



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of January 3 through January 10. Any individual with a disability may request accommodation in order to participate in committee meetings. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or (785) 296-8430 (TTY). This will be the last interim calendar for 1999. If you wish to be on the 2000 interim mailing list, please contact Legislative Administrative Services in May of 2000.

Date	Room	Time	Committee	Agenda
January 5	Dillon House	8:00 a.m.	Kansas Systems Review Team	Agenda not available.
January 5 January 6	514-S Canceled	9:30 a.m.	Joint Committee on Administrative Rules and Regulations	Review proposed rules and regulation filed by the Bank Commissioner and draft proposed regulations of the chief engineer.
January 6	313-S	10:00 a.m.	Joint Meeting of House Appropriations and Senate Ways and Means	FY 2000 state general fund budget adjustments, including public hearing.
January 7	123S	9:00 a.m.	Senate Ways and Means	Committee discussion and possible action on FY 2000 state general fund budget adjustments.
January 7	514-S	9:00 a.m.	House Appropriations	Committee discussion and possible action on FY 2000 state general fund budget adjustments.
January 7 January 10	Canceled 531-N	10:00 a.m.	Task Force on Rail Passenger Service in Kansas	Agenda not available.

Jeff Russell
Director of Legislative
Administrative Services

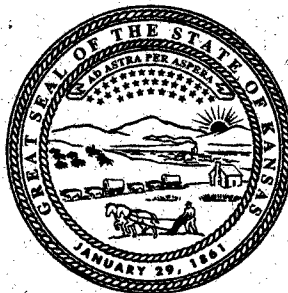
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State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet at 1 p.m. Saturday, January 8, at the Holiday Inn West, 605 S.W. Fairlawn Road, Topeka. For further information, contact Deana Novak at (316) 669-3612.

Mike Gaskill
President

Doc. No. 024639

State of Kansas

Kansas Performance Review Board

Notice of Preliminary Recommendation

The Kansas Performance Review Board recommends the consolidation of the Department of Health and Environment laboratories (KHEL) and the laboratories of the Department of Agriculture into a single organization under the control of either the Department of Health and Environment or the Department of Agriculture.

After a thorough review of both laboratories, the board concludes that the State of Kansas will be best served in the future if it combines the two separate laboratories physically, functionally, financially and managerially. In doing so, the board recommends the relocation of KHEL to the unused portion of the pre-engineered metal structure presently occupied by the Department of Agriculture labs.

Although recognizing the excellent work of both laboratories in the past, the board finds the complexities of modern science and the growing threats of man-made activities, now and in the future, require the state to streamline its lines of authority in order to more quickly and accurately respond to unanticipated events. In order to position itself to meet these challenges, the state also should fully utilize the resources available within the government and establish a network of laboratory resources that reside in state universities, medical centers, community colleges and specified labs in other agencies. This network can further serve to maximize testing capacity, allow time-sharing of expensive equipment and use the expertise of scientists not present in a specific lab.

The agencies should enter into a Memorandum of Understanding (MOU) for the transfer of employees and equipment. The MOU also should contain provisions for uninterrupted testing of Department of Agriculture samples for a period of three years unless mutually agreed otherwise.

Although not included in this review, the Performance Review Board suggests that the Bureau of Weights and Measures, presently collocated with the Department of Agriculture and jointly managed by the Director of the Agriculture Laboratories, be considered for integration into the consolidated laboratories as soon as practical.

The consolidation of these two laboratories will require enabling legislation.

The Kansas Performance Review Board invites public comment on this preliminary recommendation at 11:15 a.m. February 21 in Room 313-South, State Capitol, 300 S.W. 10th Ave., Topeka.

Questions or comments may be directed to Robert L. Stockwell, Executive Director, Kansas Performance Review Board, 800 S.W. Jackson, Suite 817, Topeka, 66612, (785) 296-4401 or fax (785) 296-4360.

Robert L. Stockwell
Executive Director

Doc. No. 024643

State of Kansas

Kansas Performance Review Board

Notice of Preliminary Recommendation

The Kansas Performance Review Board recommends reorganization of state printing operations that include the printing plants in Topeka, those of the Regent universities and certain state agencies.

After a thorough review of all aspects of printing within the state, the board concludes that the state can better meet its printing needs by streamlining the Topeka plant. In doing so, the board recommends that the Topeka Printing Plant retain such equipment and personnel to serve as the printing experts for the state, support the printing needs of state agencies, and provide continued printing support to the Legislature. Moreover, the Director of Printing should have operational control over equipment located in other state agencies that are capable of being networked. Residual equipment should be transferred or sold to Regent university printers or to the public at large.

Agencies that have older, specialized printing equipment should not replace major component items but instead allow the Director of Printing to fulfill those printing requirements in the future. The Department of Transportation's blue print operations (personnel and supporting equipment) is exempt from this requirement.

The Director of Printing should fully utilize the resources available at the university plants and within the private sector to meet the other printing needs of state agencies and other governmental bodies. By establishing a competitive environment for printing requirements, the Director of Printing can lower costs and improve customer service.

The Performance Review Board also recommends that the Director of Printing establish a consortium of state printers that will be more efficiently operated through specialization, bulk purchases, and cooperative printing agreements. Recognized by the Legislature as having unique requirements, the Regent university printing operations can be more cost-effectively operated if existing regulations to use these presses by university departments are stringently followed.

The Kansas Performance Review Board invites public comment on this preliminary recommendation at 11:15 a.m. February 21 in Room 313-South, State Capitol, 300 S.W. 10th Ave., Topeka.

Questions or comments may be directed to Robert L. Stockwell, Executive Director, Kansas Performance Review Board, 800 S.W. Jackson, Suite 817, Topeka, 66612, (785) 296-4401 or fax (785) 296-4360.

Robert L. Stockwell
Executive Director

Doc. No. 024644

State of Kansas

Department of Human Resources

Notice of Decisions

Pursuant to K.S.A. 44-759, the Department of Human Resources is publishing the following secretary's decisions. The text of a decision that conceals the identity of the parties is available by written request to the Chief of Contributions, Department of Human Resources, 401 S.W. Topeka Blvd., Topeka, 66603-3182.

Secretary's Decision 99-C-01
Dated December 2, 1999

An employing unit is denied a transfer of experience rating factors when the application for such a transfer is older than 120 days.

Secretary's Decision 99-C-02
Dated December 2, 1999

Delivery workers hired by a meal delivery service were ruled to be not employees.

Richard E. Beyer
 Secretary of Human Resources

Doc. No. 024651

(Published in the Kansas Register December 30, 1999.)

City of Wichita, Kansas

Notice to Bidders

The City of Wichita will receive bids (rebid) at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, January 28, for the following project:

KDOT Project No. 87 N-0095-01
Index Code 706762
Paving

Central from I-235 to West Street

Plans for this project remain the same as those made available for bids received December 17, 1999. Requests for the bid documents and plans should be directed to KBP Reprographics, (316) 264-9344, or Sandy Frerichs, (316) 268-4488. Other questions should be directed to the design engineer, Chris Breitenstein, at (316) 268-4235.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Marty Murphy at (316) 268-4499 or Sandy Frerichs at (316) 268-4488 for extra sets of plans and specifications.

Sandy Frerichs
 Administrative Aide
 City of Wichita—Engineering

Doc. No. 024645

State of Kansas

Kansas Dental Board

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, March 3, in the French Quarter meeting room at the Holiday Inn-West, 605 S.W. Fairlawn, Topeka, to consider the adoption of proposed regulations of the Kansas Dental Board.

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 administrative regulations. All parties may submit written comments prior to the hearing to the administrative director of the Kansas Dental Board, 3601 S.W. 29th, Suite 134, Topeka, 66614. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed administrative regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

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 the Kansas Dental Board at (785) 273-0780. Handicapped parking is located in the front of the building, and the front entrance to the building is accessible to individuals with disabilities.

These regulations are proposed for adoption on a permanent basis. A summary of the regulations and the economic impact follows. These regulations are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

K.A.R. 71-1-20. This regulation establishes a \$200 penalty fee to be paid by any licensee that fails to renew his/her license within the time period specified in statute and wishes to seek reinstatement of a cancelled license.

There is no economic impact to governmental agencies or the general public. This is not an environmental regulation.

K.A.R. 71-1-21. This regulation establishes the actions taken by the board when any licensee is found in contempt of court in a child support proceeding. These actions include suspension, termination, or denial of the licensee's authority to practice.

There is no economic impact to governmental agencies or the general public. This is not an environmental regulation.

Copies of the regulations and the economic impact statements may be obtained by contacting the administrative director of the Kansas Dental Board at the address above.

Jerri A. Freed
 Administrative Director

Doc. No. 024641

State of Kansas

Department of Health
and Environment

Public Notice

The Kansas Department of Health and Environment announces its intention to submit an application for authorization from the U.S. Environmental Protection Agency to administer and enforce provisions of Subpart L, Section 406(b) of the Toxic Substance Control Act. Subpart L defines the requirements for renovators to provide a lead hazard information pamphlet to owners and occupants of target housing before beginning renovations.

Written comments may be directed to Barry Brooks, Department of Health and Environment, Suite 604, Mills Building, 109 S.W. 9th, Topeka, 66612-1274. Comments must be received by the close of business February 25 in order to be considered in the application process.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024652

State of Kansas

Attorney General

1999 Update to Guidelines for Takings
of Private Property

The following United States Supreme Court, Kansas Supreme Court, and United States District Court for the District of Kansas cases, rendered after the completion of the Attorney General's 1998 update to the takings guidelines, contain private property takings analysis as well as analysis of some tangential issues. Pursuant to K.S.A. 77-704 of the Private Property Protection Act, this summary of decisions constitutes the 1999 update to the Attorney General's Guidelines. The original guidelines may be found in Volume 14, Number 51 of the Kansas Register, published on December 15, 1995. The 1996 update may be found in Volume 16, Number 1 of the Kansas Register, published January 2, 1997. The 1997 update may be found in Volume 16, Number 52 of the Kansas Register, published December 25, 1997. The 1998 update is located in Volume 17, Number 53 of the Kansas Register, published December 31, 1998.

City of Monterey v. Del Monte Dunes at Monterey, Ltd., ___ U.S. ___, 119 S.Ct. 1624, ___ L.Ed.2d ___ (1998).

Property owner brought a § 1983 action against the city, alleging that the city's repeated rejections of owner's proposals for development of property had effected a regulatory taking. Trial was held in which taking claim was submitted to a jury.

In a unanimous decision, the United States Supreme Court held that the "rough proportionality" test of *Dolan v. City of Tigard*, 512 U.S. 374, 114 S.Ct. 2309, 129 L.Ed.2d 304, 320 (1994) (the degree of exaction demanded by a land use regulation must be roughly proportional to the impact of the use to which the property is being put), is limited in application to situations involving exactions, where land use decisions condition approval of devel-

opment on dedication of property to a public use. This case involved a landowner's challenge to a denial of development approval, and thus the rough proportionality analysis was not applicable. See also, *Clajon Production Corp. v. Petera*, 70 F.3d 1566 (10th Cir. 1995). The Court also held, in a 5-4 decision, that a takings claim brought under 42 U.S.C. § 1983 is an "action at law" within the meaning of the Seventh Amendment right to jury trial, and that under the circumstances of this case, the issues of whether the landowner has been deprived of all economically viable use of his property and whether the city's decision to reject the development plan bore a reasonable relationship to its proffered justifications for the decision were issues properly before the jury. The Court's conclusions regarding the role of a jury in takings cases were specifically limited to § 1983 actions and the specific circumstances of this case. 119 S.Ct. at 1644.

Eberth v. Carlson, 266 Kan. 726, 971 P.2d 1182 (1999) and *McDonald's Corp.*, 266 Kan. 708, 971 P.2d 1189 (1999).

These cases serve to limit *Garrett v. City of Topeka*, 259 Kan. 896 (1996), to its specific facts. Thus, with regard to police power takings affecting traffic flow (as opposed to denying "right of access"), a compensable taking occurs only if the police power regulation is unreasonable; the economic impact analysis espoused by *Garrett* is not applicable in such cases.

Outdoor Systems, Inc. v. City of Merriam, ___ F.2d ___, 1999 WL 760656 (D.Kan. Aug. 30, 1999).

Plaintiff's takings claim dismissed as unripe because plaintiff failed to show it had unsuccessfully sought compensation under the inverse condemnation procedures available under state law, or that such procedures would be futile. "Even if the Court assumes that the City ordinance has rendered plaintiff's billboards worthless, no taking for constitutional purposes has occurred 'unless or until the State fails to provide an adequate post-deprivation remedy for the property loss.'" *Id.* at 15. See also *Froelich v. City of Newton*, 1999 WL 640042 (D.Kan. June 17, 1999).

Keys Youth Services, Inc. v. City of Olathe, 52 F.Supp.2d 1284 (D.Kan. 1999).

A city's denial of a nonprofit corporation's request for a special use permit to operate a group home on the corporation's property did not constitute a taking under the Fifth Amendment, absent a showing that denial of the permit lowered the value of the property or denied the corporation an economically viable use of its property.

Green v. City of Wichita, 47 F.Supp.2d 1273 (D.Kan. 1999).

Takings of private property for public use are allowed when a state is exercising its inherent police powers to promote health, morals or safety of the community. Issuance of citations for violations of the housing code and placarding lessors' properties did not result in a taking prohibited by the Fifth Amendment.

Carla J. Stovall
Attorney General

Doc. No. 024638

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment will conduct a public hearing at 9:30 a.m. Friday, March 3, in Classroom B, Wheatland Habilitation Center, Kansas Neurological Institute, 21st and Oakley, Topeka, to consider the Adult Care Home Administrators regulations, K.A.R. 28-38-18 through 28-38-23, 28-38-26, 28-38-28 and 28-38-29 (amended), and 28-38-30 (new). A summary of the regulations and the economic impact statement follows.

K.A.R. 28-38-18. Updates statutory citation; minor language clarification; limits candidates' opportunities to take exams per 12-month period.

K.A.R. 28-38-19. Updates statutory citation; removes requirement for health examination; minor language clarification; refines issues of being a preceptor for an administrator-in-training.

K.A.R. 28-38-20. Updates statutory citation; details language describing educational requirements; establishes requirement for additional education if three national examinations are failed; prescribes process for reviewing criminal history records and candidates' responsibility to produce documents.

K.A.R. 28-38-21. Updates statutory citation; prescribes expiration of temporary license when licensee fails national examination; minor language clarification.

K.A.R. 28-38-22. Updates statutory citation; details criteria for granting reciprocal license.

K.A.R. 28-38-23. Updates statutory citation; minor language clarification; details requirements for renewal and lapse of license; reduces total hours for continuing education from 60 to 50; eliminates required number of hours in administration and electives; establishes prorating continuing education hours; changes hours awarded for preceptors; requires hours for reinstatement to be earned during licensure period immediately preceding application.

K.A.R. 28-38-26. Updates statutory citation; minor language clarification; establishes method of requesting additional or replacement wall license.

K.A.R. 28-38-28. Updates statutory citation; minor language clarification; specifies required documents for name change, address change and replacement license.

K.A.R. 28-38-29. Updates and adds statutory citation; minor language clarification through additional definitions; describes process and disciplinary sanctions for sponsors of long-term continuing education programs.

K.A.R. 28-38-30. New section. Organizes all fees in one section of regulation; describes each fee type and amount.

Economic Impact: Minimal. Entities that elect to participate in the sponsorship program will pay a one-time fee of \$150, which is only resubmitted if the entity fails to comply with conditions of sponsorship and reappplies at a later date. Licensees requesting replacement of wall (or wallet) licenses will pay a \$10 fee to cover costs.

The time between the publication of this notice and the scheduled hearing constitutes a 60-day public comment

period for the purposes of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Lesa Bray, Director of Health Occupations Credentialing, Room 1051, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1290. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations during the hearing. 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.

A complete copy of the regulations and the economic impact statement may be obtained from the Kansas Department of Health and Environment, Health Occupations Credentialing. Questions pertaining to the proposed regulations should be directed to Lesa Bray at (785) 296-1281.

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 Lesa Bray.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024642

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 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 and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges 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.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-99-200/204
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Sunflower Pork Inc. (Pracht Facility) 14406 W. 1300 Road Westphalia, KS 66093	NE/4, Section 3, T21S, R18E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCAN-S009

This is a renewal of an existing facility for 400 head of swine weighing more than 55 pounds (160 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: None, existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Roland Martin 1772 Road 30 Hartford, KS 66854	SE/4, Section 23, T21S, R12E, Lyon County	Neosho River Basin

Kansas Permit No. ANELY-M002

This is a renewal for an existing facility for 200 head of dairy cattle (280 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: None, existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
O.K. Corral 1055 Kiowa Road McPherson, KS 67460	N/2, Section 35, T19S, R4W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-C001 Federal Permit No. KS-0080438

This is a permit renewal for an existing facility for 2,000 head (2,000 animal units) of beef cattle. This is a temporary reduction in the permitted capacity until additional wastewater pollution controls are permitted and constructed.

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 and shall be submitted to the department by January 15, 2000. The plans shall include liner permeability testing and an implementation schedule for proposed modifications and improvements, and shall be sufficient to facilitate upgrading of the pollution control structures to meet or exceed minimum design standards. The wastewater retention structure shall be cleaned of accumulated solids by March 15, 2000, as necessary to provide adequate storage for the runoff and direct rainfall associated with a 25-year, 24-hour storm event. A water level gauge (staff gauge) shall be installed in the existing wastewater impoundment by June 1, 2000.

Name and Address of Applicant	Legal Description	Receiving Water
Prairie Dairy P.O. Box 162 Syracuse, KS 67878	N/2, Section 16, T25S, R43W, Hamilton County	Arkansas River Basin

Kansas Permit No. A-CIHM-D003 Federal Permit No. KS-0115291

This is a new facility for 2,400 head (3,360 animal units) of dairy 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 developed by the designer and approved by the department shall be adhered to as a condition of this permit. The results of a permeability test conducted on the retention structures and lagoons shall be submitted to KDHE. Dewatering equipment shall be obtained within two months after issuance of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Larry Lierz 292 170th St. Fairview, KS 66425	E½ of SE¼, Section 29, T3S, R15E, Brown County	Kansas River Basin

Kansas Permit No. A-KSBR-MD06

This is a permit for a previously certified facility of 60 head (84 animal units) of dairy cows.

Wastewater Control Facilities: The flow of the wastewater will be controlled in a way to prevent water pollution.

Compliance Schedule: None, existing controls meet KDHE requirements.

Public Notice No. KS-99-208/221

Name and Address of Applicant	Waterway	Type of Discharge
Almena, City of P.O. Box 277 Almena, KS 67622	Prairie Dog Creek	Treated Domestic Wastewater

Kansas Permit No. M-UR01-0001 Federal Permit No. KS0116769

Legal: NE¼, S9, T2S, R21W, Norton Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia; fecal coliform, total residual chlorine, dissolved oxygen and effluent flow rate also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with the final limits in its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Board of Public Utilities 1211 N. 8th St. Kansas City, KS 66101	Missouri River	Treated Process Wastewater

Facility Name: Nearman Water Treatment Plant

Kansas Permit No. I-MO25-PO10 Federal Permit No. KS0095354

Legal: SW¼, S13, T10S, R24E, Wyandotte Co.

Facility Description: The proposed action is to issue a new permit for wastewater discharges from a new public water treatment plant. The proposed permit includes limits for total residual chlorine. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Canton, City of P. O. Box 476 Canton, KS 67428	Cottonwood River via Dry Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE09-0001 Federal Permit No. KS0022497

Legal: E½, S15, T19S, R1W, McPherson Co.

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia, fecal coliform, and effluent flow rate also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Farmland Industries, Inc. P. O. Box 308 Lawrence, KS 66044	Kansas River via Unnamed Tributary	Treated Processed Wastewater

Kansas Permit No. I-KS31-PO04 Federal Permit No. KS0001601

Legal: NW¼, S4, T13S, R20E, Douglas Co.

Facility Description: The proposed action is to reissue a permit for an existing wastewater treatment facility treating primarily process wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, and pH. Monitoring for effluent flow rate, fecal coliform, oil and grease, vanadium, total phosphorus, organic nitrogen, nitrate, total nitrogen and sulfates will also be required. In addition, the permittee is required to conduct Chronic Whole Effluent Toxicity Test and a Priority Pollut-

(continued)

ant Scan. Included in this permit is a schedule of compliance requiring the permittee to obtain information necessary to assure the permittee is in compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Garnett, City of P.O. Box H Garnett, KS 66032	Crystal Lake	Treated Domestic Wastewater

Facility Name: Garnett Municipal Electric Plant
Kansas Permit No. I-MC13-CO01 Federal Permit No. KS0084191
Location: 16600 S. Walnut St., Garnett, KS 66032

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes monitoring for effluent flow rate, and temperature. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Johnson County Unified Wastewater District 7311 W. 130th St., Suite 100 Overland Park, KS 66213	Blue River Via Indian Creek	Treated Domestic Wastewater

Facility Name: Tomahawk Creek M.S.D. No. 1 Wastewater Treatment Plant
Kansas Permit No. M-MO27-0001 Federal Permit No. KS0055484
Legal: SW¼, S10, T13S, R25E, Johnson Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for carbonaceous biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine, dissolved oxygen, and pH. Monitoring for effluent flow rate, temperature, total phosphorus, total nitrogen, and diazoin also will be required. In addition, the permittee is required to conduct Chronic Whole Effluent Toxicity Test and a Priority Pollutant Scan. The proposed permit also requires upstream and downstream monitoring of the receiving stream. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with the final limits in its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Lawrence, City of City Hall, Box 708 Lawrence, KS 66044	Kansas River	Treated Domestic Wastewater

Kansas Permit No. M-KS31-IO01 Federal Permit No. KS0038644
Legal: NW¼, S32, T12S, R20E, Douglas Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, total residual chlorine, fecal coliform, ammonia, and pH. Monitoring for effluent flow rate, total phosphorus, total nitrogen, dissolved oxygen and temperature also will be required. In addition, the permittee is required to conduct Chronic Whole Effluent Toxicity Test and a Priority Pollutant Scan. Included in this permit is a schedule of compliance requiring the permittee to make obtain information to assure compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Lincoln Center, City of 153 W. Lincoln Lincoln Center, KS 67455	Saline River via Yauger Creek	Treated Domestic Wastewater

Kansas Permit No. M-SA07-0001 Federal Permit No. KS0028240
Legal: SW¼, S6, T12S, R7W, Lincoln Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia, total residual chlorine, effluent flow rate, and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with the final limits in its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Logan, City of P. O. Box 116 Logan, KS 67646	North Fork Solomon River via Crooked Creek	Treated Domestic Wastewater

Kansas Permit No. M-SO25-0001 Federal Permit No. KS0116891
Legal: NE¼, S34, T4S, R20W, Phillips Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, and pH. Monitoring for total residual chlorine, effluent flow rate, and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with the final limits in its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Lyndon, City of P.O. Box 287 Lyndon, KS 66451-0287	Salt Creek	Treated Domestic Wastewater

Kansas Permit No. M-MC21-0001 Federal Permit No. KS0024821
Legal: NE¼, S6, T17S, R16 E, Osage Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia, effluent flow rate, total residual chlorine, and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with the final limits in its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Phillipsburg, City of P.O. Box 447 Phillipsburg, KS 67661-0447	North Fork Solomon Creek via Deer Creek via Plotner Creek	Treated Domestic Wastewater

Kansas Permit No. M-SO31-0001 Federal Permit No. KS0025674
Legal: SW¼, S35, T3S, R18W, Phillips Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, and pH. Monitoring for total residual chlorine, effluent flow rate, and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with the final limits in its

NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Preston, City of 500 Main St. Preston, KS 67569	North Fork Ninnescah River via Silver Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR74-0001 Federal Permit No. KS0049832
Legal: NW¼, S29, T26S, R11W, Pratt Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, and pH. Monitoring for total residual chlorine, effluent flow rate, and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with the final limits in its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Shears Construction, L.P. dba/ Couch Construction Materials P. O. Box 1605 819 W. First St. Hutchinson, KS 67504-1605	Saline River Via Bullfoot Creek	Quarry Pit Dewatering and Stormwater

Facility Name: Quartzite Stone Co.
Kansas Permit No. I-SA07-PO02 Federal No. KS0091332
Legal: SW¼, S14, T12S, R8W, Lincoln Co.

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing quarry for quarry dewatering and removal of stormwater treating primarily domestic wastewater. This is a quartzite quarrying and crushing operation with no watering. The proposed permit includes limits for pH. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
WaKeeney, City of 408 Russell Ave. WaKeeney, KS 67672	Big Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-SH38-0001 Federal Permit No. KS0030481
Legal: SW¼, S9, T12S, R23W, Trego Co.

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, and pH. Monitoring for total residual chlorine, effluent flow rate, and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with the final limits in its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Di-

vision of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments regarding the draft permit or application notice postmarked or received on or before January 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-99-200/204, KS-99-208/221) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation, and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

- Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600
- Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (316) 225-0596
- South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020
- Southeast District Office, 1500 W. 7th, Chanute, 66720, (316) 431-2390

Plans and documents for all new facilities and for expansions of existing swine facilities also may be reviewed on the Internet at www.kdhe.state.ks.us.

For all other proposed permits, the draft permit(s), 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 offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These 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.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024653

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. Andrews Asphalt & Construction, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a hot mix asphalt facility. Emissions of particulate matter (PM) and particulate matter less than 10 microns in diameter (PM-10) were evaluated during the permit review process.

Andrews Asphalt & Construction, Inc., Topeka, owns and operates the portable hot mix asphalt facility with a 500 tons per hour capacity.

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 Shawnee County Health

Agency, 1615 W. 8th, Topeka. To obtain or review the proposed permit and supporting documentation, contact Herbert Buckland, (785) 296-6438, at the KDHE central office, or Ed Kalas, (785) 368-2059, at the Shawnee County Health Agency. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Herbert Buckland, 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 January 31.

A person may request a public hearing be held 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 January 31 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024649

State of Kansas

Office of Judicial Administration
Supreme Court Docket

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

Monday, January 24, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,488	Angie Howell, et al., Appellants, v. Kansas Newman College, et al., Appellees.	Judy A. Pope Robert L. Pottroff Brad S. Parker	Sedgwick
83,619	Michael W. McKernan, Plaintiff, v. General Motors Corp., Defendant.	Derek S. Casey David C. Stout	Certified Question
80,460	State of Kansas, Appellee, v. Patricia A. Alexander, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. District Atty. Mary Curtis, Asst. Appellate Defender	Sedgwick
81,586	State of Kansas, Appellee, v. Michael L. Coyote, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. District Atty. Mary Curtis, Asst. Appellate Defender	Sedgwick
1:30 p.m.			
82,298	Juventino Solis, Appellee, v. Brookover Ranch Feedyard, Inc., et al., Appellants.	Robert A. Levy D. Shane Bangarter Billy E. Newman	Work Comp
80,707	State of Kansas, Appellee, v. Vincent Larae Ransom, Appellant.	Carla J. Stovall, Atty. Gen. Ty Kaufman, County Atty. Cory D. Riddle, Asst. Appellate Defender	McPherson Petition for Review
81,519	State of Kansas, Appellee, v. Bryon K. Rayton, Appellant.	Carla J. Stovall, Atty. Gen. Joan M. Hamilton, District Atty. Richard Ney, Special Appellate Defender	Shawnee

79,003 State of Kansas, Appellee, Carla J. Stovall, Atty. Gen. Reno
 Timothy J. Chambers, District Atty.
 v. Petition for Review
 Jason Eugene Chaney, Appellant. Rick Kittel, Asst. Appellate Defender

Tuesday, January 25, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,582	Lawrence S. Jenkins, et al., Appellees, v. T.S.I. Holdings, Inc., et al., Appellants.	Mark Hinderks Jed D. Reeg	Johnson
80,691	State of Kansas, Appellee, v. Roger Drach, Appellant.	Carla J. Stovall, Atty. Gen. John P. Wheeler, Jr., County Atty. Jack Focht	Finney
79,807	State of Kansas, Appellee, v. Antonio C. Moore, Appellant.	Carla J. Stovall, Atty. Gen. Paul J. Morrison, Dist. Atty. Cory D. Riddle, Asst. Appellate Defender	Johnson Petition for Review
82,470	In re One 1993 Chevrolet Corsica.	Terry J. Malone Michael A. Doll	Ford

1:30 p.m.

81,970 81,971 82,268	In the Matter of the Applications of Kansas Christian Home for Exemption from Ad Valorem Taxation in Harvey County.	Craig D. Cox A. James Gillmore Paul C. Herr Robert L. Kennedy	Tax Appeal
83,604	William Alexander, et al., Plaintiffs, v. Certified Master Builders Corporation, Defendant.	Patricia L. Lear-Johnson Craig T. Kenworthy	Certified Question
80,936	State of Kansas, Appellee, v. Shakeer Davis, Appellant.	Carla J. Stovall, Atty. Gen. William E. Kennedy III, County Atty. Debra J. Wilson, Asst. Appellate Defender	Riley

Wednesday, January 26, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,291	Stephen W. Abbott, O.D., et al., Appellants, v. Kansas Board of Examiners in Optometry, et al., Appellees.	Reid F. Holbrook Randall J. Forbes	Shawnee
79,079	State of Kansas, Appellee, v. Frankie Boyd, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, Dist. Atty. Daniel Estes, Asst. Appellate Defender	Wyandotte Petition for Review
79,463	State of Kansas, Appellee, v. Code Laster, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, District Atty. John M. Duma	Wyandotte
81,604	State of Kansas, Appellee, v. Reginald Pennington, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, District Atty. Rick Kittel, Asst. Appellate Defender	Wyandotte

(continued)

1:30 p.m.

82,962	Families Against Corporate Takeover, Appellant, v. Gary Mitchell and the Kansas Dept. of Health and Environment, Appellees.	John M. Carter II Erika V. Bessey	Shawnee
82,929 83,048 83,049 83,114 83,115	State of Kansas, Appellant, v. Victor L. Bowie, Appellant.	Carla J. Stovall, Atty. Gen. Joan M. Hamilton, District Atty. Robert Eskildsen	Shawnee
81,220	State of Kansas, Appellee, v. Wilford M. Galloway, Appellant.	Carla J. Stovall, Atty. Gen. Christine K. Tonkovich, District Atty. Richard Ney, Special Appellate Defender	Douglas

Thursday, January 27, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
77,100	State of Kansas, Appellant, v. Stephen Medford Shively, Appellant.	Carla J. Stovall, Atty. Gen. Joan M. Hamilton, District Atty. Craig H. Durham, Asst. Appellate Defender	Shawnee
78,380	State of Kansas, Appellee, v. Stephen Medford Shively, Appellant.	Carla J. Stovall, Atty. Gen., Joan M. Hamilton, District Atty. Craig H. Durham, Asst. Appellate Defender	Shawnee Petition for Review
83,936	In the Matter of Thomas J. Richardson, Respondent.	Stanton A. Hazlett, Disc. Admin. Thomas J. Richardson, Pro Se	Original
83,937	In the Matter of James C. Trickey Pro Se, Respondent.	Frank D. Diehl, Deputy Disc. Admin. Steven R. McConnell James C. Trickey, Pro Se	Original
83,896	In the Matter of John W. Cole, Respondent.	Marty M. Snyder, Deputy Disc. Admin. John W. Cole, Pro Se	Original

Friday, January 28, 2000

**Summary Calendar—No Oral Argument
(Pursuant to Supreme Court Rule 7.01(c))**

80,862 State v. Rafael Flores 82,586 State v. Jeremy J. Bell

**Summary Disposition of Sentencing Appeals—No Oral Argument
(Pursuant to Supreme Court Rule 7.041(a))**

82,170	State v. Michael L. Enriquez	82,835	State v. Peter M. Germes	83,011	State v. Gerardo Garcia-Sanchez
82,675	State v. David G. Brace	82,868	State v. Andrew Mitchell	83,035	State v. Daniel Woolsey
82,698	State v. Shilla M. Johnson	82,877	State v. Kevin Lamont Williams	83,100	State v. James H. Craig
82,758	State v. Wayne R. Larson	82,953	State v. Ferlandus C. Batchelor	83,124	State v. Demetrio Ruben Maestas
82,759	State v. Frank T. Lilly	82,955	State v. Neil Wayne Evarts	83,127	State v. Charles Tomlinson
82,796	State v. Donald T. Williams				

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 024654

State of Kansas

Kansas Military Board

Notice of Meeting

The Kansas Military Board of the Adjutant General's Department will meet at 10 a.m. Thursday, January 13, in the State Defense Building, Conference Room 102, 2800 S.W. Topeka Blvd., Topeka. An agenda may be obtained by contacting Charles Bredahl, State Defense Building, Room 100, 2800 S.W. Topeka Blvd., Topeka, 66611-1287, (785) 274-1004.

Any individual with a disability may request accommodation in order to participate in the meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Charles Bredahl or the Kansas Relay Center, 1-800-766-3777.

Charles G. Bredahl
Special Assistant to
the Adjutant General

Doc. No. 024630

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1998 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 12-27-99 through 1-2-00

Term	Rate
1-89 days	5.26%
3 months	5.38%
6 months	5.70%
9 months	5.92%
12 months	6.02%
18 months	6.19%
24 months	6.21%

Derl S. Treff
Director of Investments

Doc. No. 024637

State of Kansas

**Office of Judicial Administration
Court of Appeals Docket**

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

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

Before Rulon, P.J.; Marquardt and Knudson, JJ.

Tuesday, January 11, 2000

1:00 p.m.

Case No.	Case Name	Attorneys	County
81,742	State of Kansas, Appellee, v. Michael A. Goudy, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Roger D. Struble	Saline
82,241	State of Kansas, Appellee, v. Frances I. Jamison, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Ralph J. DeZago	Saline
81,569	State of Kansas, Appellee, v. Walter A. Peyton, a/k/a Walter L. Payton, a/k/a Manuel Lacey, a/k/a Aaron A. Johnson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Doyle Baker, Asst. D.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Sedgwick
82,661	State of Kansas, Appellee, v. Ray G. Shock, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Rogers, Asst. D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Sedgwick
81,709	State of Kansas, Appellee, v. Michael J. Kelly, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Sedgwick

(continued)

Wednesday, January 12, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,462	State of Kansas, Appellee, v. Randall Wyatt, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Geary N. Gorup	Sedgwick
82,392	State of Kansas, Appellee, v. Kathleen S. Spicher, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Kirk C. Redmond, Asst. A.D.	Sedgwick
82,431	State of Kansas, Appellee, v. Vincent L. Ransom, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Kirk C. Redmond, Asst. A.D.	Sedgwick
81,701	Anna M. Moore (Petitioner's Assignee, the Secretary of Kansas Department of SRS), Appellant, v. Jan R. Moore, Appellee.	Timothy G. Givan Richard A. Bejes	Reno
82,487	Kenneth Regnier, Appellant, v. Kansas Dept. of Revenue, Appellee.	Leslie Phelps Hess Andrew L. Warren James G. Keller	Ford
1:30 p.m.			
82,105	K.C. Colors, Ltd., and Timothy R. Schumacher, Appellants, v. William D. Jones, Pamela S. Jones, and The Classic Tan, L.C., Appellees.	Nathan C. Harbur Scott R. Schillings	Sedgwick
82,112	In the Matter of the Applications of the Disabled American Veterans Thrift Stores, Inc., for Exemption from Ad Valorem Taxation in Sedgwick County, Kansas.	Sean C. McEnulty Clarence D. Holeman	Tax Appeal

Summary Calendar—No Oral Argument

82,629	State of Kansas, Appellee, v. Robert E. Marks, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles A. O'Hara	Sedgwick
82,295	State of Kansas, Appellee, v. Dallas I. Yoakum, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Peter C. Hagan	Sedgwick
81,756/81,792/82,054/82,057/82,058/83,014/83,039/83,040/ 83,041/83,042/83,043/83,044/83,045/83,046/83,047/83,052/83,053	In the Matter of the Application of Graham-Michaelis Corporation for Exemption from Ad Valorem Taxation in Barton County, Kansas.	Richard A. Boeckman Tony R. Folsom	Tax Appeal
83,074	State of Kansas, Appellee, v. Kurt A. Milam, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Mark T. Schoenhofer	Sedgwick

82,348	Alyce I. Marsee, Appellant, v. Hampton W. Anderson III, Appellee.	Mark T. Schoenhofer Dana M. Harris	Sedgwick
82,737	Kenith D. Moore, Appellee, v. Boeing Company, and American Manufacturer's Mutual Insurance Company, Appellant.	Dale V. Slape Stephen M. Kerwick Eric K. Kuhn	Work Comp

**Kansas Court of Appeals
Kansas Judicial Center
Court of Appeals Courtroom, 2nd Floor
301 S.W. 10th Ave.
Topeka, Kansas**

Before Gernon, P.J.; Green J.; and David Prager, Chief Justice, Retired.

Tuesday, January 11, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,622	State Farm Fire & Casualty Co., Appellee, v. Larry Charles Falley, Appellee, and Donald G. Legletter, Appellant.	Michael J. Dutton William J. Pauzauskie	Shawnee
82,973	Jacqueline Anderson, Appellant, v. Officer D. Perkins (#178), and Officer S. Miller (#037), Appellees.	Richard E. Jones David D. Plinsky	Shawnee
83,113	James W. Garrett, Sr., Bonita Garrett, and Garrett & Associates, Inc., Appellants, v. Carpenter, Weir & Myers; Edwin Carpenter; Michael Myers; and Cheryl Myers, Appellees.	Brian F. McCallister Michael D. Moeller Kenneth J. Reilly	Shawnee
82,747	State of Kansas, Appellee, v. Ronald E. Hall, Sr., Appellant.	Attorney General Chris Biggs, C.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Deputy A.D.	Geary
83,191	David Stafford and Marcia Stafford, Appellees, v. State Farm Mutual Automobile Insurance Company, Appellant.	Alison Bunch M. Doug Bell	Crawford
1:30 p.m.			
83,652	State of Kansas, Appellant, v. Michael Ingenthron, Appellee.	Attorney General Angela M. Wilson, Asst. D.A. William K. Rork	Douglas
81,211	Terry F. Walling, Appellant, v. State of Kansas, Appellee.	Eric Williams Attorney General Angela M. Wilson, Asst. D.A.	Douglas
81,094	State of Kansas, Appellee, v. Dustin Daniel Heckman, Appellant.	Attorney General Geoffrey Clark, C.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Bourbon

(continued)

Wednesday, January 12, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,550	Jerry M. Slavens, Appellant, v. Anthony G. Carter, Roger Shoemaker, Roger A. Keith, and West American Insurance Company, Appellees.	Kirk W. Lowry Ken Fenley Paul Hasty, Jr. Larry G. Pepperdine Steve R. Fabert	Franklin
82,214	Ronald L. Seaton, Appellant, v. State of Kansas, Appellee.	Jessican R. Kunen, Chief A.D. Karen Eager, Asst. A.D. Attorney General	Marion
82,933	State of Kansas, v. \$17,900 in U.S. Currency, etc., v. Hector Solis, Appellant, v. State of Kansas, KDOR, Appellee.	Henry O. Boaten Brian Cox	Shawnee
82,324	State of Kansas, Appellee, v. Chuck W. Hake, Appellant.	Attorney General Eric W. Godderz, C.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Osage
Summary Calendar—No Oral Argument			
82,575	State of Kansas, Appellee, v. Jason Clifton, Appellant.	Attorney General Joe E. Lee, C.A. Stephen Atherton	Lyon
82,767	State of Kansas, Appellee, v. James T. Gregory, Appellant.	Attorney General Craig J. Spomer, C.A. Jessica R. Kunen, Chief A.D.	Wabaunsee
81,017	State of Kansas, Appellee, v. Stephen Scott Whiteman, Appellant.	Attorney General Mary E. Mattivi, Asst. C.A. Jessica R. Kunen, Chief A.D.	Jackson
82,139	Michael D. Woods, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Kenley J. Thompson, C.A.	Labette
82,104	State of Kansas, Appellee, v. Jerry Ray Gladman, Appellant.	Attorney General Thomas E. Patterson, C.A. Steve E. Johnson	Rush

Kansas Court of Appeals
Sedgwick County Courthouse
Courtroom 11-1
525 N. Main
Wichita, Kansas

Before Elliott, P.J.; Lewis, J.; and Paddock, S.J., assigned.

Tuesday, January 11, 2000

1:30 p.m.

Case No.	Case Name	Attorneys	County
82,508	State of Kansas, Appellee, v. Brack West, Jr., Appellant.	Attorney General Don L. Scott, C.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Seward
83,767	State of Kansas, Appellant, v. Christopher Moore, Appellee.	Attorney General Joe Shepack, C.A. Jane M. Isern	Ellsworth

81,935	State of Kansas, Appellee, v. Alphonso Briscoe, Appellant.	Attorney General Christina Trocheck, Asst. C.A. Jessica R. Kunen, Chief A.D. Karen Eager, Asst. A.D.	Saline
82,449	State of Kansas, Appellee, v. Steven G. Myers, Appellant.	Attorney General Ann L. Smith, Special Asst. C.A. Robert Claus, C.A. Pamela A. McLemore	Montgomery

Wednesday, January 12, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,150	David George Packard, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Joseph P. Leon, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
82,811	Salina Interparochial Credit Union, Appellee, v. Jacob Rider, and Martha Rider, Appellant.	Wm. Rex Lorson John Black	Saline
80,067	Jack Burton, Appellant, v. Phillips Petroleum Co., Appellee.	Joseph H. Cassell Dennis Feeny	Rooks
81,373	State of Kansas, Appellee, v. Asif Ameen, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Doyle Baker, Asst. D.A. David H. Moses	Sedgwick

1:30 p.m.

81,635	State of Kansas, Appellee, v. Hugh G. Hartman, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Aaron T. Blase	Sedgwick
81,806	State of Kansas, Appellee, v. Marlin D. Williams, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Asst. A.D.	Sedgwick
81,964	State of Kansas, Appellee, v. Michael R. Calhoun, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Elizabeth Seale Cateforis, Asst. A.D.	Sedgwick
82,157	State of Kansas, Appellee, v. Jose M. Flores, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Stephen T. Ariagno	Sedgwick

Summary Calendar—No Oral Argument

82,068	State of Kansas, Appellee, v. Benjamin Holcomb, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Steve Plummer	Sedgwick
83,548	In the Matter of E.M.R.	Wendy A. Wussow, Asst. C.A. William S. Mills	McPherson

(continued)

82,505	State of Kansas, Appellee, v. Gregory Logan, Jr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Ralph J. DeZago	Sedgwick
83,372	In the Matter of J.R.S., a Person Under 18 Years of Age.	Debra S. Peterson, Asst. D.A. Sal D. Intagliata	Sedgwick
81,962	State of Kansas, Appellee, v. Harold Vaughn Bailey, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Saline
82,327	State of Kansas, Appellee, v. John E. Harris, Appellant.	Attorney General William R. Mott, C.A. Jessica R. Kunen, Chief A.D.	Sumner

**Kansas Court of Appeals
Johnson County Courthouse
Division 2 Courtroom, Room 325
100 N. Kansas Ave.
Olathe, Kansas**

Before Brazil, C.J.; Pierron, J.; and Wahl, S.J., assigned.

Tuesday, January 11, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
78,565	State of Kansas, Appellee, v. Patrick Christopher Lynn, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Geary N. Gorup	Johnson
81,737	State of Kansas, Appellee, v. Dennis P. Bartlett, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Randy R. McCalla	Johnson
83,083	Barbara Shehane, Appellee, v. Station Casino, and CNA Group, Appellants.	Mark E. Kelly Douglas M. Greenwald John David Jurcyk	Work Comp
83,207	Rite-Way Real Estate, Inc., Appellant, v. Bruce Smith, Appellee, Marion Walsh and Patricia Hecke.	Laurence M. Jarvis Larry E. Benson John M. Duma	Wyandotte

1:30 p.m.

Case No.	Case Name	Attorneys	County
83,456	In the Matter of D.T.D., Respondent, dob: 08/09/81.	John C. Donham Steven J. Obermeier, Asst. D.A.	Johnson
82,090	State of Kansas, Appellee, v. Charles Hall, Jr., Appellant.	Attorney General Jacqueline J. Spradling, Asst. D.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Johnson
83,095	George Surls, Appellee, v. Saginaw Quarries, Inc., Appellant, Neosho Construction Co., Inc., Appellee, and Liberty Mutual Insurance Co., Appellant, St. Paul Fire & Marine Ins. Co., Appellee.	Daniel P. Hanson Kristine A. Purvis Maureen T. Shine Keith L. Mark	Work Comp
83,385	Yellow Freight System, Inc., Appellant, v. Board of County Commissioners, Johnson County, Kansas, Appellee.	Benjamin J. Neill Kathryn D. Myers	Johnson

Wednesday, January 12, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
83,155	Dillis L. Hart, M.D., Appellant, v. The Board of Healing Arts of the State of Kansas, Appellee.	Thomas A. Wood Mark W. Stafford	Shawnee
82,562	Stanford E. Andress, Appellant, and Irene M. Deasy, v. Dan A. Deasy and Brian W. Deasy, Appellees.	Maj. Gen. Stanford E. Andress, pro se Susan Ellmaker	Johnson
82,605	State of Kansas, Appellee, v. James P. Joiner, Appellant.	Attorney General Matthew J. Bock, Asst. D.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Wyandotte
80,340	Trinity A.M.E. Church, Inc., Appellee, v. Hughes Development Co., et al., Appellants.	Joseph D. Johnson Keith A. Cutler	Wyandotte

Summary Calendar—No Oral Argument

82,197	Gene Hamilton, Appellant, v. Reina Holtman, n/k/a Reina Probert; Kansas Legal Services, Inc., d/b/a Legal Services of Southeast Kansas, Appellees.	Gene Hamilton Thomas E. Wright	Cherokee
83,491	State of Kansas, Appellant, v. Martha Gallarzo, Appellee.	Attorney General Patrick H. Hearn, Asst. D.A. Carl E. Cornwell	Johnson
82,445 82,446	State of Kansas, Appellee, v. Danny Joe Hanna, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson
82,665	Sharon Tang, d/b/a Sunrise Village, L.L.C., Appellee, v. Lisa Loveland, Dora Naughton, Courtney Sweeney, and Michael Wood, Appellants.	Darryl Graves Paul T. Davis	Douglas
82,548	Richard E. Spiering, Jr., Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
82,787	State of Kansas, Appellee, v. Michael D. Niccum, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Carl E. Cornwell	Johnson

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 024607

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages. Responses must be received in Room 1084-West by 5 p.m. January 12 for the consulting engineering firm to be considered.

The Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short-listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

Road Safety Audits

The Bureau of Traffic Engineering will be hiring two or three traffic engineering consultants to complete Road Safety Audits (RSA). An RSA is a county-wide traffic study of all routes on the state highway system. The consultant will be responsible for analyzing accident data, field reviewing all the state highways, collecting field data, preparing recommendations, and preparing the final report. When conducting an RSA, the review will include a review of the traffic signals, sight distance, speed limits, school crossings, signing and pavement markings.

There will be approximately 20 RSAs completed by December 2002. The development of detailed plans, designs, specifications or estimates will not be included under this program.

Additional information on RSAs can be obtained at KDOT's website: <http://www.Kdotweb/KDOTOrg/Bar-TrafficEng/Documents/RSABrochure.htm>.

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

- Size and professional qualifications;
- experience of staff;
- location of firm with respect to proposed project;
- work load of firm; and
- firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 024622

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, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, 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, January 5, 2000

00943

Statewide—Water Heaters

Monday, January 10, 2000

00950

Fort Hays State University—Modular Swine Nursing Buildings

Tuesday, January 11, 2000

00951

Wichita State University—Furnish and Set Up Broadcast Equipment

Thursday, January 13, 2000

A-8793

University of Kansas—Reroof Chancellor's Residence

Wednesday, January 19, 2000

00964

Department of Social and Rehabilitation Services and Kansas Industries for the Blind—New Laser Printer Electrophotographic Cartridges

00965

Department of Social and Rehabilitation Services and Kansas Industries for the Blind—New Ink Jet Printer Cartridges

Thursday, January 20, 2000

A-8833

Larned State Hospital—Window Replacement, Staff Houses

A-8839

Osawatomie State Hospital—Roof Replacement, Administration Building

Friday, January 21, 2000

00948

University of Kansas—Pest Control Services

Request for Proposals

Tuesday, January 18, 2000

00892

Managed Care Medical Actuary Services for the Department of Social and Rehabilitation Services

Thursday, January 20, 2000

00969

Student Long Distance Services for Kansas State University

John T. Houlihan
Director of Purchases

Doc. No. 024647

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 Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. January 12, and then publicly opened:

District One—Northeast

Johnson—35-46 K-4674-01—I-35 northbound ramp to 75th Street, overlay, grading & surfacing. (Federal Funds)

Johnson—7-46 K-7823-01—K-7 north of the junction of K-10 south 6.8 miles (11 kilometers), overlay. (State Funds)

Leavenworth—C-3327-01—County road 1.1 miles (1.7 kilometers) south & 0.8 mile (1.3 kilometers) west of Lansing, 0.12 mile (0.2 kilometers), grading & bridge. (Federal Funds)

Leavenworth—C-3531-01—County road at the east edge of Lansing, 0.3 mile (0.5 kilometer), grading, bridge & surfacing. (Federal Funds)

Riley—81 U-1694-01—North Manhattan Avenue and Claflin in Manhattan, 0.19 mile (0.3 kilometer), intersection improvement. (Federal Funds)

District Two—Northcentral

District—106 K-5926-00—Various locations in District 2, 258 miles (416.5 kilometers), signing. (State Funds)

Morris—56-64 U-1748-01—U.S. 56 and K-57/K-177 in Council Grove, intersection improvement. (Federal Funds)

Republic—79 C-3489-01—County road 1.4 miles (2.3 kilometers) south and 3 miles (4.8 kilometers) west of Narka, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

District Three—Northwest

Rawlins—77 C-3400-01—County road 7.6 miles (12.2 kilometers) south and 3.5 miles (5.6 kilometers) east of Atwood, 0.2 mile (0.4 kilometer), grading & bridge. (Federal Funds)

Sheridan—90 C-3558-01—County road 12.7 miles (20.4 kilometers) south and 7 miles (11.3 kilometers) east of Hoxie, 0.3 mile (0.5 kilometer), grading & bridge. (Federal Funds)

District Four—Southeast

Wilson—47-103 K-5757-01—K-47 from county road 1378 east 2.7 miles (4.4 kilometers), grading, bridge & surfacing. (Federal Funds)

District Five—Southcentral

Rush—96-83 K-5898-01—K-96 Safety Rest Area west of Alexander, safety rest area improvement. (State Funds)

Sedgwick—87 C-3043-01—103rd Street at Ninnescah 1.5 miles (2.4 kilometers) west of Clearwater, 0.09 mile (0.16 kilometer), grading, bridge & surfacing. (Federal Funds)

Sedgwick—81-87 K-7098-01—U.S. 81 and 63rd Street South northeast of Haysville, 0.25 mile (0.4 kilometer), traffic signals. (Federal 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 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. 024621

(Published in the Kansas Register December 30, 1999.)

Summary Notice of Bond Sale
Unified School District No. 260
Sedgwick County, Kansas (Derby)
\$16,193,951

General Obligation Bonds, Series 2000
(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated November 8, 1999, sealed bids will be received by the clerk of Unified School District No. 260, Sedgwick County, Kansas (Derby) (the issuer), on behalf of the governing body at the Administrative Center, 120 E. Washington, Derby, KS 67037, until 6 p.m. January 10, 2000, for the purchase of \$16,193,951 principal amount of General Obligation Bonds, Series 2000. 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 \$3,951. The bonds will be dated February 1, 2000, and will become due on October 1 in the years as follows:

Year	Principal Amount
2002	\$ 613,951

(continued)

2003	980,000
2004	1,025,000
2005	1,080,000
2006	1,135,000
2007	1,190,000
2008	1,250,000
2009	1,310,000
2010	1,375,000
2011	1,445,000
2012	1,520,000
2013	1,595,000
2014	1,675,000

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, 2001.

Book-Entry-Only System

The bonds will be 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 \$323,879 (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 about February 10, 2000, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$245,278,067. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$33,333,951.

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, (316) 788-8400, or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, 67202, Attention: Charles M. Bouilly, (316) 788-8400.

Dated November 8, 1999.

Unified School District No. 260
Sedgwick County, Kansas (Derby)

Doc. No. 024646

(Published in the Kansas Register December 30, 1999.)

Summary Notice of Bond Sale Unified School District No. 231 Johnson County, Kansas \$17,000,000

General Obligation School Bonds, Series 2000-A

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale and preliminary official statement dated December 13, 1999, sealed bids will be received by the clerk of Unified School District No. 231, Johnson County, Kansas (the issuer), on behalf of the governing body at the district office, 318 E. Washington, Gardner, Kansas, until 1 p.m. Monday, January 10, 2000, for the purchase of \$17,000,000 principal amount of General Obligation School Bonds, Series 2000-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated January 15, 2000, and will become due on October 1 in the years as follows:

Year	Amount
2001	\$ 445,000
2002	540,000
2003	580,000
2004	620,000
2005	665,000
2006	700,000
2007	740,000
2008	775,000
2009	815,000
2010	860,000
2011	905,000
2012	955,000
2013	1,010,000
2014	1,065,000
2015	1,125,000
2016	1,190,000
2017	1,260,000
2018	1,335,000
2019	1,415,000

The bonds will be subject to mandatory and optional redemption prior to maturity as provided in the notice of bond sale and preliminary official statement

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, 2000.

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 or a financial surety bond in the amount of \$340,000 (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 within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the district for the year 1999 is \$121,071,264. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$44,260,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (913) 856-7102, or from the financial advisor, George K. Baum & Company, Kansas City, Missouri, (816) 474-1100.

Dated December 13, 1999.

Unified School District No. 231
Johnson County, Kansas
By Kay Jones, Clerk
Board of Education

Doc. No. 024650

(Published in the Kansas Register December 30, 1999.)

Summary Notice of Bond Sale

City of Wichita, Kansas

\$12,775,000

Aggregate Principal Amount

General Obligation Bonds

Series 758 and Series 759

Subject to the terms and conditions of the complete official notice of sale dated December 21, 1999, of the City of Wichita, Kansas, in connection with the city's herein-after described series of general obligation bonds, sealed, written bids for the purchase of each of the series of bonds shall be received at the office of the mayor, first floor, City Hall, 455 N. Main, Wichita, Kansas, until 10:30 a.m. Tuesday, January 11, 2000. All bids shall be publicly opened and read aloud on said date and at said time and place. The bids will be considered and the bonds will be awarded by the city council in the city council chambers, City Hall, at 11:30 a.m. January 11, 2000.

No oral or auction bid for the bonds shall be considered, and no bid for less than the entire principal amount of a series of bonds shall be considered. Bids will be ac-

cepted only on the official bid forms that have been prepared for these series of bonds, which may be obtained from the city's Department of Finance. Bids may be submitted by mail or may be delivered in person, but must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the series of bonds for which the bid is submitted.

Description of the Bonds

The General Obligation Bonds, Series 758 will be issued in the aggregate principal amount of \$7,675,000; shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year; shall bear a dated date of February 1, 2000; and shall mature serially on September 1 in each of the years and principal amounts as follows:

Maturity Schedule—Series 758 Bonds

Principal Amount	Maturity Date
\$355,000	2001
375,000	2002
390,000	2003
410,000	2004
435,000	2005
455,000	2006
475,000	2007
500,000	2008
525,000	2009
550,000	2010
580,000	2011
610,000	2012
640,000	2013
670,000	2014
705,000	2015

The Series 758 Bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 2001.

The General Obligation Bonds, Series 759 will be issued in the aggregate principal amount of \$5,100,000; shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year; shall bear a dated date of February 1, 2000; and shall mature serially on June 1 in each of the years and principal amounts as follows:

Maturity Schedule—Series 759 Bonds

Principal Amount	Maturity Date
\$510,000	2001
510,000	2002
510,000	2003

(continued)

510,000	2004
510,000	2005
510,000	2006
510,000	2007
510,000	2008
510,000	2009
510,000	2010

The Series 759 Bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semiannually on June 1 and December 1 of each year, commencing December 1, 2000.

Form of Bonds

Each series of bonds will be issued in book-entry-only form.

Paying Agent and Bond Registrar; Payment of Principal and Interest

The Chase Manhattan Bank, New York, New York, shall serve as bond registrar and paying agent for the bonds. The principal amount of and the interest on the bonds shall be paid by the paying agent from funds made available by the city by wire transfer of same day funds to Cede & Co., nominee for the Depository Trust Company, New York, New York (DTC). The transfer of principal and interest payments to the participants of DTC will be the responsibility of DTC, and the transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Reference is made to the official notice of bond sale for additional information regarding payment of principal and interest to owners of the bonds.

Redemption

Certain of the bonds are subject to redemption as set forth in the official notice of bond sale.

Delivery

The bonds shall be delivered at the expense of the city on or about February 24, 2000. As a condition to delivery, the successful bidders shall be required to deposit the bonds with DTC. (Reference is made to the official notice of bond sale for additional information regarding delivery.)

Legal Opinion

Hinkle Elkouri Law Firm L.L.C., Wichita, Kansas. All fees and expenses of bond counsel shall be paid by the city. (Reference is made to the official notice of bond sale and the city's preliminary official statement for additional information regarding legal matters.)

Security

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. (Reference is made to the official notice of bond sale and the city's preliminary official statement for a further discussion of the security for the bonds.)

Ratings

The city's outstanding general obligation bonds issued since 1975 have been rated by Moody's Investors Service, Inc. and by Standard & Poor's Corporation. The most recent ratings given to the city's general obligation bonds

(sold July 20, 1999) by such rating agencies were "Aa 2" and "AA." The city has applied to both of said rating services for ratings on the bonds described herein.

Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations is \$2,211,083,026. The total outstanding general obligation bonded indebtedness of the city at February 1, 2000, will be \$359,675,365. This amount includes the within described bonds and the following described pending indebtedness.

Pending Indebtedness

Concurrently with the public sale of the bonds described herein, the city will offer at public sale \$33,300,000 principal amount of General Obligation Renewal and Improvement Temporary Notes, Series 200.

Official Statement

The city has authorized and directed preparation of a preliminary official statement in connection with the bonds. Said preliminary official statement is in a form "deemed final" by the city for purposes of the Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Not later than seven business days after the date of the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without cost.

Continuing Disclosure

The city has adopted an ordinance establishing a master undertaking to provide ongoing disclosure concerning the city in connection with its general obligation bonds for the benefit of owners of the bonds, as required under Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12. A copy of that ordinance is included as an appendix of the official statement.

Additional Information

Copies of the official notice of sale, official bid forms and preliminary official statement may be obtained from the city's Department of Finance, City Hall, 12th Floor, 455 N. Main, Wichita, KS 67202-1679, Attn: Kristi Mc-Minnville, Debt Coordinator, (316) 268-4143.

City of Wichita, Kansas
By Pat Burnett, City Clerk

Doc. No. 024648

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 29.—SOLID WASTE MANAGEMENT

28-29-17a. This regulation shall be revoked on and after February 24, 2000. (Authorized by K.S.A. 1983 Supp. 65-3406; implementing K.S.A. 1983 Supp. 65-3406, 65-3407; effective, E-82-8, April 10, 1981; effective May 1, 1982; amended, T-84-41, Dec. 21, 1983; amended May 1, 1984; revoked Feb. 24, 2000.)

28-29-17b. This regulation shall be revoked on and after February 24, 2000. (Authorized by K.S.A. 1983 Supp. 65-3406; implementing K.S.A. 1983 Supp. 65-3406, 65-3407; effective May 1, 1982; amended, T-84-41, Dec. 21, 1983; amended May 1, 1984; revoked Feb. 24, 2000.)

28-29-98. This regulation shall be revoked on and after February 24, 2000. (Authorized by K.S.A. 1997 Supp. 65-3406; implementing K.S.A. 1997 Supp. 65-3401; effective, T-28-9-30-93, Sept. 30, 1993; effective Nov. 22, 1993; amended May 16, 1994; amended Aug. 22, 1994; amended April 9, 1996; amended April 9, 1997; amended July 24, 1998; revoked Feb. 24, 2000.)

28-29-2101. Financial assurance for closure and postclosure. Reference to the "facility" in these financial assurance regulations shall mean a solid waste disposal area, a solid waste processing facility, or both.

(a) Requirement to provide financial assurance. Each person applying for or holding a permit issued pursuant to K.S.A. 65-3401 *et seq.*, and amendments thereto, shall provide evidence of financial responsibility for the facility for the cost of closure, postclosure, or both, as prescribed by these financial assurance regulations. The owner or operator of the facility shall have financial assurance that is continuous, adequate in amount, available when needed, and legally enforceable.

(b) Financial assurance methods.

(1) Allowable financial assurance methods shall consist of the following:

- (A) A funded trust fund;
- (B) a surety bond guaranteeing payment or performance;
- (C) an irrevocable letter of credit;
- (D) an insurance policy;
- (E) a corporate or local government financial test;
- (F) a corporate or local government financial guarantee;

and
(G) use of ad valorem taxing authority for a local government subdivision of the state that owns or operates a solid waste facility other than a municipal solid waste landfill.

(2) Any owner or operator required to provide financial assurance specified in these financial assurance regulations may elect to use a combination of instruments or methods as specified in these regulations, except that a method using a financial instrument guaranteeing performance shall not be used in combination with an instrument guaranteeing payment. Each method used in combination shall satisfy the requirements specified in these financial assurance regulations for its use.

(3) Any board of county commissioners that has established a dedicated fee fund pursuant to K.S.A. 65-3415f, and amendments thereto, may reduce the amount of financial assurance demonstrated by any other allowable method by the current balance accumulated in the dedicated fee fund at the time that the demonstration is required.

(c) Provider of the financial assurance. The financial assurance shall be provided by one of the following:

- (1) The owner or operator;
- (2) a guarantor of the owner or operator; or

(3) if the financial assurance is a purchased financial instrument, a financial, insurance, or surety institution meeting the quality and reliability standards suitable to institutions of that type and the standards specified in these financial assurance regulations.

(d) Demonstration of financial assurance, when required. Each owner or operator of the facility shall provide a demonstration of financial assurance to the department at the following times:

- (1) Before the facility permit is issued by the department;
- (2) before an expansion of permitted area or capacity is approved by the department;
- (3) annually during the active life of the facility, on or before the anniversary of the date the permit was issued; and
- (4) annually during the required period of postclosure, on or before the annual permit renewal date that was effective during the active life of the facility.

(e) Review of financial assurance demonstrations. Financial assurance demonstrations shall be reviewed by the department and either approved or disapproved. A financial assurance method that has been disapproved by the department shall be replaced with an alternate method as specified in these financial assurance regulations to maintain continuous assurance during the active life of the facility and the required postclosure period. A purchased financial instrument that has been disapproved because of wording or the quality of the issuing institution, or for any other reason, shall be replaced by an instrument acceptable to the department, or by another method as specified in subsection (b) of this regulation, to maintain continuous assurance.

(f) Calculation of required financial assurance. Each owner or operator shall obtain and demonstrate financial assurance for the current estimated cost to provide for closure, postclosure, or both.

(1) The following rules shall be used to determine the area or capacity to be included in the calculation of estimated cost.

(A) If waste is to be removed during closure of a solid waste processing facility, the amount of closure financial assurance shall be calculated as the cost of removing and disposing of the greatest volume of waste allowed by terms and conditions of the permit, and all other costs relevant to certification of final closure, including certification.

(B) If waste is to be left in place in a solid waste disposal area, the amount of closure financial assurance shall be calculated as the cost to complete final closure of the largest area ever to be open at any one time during the active life of the facility. For the purpose of this calculation, "the largest area ever to be open at any one time during the active life" shall be defined as the largest area ever to lack final cover. "Final cover" shall mean cover of the required material and thickness that is graded to final contours and seeded, or otherwise made suitable for the next allowable use, according to the closure plan.

(C) If waste is to be left in place in a solid waste disposal area, the amount of postclosure financial assurance shall be calculated as the following:

(continued)

(i) The cost to be incurred according to the postclosure plan after final closure has been certified; and

(ii) the cost for any environmental monitoring to care for and maintain the area permitted to receive waste, and any appurtenances, during a postclosure period of 30 years and any extensions of the postclosure period required by the department.

(2) The amount of financial assurance required shall be calculated by applying third-party costs to the physical actions listed in the closure plan, postclosure plan, or both. The resulting amount shall not be discounted, nor shall any offset for the sale of recoverable materials be subtracted. Third-party costs shall be determined from one or more of the following sources:

(A) Representative costs supplied by the department;

(B) actual invoices paid by the owner or operator for the same or similar work;

(C) written bids from professional contractors having no other financial interest in the facility or its use; or

(D) authoritative costing tables issued by publishers recognized for their research into the costs of the actions to be priced.

(3) If the priced closure plan, postclosure plan, or both, does not include a specific allowance to pay for contingent events, an amount equal to 10 percent of the total cost shall be added for the purpose of determining the amount of financial assurance required.

(g) Evaluation of amount of financial assurance. Upon receipt of the priced closure plan, postclosure plan, or both, from the owner or operator, the plan or plans shall be evaluated by the department to determine if the amounts calculated for determining the amount of financial assurance required are sufficient. The adequacy of physical actions planned and the pricing sources shall be considered in the departmental evaluation. Revisions shall be made by the department in accordance with the evaluation, if the amounts are not sufficient. Each owner or operator shall demonstrate financial assurance equal to the amount accepted or determined by the department.

(h) Annual updates to financial assurance. Each owner or operator shall update the financial assurance amount, on or before the annual renewal date of each permit during the active life of the facility, by recalculating the cost of closure, postclosure, or both, using current dollars, or by the addition of an inflation factor to the amount approved by the department for the prior year.

(1) If any substantial change to physical actions within the closure plan or postclosure plan, or both, has been proposed or approved since the prior year, a new accumulation of the plan costs in current dollars shall be completed, instead of the addition of an annual inflation factor.

(2) If the inflation factor is used, the financial assurance instrument or other method of demonstrating financial assurance shall be adjusted to the updated amount according to the following formula:

$$\frac{IPD_y}{IPD_{y-1}} \times FA_{y-1} = FA$$

where:

IPD_y represents the current annual implicit price deflator for the gross domestic product;

IPD_{y-1} represents the previous year's implicit price deflator for the gross domestic product;

FA_{y-1} represents the previous year's approved estimate of closure or postclosure, or both; and

FA represents the current estimated cost of closure or postclosure, or both.

(i) Failure of the financial assurance method, or an inadequate amount of financial assurance. Each owner or operator of a facility who obtains information that a financial assurance instrument or other method in use has failed to meet the standards established by these financial assurance regulations for its use, or that the amount of financial assurance provided has become inadequate for reasons other than general annual price inflation, shall provide alternate or increased financial assurance of the type and within the time periods specified in these financial assurance regulations, but in no event later than 90 days after obtaining the information.

(j) Release from the requirement to provide financial assurance. Each owner or operator shall be released from the requirement to provide financial assurance for a facility for closure or postclosure, or both, when the owner or operator is released by the department from further obligation to perform closure activities, postclosure activities, or both, at the facility.

(k) Exception for certain closed municipal solid waste landfills. The financial assurance requirements of subsection (a) of this regulation shall not apply to closed municipal solid waste landfills that are exempted from K.A.R. 28-29-101 through K.A.R. 28-29-120 according to the closure dates set forth in K.A.R. 28-29-100.

(l) Exception to the requirement for postclosure financial assurance. Postclosure financial assurance may not be required by the department for a facility containing certain substances left in place after closure, if the care and maintenance costs to be incurred during the required postclosure period are deemed to be minimal and if environmental monitoring during the postclosure period is not required. These substances shall include the following:

(1) Construction and demolition waste;

(2) foundry sand; and

(3) tires.

(m) Exception to the closure plan pricing rules for certain waste tire facilities. Owners or operators of waste tire facilities permitted under K.S.A. 65-3424 through K.S.A. 65-3424m, and amendments thereto, shall not be subject to the closure plan pricing requirements of subsections (f) and (h) of this regulation.

(n) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2102. Financial assurance for corrective action. Reference to the "facility" in these financial assurance regulations shall mean a solid waste disposal area or a solid waste processing facility, or both.

(a) Requirement to provide financial assurance. Each owner or operator of a facility who is required to undertake a corrective action program pursuant to the provi-

sions of K.A.R. 28-29-114, or by order of any court of competent jurisdiction, shall provide evidence of financial responsibility for the cost of corrective action in the manner and form prescribed by these financial assurance regulations. Each owner or operator required to perform corrective action for a facility shall provide and maintain financial assurance that is continuous, adequate in amount, available when needed, and legally enforceable.

(b) Financial assurance methods. Allowable financial assurance methods shall be those specified in K.A.R. 28-29-2101(b).

(c) Provider of the financial assurance. The financial assurance for corrective action shall be supplied by one of the providers specified in K.A.R. 28-29-2101(c).

(d) Demonstration of financial assurance, when required. Each owner or operator required to undertake a program of corrective action shall provide a demonstration of financial assurance to the department at the following times:

(1) Within 120 days following whichever of the following dates is earliest:

(A) The date that the selected remedy was filed with the department by the owner or operator according to the provisions of K.A.R. 28-29-114(b); or

(B) The date that the secretary informed the facility of the amount of financial assurance required based on a probable remedial cost estimate; and

(2) annually during the corrective action period, on or before the anniversary of the date the first financial assurance demonstration was required.

(e) Review of financial assurance demonstrations. Financial assurance demonstrations shall be reviewed by the department and either approved or disapproved. A financial assurance method that has been disapproved by the department shall be replaced with an alternate method as specified in these financial assurance regulations to maintain continuous assurance during the corrective action period. A purchased financial instrument that has been disapproved because of wording or the quality of the issuing institution, or for any other reason, shall be replaced by an instrument acceptable to the department or by another method listed in K.A.R. 28-29-2101(b)(1), to maintain continuous assurance.

(f) Calculation of required financial assurance.

(1) The financial assurance requirement shall be based upon the total cost accumulated in a detailed estimate of the cost of the corrective action plan for implementing the remedy approved or specified by the department according to K.A.R. 28-29-114(b).

(2) A probable remedial cost estimate for the financial assurance required to implement corrective measures at the facility may be developed by the secretary before a remedy is submitted by the facility and approved by the department.

(3) If a trust fund is selected to provide the financial assurance, a separate estimate shall be made of the cost to be incurred during each year of the corrective action plan.

(4) The corrective action plan shall be priced using one or more of the sources specified in K.A.R. 28-29-2101(f)(2).

(5) The total amount of the corrective action plan shall not be discounted, nor shall any offset for the sale of recoverable materials be subtracted.

(6) If the amount does not include a specific allowance to pay for contingent events, an amount equal to 10 percent of the total cost shall be added for the purpose of determining the amount of financial assurance required.

(g) Evaluation of amount of financial assurance. Upon receipt of a priced corrective action plan from the owner or operator, the plan shall be evaluated by the department to determine if the amounts calculated are sufficient for determining the amount of financial assurance required, or revisions shall be made by the department in accordance with the evaluation if the amounts are not sufficient. The adequacy of the physical actions planned and the pricing sources shall be considered in the departmental evaluation. Each owner or operator shall demonstrate financial assurance equal to the amount accepted or determined by the department.

(h) Annual updates to financial assurance. Each owner or operator shall update the financial assurance amount on or before the anniversary of the date the first financial assurance demonstration was required by this regulation. The financial assurance amount shall be updated by using of one or more of the methods specified in K.A.R. 28-29-2101(h).

(i) Failure of the financial assurance method, or an inadequate amount of financial assurance. Each owner or operator required to process a corrective action plan who obtains information that a financial assurance instrument or other method in use has failed to meet the standards established by these financial assurance regulations for its use, or that the amount of financial assurance provided has become inadequate for reasons other than general annual price inflation, shall provide alternate or increased financial assurance of the type and within the time periods specified in these financial assurance regulations, but in no event later than 90 days after obtaining the information.

(j) Release from the requirement to provide financial assurance. Each owner or operator required to provide financial assurance for corrective action shall be released from the requirement when the department or any court having jurisdiction releases the owner or operator from further obligation to perform corrective action activities at the facility.

(k) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2103. Financial assurance provided by a funded trust fund. (a) Funded trust fund. Any owner or operator of a solid waste disposal area or processing facility may satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, by establishing a trust fund that conforms to the requirements of this regulation and by submitting a copy of the trust agreement, with an original signature, to the department.

(1) Each owner or operator of a new facility shall submit to the department a copy of the trust agreement, with an original signature, for closure or postclosure, or both, before the permit is issued by the department.

(continued)

(2) Each owner or operator required to provide financial assurance for a corrective action plan shall submit to the department a copy of the trust agreement, with an original signature, within the times specified in K.A.R. 28-29-2102(d).

(3) The trustee financial institution shall meet the following criteria:

- (A) Be unrelated to the owner or operator;
- (B) have the authority to act as trustee for the facility in the state of Kansas; and
- (C) be a trust operation regulated and examined by a state or federal agency.

(b) Form of the trust agreement.

(1) The wording of the trust agreement shall be identical to the wording in the document provided by the department.

(2) The trust agreement shall establish a trust account, referred to in this regulation as "the fund," for the receipt of annual payments into the fund and receipt of the earnings on the accumulated amount.

(3) Each owner or operator shall update schedule A of the trust agreement within 60 days following a change in the amount of the current closure, postclosure, or corrective action cost estimate covered by the agreement.

(c) Payments into the fund for closure and postclosure. The owner or operator shall annually make payments into the fund for closure or postclosure, or both, over the estimated life of the facility as approved by the department. The approved facility life shall be referred to in this regulation as the "pay-in period." The pay-in period shall be changed each time a new facility life is determined by the owner or operator and approved by the department. The pay-in period shall not exceed 30 years from the date a new facility is permitted or the date these financial assurance regulations become effective, whichever is later. Payments into the fund for closure or postclosure, or both, shall be calculated as follows:

(1) The first payment into the fund for a new facility shall be made before the permit is issued by the department. The first payment shall be equal to the current, approved estimate of closure or postclosure costs, or both, divided by the number of years in the pay-in period.

(2) The owner or operator shall make subsequent payments on or before the due date for each annual permit renewal. The amount of each subsequent payment shall be calculated by the following formula:

$$\frac{CE - CV}{Y} = P$$

where:

CE represents the current cost estimate for closure or postclosure, or both;

CV represents the current value of the fund. The current value of the fund shall be the current tax cost of the fund as reported in the trustee report unless market value is lower, in which case the lower value shall be used in the formula;

Y represents the number of years remaining in the pay-in period; and

P represents the amount of the required payment.

(3) Any owner or operator may accelerate payments into the fund or may deposit the full amount of the cur-

rent estimate for closure or postclosure costs, or both, at the time the fund is established. After making the accelerated or full payments, the owner or operator shall maintain the fund at least in the amount it would have been if initial and annual payments had been made according to the requirements in paragraphs (c)(1) and (c)(2) of this regulation.

(4) If the owner or operator establishes a trust fund for closure, postclosure, or both, after having used another allowable method of providing financial assurance, the first payment into the fund shall be at least the amount that the fund would have contained if the trust fund had been used as the first method.

(5) After the pay-in period is complete, whenever the current approved cost estimate for closure or postclosure, or both, is changed, the owner or operator shall compare the new estimate with the trustee's most recent report of the current value of the fund and, if the fund is deficient, shall deposit the amount of deficiency on or before the date required by K.A.R. 28-29-2101(i).

(6) After the pay-in period is complete, if the value of the fund exceeds the current approved estimate of closure or postclosure costs, or both, or if the owner or operator substitutes another approved method of providing financial assurance, the owner or operator may submit a request to the department for return of the excess amount. The request shall be evaluated by the department. The requested amount shall be approved, changed, or denied. The trustee shall make payment from the fund in the amount determined by the department's evaluation.

(d) Reimbursement from the closure or postclosure fund. After beginning final closure, and annually during the postclosure period, the owner or operator or another authorized person may request reimbursement for the costs incurred in carrying out the actions required by the approved closure or postclosure plan, or both. The reimbursement request shall include documentation for the costs to be reimbursed from the fund. The request shall be evaluated by the department. Reimbursement may be authorized by the department to the extent that, after the reimbursement is issued by the trustee, the fund still contains the amount required to complete closure or postclosure, or both. The trustee shall make payment from the fund in the amount determined by the department's evaluation.

(e) Payments into the fund for corrective action. Each owner or operator shall make payments into the fund for corrective action annually during the first half of the approved corrective action period. The first half of the corrective action period shall be the "pay-in period." The pay-in period shall be changed at any time that a new corrective action period is determined by the owner or operator and approved by the department. The pay-in period shall not exceed seven years beginning on the date these financial assurance regulations become effective, or 120 days after the date determined by K.A.R. 28-29-2102(d), whichever is later. Payments into the fund for corrective action shall be calculated as follows:

(1) The first payment into the fund shall be at least in the amount of half of the approved estimate of the total cost of corrective action for the entire corrective action

period, divided by the number of years in the pay-in period.

(2) The amount of each subsequent payment shall be determined by the following formula:

$$\frac{RB - CV}{Y} = P$$

where:

RB represents the required balance, defined as the total amount of corrective action cost estimated to be incurred in the last half of the corrective action period;

CV represents the current value of the trust fund. The current value of the fund shall be the current tax cost of the fund as reported in the trustee report unless market value is lower, in which case market value shall be used in the formula;

Y represents the number of years remaining in the pay-in period; and

P represents the amount of the required payment.

(3) Any owner or operator may accelerate payments into the fund or may deposit the full amount of the required balance at the time the fund is established. After making the accelerated or full payments, the owner or operator shall maintain the fund at least in the amount it would have been if initial and annual payments had been made according to the requirements in paragraphs (e)(1) and (e)(2) of this regulation.

(4) If the owner or operator establishes a corrective action trust fund after having used another allowable method of providing financial assurance, the first payment into the fund shall be at least the amount that the fund would have contained if the trust fund had been used as the first method.

(5) After the pay-in period is complete, whenever the current estimated cost of corrective action for the remaining corrective action period exceeds the amount of the current value of the fund, the owner or operator shall deposit the deficiency on or before the deadline specified in K.A.R. 28-29-2102 (i).

(f) Reimbursement from the corrective action fund. After the pay-in period is complete or after the required balance of the fund is reached, the owner or operator or another authorized person may request reimbursement for the costs incurred in carrying out the actions required by the corrective action plan. The reimbursement request shall include documentation of the costs to be reimbursed from the fund. The request shall be evaluated by the department. Reimbursement may be authorized by the department to the extent that, after the reimbursement is issued by the trustee, the fund still contains the amount required to complete the corrective action plan. The trustee shall make payment from the fund in the amount determined by the department's evaluation.

(g) Termination of the trust agreement. Any owner or operator may request termination of the trust agreement and return of any monies remaining in the fund if any of the following conditions is met:

(1) The owner or operator substitutes an alternative method of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains written approval for its use from the department.

(2) The owner or operator is released by the department from further obligation to provide financial assurance for closure, postclosure, corrective action, or any combination of these, at the permitted facility.

(3) The owner or operator completes corrective action required by order of any court of competent jurisdiction and is released from further obligation by the court at the permitted facility.

(h) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2104. Financial assurance provided by a surety bond guaranteeing payment. (a) Financial guarantee bond. Any owner or operator of a permitted solid waste disposal area or processing facility may satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, by obtaining a financial guarantee bond that conforms to the requirements of this regulation and by submitting the original bond to the department.

(1) Each owner or operator of a new facility shall submit to the department the bond for closure or postclosure, or both, before the permit is issued by the department.

(2) Each owner or operator required to provide financial assurance for a corrective action plan shall submit the bond to the department within the times specified in K.A.R. 28-29-2102(d).

(3) The surety institution shall meet the following criteria:

(A) Be unrelated to the owner or operator;

(B) have the authority to issue surety bonds in Kansas; and

(C) be listed as an acceptable surety institution on federal bonds.

(b) Form of the financial guarantee bond. The wording of the financial guarantee bond shall be identical to the wording in the document provided by the department. If the penal sum of the bond is increased during the life of the bond, the owner or operator shall provide written acceptance of the new amount, indicated by a signed acceptance placed on the certificate of increase issued by the surety institution. The original signed and accepted certificate of increase shall be filed with the department.

(c) Standby trust fund. Each owner or operator who uses a financial guarantee bond to satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, shall also establish a standby trust fund. A copy of the standby trust agreement with an original signature shall be submitted to the department along with the original financial guarantee bond. Under the terms of the bond, all payments from the penal sum shall be deposited by the surety institution directly into the standby trust fund, in accordance with instructions from the department. The standby trust fund shall conform to the requirements specified in K.A.R. 28-29-2103, except that, until the trust account is funded pursuant to the requirements of this regulation, the following shall not be required:

(1) Payments into the fund as specified in K.A.R. 28-29-2103(c) or (e);

(continued)

(2) updates to schedule A of the trust agreement as specified in K.A.R. 28-29-2103(b)(3);

(3) annual valuations as required by the trust agreement; and

(4) notices of nonpayment as required by the trust agreement.

(d) Provisions of the financial guarantee bond for closure and postclosure. The financial guarantee bond for closure or postclosure, or both, shall require that the owner or operator perform one of the following:

(1) Fund the standby trust fund in the amount of the penal sum of the bond before beginning final closure of the facility;

(2) fund the standby trust fund in the amount of the penal sum of the bond within 15 days after an administrative order issued by the department to begin closure becomes final, or within 15 days after an order to begin final closure is issued by any court of competent jurisdiction; or

(3) provide alternate financial assurance as specified in these financial assurance regulations and obtain the department's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the department of a notice of cancellation from the surety institution.

(e) Provisions of the financial guarantee bond for corrective action. A financial guarantee bond for corrective action shall require that the owner or operator perform one of the following:

(1) Fund the standby trust fund in the amount of the penal sum of the bond before beginning corrective action at the facility;

(2) fund the standby trust fund in the amount of the penal sum of the bond within 15 days after an administrative order issued by the department to begin corrective action becomes final, or within 15 days after an order to begin corrective action is issued by any court of competent jurisdiction; or

(3) provide alternate financial assurance as specified in these financial assurance regulations and obtain the department's written approval for the assurance provided, within 90 days after receipt by both the owner or operator and the department of a notice of cancellation from the surety institution.

(f) Liability of the surety institution. Under terms of the bond, the surety institution shall become liable on the bond obligation if the owner or operator fails to perform as guaranteed by the bond.

(g) Penal sum of the bond. The penal sum of the bond for closure, postclosure, or both, shall be at least the amount of the current cost estimate for closure, postclosure, or both. The penal sum of the bond for corrective action shall be at least the amount of the current cost estimate for corrective action for the entire corrective action period.

(h) Increase in the penal sum of the bond. Whenever the current cost of closure, postclosure, corrective action, or any combination of these, increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to the new amount and submit evidence of the increase to the department, or obtain other financial

assurance as specified in these financial assurance regulations to cover the increase. Whenever the current cost of closure, postclosure, or corrective action, or any combination of these, decreases, the owner or operator may request approval from the department to decrease the penal sum of the bond. The request shall be evaluated by the department, and the amount shall be decreased consistent with the department's evaluation.

(i) Cancellation of the bond by the surety institution. Under terms of the bond, the surety institution may cancel the bond by sending notice of cancellation by certified mail to both the owner or operator and the department. Cancellation shall not occur, however, during the 120 days following the date by which the notice of cancellation has been received by both the owner or operator and the department, as evidenced by the return receipts.

(j) Cancellation of the bond by the owner or operator. The owner or operator may request cancellation of the bond from the department if any of the following occurs:

(1) The owner or operator substitutes an alternative method of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains written approval for its use from the department.

(2) The owner or operator is released by the department from further obligation for closure or postclosure, or both, at the facility.

(3) The owner or operator completes required corrective action and is released from further obligation by the department or any court of competent jurisdiction.

(k) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2105. Financial assurance provided by a surety bond guaranteeing performance. (a) Performance guarantee bond. Any owner or operator of a permitted solid waste disposal area or processing facility may satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, by obtaining a performance guarantee bond that conforms to the requirements of this regulation and by submitting the original bond to the department.

(1) Each owner or operator of a new facility shall submit to the department the bond for closure or postclosure, or both, before the permit is issued by the department.

(2) Each owner or operator required to provide financial assurance for a corrective action plan shall submit the bond to the department within the times specified in K.A.R. 28-29-2102(d).

(3) The surety institution shall meet the following criteria:

(A) Be unrelated to the owner or operator;

(B) have the authority to issue surety bonds in Kansas; and

(C) be listed as an acceptable surety institution on federal bonds.

(b) Form of the performance guarantee bond. The wording of the performance guarantee bond shall be identical to the wording in the document provided by the department. If the penal sum of the bond is increased during the life of the bond, the owner or operator shall

provide written acceptance of the new amount, indicated by a signed acceptance placed on the certificate of increase issued by the surety institution. The original signed and accepted certificate of increase shall be filed with the department.

(c) Standby trust fund. Any owner or operator who uses a performance guarantee bond to satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, shall also establish a standby trust fund. A copy of the standby trust agreement with an original signature shall be submitted to the department along with the original performance guarantee bond. Under the terms of the bond, all payments from the penal sum shall be deposited by the surety institution directly into the standby trust fund, in accordance with instructions from the department. The standby trust fund shall conform to the requirements specified in K.A.R. 28-29-2103, except that, until the trust account is funded pursuant to the requirement of this regulation, the following shall not be required:

(1) Payments into the fund as specified in K.A.R. 28-29-2103 (c) or (e);

(2) updates to schedule A of the trust agreement as specified in K.A.R. 28-29-2103 (b)(3);

(3) annual valuations as required by the trust agreement; and

(4) notices of nonpayment as required by the trust agreement.

(d) Provisions of the performance guarantee bond for closure and postclosure. The performance guarantee bond for closure or postclosure, or both, shall require that the owner or operator perform either of the following:

(1) Perform final closure or postclosure, or both, in accordance with the closure or postclosure plan, or both, and any other requirements of the permit and the department or a court of competent jurisdiction whenever required to do so; or

(2) provide alternate financial assurance as specified in these financial assurance regulations and obtain the department's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the department have received a notice of cancellation from the surety institution.

(e) Provisions of the performance guarantee bond for corrective action. A performance guarantee bond for corrective action shall require that the owner or operator perform either of the following:

(1) Perform corrective action according to the corrective action plan or according to an order from the department or any court of competent jurisdiction whenever required to do so; or

(2) provide alternate financial assurance as specified in these financial assurance regulations and obtain the department's written approval for the assurance provided, within 90 days after the date by which both the owner or operator and the department have received a notice of cancellation from the surety institution.

(f) Liability of the surety institution. Under terms of the bond, the surety institution shall become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(g) Penal sum of the bond. The penal sum of the bond for closure, postclosure, or both, shall be at least the amount of the current cost estimate for closure or postclosure, or both. The penal sum of the bond for corrective action shall be at least the amount of the current cost estimate for corrective action for the entire corrective period.

(h) Increase in the penal sum of the bond. Whenever the current cost of closure, postclosure, corrective action, or any combination of these, increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to the new amount and submit evidence of the increase to the department, or obtain other financial assurance as specified in K.A.R. 28-29-2101(b) to cover the increase. Whenever the current cost of closure, postclosure, corrective action, or any combination of these, decreases, the owner or operator may request approval from the department to decrease the penal sum of the bond. The request shall be evaluated by the department, and the amount shall be decreased consistent with the department's evaluation.

(i) Cancellation of the bond by the surety institution. Under terms of the bond, the surety institution may cancel the bond by sending notice of cancellation by certified mail to both the owner or operator and the department. Cancellation shall not occur, however, during the 120 days following the date by which the notice of cancellation has been received by both the owner or operator and the department, as evidenced by the return receipts.

(j) Cancellation of the bond by the owner or operator. The owner or operator may request cancellation of the bond from the department if any of the following occurs:

(1) The owner or operator substitutes an alternative method of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains written approval for its use from the department.

(2) The owner or operator is released by the department from further obligation for closure or postclosure, or both, at the facility.

(3) The owner or operator completes required corrective action and is released from further obligation by the department or any court of competent jurisdiction.

(k) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2106. Financial assurance provided by an irrevocable letter of credit. (a) Letter of credit. Any owner or operator of a permitted solid waste disposal area or processing facility may satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, by obtaining a letter of credit that conforms to the requirements of this regulation and by submitting the original letter of credit to the department.

(1) Each owner or operator of a new facility shall submit to the department the letter of credit before the permit is issued by the department.

(2) Each owner or operator required to provide financial assurance for a corrective action plan shall submit the

(continued)

letter of credit to the department within the times specified in K.A.R. 28-29-2102(d).

(3) The institution issuing the letter of credit shall meet the following criteria:

(A) Be unrelated to the owner or operator;
(B) be authorized to issue letters of credit in Kansas; and

(C) conduct letter of credit activities that are regulated by an agency of the state or federal government.

(b) Form of the letter of credit. The wording of the letter of credit shall be identical to the wording in the document provided by the department. If the amount of the letter of credit is changed or the expiration date is extended, an original amendment to the letter of credit shall be filed with the department.

(c) Standby trust fund. Any owner or operator who uses a letter of credit to satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, shall also establish a standby trust fund. A copy of the standby trust agreement with an original signature shall be submitted to the department along with the original letter of credit. Under the terms of the letter of credit, all payments from the penal sum shall be deposited by the issuing institution directly into the standby trust fund, in accordance with instructions from the department. The standby trust fund shall conform to the requirements specified in K.A.R. 28-29-2103, except that, until the trust account is funded pursuant to the requirements of this regulation, the following shall not be required:

(1) Payments into the fund as specified in K.A.R. 28-29-2103 (c) or (e);

(2) updates to schedule A of the trust agreement as specified in K.A.R. 28-29-2103(b)(3);

(3) annual valuations as required by the trust agreement; and

(4) notices of nonpayment as required by the trust agreement.

(d) Provisions of the letter of credit. The letter of credit shall be irrevocable and shall be issued for a period of at least one year. The letter of credit shall require that the expiration date be automatically extended for a period of at least one year on the expiration date and on each succeeding expiration date, unless 120 days before the current expiration date the issuing institution notifies both the owner or operator and the department by certified mail of a decision not to extend the expiration date. Under terms of the letter of credit, the 120-day period shall begin on the date by which both the owner or operator and the department have received the notice, as evidenced by the return receipts.

(e) Amount of the letter of credit. The letter of credit for closure, postclosure, or both, shall be issued for at least the amount of the current cost of closure or postclosure, or both, whichever is greater. The letter of credit for corrective action shall be issued for at least the amount of the current cost estimate for corrective action during the entire corrective action period.

(f) Increases in the amount of the letter of credit. Whenever the current cost of closure, postclosure, corrective action, or any combination of these, increases to an amount greater than the amount of the letter of credit, the owner or operator, within 60 days after the increase, shall

either cause the amount of the letter of credit to be increased to the new amount and submit evidence of the increase to the department, or obtain other financial assurance as specified in K.A.R. 28-29-2101(b) to cover the increase. Whenever the current cost of closure, postclosure, corrective action, or any combination of these, decreases, the owner or operator may request approval from the department to decrease the amount of the letter of credit. The request shall be evaluated by the department, and the amount shall be decreased consistent with the department's evaluation.

(g) Failure to perform closure, postclosure, and corrective action. The amount of the letter of credit, in whole or in part, shall be drawn by the department following a determination by the department of either of the following:

(1) That the owner or operator has failed to perform closure, postclosure, or corrective action, or any combination of these, in accordance with the closure, postclosure, or corrective action plan, or any combination of these, when required; or

(2) that the owner or operator has failed to perform according to the terms and conditions of the permit.

(h) Failure to supply alternate financial assurance. If the owner or operator does not establish alternate financial assurance as specified by this regulation and does not obtain written approval for its use from the department within 90 days after the date by which both the owner or operator and the department have received a notice from the issuing institution that it has decided not to renew the letter of credit beyond the current expiration date, the amount of the letter of credit may be drawn by the department.

(i) Termination of the letter of credit by the owner or operator. The owner or operator may request termination of the letter of credit if any of the following occurs:

(1) The owner or operator substitutes an alternative method of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains written approval for its use from the department.

(2) The owner or operator is released by the department from further obligation for closure or postclosure, or both, at the facility.

(3) The owner or operator completes required corrective action and is released from further obligation by the department or any court of competent jurisdiction.

(j) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2107. Financial assurance provided by insurance. (a) Insurance policy. Any owner or operator of a permitted solid waste disposal area or processing facility may satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, by obtaining an insurance policy that conforms to the requirements of this regulation and by submitting to the department a copy of the insurance policy with an original signature, including all riders and endorsements, and an insurance certificate.

(1) The owner or operator of a new facility shall submit the insurance policy, riders, endorsements, and certificate

to the department before the permit is issued by the department.

(2) Each owner or operator required to provide financial assurance for a corrective action plan shall submit the insurance policy, riders, endorsements, and certificate to the department within the times specified in K.A.R. 28-29-2102 (d).

(3) The insuring institution shall meet the following criteria:

(A) Be unrelated to the owner or operator;

(B) be licensed to transact the business of insurance by an agency of a state; and

(C) be listed as a surplus or excess lines carrier in Kansas.

(b) Form of the insurance certificate. The wording of the insurance certificate shall be identical to the wording in the document provided by the department.

(c) Amount of insurance. The insurance policy shall be issued for a face amount at least equal to the current cost estimate for closure or postclosure, or both, or at least in the amount of the current cost estimate for corrective action for the entire corrective action period, exclusive of legal defense costs. The term "face amount" shall mean the total amount the insurer is obligated to pay under the policy. Actual payments under the policy by the insurer shall not change the face amount, although the future liability of the insurer shall be lowered by the amount of the payments.

(d) Provisions of the insurance policy. An insurance policy issued for closure, postclosure, corrective action, or a combination of these, shall guarantee that funds are available to pay for the actions required by the closure plan, postclosure plan, corrective action plan, or any combination of these, whenever required. The policy shall also guarantee that once final closure, postclosure, corrective action, or any combination of these, begins, the insurer will be obligated to disburse funds up to the face amount of the policy, at the direction of the department. The insurer shall not exercise discretion to determine whether the expenses incurred for closure, postclosure, corrective action, or any combination of these, are ordinary, necessary, or prudent, if disbursement is required by the department.

(e) Reimbursement of expenditures. After closure, postclosure, or corrective action, or any combination of these, has begun, an owner or operator or any other authorized person may request reimbursement of expenditures by submitting itemized statements with documentation to the department. The itemized statements shall be evaluated by the department. The expenditures listed shall be approved or disapproved by the department. After evaluating the itemized statements, payment from the insurer for approved expenditures may be authorized by the department if the remaining face amount of the insurance policy is sufficient to cover any remaining costs of closure, postclosure, corrective action, or any combination of these. If the department believes that future costs of closure, postclosure, corrective action, or any combination of these, will exceed the remaining face amount of the policy, authorization for payment may be withheld by the department.

(f) Requirement to maintain the insurance policy in force. The owner or operator shall maintain the insurance policy for closure, postclosure, corrective action, or any combination of these, in force until the department consents, in writing, to its termination. Failure to pay the premium when due, without substitution of alternate financial assurance as specified by K.A.R. 28-29-2101(b), shall constitute a violation of these regulations. The owner or operator shall be in violation if the department receives notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than on the date the policy is actually terminated.

(g) Assignment of the insurance to successive owners or operators. Each policy of insurance shall contain a provision allowing assignment of the policy to a successor owner or operator. This assignment may be conditional upon consent of the insurer, which shall not be unreasonably withheld.

(h) Cancellation of the insurance by the insurer. The policy of insurance for closure, postclosure, corrective action, or any combination of these, shall stipulate that the insurer not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy shall, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to both the owner or operator and the department. The cancellation, termination, or failure to renew shall not occur during the 120 days beginning with the date by which both the owner or operator and the department have received notice, as evidenced by the return receipts. Cancellation, termination, or failure to renew shall not occur, and the policy shall remain in full force and effect if, on or before the date of expiration, one or more of the following events occur:

(1) The department determines the facility has been abandoned.

(2) The facility permit is terminated or revoked by the department, or a new permit is denied.

(3) The commencement of closure, postclosure, or corrective action, or any combination of these, activities is required by the department or any court of competent jurisdiction.

(4) The owner or operator is named as a debtor in a voluntary or involuntary proceeding under any state or federal bankruptcy law.

(5) The owner or operator fails to provide alternative financial assurance in a form and amount acceptable to the department.

(6) The premium due is paid.

(i) Increased cost estimates. During the active life of the facility, whenever the current cost estimate of closure, postclosure, corrective action, or of any combination of these, increases to an amount greater than the face amount of the insurance policy, the owner or operator, within 60 days after the increase, shall either cause the face amount of the policy to be increased to an amount at least equal to the current cost estimate of closure, postclosure, corrective action, or any combination of these,

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and submit evidence of the increase to the department, or shall obtain other financial assurance as specified in K.A.R. 28-29-2101(b) to cover the increase. Whenever the estimated cost of closure, postclosure, corrective action, or any combination of these, decreases, the owner or operator may request approval from the department to decrease the face amount of the policy. The request shall be evaluated by the department, and a decrease in the amount shall be allowed by the department, consistent with its evaluation.

(j) Annual adjustments to the face amount of the policy. Beginning on the date that liability to make payments pursuant to a policy for postclosure begins, the insurer shall annually increase the face amount of the policy. This increase shall be based on the face amount of the policy, less any payments made exclusive of legal defense costs, multiplied by an amount equivalent to 85 percent of the most recent investment rate or 85 percent of the equivalent coupon-issue yield rate announced by the U.S. department of the treasury for 26-week treasury securities.

(k) Termination of the insurance by the owner or operator. The owner or operator may request cancellation of the insurance policy from the department if either of the following occurs:

(1) The owner or operator substitutes an alternative method of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains written approval for its use from the department.

(2) The owner or operator is released by the department or any court of competent jurisdiction from further obligation for closure, postclosure, corrective action, or any combination of these, at the facility.

(l) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2108. Financial assurance provided by the corporate financial test. (a) Corporate financial test. Any corporate owner or operator of a permitted solid waste disposal area or processing facility may satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, by passing a financial test based on the current financial condition of the permitted corporation as specified in this regulation. Related corporations may not be summed or otherwise combined for the purpose of the financial test, but majority-owned subsidiary corporations of the permitted corporation may be consolidated.

(b) The financial component.

(1) The owner or operator shall satisfy one of the following three conditions:

(A) A current rating for its senior unsubordinated debt of AAA, AA, A, or BBB, as issued by Standard & Poor's, or Aaa, Aa, A, or Baa, as issued by Moody's;

(B) a ratio of less than 1.5, obtained by dividing total liabilities by net worth; or

(C) a ratio of greater than 0.10, obtained by dividing the sum of net income plus depreciation, depletion, and amortization, minus \$10 million, by total liabilities.

(2) The tangible net worth of the owner or operator shall be greater than either of the following:

(A) The sum of current closure, postclosure, and corrective action cost estimates and any other environmental obligations, including guarantees, covered by the financial test plus \$10 million; or

(B) \$10 million in net worth plus the amount of any guarantees that have not been recognized as liabilities in the financial statements, if all of the current closure, postclosure, and corrective action costs and any other environmental obligations covered by the financial test are recognized as liabilities in the owner's or operator's audited annual financial statements.

(3) The owner or operator shall have assets located in the United States amounting to at least the sum of current closure, postclosure, and corrective action cost estimates and any other environmental obligations or guarantees covered by the financial test as described in subsection (d) of this regulation.

(c) Record keeping and reporting requirements.

(1) The owner or operator shall place a copy of the following items in the facility's operating record and file the originals with the department:

(A) A letter signed by the owner's or operator's chief financial officer that is identical to the form provided by the department and that meets the following criteria:

(i) Lists all the current cost estimates for closure, postclosure, and corrective action and any other environmental obligations or guarantees covered by any financial test under state or federal laws and regulations in any jurisdiction; and

(ii) provides evidence demonstrating that the permitted corporate entity meets the requirements of the financial component of subsection (b) of this regulation;

(B) a copy of the permitted corporate entity's most recent corporate annual financial statements containing a report of independent certified public accountants, including an unqualified opinion. An adverse opinion, disclaimer of opinion, or qualified opinion shall be cause for the department to disapprove use of the corporate financial test. A qualified opinion may be evaluated by the department. Use of the financial test may be approved or disapproved by the department based on its evaluation;

(C) a special report of independent certified public accountants based on applying agreed-upon procedures engaged in accordance with professional auditing standards and stating the following:

(i) The accountant has compared the data in the chief financial officer's letter that is specified as coming from the most recent year-end audited financial statements to the audited financial statements; and

(ii) in connection with this procedure, the accountant found the data to be in agreement; and

(D) if the chief financial officer's letter provides a demonstration that the permitted corporate entity has assured environmental obligations in the manner provided in paragraph (b)(2)(B) of this regulation, a special report of independent certified public accountants that meets the following criteria:

(i) Provides verification that all of the environmental obligations covered by the financial test have been recognized as liabilities in the most recent annual financial statements;

(ii) describes the methods used to measure and report on these obligations; and

(iii) provides verification that the tangible net worth of the permitted corporate entity is at least \$10 million plus the amount of any guarantees provided.

(2) After the initial placement of the items listed in paragraph (c)(1) of this regulation in the facility operating record and the initial filing of the originals with the department, the owner or operator shall annually update the information in the operating record and file the updated originals with the department. The updated information shall be placed in the operating record and filed with the department within 90 days following the close of the owner's or operator's most recently completed fiscal year.

(3) The owner or operator shall no longer be required to submit the items specified in paragraph (c)(1) of this regulation or otherwise comply with the requirements of this regulation if any of the following occurs:

(A) The owner or operator substitutes an alternative method of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains written approval for its use from the department.

(B) The owner or operator is released by the department from further obligation for closure, or postclosure, or both, at the facility.

(C) The owner or operator completes required corrective action and is released from further obligation by the department or any court of competent jurisdiction.

(4) If the owner or operator determines that the permitted corporate entity no longer meets the requirements of subsection (b) of this regulation, the owner or operator shall, within 120 days following the owner's or operator's most recent fiscal year end, obtain alternate financial assurance as specified in K.A.R. 28-29-2101(b) and obtain approval from the department for its use.

(5) Based on the department's reasonable belief that the owner or operator may no longer meet the requirements of subsection (b) of this regulation, the owner or operator may be required by the department at any time to provide reports of its financial condition, including or in addition to current financial test documentation as specified in subsection (c) of this regulation, for evaluation. If the department evaluation results in a determination that the owner or operator no longer meets the requirements to use the financial test, the owner or operator shall provide alternate financial assurance as specified in K.A.R. 28-29-2101(b).

(d) Calculation of costs to be assured. Each owner or operator using the corporate financial test to provide financial assurance for closure, postclosure, and corrective action shall combine the current cost estimates for the permitted facility with all other environmental obligations or guarantees also assured by any financial test in any local, state, federal, or foreign jurisdiction. The combined environmental cost shall then be used in the financial test calculations provided to the department by the owner or operator. The environmental obligations of consolidated subsidiary corporations that are assured by the financial test shall also be included in the combined environmental obligations covered by the test.

(e) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2109. Financial assurance provided by the corporate guarantee. (a) Corporate guarantee. Any owner or operator of a permitted solid waste disposal area or processing facility may meet the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, by obtaining a written guarantee for closure, postclosure, or corrective action costs, or any combination of these as specified in this regulation.

(1) The guarantor shall comply with the following:

(A) The requirements for owners or operators using the corporate financial test as specified in K.A.R. 28-29-2108(b);

(B) the record keeping and reporting requirements in K.A.R. 28-29-2108(c); and

(C) the terms of the guarantee.

(2) The guarantor shall be one of the following:

(A) The direct or higher-tier parent corporation of the owner or operator; or

(B) a corporation having the same parent corporation as the owner or operator.

(b) Form of the corporate guarantee. The guarantor shall provide a written guarantee that is worded identically to the document provided by the department.

(c) Effective date of the guarantee. A guarantee of closure, postclosure, or both, for a new permit shall be in force before the permit is issued by the department. A guarantee for corrective action shall be in force within the times specified in K.A.R. 28-29-2102 (d).

(d) Record keeping and reporting requirements. Copies of the guarantee, with original signatures, shall be placed in the facility operating record of the owner or operator and filed with the department, accompanied by the documents specified for use by the owner or operator in K.A.R. 28-29-2108(c), that shall be completed using the financial information and reports of the guarantor corporation. These documents shall be updated and filed annually.

(e) Consideration for the guarantee. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer shall describe the value received in consideration for the guarantee.

(f) Provisions of the guarantee. The terms of the written guarantee shall specify the following remedies:

(1) If the owner or operator fails to perform closure, postclosure, corrective action, or any combination of these, for the permitted facility covered by the guarantee when required by the department or any court of competent jurisdiction, the guarantor shall perform either of the following remedies:

(A) Perform or pay a third party to perform closure, postclosure, corrective action, or any combination of these, as required by the department or any court of competent jurisdiction; or

(B) establish a fully funded trust fund as specified in K.A.R. 28-29-2103, in the name of the owner or operator,

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in the amount of the current cost estimate for closure, postclosure, corrective action, or any combination of these, whichever is greatest.

(2) The guarantee shall remain in effect unless the guarantor sends prior notice of cancellation by certified mail to both the owner or operator and the department. Cancellation shall not occur, however, during the 120 days beginning on the date by which both the owner or operator and the department have received the notice of cancellation, as evidenced by the return receipts.

(3) If the guarantee is canceled, the owner or operator shall, within 90 days following the date by which both the owner or operator and the department have received the cancellation notice, obtain alternate financial assurance as specified in K.A.R. 28-29-2101(b) and obtain the approval of the department for its use. If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor shall provide the alternate financial assurance in the name of the owner or operator within 120 days following the date by which both the department and the owner or operator have received the cancellation notice.

(g) Failure of the guarantee. If the corporate guarantor no longer meets the requirements of K.A.R. 28-29-2108(b), the owner or operator shall, within 90 days, obtain alternate financial assurance and obtain the approval of the department for its use. If the owner or operator fails to provide alternate financial assurance as specified in K.A.R. 28-29-2101(b) within the 90-day period, the guarantor shall, within the next 30 days, provide the alternate financial assurance in the name of the owner or operator.

(h) Release of the guarantee. The owner or operator shall be no longer required to meet the requirements of this regulation if any of the following occurs:

(1) The owner or operator substitutes an alternative method of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains written approval for its use from the department.

(2) The owner or operator is released by the department from further obligation for closure, postclosure, or both, at the permitted facility.

(3) The owner or operator completes required corrective action and is released from further obligation by the department or any court of competent jurisdiction.

(i) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2110. Financial assurance provided by the local government financial test. (a) Local government financial test. Each owner or operator of a permitted solid waste disposal area or processing facility that is a local government subdivision of the state of Kansas may satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, for the closure, postclosure, or corrective action costs, or any combination of these, for a municipal solid waste landfill by use of a local government financial test as specified in this regulation.

(b) Definitions. The following terms used in this regulation shall be defined as specified below:

(1) "Annual debt service" means the principal and interest due on outstanding long-term debt during a stated time period, typically the current fiscal year, and payments on capital lease obligations during the same period.

(2) "Cash plus marketable securities" means all the cash and marketable securities held by the local government on the last day of a fiscal year but shall exclude the following:

(i) Cash and marketable securities designated to satisfy past obligations; and

(ii) cash and investments held in fiduciary funds.

(3) "Current year" means the most recently completed fiscal year.

(4) "Deficit" means total annual revenues minus total annual expenditures.

(5) "Long-term debt issued in the current year" means the amount of principal borrowing actually received during the current year from the issue of obligations due more than one year from the date of issue but shall exclude the following:

(i) The amount of capital lease liability incurred during the year; and

(ii) the proceeds of any long-term borrowing in the current year that remains in the capital projects fund at year's end.

(6) "Nonroutine capital expenditures" means capital expenditures of the capital projects fund and expenditures identified as capital outlays or asset additions in the audited annual financial statements of other governmental funds and enterprise funds.

(7) "Total annual expenditures" means the total of all expenditures but shall exclude the following:

(i) Debt principal repayments;

(ii) nonroutine capital expenditures; and

(iii) the expenditures of fiduciary or other trust funds managed by a local government on behalf of specific third parties.

(8) "Total annual revenues" means revenues from all taxes, fees, investment earnings, and intergovernmental transfers but shall exclude the following:

(i) The proceeds from borrowing and asset sales; and

(ii) revenues of fiduciary or other trust funds managed by a local government on behalf of specific third parties.

(c) The financial component.

(1) If the owner or operator has outstanding general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, the bonds shall have a current bond rating of AAA, AA, A, or BBB, as issued by Standard & Poor's, or a current rating of Aaa, Aa, A, or Baa, as issued by Moody's.

(2) If the owner or operator does not have outstanding and rated general obligation bonds, the owner or operator shall meet each of the following financial ratios based on the owner's or operator's most recent audited annual financial statements:

(A) A ratio of cash plus marketable securities divided by total annual expenditures equal to or greater than 0.05, referred to as the "liquidity ratio";

(B) a ratio of annual debt service divided by total annual expenditures equal to or less than 0.20, referred to as the "debt service ratio"; and

(C) a ratio of long-term debt issued in the current year divided by nonroutine capital expenditures of the current year equal to or less than 2.00, referred to as the "use of funds ratio."

(3) The owner or operator's annual financial statements shall be audited by an independent certified public accountant. The financial statements shall be prepared in conformity with one of the following accounting methods:

(A) Generally accepted accounting principles for governments; or

(B) a prescribed basis of accounting that demonstrates compliance with the cash basis and budget laws of the state of Kansas.

(4) An owner or operator who prepares the annual financial statements in conformity with generally accepted accounting principles for governments and uses the financial ratio test method of financial assurance may omit the ratio test stated in paragraph (c)(2)(C) of this regulation.

(5) A local government owner or operator shall not be eligible to use the financial test to assure closure, postclosure, corrective action, or any combination of these, for a municipal solid waste landfill if any of the following conditions exists:

(A) The owner or operator is currently in default on any outstanding general obligation bonds.

(B) The owner or operator has any general obligation bonds outstanding that are rated lower than BBB, as issued by Standard & Poor's, or Baa, as issued by Moody's.

(C) The owner or operator operated at a deficit equal to or greater than five percent of the total annual revenue in each of the two most recently completed fiscal years.

(D) The owner or operator receives an adverse opinion, disclaimer of opinion, or qualification of opinion in the report of independent certified public accountants accompanying the audited financial statements for the most recently completed fiscal year. A qualified opinion may be evaluated by the department. Use of the financial test may be approved or disapproved by the department based on its evaluation.

(d) Public notice component. The local government owner or operator shall place a reference to the cost of closure, postclosure, corrective action, or any combination of these, that is assured by the local government financial test in its comprehensive annual financial report or other audited annual financial report during each year in which the owner or operator is required to provide financial assurance by these financial assurance regulations. Disclosure shall be made in a note attached to the audited annual financial statements and shall include the following:

(1) The nature and source of the requirements to conduct closure, postclosure, corrective action, or any combination of these;

(2) the liability reported or calculated at the balance sheet date;

(3) the estimated total cost of closure, postclosure, corrective action, or any combination of these, remaining to be recognized following the reported balance sheet date;

(4) the percentage of landfill capacity on the reported balance sheet date;

(5) the estimated remaining landfill life in years, or the estimated period of corrective action remaining; and

(6) the method projected for use or the method currently in use to fund the actual costs of closure, postclosure, corrective action, or any combination of these, when required.

(e) Record keeping and reporting requirements.

(1) The owner or operator shall place a copy of the following items in the facility's operating record and shall file the originals with the department:

(A) A letter signed by the local government's chief financial officer that is identical to the form provided by the department and that includes the following:

(i) A list of all the current cost estimates covered by a financial test, including the municipal solid waste landfill and any other environmental obligations or guarantees assured by financial test in any jurisdiction;

(ii) a certification that the local government meets the conditions of subsection (c) of this regulation required for use of either the bond rating or the financial ratio method of the local government financial test;

(iii) a certification that the local government has satisfied the public notice component requirements of subsection (d) of this regulation; and

(iv) a certification that the local government has not exceeded the amount eligible to be assured by the financial test according to subsection (f) of this regulation;

(B) a copy of the local government's audited comprehensive annual financial report or other audited annual financial report for the latest completed fiscal year, including the report and opinion of the auditor, who shall be an independent certified public accountant; and

(C) a special report of independent certified public accountants that is based on applying agreed-upon procedures engaged in accordance with professional auditing standards and that identifies the procedures performed and states that the independent accountant has determined all of the following:

(i) The data used to calculate the financial test ratios in paragraphs (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this regulation were derived from the audited annual financial statements for the most recently completed fiscal year, and the ratios calculated from this data equal or exceed the stated requirements.

(ii) The owner or operator satisfies the requirements of paragraphs (c)(5)(C) and (f)(1) of this regulation.

(iii) The annual financial report has been prepared on a basis of accounting required by paragraph (c)(3) of this regulation and is accompanied by an auditor's opinion satisfying the requirements of paragraph (c)(5)(D) of this regulation.

(2) The items required by paragraph (e)(1) of this regulation shall be placed in the facility operating record to fulfill the requirements of K.A.R. 28-29-108(q)(1)(G) and shall be filed with the department no later than the effective date for a new permit, and also annually before the end of the latest allowable day for filing the annual audited financial report with the Kansas department of administration, director of accounts and reports, without extension, according to the provisions of K.S.A. 75-1124, and amendments thereto.

(continued)

(3) The local government owner or operator shall satisfy the requirements of the local government financial test at the close of each fiscal year. If the local government no longer meets the requirements of the financial test, it shall obtain alternate financial assurance as specified in K.A.R. 28-29-2101(b) within 90 days of discovering the failure or within 210 days following the close of the most recently completed fiscal year, whichever first occurs, and shall obtain approval from the department for its use.

(4) The local government owner or operator shall no longer be required to submit the items specified in paragraph (e)(1) of this regulation or otherwise comply with the requirements of this regulation if either of the following conditions occurs:

(A) The local government substitutes an alternate method or instrument of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains the department's approval for its use.

(B) The local government is released by the department from further obligation for closure, postclosure, corrective action, or any combination of these, at the permitted facility.

(5) Additional reports of financial condition may be required by the department from the local government at any time for evaluation. If the department evaluation results in a determination that the local government no longer meets the requirements of the local government financial test, the local government shall provide alternate financial assurance as specified in K.A.R. 28-29-2101(b) within 90 days following notice to the local government from the department.

(f) Calculation of costs to be assured.

(1) The portion of closure, postclosure, and corrective action costs that an owner or operator may assure by the local government financial test shall be determined as follows:

(A) If the local government owner or operator does not assure other environmental obligations or guarantees by the financial test, it may assure closure, postclosure, and corrective action costs for the permitted facility up to an amount equaling 43 percent of total annual revenues.

(B) If the local government owner or operator assures other environmental obligations or guarantees in any jurisdiction by the financial test in addition to the closure, postclosure, and corrective action costs of the permitted facility, it shall add the current cost estimates of the additional obligations or guarantees to the closure, postclosure, and corrective action costs of the permitted facility, and the combined environmental obligations assured shall not exceed 43 percent of total annual revenues.

(2) The local government owner or operator shall provide alternate financial assurance as specified in K.A.R. 28-29-2101(b) for any environmental obligations or guarantees in excess of 43 percent of total annual revenues.

(g) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2111. Financial assurance provided by a local government guarantee. (a) Local government guar-

antee. Each owner or operator of a municipal solid waste landfill may satisfy the requirements of K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both, by obtaining a written guarantee for closure, postclosure, or corrective action costs, or any combination of these, that is provided by a local government subdivision of the state of Kansas as specified in this regulation. The guarantor shall comply with the following:

(1) The requirements of the financial component for use of the local government financial test as specified in K.A.R. 28-29-2110(b);

(2) the public notice requirements of K.A.R. 28-29-2110(c);

(3) the record keeping and reporting requirements of K.A.R. 28-29-2110(d); and

(4) the terms of the guarantee.

(b) Form of the local government guarantee. The guarantor shall provide a written guarantee that is worded identically to the document provided by the department.

(c) Effective date of the guarantee. A guarantee of closure or postclosure, or both, for a new permit shall be in force before the permit is issued by the department. A guarantee for corrective action shall be in force within the times specified in K.A.R. 28-29-2102 (d).

(d) Record keeping and reporting requirements. Copies of the guarantee, with original signatures, shall be placed in the facility operating record of the owner or operator and filed with the department; with the documents specified for use by the owner or operator in K.A.R. 28-29-2110(d). The documentation shall be completed using the financial information and reports of the guarantor. These documents shall be updated and filed annually.

(e) Provisions of the guarantee. The terms of the guarantee shall stipulate the following:

(1) If the owner or operator fails to perform closure, postclosure, corrective action, or any combination of these, for the permitted facility covered by the guarantee when required to do so by the department or a court of competent jurisdiction, the guarantor shall perform either of the following:

(A) Perform or pay a third-party to perform closure, postclosure, corrective action, or any combination of these, as required by the department or any court of competent jurisdiction; or

(B) establish a fully funded trust fund as specified in K.A.R. 28-29-2103, in the name of the owner or operator, in the amount of the current cost estimate for closure, postclosure, corrective action, or any combination of these, whichever is greatest.

(2) The guarantee shall remain in effect unless the guarantor sends notice of cancellation by certified mail to both the owner or operator and the department. Cancellation shall not occur, however, during the 120 days beginning on the date by which both the owner or operator and the department have received the notice of cancellation, as evidenced by the return receipts.

(3) If the guarantee is canceled, the owner or operator shall, within 90 days following the date by which both the owner or operator and the department have received the cancellation notice, obtain alternate financial assurance as specified in K.A.R. 28-29-2101(b) and obtain approval from the department. If the owner or operator fails

to provide alternate financial assurance within the 90-day period, the guarantor shall provide the alternate financial assurance in the name of the owner or operator within the next 30 days.

(f) Failure of the guarantee. If the local government guarantor no longer meets the requirements of K.A.R. 28-29-2110(b), the owner or operator shall, within 90 days, obtain alternate financial assurance as specified in K.A.R. 28-29-2101(b) and obtain approval from the department for its use. If the owner or operator fails to provide the alternate financial assurance within the 90-day period, the guarantor shall, within the next 30 days, provide the alternate financial assurance in the name of the owner or operator.

(g) Release of the guarantee. The owner or operator shall no longer be required to meet the requirements of this regulation if any of the following occurs:

(1) The owner or operator substitutes an alternative method of financial assurance as specified in K.A.R. 28-29-2101(b) and obtains written approval for its use from the department.

(2) The owner or operator is released by the department from further obligation for closure, postclosure, or both, at the permitted facility.

(3) The owner or operator completes the required corrective action and is released from further obligation by the department or any court of competent jurisdiction.

(h) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2112. Financial assurance provided by use of ad valorem taxing authority. (a) Ad valorem taxing authority. Any owner or operator that is a local government subdivision of the state of Kansas and that is permitted to own or operate a solid waste disposal area or processing facility other than a municipal solid waste landfill may use its statutory authority to assess and collect ad valorem taxes to assure the closure, postclosure, or corrective action costs, or any combination of these, of the facility as required by K.A.R. 28-29-2101 or K.A.R. 28-29-2102, or both.

(b) Proof of ad valorem taxing authority. Whenever required to do so by the department, the local government owner or operator shall perform one of the following:

(1) Provide evidence of currently unused ad valorem taxing authority within any statutory tax limit or cap;

(2) provide analyses demonstrating that the cost of closure, postclosure, corrective action, or any combination of these, will be provided by ad valorem tax assessments within any statutory limit or cap in future budgets at the

time that closure, postclosure, corrective action, or any combination of these, is required; or

(3) provide evidence demonstrating the existence and amount of a governmental or enterprise fund containing monies designated for use in providing closure, postclosure, corrective action, or any combination of these, for the permitted facility.

(c) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-3407, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

28-29-2113. Financial assurance provided by a simplified financial instrument. (a) Simplified financial instrument.

(1) Any owner or operator of a permitted solid waste disposal area or processing facility with a current closure cost estimate equal to or less than \$100,000, and with financial assurance from a single provider for that facility, may provide financial assurance in a simplified form of surety bond or letter of credit, instead of by use of any other financial instrument specified in K.A.R. 28-29-2101(b). The owner or operator of the facility may, with the department's approval, use an assigned certificate of deposit or assigned escrow account to provide financial assurance if the facility closure cost estimate is \$25,000 or less.

(2) The simplified forms of financial instruments specified in this regulation shall not be used to provide financial assurance for the estimated cost of postclosure or corrective action.

(b) Form of the simplified financial instrument. The wording of the simplified surety bond or letter of credit shall be identical to the wording in the documents provided by the department.

(c) When a simplified financial instrument shall not be used. Whenever the estimate of closure cost exceeds \$100,000 for any facility for which one of the simplified financial instruments specified in subsection (a) is in use, or whenever requested by the department, the owner or operator shall substitute, for that facility, one or more alternative methods of financial assurance as specified in K.A.R. 28-29-2101(b).

(d) The provisions of this regulation shall apply on and after February 24, 2000. (Authorized by K.S.A. 1998 Supp. 65-3406; implementing K.S.A. 1998 Supp. 65-340, as amended by L. 1999, Ch. 112, Sec. 1; effective Feb. 24, 2000.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024640

INDEX TO ADMINISTRATIVE REGULATIONS

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28-72-21	New	V. 18, p. 1920
28-72-22	New (T)	V. 18, p. 1491
28-72-22	New	V. 18, p. 1920

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-12	Amended	V. 18, p. 271
30-2-16	Amended	V. 18, p. 895
30-4-64	Amended	V. 18, p. 1722
30-6-59	Revoked	V. 18, p. 895
30-6-86	Amended	V. 18, p. 895
30-6-103	Amended	V. 18, p. 896
30-14-30	Amended	V. 18, p. 896
30-44-2	Amended	V. 18, p. 1843

AGENCY 36: DEPARTMENT OF TRANSPORTATION (BY DEPARTMENT OF EDUCATION)

Reg. No.	Action	Register
36-13-20	Revoked	V. 18, p. 1823
36-13-30	through	
36-13-35	Revoked	V. 18, p. 1823
36-13-37	Revoked	V. 18, p. 1823
36-13-38	Revoked	V. 18, p. 1823
36-13-39	Revoked	V. 18, p. 1823

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-26	Amended	V. 18, p. 1058
40-3-33	Amended	V. 18, p. 1016
40-4-34	Amended	V. 18, p. 124
40-4-35	Amended (T)	V. 18, p. 358
40-4-35	Amended	V. 18, p. 1148
40-4-42	New	V. 18, p. 1883
40-4-42a	New	V. 18, p. 1883
40-4-42b	New	V. 18, p. 1884
40-4-42c	New	V. 18, p. 1884
40-4-42d	New	V. 18, p. 1885
40-4-42e	New	V. 18, p. 1886
40-4-42f	New	V. 18, p. 1887
40-4-42g	New	V. 18, p. 1887

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-1-103	Amended	V. 18, p. 390

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-1	Amended	V. 18, p. 1597
45-9-2	Amended	V. 18, p. 1597
45-9-3	Amended	V. 18, p. 1598
45-9-4	New (T)	V. 18, p. 1034
45-9-4	New	V. 18, p. 1599

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 18, p. 1170

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-101	Amended	V. 18, p. 51
60-3-106	Amended	V. 18, p. 51
60-7-101	Amended	V. 18, p. 52
60-16-101	Amended	V. 18, p. 1558
60-16-102	Amended	V. 18, p. 1558
60-16-104	Amended	V. 18, p. 1559

AGENCY 63: BOARD OF MORTUARY ARTS

63-4-1	Amended	V. 18, p. 1650
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AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-10	Amended	V. 18, p. 1727
65-9-1	Amended	V. 18, p. 357
65-10-2	Amended	V. 18, p. 357
65-11-3	Amended	V. 18, p. 357

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-12a	Amended	V. 18, p. 1813
68-2-20	Amended	V. 18, p. 1813
68-2-22	Amended	V. 18, p. 1814
68-3-5	New	V. 18, p. 1309
68-3-6	New	V. 18, p. 1309
68-5-15	New	V. 18, p. 993
68-7-11	Amended	V. 18, p. 1814
68-7-12	Amended	V. 18, p. 1815
68-7-18	Amended	V. 18, p. 994
68-7-19	Amended	V. 18, p. 994
68-11-1	Amended	V. 18, p. 81
68-14-1	Amended	V. 18, p. 1019
68-14-2	through	
68-14-5	Amended	V. 18, p. 996, 997
68-14-7	Amended	V. 18, p. 997
68-14-8	New	V. 18, p. 998
68-15-1	New	V. 18, p. 998
68-15-2	New	V. 18, p. 1309
68-15-4	New	V. 18, p. 1309
68-20-10	Amended	V. 18, p. 1816
68-20-10a	Amended	V. 18, p. 1819
68-20-15a	Amended	V. 18, p. 1819
68-20-16	Amended	V. 18, p. 1820
68-20-17	Amended	V. 18, p. 1820
68-20-18	Amended	V. 18, p. 1820
68-20-19	Amended	V. 18, p. 1821
68-20-21	Amended	V. 18, p. 1822

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-18	Amended	V. 18, p. 1844
71-3-7	New	V. 18, p. 104
71-6-1	through	
71-6-6	New	V. 18, p. 104, 105

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-10	Amended	V. 18, p. 1238
74-5-103	Amended	V. 18, p. 1238
74-5-104	Amended	V. 18, p. 1238
74-5-202	Amended	V. 18, p. 1239
74-5-203	Amended	V. 18, p. 1239
74-5-406	Amended	V. 18, p. 1240
74-11-6	Amended	V. 18, p. 1240
74-12-1	Amended	V. 18, p. 1721

AGENCY 80: KANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Reg. No.	Action	Register
80-1-1	Amended	V. 18, p. 1230
80-1-2	Amended	V. 18, p. 1230

80-1-3	Amended	V. 18, p. 1230
80-1-4	Revoked	V. 18, p. 1230
80-1-5	Amended	V. 18, p. 1230
80-1-6	Amended	V. 18, p. 1231
80-1-9	Amended	V. 18, p. 1231
80-1-10	Amended	V. 18, p. 1231
80-1-11	Amended	V. 18, p. 1231
80-1-12	Revoked	V. 18, p. 1231
80-2-1	Amended	V. 18, p. 1231
80-3-1	Revoked	V. 18, p. 1232
80-3-2	Revoked	V. 18, p. 1232
80-3-4	Amended	V. 18, p. 1232
80-3-5	Revoked	V. 18, p. 1232
80-3-6	Revoked	V. 18, p. 1232
80-3-8	Revoked	V. 18, p. 1232
80-3-9	Amended	V. 18, p. 1232
80-3-13	Revoked	V. 18, p. 1232
80-3-15	Amended	V. 18, p. 1232
80-3-16	Amended	V. 18, p. 1232
80-4-1	Amended	V. 18, p. 1233
80-4-2	Revoked	V. 18, p. 1233
80-4-3	Revoked	V. 18, p. 1233
80-4-4	Amended	V. 18, p. 1233
80-4-5	Revoked	V. 18, p. 1233
80-4-6	Revoked	V. 18, p. 1233
80-5-1	Amended	V. 18, p. 1233
80-5-2	Revoked	V. 18, p. 1233
80-5-3	Revoked	V. 18, p. 1233
80-5-6	Amended	V. 18, p. 1233
80-5-7	Revoked	V. 18, p. 1234
80-5-9	Amended	V. 18, p. 1234
80-5-10	Amended	V. 18, p. 1234
80-5-11	Amended	V. 18, p. 1234
80-5-12	Revoked	V. 18, p. 1234
80-5-13	Amended	V. 18, p. 1234
80-5-14	Revoked	V. 18, p. 1234
80-5-15	Amended	V. 18, p. 1234
80-5-16	Amended	V. 18, p. 1235
80-5-18	Amended	V. 18, p. 1235
80-7-1	Amended	V. 18, p. 1235
80-8-2	Amended	V. 18, p. 1236
80-8-7	Amended	V. 18, p. 1236
80-50-1	Revoked	V. 18, p. 1236
80-50-2	Amended	V. 18, p. 1236
80-50-3	Amended	V. 18, p. 1236
80-50-4	Revoked	V. 18, p. 1236
80-50-5	Revoked	V. 18, p. 1236
80-50-6	Amended	V. 18, p. 1236
80-50-8	Revoked	V. 18, p. 1237
80-51-1	Revoked	V. 18, p. 1237
80-51-2	Revoked	V. 18, p. 1237
80-51-3	Revoked	V. 18, p. 1237
80-51-4	Amended	V. 18, p. 1237
80-51-5	Revoked	V. 18, p. 1237
80-51-7	Revoked	V. 18, p. 1237
80-52-1	Revoked	V. 18, p. 1237
80-52-2	Revoked	V. 18, p. 1237
80-52-3	Revoked	V. 18, p. 1237
80-53-2	through	
80-53-6	Revoked	V. 18, p. 1237
80-54-1	through	
80-54-4	Revoked	V. 18, p. 1237
80-55-1	through	
80-55-4	Revoked	V. 18, p. 1237
80-55-8	Amended	V. 18, p. 1237

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-221a	New	V. 18, p. 231
82-1-221b	New	V. 18, p. 232
82-1-228	Amended	V. 18, p. 232
82-1-235	Amended	V. 18, p. 233
82-3-101	Amended	V. 18, p. 273
82-3-401b	New	V. 18, p. 276
82-3-408	Amended	V. 18, p. 276
82-3-900	through	
82-3-908	New	V. 18, p. 276, 277
82-4-3	Amended (T)	V. 18, p. 1391
82-11-3	Amended	V. 18, p. 234

(continued)

82-11-4	Amended	V. 18, p. 234
82-11-9	Amended	V. 18, p. 238
82-11-10	Amended	V. 18, p. 239
82-11-11	New	V. 18, p. 239
82-12-2	Amended	V. 18, p. 239

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-11	Amended	V. 18, p. 1291

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-31-16	Amended	V. 18, p. 1171
91-31-18	Amended	V. 18, p. 1172
91-31-19	Amended	V. 18, p. 1309
91-31-24	Amended	V. 18, p. 1173
91-38-1		
through		
91-38-10	New	V. 18, p. 1823-1828

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended (T)	V. 18, p. 1747
100-11-5	Revoked	V. 18, p. 1230
100-24-3	New	V. 18, p. 483

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-4-10a	Amended (T)	V. 18, p. 1035
102-4-10a	Amended	V. 18, p. 1556
102-5-7a	Amended	V. 18, p. 1520

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-1-1	Amended	V. 18, p. 1141
105-2-1	Amended	V. 18, p. 1142
105-3-1	Amended	V. 18, p. 1142
105-3-2	Amended	V. 18, p. 1142
105-3-4	Revoked	V. 18, p. 1143
105-3-5	Amended	V. 18, p. 1143
105-3-8	Revoked	V. 18, p. 1143
105-3-9	Amended	V. 18, p. 1143
105-3-11	Amended	V. 18, p. 1144
105-3-12	Amended	V. 18, p. 1144
105-5-2	Amended	V. 18, p. 1144
105-5-3	Amended	V. 18, p. 1144
105-5-6	Amended	V. 18, p. 1144
105-5-7	Amended	V. 18, p. 1145
105-5-8	Amended	V. 18, p. 1145
105-6-2	Amended	V. 18, p. 1145
105-7-2	Amended	V. 18, p. 1146
105-7-4		
through		
105-7-9	Amended	V. 18, p. 1146
105-8-1	Amended	V. 18, p. 1146
105-8-2	Amended	V. 18, p. 1146
105-8-3	Amended	V. 18, p. 1146
105-10-1a	Amended	V. 18, p. 1146
105-10-3	Amended	V. 18, p. 1147
105-10-5	Amended	V. 18, p. 1147
105-21-3	Amended	V. 18, p. 1147
105-21-6	Amended	V. 18, p. 1147
105-31-4	Revoked	V. 18, p. 1147

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 18, p. 1650
109-5-1	Amended	V. 18, p. 1653
109-5-2	Amended	V. 18, p. 1654
109-5-3	Amended	V. 18, p. 1654
109-5-4	Amended	V. 18, p. 1655
109-6-2	Amended	V. 18, p. 1655
109-9-1	Amended	V. 18, p. 1656
109-9-2	Revoked	V. 18, p. 1656
109-4-4	Amended	V. 18, p. 1656
109-9-5	Revoked	V. 18, p. 1657

109-10-1	Amended	V. 18, p. 1657
109-10-2	Amended	V. 18, p. 1658
109-10-6	New	V. 18, p. 1660
109-11-1	Amended	V. 18, p. 1662
109-11-2	Revoked	V. 18, p. 1662
109-11-3	Amended	V. 18, p. 1662
109-11-4	Amended	V. 18, p. 1663
109-11-5	Amended	V. 18, p. 1664
109-11-6	Amended	V. 18, p. 1664
109-12-1	Revoked	V. 18, p. 1665
109-12-2	Revoked	V. 18, p. 1665
109-13-1	Amended	V. 18, p. 1666
109-13-3	Revoked	V. 18, p. 1666

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-3	New (T)	V. 18, p. 1392

AGENCY 111: KANSAS LOTTERY

The following is a complete index listing all regulations filed by the Kansas Lottery from 1988 through 1999.

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-3	Amended	V. 17, p. 386
111-1-5	Amended	V. 18, p. 451
111-2-1	Amended	V. 17, p. 387
111-2-2	Amended	V. 17, p. 387
111-2-2a		
through		
111-2-2e	New	V. 14, p. 1633, 1634
111-2-2b	Amended	V. 17, p. 738
111-2-2d	Amended	V. 17, p. 739
111-2-2e	Amended	V. 17, p. 1710
111-2-4	Amended	V. 18, p. 1133
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. 18, p. 1133
111-2-31	New	V. 14, p. 170
111-2-32		
through		
111-2-42	Revoked	V. 16, p. 448, 449
111-2-43		
through		
111-2-65	Revoked	V. 18, p. 330
111-2-66	Amended	V. 17, p. 467
111-2-67		
through		
111-2-71	Revoked	V. 18, p. 330, 331
111-2-72	New	V. 17, p. 430
111-2-73	New	V. 17, p. 467
111-2-74	Revoked	V. 18, p. 331
111-2-75	Revoked	V. 18, p. 331
111-2-76	Revoked	V. 18, p. 331
111-2-77	New	V. 17, p. 1553
111-2-78	New	V. 17, p. 1710
111-2-79	New	V. 17, p. 1710
111-2-80	New	V. 18, p. 54
111-2-81	New	V. 18, p. 14
111-2-82	New	V. 18, p. 55
111-2-83	New	V. 18, p. 55
111-2-84	Amended	V. 18, p. 1846
111-2-85	New	V. 18, p. 125
111-2-86	New	V. 18, p. 125
111-2-87	New	V. 18, p. 331
111-2-88		
through		
111-2-93	New	V. 18, p. 451-453
111-2-94	Amended	V. 18, p. 1846
111-2-95	New	V. 18, p. 1561
111-2-96	New	V. 18, p. 1695

111-2-97	New	V. 18, p. 1846
111-2-98	New	V. 18, p. 1846
111-2-99	New	V. 18, p. 1846
111-3-1	Amended	V. 18, p. 956
111-3-5	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. 18, p. 1521
111-3-13	Amended	V. 17, p. 1323
111-3-14	Amended	V. 18, p. 957
111-3-16	Amended	V. 9, p. 1566
111-3-19	Revoked	V. 13, p. 1827
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 18, p. 958
111-3-22	Amended	V. 18, p. 958
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 17, p. 392
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. 17, p. 430
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877
111-4-1		
through		
111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6		
through		
111-4-15	Revoked	V. 12, p. 113
111-4-66		
through		
111-4-77	New	V. 7, p. 267-209
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 14, p. 972
111-4-101		
through		
111-4-106	Revoked	V. 16, p. 450
111-4-106a	Revoked	V. 16, p. 450
111-4-107		
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111-4-114	Revoked	V. 16, p. 450, 451
111-4-153		
through		
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177		
through		
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213		
through		
111-4-220	Revoked	V. 10, p. 1213
111-4-221		
through		
111-4-224	Revoked	V. 10, p. 1585
111-4-225		
through		
111-4-228	Revoked	V. 10, p. 1585
111-4-229		
through		
111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237		
through		
111-4-240	Revoked	V. 11, p. 413
111-4-241		
through		
111-4-244	Revoked	V. 12, p. 1371
111-4-245		
through		
111-4-248	Revoked	V. 12, p. 1371
111-4-249		
through		
111-4-256	Revoked	V. 12, p. 113, 114
111-4-257		
through		
111-4-286	Revoked	V. 11, p. 413, 414

111-4-1141	Amended	V. 17, p. 431	111-4-1561			111-7-4	Amended	V. 9, p. 1367
111-4-1142			through			111-7-5	Amended	V. 9, p. 986
111-4-1171	New	V. 16, p. 2016-2023	111-4-1590	New	V. 18, p. 1695-1703	111-7-6	Amended	V. 9, p. 987
111-4-1172			111-4-1591			111-7-9	Amended	V. 12, p. 1263
111-4-1180	New	V. 16, p. 2070-2072	through			111-7-11	Amended	V. 15, p. 1188
111-4-1181			111-4-1620	New	V. 18, p. 1847-1855	111-7-12		
111-4-1184	New	V. 17, p. 392, 393	111-5-1			through	New	V. 7, p. 1194-1196
111-4-1185	Amended	V. 17, p. 993	through			111-7-32		
111-4-1185			111-5-23	New	V. 7, p. 209-213	111-7-33		
111-4-1196	New	V. 17, p. 431-434	111-5-9			through	New	V. 7, p. 1197, 1198
111-4-1194	Amended	V. 17, p. 740	through			111-7-43	New	V. 8, p. 300
111-4-1197			111-5-19	Revoked	V. 15, p. 291	111-7-33a	New	
111-4-1222	New	V. 17, p. 467-473	111-5-21			111-7-44		
111-4-1206	Amended	V. 17, p. 1324	through			111-7-54	Revoked	V. 13, p. 340
111-4-1207	Amended	V. 17, p. 1325	111-5-33	New	V. 11, p. 415-418	111-7-46	Amended	V. 11, p. 1152
111-4-1210	Amended	V. 17, p. 1325	111-5-21	Revoked	V. 15, p. 291	111-7-54	Amended	V. 11, p. 1511
111-4-1219	Amended	V. 17, p. 993	111-5-22	Amended	V. 13, p. 1438	111-7-55		
111-4-1223			111-5-23	Amended	V. 16, p. 1814	through		
111-4-1242	New	V. 17, p. 740-745	111-5-24	Amended	V. 18, p. 130	111-7-63	Revoked	V. 10, p. 1217
111-4-1243			111-5-25	Amended	V. 16, p. 1815	111-7-60	Amended	V. 10, p. 262
111-4-1265	New	V. 17, p. 994-1000	111-5-26	Amended	V. 16, p. 1815	111-7-64		
111-4-1266			111-5-27	Amended	V. 16, p. 1816	through		
111-4-1278	New	V. 17, p. 1169-1172	111-5-28	Amended	V. 18, p. 130	111-7-75	New	V. 11, p. 13, 14
111-4-1279			111-5-29	Amended	V. 15, p. 1060	111-7-66	Amended	V. 18, p. 1137
111-4-1297	New	V. 17, p. 1326-1331	111-5-30	Amended	V. 16, p. 1817	111-7-66a	Revoked	V. 13, p. 340
111-4-1298			111-5-31	Amended	V. 18, p. 457	111-7-75	Amended	V. 16, p. 1479
111-4-1315	New	V. 17, p. 1508-1512	111-5-33	Amended	V. 16, p. 1817	111-7-76	Amended	V. 18, p. 1137
111-4-1316			111-5-34	New	V. 12, p. 318	111-7-77	Amended	V. 18, p. 1137
111-4-1324	New	V. 17, p. 1554-1556	111-5-34a	Amended	V. 14, p. 1098	111-7-78	Amended	V. 18, p. 1138
111-4-1325			111-5-35			111-7-78a	New	V. 18, p. 1138
111-4-1350	New	V. 17, p. 1712-1718	through			111-7-79	Revoked	V. 13, p. 340
111-4-1351			111-5-38	Revoked	V. 13, p. 1439	111-7-80		
111-4-1363	New	V. 17, p. 1747-1750	111-5-39			through		
111-4-1364			111-5-44	New	V. 15, p. 1022, 1023	111-7-83	New	V. 11, p. 1478-1480
111-4-1380	New	V. 18, p. 14-19	111-5-45			111-7-80	Amended	V. 18, p. 1855
111-4-1381			through			111-7-80a	New	V. 18, p. 1139
111-4-1396	New	V. 18, p. 55-59	111-5-50	New	V. 15, p. 1060-1062	111-7-81	Amended	V. 18, p. 1140
111-4-1384	Amended	V. 18, p. 958	111-5-46	Amended	V. 15, p. 1186	111-7-82	Amended	V. 18, p. 1141
111-4-1397			111-5-51	New	V. 15, p. 1477	111-7-83	Amended	V. 18, p. 1141
111-4-1412	New	V. 18, p. 125-129	111-5-52			111-7-84		
111-4-1413			through			111-7-93	Revoked	V. 15, p. 291
111-4-1430	New	V. 18, p. 332-336	111-5-57	New	V. 16, p. 458, 459	111-7-94	Revoked	V. 13, p. 340
111-4-1423	Amended	V. 18, p. 453	111-5-58			111-7-95		
111-4-1431			through			through		
111-4-1443	New	V. 18, p. 454-457	111-5-63	New	V. 16, p. 1085-1087	111-7-118	Revoked	V. 15, p. 291, 292
111-4-1444			111-5-60a	New	V. 16, p. 1818	111-7-119		
111-4-1468	New	V. 18, p. 773-779	111-5-62	Amended	V. 16, p. 1511	through		
111-4-1457	Amended	V. 18, p. 958	111-5-64			111-7-127	New	V. 15, p. 1189-1191
111-4-1469			through			111-7-122	Amended	V. 15, p. 1477
111-4-1485	New	V. 18, p. 959-963	111-5-72	New	V. 17, p. 434-437	111-7-123	Amended	V. 15, p. 1477
111-4-1473	Amended	V. 18, p. 1305	111-5-69	Amended	V. 17, p. 474	111-7-124	Amended	V. 15, p. 1477
111-4-1481	Amended	V. 18, p. 1305	111-5-73	New	V. 17, p. 1331	111-7-126	Amended	V. 15, p. 1304
111-4-1485	Amended	V. 18, p. 1306	111-5-74	New	V. 17, p. 1556	111-7-127	Amended	V. 16, p. 1479
111-4-1486			111-5-75	New	V. 18, p. 59	111-7-128	New	V. 15, p. 1446
111-4-1486			111-5-76	New	V. 18, p. 457	111-7-128a	New	V. 17, p. 1512
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111-4-1508	New	V. 18, p. 1306-1308	111-6-15	New	V. 7, p. 213-217	111-7-134	New	V. 17, p. 1512-1514
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111-4-1534			111-6-4	Amended	V. 10, p. 1413	through		
111-4-1560	New	V. 18, p. 1561-1568	111-6-5	Amended	V. 18, p. 1529	111-7-140	New	V. 17, p. 1718, 1719
			111-6-6	Amended	V. 11, p. 1973	111-7-137	Amended	V. 17, p. 1750
			111-6-7	Amended	V. 17, p. 1172	111-7-141	Revoked	V. 18, p. 1856
			111-6-7a	Amended	V. 15, p. 1188	111-8-1	New	V. 7, p. 1633
			111-6-8	Revoked	V. 12, p. 1263	111-8-2	New	V. 7, p. 1633
			111-6-9	Revoked	V. 14, p. 313	111-8-3	Amended	V. 10, p. 886
			111-6-11	Revoked	V. 12, p. 1376	111-8-4	New	V. 7, p. 1714
			111-6-12	Amended	V. 8, p. 212	111-8-4a	Revoked	V. 13, p. 1406
			111-6-13	Amended	V. 8, p. 299	through		
			111-6-15	Amended	V. 12, p. 677	111-8-13	New	V. 7, p. 1634
			111-6-17	Revoked	V. 10, p. 1475	111-8-14	New	V. 13, p. 881
			111-6-18	New	V. 13, p. 150	111-8-15	New	V. 13, p. 881
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			111-6-21	New	V. 13, p. 881	111-9-12	New	V. 7, p. 1714-1716
			111-6-22	New	V. 13, p. 881	111-9-1		
			111-6-23	New	V. 13, p. 881	through		
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			through			111-9-13		
			111-7-10	New	V. 7, p. 1192, 1193	through		
			111-7-1	Amended	V. 8, p. 212	111-9-18	Revoked	V. 9, p. 1680
			111-7-3	Amended	V. 11, p. 1796			
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111-9-25 through 111-9-30	New	V. 9, p. 699, 700
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AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-6-4a	New	V. 18, p. 1458
112-10-6	Amended	V. 18, p. 954

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-4-13	Amended	V. 18, p. 1020
115-5-2	Amended	V. 18, p. 1723
115-7-1	Amended	V. 18, p. 1334
115-7-5	Amended	V. 18, p. 1334
115-8-6	Amended	V. 18, p. 1724
115-11-2	Amended	V. 18, p. 484
115-15-1	Amended	V. 18, p. 1724
115-15-2	Amended	V. 18, p. 1725
115-16-4	Amended	V. 18, p. 780

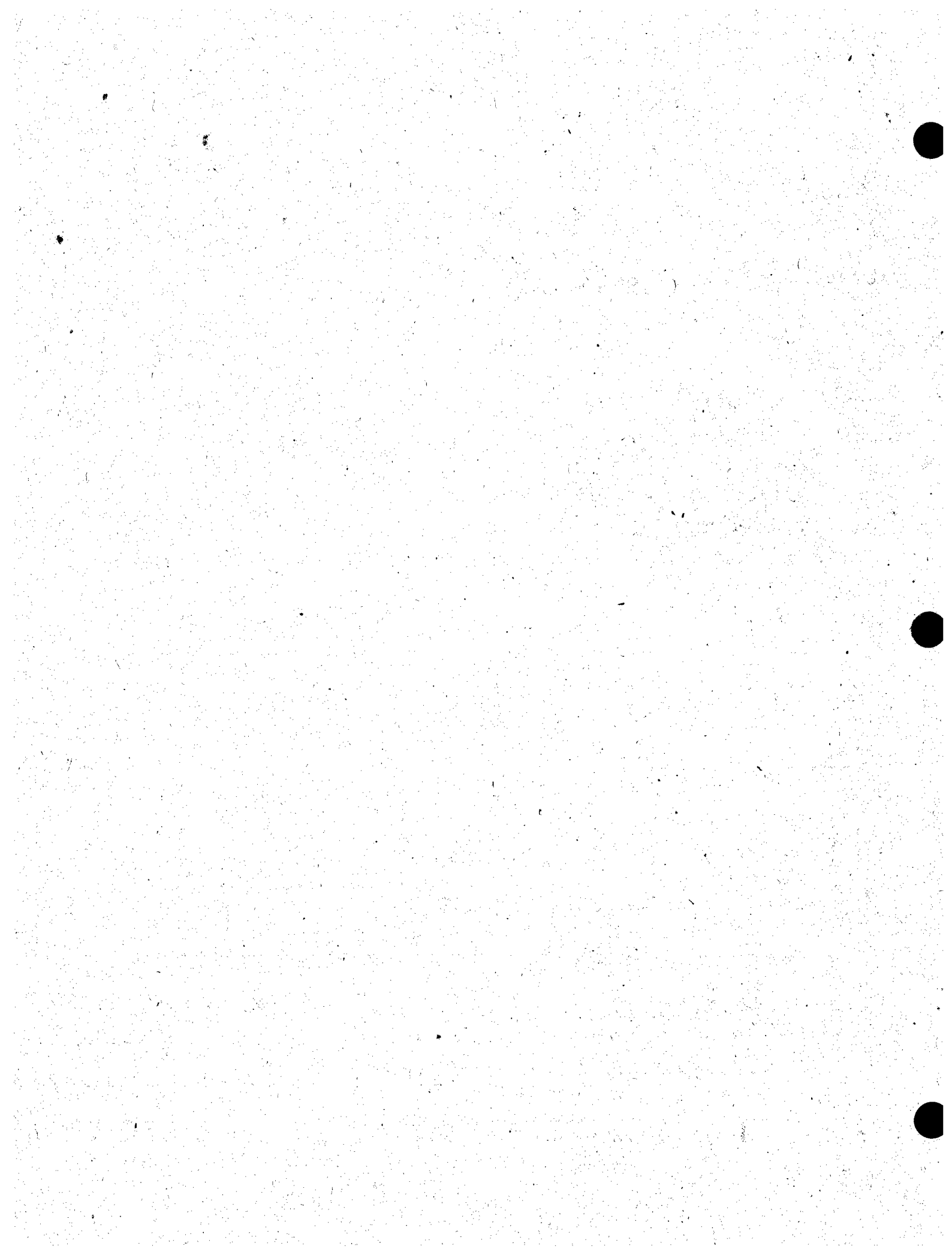
115-17-21	New	V. 18, p. 781
115-18-4	Amended	V. 18, p. 1334
115-18-7	Amended	V. 18, p. 1335
115-18-13	Amended	V. 18, p. 1336
115-18-14	Amended	V. 18, p. 1336
115-30-10	Amended	V. 18, p. 781

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-6-1	Amended	V. 18, p. 955
117-8-1	Amended	V. 18, p. 995

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

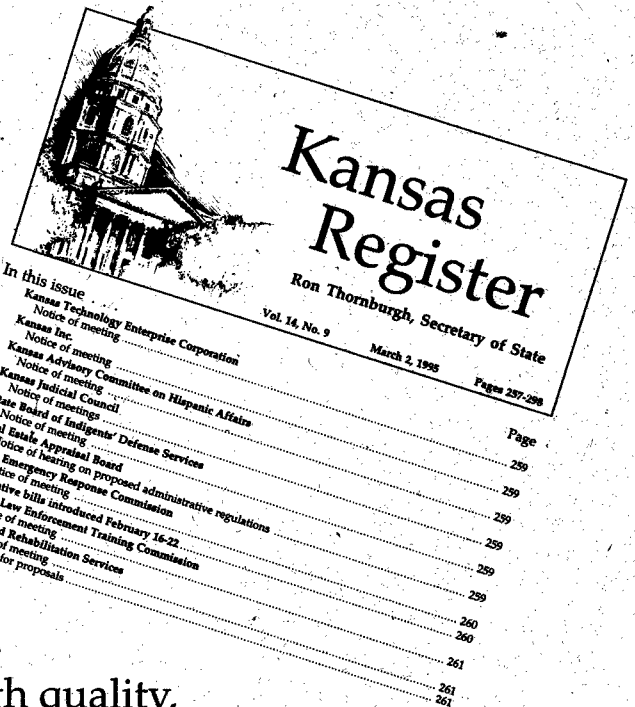
Reg. No.	Action	Register
118-4-1 through 118-4-4	New	V. 18, p. 672, 673



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