a congregate site shall qualify for services if the individual meets these requirements:

(A) lacks an informal support system of family, friends, neighbors, or others who are willing and able to prepare the individual's meals without charge for the preparation; and

(B) is unable to prepare meals at home for at least one of the following reasons:

(i) limited physical mobility;

(ii) cognitive impairment; or

(iii) lack of knowledge or skills to select and prepare nourishing and well-balanced meals.

(3) An individual who is age 60 or older and isolated because there is no nutrition site in the community of residence shall qualify for services if either of the following conditions is met.

(A) There is no resource offering transportation to a neighboring community with a nutrition site.

(B) The individual is not able to drive, or chooses not to drive, to a neighboring community with a nutrition site.

(c) A person, regardless of age, shall be eligible to receive home-delivered meals funded only under the older Americans act nutrition services if the following conditions exist.

(1) The person is either the eligible individual's spouse, regardless of age, who resides with an eligible individual, or a person who has a disability, regardless of relationship to the eligible individual, who resides in a non-institutional home with an eligible individual.

(2) The best interests of the eligible individual will be served by permitting the person to receive the home-delivered meal.

(d) An eligible individual's unpaid, non-spousal caretaker, age 60 or older, shall be eligible to receive a home-delivered meal provided under the older Americans act supportive services program if the following conditions exist:

(1) the certified assessor has determined that providing the home-delivered meal to the caretaker would be a cost-effective alternative to institutionalizing the eligible individual; and

(2) the best interests of the eligible individual will be served by permitting the person to receive the home-delivered meal.

(e) For purposes of this regulation, "certified assessor" means a person who has received assessment training approved by the department and has been certified by the department to perform the required assessments. (Authorized by and implementing K.S.A. 75-5908; effective, T-86-48, Dec. 12, 1985; effective May 1, 1986; amended Sept. 7, 1993; amended, T-26-7-1-96, July 1, 1996; amended Nov. 8, 1996; amended Nov. 14, 1997.)

#### Article 8.—SENIOR CARE ACT

**26-8-8. Termination.** (a) Services provided under this act may be terminated by the service provider under any of these conditions:

(1) if the client is institutionalized;

(2) if the client is no longer in need of service due to the provision of alternative services or improvement to the point of ability to perform activities of daily living or instrumental activities of daily living;

(continued)

- (3) if the client dies;
- (4) if the client is determined to be no longer safe in the client's own home due to the need for more services than can be provided;
- (5) if the client, the client's family, or both substantially interfere with the provider's ability to deliver services, including refusing service and interfering with completion of work;
- (6) if a possibility exists of the client physically harming the worker or when violence has been previously noted;
- (7) if the client or a member of the client's family makes sexual advances, demonstrates sexually inappropriate behavior, uses sexually inappropriate language in the presence of staff, or any combination of such actions;
- (8) if the type of service, amount of service provided, or both is not appropriate or adequate to meet the needs of the client, even in combination with other services available to the client;
- (9) if, in order to better target services as referenced in K.A.R. 26-8-13, the area agency raises the client disability criteria for participation in the program; or
- (10) if fees for the services are not paid.

(b) Notice.  
 (1) If services are to be terminated by the provider, written notice of termination shall be given to the client or the client's family, except in instances of death or institutionalization. The notice shall be served by delivering a copy of the notice to the client or by mailing a copy of the notice to the client at the client's last known address. Notice shall be served at least 10 calendar days before the effective date of the termination, except in cases of violent or sexually inappropriate behavior.

(2) The notice shall include the reasons for and the effective date of the termination and a statement informing the affected party of the right to appeal the action by filing a written request for a hearing with the department on aging within time limits described in K.A.R. 26-4-1(e). (Authorized by and implementing K.S.A. 75-5931; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended July 28, 1995; amended Nov. 14, 1997.)

**26-8-9. Request for hearing.** (a) Every client shall be informed in writing of the right to a hearing under K.A.R.

26-4-1 *et seq.* and any amendments and the method of obtaining such a hearing. The notice shall be given at the time of action on the application for services and at the time of any subsequent action affecting services.

(b) Any applicant, client, or former client who is dissatisfied with any action concerning the furnishing or denial of senior care act services shall have the right to appeal the action in a formal hearing.

(c) After a request for a hearing has been filed, services may continue at the current level during the appeal process. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended Nov. 14, 1997.)

**26-8-10.** (Authorized by and implementing K.S.A. 75-5908; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked Nov. 14, 1997.)

**26-8-11.** (Authorized by and implementing K.S.A. 75-5908; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked Nov. 14, 1997.)

**Article 10.—ADMINISTRATION OF MEDICAID PROGRAMS: NURSING FACILITY SERVICES PAYMENT PROGRAM, HOME AND COMMUNITY-BASED SERVICES WAIVER PROGRAM FOR THE FRAIL ELDERLY, AND TARGETED CASE MANAGEMENT SERVICES PROGRAM**

**26-10-1. Administration of medicaid programs.** The long-term care medicaid programs that are described in K.A.R. 30-2-17, the administration of which is transferred to the secretary of aging from the secretary of social and rehabilitation services, pursuant to K.S.A. 1996 Supp. 39-968, 75-5321a, and 75-5945 *et seq.*, as amended, shall be administered in accordance with the authorities referenced in K.S.A. 1996 Supp. 75-5945, as amended, and with K.A.R. 30-2-17, as in effect on July 1, 1997. (Authorized by and implementing K.S.A. 1996 Supp. 75-5908 and K.S.A. 1996 Supp. 75-5945; effective, T-26-7-1-97, July 1, 1997; effective Nov. 14, 1997.)

Thelma Hunter Gordon  
 Secretary of Aging

Doc. No. 019817

**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 to the 1997 Volumes of the *Kansas Administrative Regulations*.

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1-2-14	Amended	V. 16, p. 1178	1-9-13	Amended	V. 16, p. 974
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1-5-7	Amended	V. 16, p. 1665	1-9-27	Amended	V. 16, p. 976
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1-5-12	Revoked	V. 16, p. 1666	1-13-1a	Amended	V. 16, p. 977
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1-6-2	Amended	V. 16, p. 1178	1-16-2b	Amended	V. 16, p. 1210
1-6-8	Amended	V. 16, p. 1179	1-16-2d	Revoked	V. 16, p. 1211
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1-6-22	Revoked	V. 16, p. 1179	1-16-18	Amended	V. 16, p. 1211
1-6-27	Amended	V. 16, p. 1179	1-18-1a	Amended	V. 16, p. 1212
1-6-29	Amended	V. 16, p. 1666	1-63-2	Amended	V. 16, p. 978
1-6-33	Amended	V. 16, p. 973			
1-7-11	Amended	V. 16, p. 1667			



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AGENCY 7: SECRETARY OF STATE

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30-46-10	Amended	V. 16, p. 1553
<b>AGENCY 36: DEPARTMENT OF TRANSPORTATION</b>		
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36-1-1	Revoked	V. 16, p. 1250
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36-1-2	Revoked	V. 16, p. 1251
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36-1-8	Revoked	V. 16, p. 1251
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36-1-35 through 36-1-38	New	V. 16, p. 1251-1255
36-35-1	Revoked	V. 16, p. 1256
36-39-1	Amended	V. 16, p. 1078
36-39-2	Amended	V. 16, p. 1078
36-39-3	Amended	V. 16, p. 1078
36-39-6	Amended	V. 16, p. 1080

<b>AGENCY 40: KANSAS INSURANCE DEPARTMENT</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
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40-2-21	Revoked	V. 16, p. 972
40-2-24	New	V. 16, p. 482
40-3-5	Amended	V. 16, p. 686
40-3-26	Amended	V. 16, p. 686
40-3-27	Amended	V. 16, p. 686
40-3-49	Amended	V. 16, p. 686
40-4-41c	Amended	V. 16, p. 686
40-7-20a	Amended	V. 16, p. 483
40-7-21	Amended	V. 16, p. 484
40-8-7	Amended	V. 16, p. 687
40-10-2	Amended	V. 16, p. 1626
40-10-10	Amended	V. 16, p. 1626

<b>AGENCY 45: KANSAS PAROLE BOARD</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
45-9-2	Amended	V. 16, p. 1550

<b>AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT (MINED-LAND CONSERVATION AND RECLAMATION)</b>		
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47-1-1	Revoked	V. 16, p. 585
47-1-3	Amended	V. 16, p. 585
47-1-4	Revoked	V. 16, p. 585
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47-1-9	Amended	V. 16, p. 586
47-1-10	Revoked	V. 16, p. 586
47-1-11	Amended	V. 16, p. 586
47-2-14	Revoked	V. 16, p. 586
47-2-21	Amended	V. 16, p. 586
47-2-53	Amended	V. 16, p. 586
47-2-53a	Amended	V. 16, p. 586
47-2-58	Amended	V. 16, p. 586
47-2-64	Amended	V. 16, p. 586
47-2-67	Amended	V. 16, p. 587
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47-4-14a	Amended	V. 16, p. 590
47-4-15	Amended	V. 16, p. 595
47-4-16	Amended	V. 16, p. 598
47-4-17	Amended	V. 16, p. 598
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47-5-16	Amended	V. 16, p. 601
47-6-1	Amended	V. 16, p. 601
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47-9-1	Amended	V. 16, p. 604
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47-14-7	Amended	V. 16, p. 610
47-15-1a	Amended	V. 16, p. 610
47-15-3	Amended	V. 16, p. 611
47-15-4	Amended	V. 16, p. 611
47-15-7	Amended	V. 16, p. 611
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47-15-15	Amended	V. 16, p. 612
47-15-17	Amended	V. 16, p. 612
47-16-1 through 47-16-8	Amended	V. 16, p. 612-614
47-16-9	New	V. 16, p. 614
47-16-10	New	V. 16, p. 614
47-16-11	New	V. 16, p. 614

<b>AGENCY 49: DEPARTMENT OF HUMAN RESOURCES</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
49-49-1	Amended	V. 16, p. 1120

<b>AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
50-2-25a through 50-2-25e	New	V. 16, p. 1047

<b>AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
51-9-7	Amended	V. 16, p. 1329

<b>AGENCY 60: BOARD OF NURSING</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
60-1-104	New	V. 16, p. 436
60-2-101	Amended	V. 16, p. 437
60-2-102 through 60-2-108	New	V. 16, p. 437-440
60-3-106	Amended	V. 16, p. 440

<b>AGENCY 63: BOARD OF MORTUARY ARTS</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
63-3-10	Amended	V. 16, p. 1250

<b>AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
65-5-6	Amended	V. 16, p. 300
65-5-9	New	V. 16, p. 249
65-5-10	New	V. 16, p. 250
65-10-1	Amended	V. 16, p. 1176

<b>AGENCY 68: BOARD OF PHARMACY</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
68-1-1f	Amended	V. 16, p. 1176
68-1-2a	New	V. 16, p. 1176
68-2-5	Amended	V. 16, p. 1177
68-2-9	Amended	V. 16, p. 1177
68-20-15a	Amended	V. 16, p. 1177

<b>AGENCY 69: BOARD OF COSMETOLOGY</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
69-15-1 through 69-15-30	New	V. 16, p. 1281-1288

<b>AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
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70-1-6	New	V. 16, p. 441
70-2-1	Revoked	V. 16, p. 173
70-2-2	Revoked	V. 16, p. 173
70-2-3	Revoked	V. 16, p. 173
70-4-1 through 70-4-7	Revoked	V. 16, p. 173
70-4-8	New	V. 16, p. 441

70-4-9	New	V. 16, p. 443
70-4-10	New	V. 16, p. 443
70-5-1	Amended	V. 16, p. 173
70-7-1	New	V. 16, p. 173
70-8-1	New	V. 16, p. 174
70-9-1	New	V. 16, p. 1289
70-10-1	New	V. 16, p. 175

<b>AGENCY 71: KANSAS DENTAL BOARD</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
71-1-3	Amended	V. 16, p. 1742
71-1-16	Revoked	V. 16, p. 1742
71-1-17	Revoked	V. 16, p. 1742
71-1-19	New	V. 16, p. 1742
71-3-3	Revoked	V. 16, p. 1742
71-5-3	Amended	V. 16, p. 1742
71-5-4	Amended	V. 16, p. 1742

<b>AGENCY 74: BOARD OF ACCOUNTANCY</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
74-1-5	Revoked	V. 16, p. 1119
74-1-6	New	V. 16, p. 1119
74-2-1	Amended	V. 16, p. 1119
74-12-1	Amended	V. 16, p. 1120

<b>AGENCY 75: CONSUMER CREDIT COMMISSIONER</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
75-6-26	Amended	V. 16, p. 301

<b>AGENCY 82: STATE CORPORATION COMMISSION</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
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82-3-120	Amended	V. 16, p. 1332
82-3-120a	New	V. 16, p. 1332
82-3-123	Amended	V. 16, p. 1333
82-3-129	Revoked	V. 16, p. 1333
82-3-130	Amended	V. 16, p. 1333
82-3-136	Amended	V. 16, p. 1333
82-3-141	Revoked	V. 16, p. 1333
82-3-304	Amended	V. 16, p. 1333
82-3-308	Revoked	V. 16, p. 1334
82-3-309	Revoked	V. 16, p. 1334
82-3-312	Amended	V. 16, p. 1334
82-3-313	Revoked	V. 16, p. 1334
82-3-500 through 82-3-504	Revoked	V. 16, p. 1334

<b>AGENCY 86: REAL ESTATE COMMISSION</b>		
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86-1-5	Amended	V. 16, p. 1669, 1704
86-1-11	Amended	V. 16, p. 1669, 1705
86-2-8	Amended	V. 16, p. 1670, 1706
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86-3-26	New	V. 16, p. 1670, 1706
86-3-27	New	V. 16, p. 1672, 1707
86-3-28	New	V. 16, p. 1672, 1707

<b>AGENCY 91: DEPARTMENT OF EDUCATION</b>		
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<b>AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION</b>		
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94-3-1	Amended	V. 16, p. 1246
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<b>AGENCY 100: BOARD OF HEALING ARTS</b>		
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100-29-14	New	V. 16, p. 380-384
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100-46-3	Revoked	V. 16, p. 385
100-46-5	Revoked	V. 16, p. 385
100-46-6	Revoked	V. 16, p. 385
100-47-1	Revoked	V. 16, p. 385
100-49-5	Amended	V. 16, p. 1176
100-54-7	Amended	V. 16, p. 142
100-67-1	New	V. 16, p. 1174, 1549

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-13	Amended	V. 16, p. 1672
102-2-2a	Amended	V. 16, p. 1672
102-2-4a	Amended	V. 16, p. 1673
102-2-4b	Amended	V. 16, p. 1674
102-2-5	Amended	V. 16, p. 1675
102-2-6	Amended	V. 16, p. 1675
102-2-8	Amended	V. 16, p. 1676
102-2-9	Amended	V. 16, p. 1678
102-2-10	Amended	V. 16, p. 1678
102-2-11	Amended	V. 16, p. 1678
102-2-12	Amended	V. 16, p. 1679
102-3-2	Amended	V. 16, p. 1680
102-4-2	Amended	V. 16, p. 1680
102-5-2	Amended	V. 16, p. 1680

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 16, p. 651

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

Reg. No.	Action	Register
109-6-2	Amended	V. 16, p. 1708
109-8-1	Amended	V. 16, p. 685

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

Reg. No.	Action	Register
110-4-1 through		
110-4-4	Amended	V. 16, p. 1329-1331
110-4-5	New	V. 16, p. 1331

**AGENCY 111: KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 15, p. 1304
111-2-1	Amended	V. 16, p. 1043
111-2-2	Amended	V. 12, p. 1261
111-2-2a through		
111-2-2e	New	V. 14, p. 1633, 1634
111-2-4	Amended	V. 15, p. 1953
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 14, p. 1634
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 through		
111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 15, p. 1180

111-2-31	New	V. 14, p. 170
111-2-32 through		
111-2-42	Revoked	V. 16, p. 448, 449
111-2-43	New	V. 15, p. 287
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-2-46	New	V. 15, p. 624
111-2-47	Amended	V. 16, p. 449
111-2-48	New	V. 15, p. 1055
111-2-49	New	V. 15, p. 1055
111-2-50	New	V. 15, p. 1056
111-2-51	New	V. 15, p. 1440
111-2-52	New	V. 15, p. 1441
111-2-53	New	V. 15, p. 1710
111-2-54	New	V. 15, p. 1920
111-2-55	New	V. 15, p. 1953
111-2-56	New	V. 16, p. 449
111-2-57	New	V. 16, p. 449
111-2-58	New	V. 16, p. 689
111-2-59	New	V. 16, p. 1043
111-2-60	New	V. 16, p. 1209
111-2-61	New	V. 16, p. 1473
111-2-62	New	V. 16, p. 1209
111-3-1	Amended	V. 14, p. 908
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. 13, p. 35
111-3-12	Amended	V. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19 through		
111-3-22	Amended	V. 9, p. 30
111-3-19	Revoked	V. 13, p. 1827
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. 13, p. 1827
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
111-3-34	New	V. 13, p. 149
111-3-35	Amended	V. 14, p. 909
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111-4-5	Revoked	V. 12, p. 113
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111-4-15	Revoked	V. 12, p. 113
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111-4-114	New	V. 7, p. 1606-1610
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111-4-106	Revoked	V. 16, p. 450
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111-4-224	Revoked	V. 10, p. 1585

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111-4-228	Revoked	V. 10, p. 1585
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111-4-240	Revoked	V. 11, p. 413
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111-4-244	Revoked	V. 12, p. 1371
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111-4-248	Revoked	V. 12, p. 1371
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111-4-335	Revoked	V. 12, p. 114
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111-4-387	Revoked	V. 12, p. 1373
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111-4-391	Revoked	V. 12, p. 1373
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111-4-444	Revoked	V. 14, p. 8	111-4-804 through			111-5-25	Amended	V. 15, p. 1059
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111-7-93	Revoked	V. 15, p. 291
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111-7-126	Amended	V. 15, p. 1304
111-7-127	Amended	V. 16, p. 1479
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**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

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112-4-26	New	V. 16, p. 1152
112-10-5	Amended	V. 16, p. 1664
112-10-6	Amended	V. 16, p. 379
112-16-6	Amended	V. 16, p. 1469
112-16-14	Amended	V. 16, p. 380
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115-2-1	Amended	V. 16, p. 248
115-2-3	Amended	V. 16, p. 1471
115-3-2	Amended	V. 16, p. 1471
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115-9-5	Amended	V. 16, p. 1472
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115-14-9	Amended	V. 16, p. 1175
115-18-7	Amended	V. 16, p. 1551
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115-30-3	Amended	V. 16, p. 249
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**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

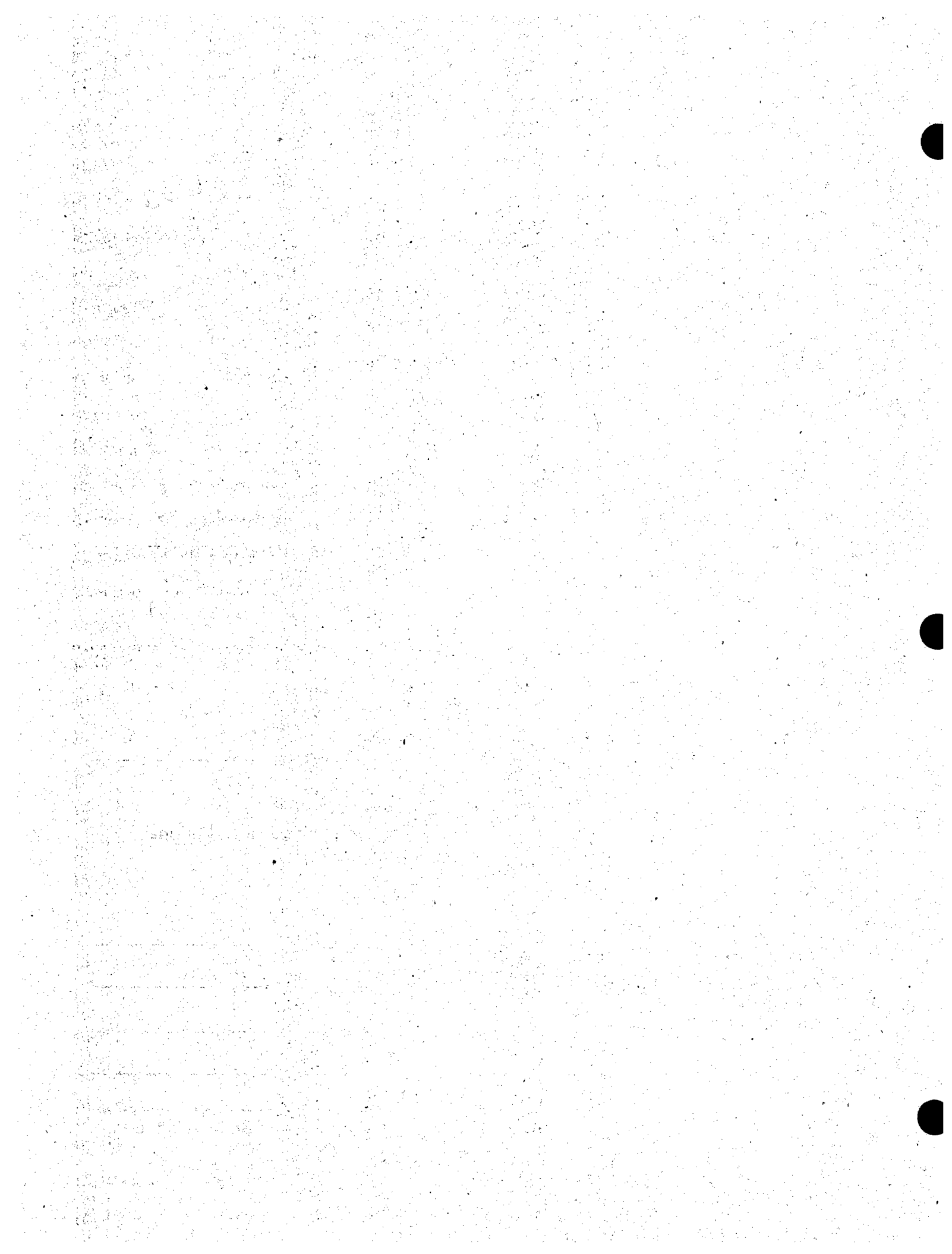
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121-4-11	New	V. 16, p. 72-77
121-5-1	New	V. 16, p. 1048
121-5-2	New	V. 16, p. 1048

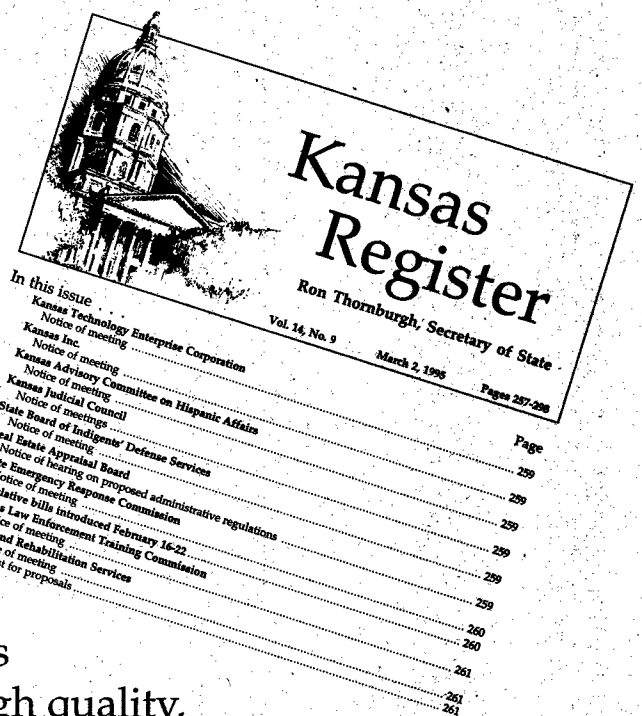
**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

Reg. No.	Action	Register
123-2-1	New	V. 16, p. 1173



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