

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 19, No. 42    October 19, 2000    Pages 1705-1736

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## State of Kansas

Department of Administration  
Division of Architectural Services

Notice of Commencement of  
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for asbestos abatement engineering services for the Kansas School for the Deaf, Olathe. Initial services will be for an asbestos survey and report of all school buildings. Subsequent services may include abatement construction documents, construction administration and air monitoring services.

For information regarding the scope of services, contact Gary Updike, Director of Support Services, Kansas School for the Deaf, (913) 791-0573.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. November 3.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 025787

## State of Kansas

## Department of Commerce and Housing

## Notice of Hearings

The Department of Commerce and Housing, Division of Community Development, will conduct 10 public hearings on the division's proposed federal fiscal year 2001 programs (state fiscal year 2002). The purpose of the hearings is to gain citizen input on the proposed changes to the federally-funded Community Development Block Grant (CDBG) program, as well as to take comments on the performance of past administration of this program. The public hearings also will discuss the Community Assistance Programs, including Main Street, PRIDE, Capacity Building Grants, Project IMPACT and Flood Mitigation Assistance. All citizens are invited to attend. The public hearings are scheduled as follows:

Date	Place	Address	Time
November 8	Concordia	Community Room, 701 Washington	2 p.m.
November 9	Cherryvale	City Hall, 123 W. Main	1 p.m.
November 9	Horton	City Hall, 205 E. 8th	2 p.m.
November 13	Sterling	City Hall, 114 N. Broadway	1 p.m.
November 14	Garnett	Town Hall Center, 125 W. 5th	10 a.m.
November 14	Hugoton	Memorial Hall, 200 E. 6th	3 p.m.
November 15	Leoti	City Hall, 406 S. 4th	9 a.m.
November 15	LaCrosse	Extension Office, 702 Main	3 p.m.
November 16	Phillipsburg	Cottonwood Inn, 1200 State	9 a.m.
November 17	Herington	City Hall, 17 N. Broadway	10 a.m.

If special accommodations are needed, contact the Kansas Department of Commerce and Housing at least five business days in advance of the hearing at (785) 296-3004, fax (785) 296-0186 or TTY (785) 296-3487.

Gary Sherrer  
Secretary of Commerce  
and Housing

Doc. No. 025778

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State of Kansas

State Corporation Commission

Notice of Amendment of Basic Proration Orders

By order dated October 4, 2000, the State Corporation Commission has approved and adopted a stipulation and agreement amending the Hugoton and Panoma basic proration orders and the Greenwood basic proration order. The following amendments are effective as of the date of the order, subject to notice and an opportunity for certain interested parties to object:

Hugoton and Panoma Fields

1. Commencing with the 2001-2002 test cycle, the drawdown limitations will be a minimum of 10% and a maximum of 50% of the shut-in pressure measured in p.s.i.a. If the 50% maximum is exceeded, the operator may accept a minimum allowable or may conduct one additional test.
2. Commission staff can grant an exception to the maximum drawdown limitation and allow the test to stand if staff determines it was operationally impractical to comply with the limitation.
3. For the year 2000-2001 test cycle, commission staff will not require compliance with the current 30% maximum drawdown limitation.
4. After the 2000-2001 testing cycle is completed and the new field-wide average shut-in pres-

sure is determined, DSP will be the higher of 0 p.s.i.a. (-14.4 p.s.i.g.) or the field-wide average shut-in pressure minus 60 p.s.i. for the Hugoton Field and minus 40 p.s.i. for the Panoma Field. This pressure differential shall define the DSP each year thereafter until the time it reaches 0 p.s.i.a., at which time DSP will remain at 0 p.s.i.a.

Greenwood Field

1. The drawdown limitations of the BPO testing requirements will be measured in p.s.i.a.
2. After the 2000-2001 testing cycle is complete, the new field-wide average shut-in pressure (DSP) will be 0 p.s.i.a.

Any interested party who did not enter an appearance in the above proceeding may file a written objection to the amendments summarized in this notice. Such written objection must comply with the commission's rules for practice and procedure and must be filed with the commission within 15 days of the publication of this notice.

Further information may be obtained by contacting John McCannon or Diana Edmiston, State Corporation Commission, Conservation Division, Room 2078, Finney State Office Building, 120 S. Market, Wichita, 67202, (316) 337-6200.

Jeffrey S. Wagaman  
Executive Director

Doc. No. 025782

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 23 through November 5. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
October 24	Manhattan	10:00 a.m.	Joint Committee on Arts and Cultural Resources	24th: Hearings, Manhattan Arts Center.
October 25	Manhattan	9:00 a.m.		25th: Visits to various sites.
October 26	313-S	9:00 a.m.	Special Committee on Judiciary	a.m.: Topic No. 1—Seat Belt Usage; Topic No. 2—Merit Selection of Judges.
October 30	519-S	12:00 p.m.	Legislative Post Audit	Presenting an audit of the Juvenile Justice Authority and other legislative matters.
October 30	531-N	10:00 a.m.	Special Committee on Claims	Hearings on claims filed to date.
October 31	531-N	9:00 a.m.	Against the State	
November 1	313-S	9:00 a.m.	Special Committee on Judiciary	Agenda not available.
November 2	514-S	10:00 a.m.	Special Committee on Federal	Agenda not available.
November 3	514-S	9:00 a.m.	and State Affairs	

Jeff Russell  
Director of Legislative  
Administrative Services

Doc. No. 025784

## State of Kansas

**Kansas Water Authority****Notice of Meetings**

The Kansas Water Authority will conduct its quarterly meeting in Kansas City, Kansas; November 1-2. The meetings will be held in the first floor large training room and second floor large conference room of the Operations and Maintenance Building at the Hansen Treatment Plant, 7601 Holliday Drive.

A briefing for the full Authority will begin at 8 a.m. November 1. The Planning Committee and Public Water Supply Committee will meet at 12:30 p.m., followed by meetings of the Conservation and Evaluation Committee and the Education and Interagency Coordination Committee at 2:30 p.m. The full Authority will convene at 9 a.m. November 2 to conduct its regular business session, including receiving the Kansas Water Office Director's Report, the reports from the previous day's four committee meetings, and other business items.

An agenda and other details of the meeting are available from the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, (785) 296-3185 or toll free at 1-888-KAN-WATER. If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at the above address at least two days prior to the meeting.

Kent Lamb  
Chairman

Doc. No. 025781

## State of Kansas

**Department of Transportation****Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects 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. November 15 for the consulting engineering firm to be considered.

From the firms expressing interest, 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 ad-

vertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

**61-106 K-8249-01, McPherson and Reno Counties**

The scope of service is to provide a Location and Design Concept Study for a 4-lane access controlled improvement with bypasses at Madora and Inman on K-61 from 17th Street in Hutchinson, northeast 35.1 kilometers to the existing 4-lane south of McPherson. The project is programmed for fiscal year 2001 and the estimated cost is \$500,000.

**400-106 K-8242-01, Statewide**

The scope of service is to provide a Location and Design Concept Study for a 4-lane improvement of US-400 from Garden City in Finney County, east to southeast of Mullinville in Kiowa County. The corridor is approximately 140 kilometers in length. The project is programmed for fiscal year 2002 and the estimated cost is \$1,290,000.

**166-18 K-8233-01, Cowley County**

The scope of services is to provide a Location and Design Concept Study for a bypass of Arkansas City to the southwest. The corridor will start on US-166 west of the Arkansas River and connect to the new proposed Southeast Bypass. The project is programmed for fiscal year 2003 and the estimated cost is \$167,000.

**50-40 K-8256-01, Harvey County**

The scope of services is to reconstruct the US-50/K-15 interchange in Newton. The project is scheduled for plan completion in fiscal year 2004 and the estimated construction cost is \$4,854,000.

**24-105 K-8248-01, Wyandotte County**

The scope of services is to reconstruct US-24 (State Avenue) to a 5-lane roadway from K-7, east 3.6 kilometers to 118th Street, including the reconstruction of the US-24/K-7 interchange. The project is programmed for plan completion in fiscal year 2006 and the estimated construction cost is \$30,507,000.

**435-46 K-7451-01, Johnson County****435-46 K-8262-01, Johnson County**

The scope of services is to provide for the reconstruction of the existing 6-lanes to an 8-lane roadway, including a new interchange at I-435 and Antioch Road. The project begins at US-169 and goes west 3.9 kilometers to 0.6 kilometer west of US-69. The project is programmed for fiscal year 2008 and the estimated construction cost is \$133,500,000.

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

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 025772

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction December 5 (at site) the following improvements located in Shawnee County, Kansas, described as follows:

**10:00 a.m.**—Tr. 1(C) - 13820 S.W. Hwy. 40, Topeka (located at I-70 and Rossville Exit). 1,497 sq. ft. stone exterior, ranch-style house with living room, fireplace, kitchen/dining room, 1 bedroom/1.5 bath on full, partial finished walk-out basement.

Immediately following — a 35' X 24' pole shed and a 10' X 12' garden shed with overhead door (will be auctioned individually).

**11:30 a.m.**—Tr. 1(A) — 530 S.W. Carlson Road, Topeka (I-70 and Rossville Exit). 1,769 sq. ft. bungalow-style house with living room, family room, dining room, 2 fireplaces, 3 bedroom/1.5 bath on unfinished basement.

An inspection of properties will be November 29 from 9 to 10 a.m. (C), from 10 to 11 a.m. (A), and 30 minutes prior to the sale.

**Performance Bonds**

Houses. . . \$4,000 each  
Sheds. . . . \$200 each

**Terms of Sale**

A cashier's check for the purchase price must be paid on the day of the sale, payable to the Kansas Department of Transportation. The successful bidders will receive a bill of sale upon payment.

The successful bidders will be required to remove the structures from the right of way on or before May 1, 2001. A performance bond must be posted on the day of the sale, by cashier's check, as guarantee of removal of the structure. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchasers shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Kansas Department of Transportation for the sale price paid and performance bond amount after said date.

The purchaser shall not permit use or occupancy of said structure pending removal from highway right of way. The purchaser shall, during the interim period of moving the improvement and filling in the basement, mark the area with tape, ribbon or fencing, warning the public of the opening.

For additional information, contact the Bureau of Right of Way at (877) 461-6817. The seller reserves the right to reject any and all bids and is not responsible for accidents.

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 025783

State of Kansas

Department of Agriculture

Notice of Cancellation of Hearing on Proposed Administrative Regulations

The public hearing on the adoption of proposed new rule and regulation K.A.R. 4-10-10 of the Pesticide and Fertilizer Program scheduled for November 15 has been cancelled. The hearing will be rescheduled at a later date.

Jamie Clover Adams  
Secretary of Agriculture

Doc. No. 025788

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards, commissions, and Kansas county officials are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's website at [www.kssos.org](http://www.kssos.org).

The following appointments, which are effective upon their filing with the Secretary of State unless otherwise specified, were recently filed with the Secretary of State:

**Athletic Trainers Council**

**John A. Baxter**, 809 Dove Run, Emporia, 66801. Term expires June 30, 2001. Succeeds Michelle Molnar.

**Brad Parry**, 3220 Tutbury Town Road, Topeka, 66614. Term expires June 30, 2002. Succeeds James Sperry.

**Scott A. Winslow**, 1302 E. 32nd, Hays, 67601. Term expires June 30, 2003. Reappointed.

**Behavioral Sciences Regulatory Board**

**James Easter**, 502 Kansas, Lawrence, 66046. Term expires June 30, 2004. Succeeds Douglas Wood.

**Patricia A. Grimwood**, 115 Mount Barbara Road, Salina, 67401. Term expires June 30, 2004. Reappointed.

**Connie Morris**, Route 1, Box 436, St. Francis, 67756. Term expires June 30, 2004. Succeeds Gordon Hibbard.

**Advisory Commission for Children With Special Health Care Needs**

**O.J. Brock**, 2919 River Park Drive, Wichita, 67203. Term expires February 27, 2004. Reappointed.

**Karin Rasmussen**, 1649 U.S. 24, Colby, 67701. Term expires February 27, 2003. Reappointed.

**Robin Stone**, 103 Fescue Drive, Inman, 67546. Term expires February 27, 2003. Reappointed.

**Kansas Dental Board**

**Jane A. Criser**, 1512 N. Parkridge, Wichita, 67212. Term expires April 30, 2002. Succeeds Mary Collar.

Ron Thornburgh  
Secretary of State

Doc. No. 025785

(Published in the Kansas Register October 19, 2000.)

**Summary Notice of Bond Sale**  
**City of Leawood, Johnson County, Kansas**  
**\$8,310,000**  
**General Obligation Improvement Bonds**  
**Series 2000-A**

Subject to the notice of bond sale dated October 2, 2000, sealed bids will be received by the undersigned city finance director of Leawood, Johnson County, Kansas, at City Hall, 4800 Town Center Drive, Leawood, until 1 p.m. local time on Monday, November 6, 2000, at which time such bids will be publicly opened for the sale of the above-captioned general obligation bonds of the city. No bids of less than par and accrued interest to delivery will be considered. Such bids will be considered by the governing body of the city at a meeting to be held at 7:30 p.m. local time on such date.

The bonds will be issued as a single series designated General Obligation Improvement Bonds, Series 2000-A, in the aggregate principal amount of \$8,310,000. The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 and any integral multiple thereof, will be dated November 15, 2000, and will mature serially on September 1 of each year, as follows:

Maturity September 1	Principal Amount
2001	\$445,000
2002	395,000
2003	405,000
2004	405,000
2005	415,000
2006	425,000
2007	430,000
2008	440,000
2009	450,000
2010	465,000
2011	405,000
2012	415,000
2013	430,000
2014	445,000
2015	460,000
2016	340,000
2017	355,000
2018	375,000
2019	395,000
2020	415,000

Interest on said bonds from the dated date at the rates determined when the bonds are sold shall be payable on March 1 and September 1 of each year through maturity, commencing March 1, 2001.

A bidder may, subject to the conditions described in the official notice of bond sale, elect to have bonds maturing in the years 2016 to 2020 issued as term bonds scheduled to mature in 2020 and subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth above.

Bonds maturing on and after September 1, 2010, will be subject to redemption at the option of the city on September 1, 2009, and thereafter, in whole on any date or in part on any interest payment date, at a redemption price

of 100 percent of the principal amount so redeemed, plus accrued interest to the date fixed for redemption without premium.

The bonds will be issued in book-entry only form as one fully registered bond for each maturity registered in the name of Cede & Co., as bondholder and nominee for the Depository Trust Company, New York, New York, which will act as securities depository for the bonds.

The bonds will be designated "qualified tax-exempt obligations" by the city for the purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

The bonds will be delivered to the purchaser on or about November 29, 2000, through the facilities of the Depository Trust Company, New York, New York.

The city will pay the fees of the bond registrar for registration and transfer of the bonds, all expenses in relation to the printing of CUSIP numbers on said bonds, the cost of printing the bonds and for the legal services of bond counsel. Costs and fees incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

The population of the city is approximately 30,000. The 1999 assessed valuation of all taxable tangible property within the City of Leawood, Kansas, is \$444,250,627, including motor vehicle valuation of \$55,898,749, and the estimated assessed valuation is \$506,911,724, which includes motor vehicle valuation of \$57,538,051. The total general obligation bonded indebtedness of the city at the date hereof, including the issue of bonds herein offered for sale, is \$40,460,000. The city has temporary notes outstanding in the total amount of \$10,600,000, of which \$8,100,000 will be redeemed and cancelled from the proceeds of the bonds and other available funds of the city.

A good faith deposit by cashier's or certified check or financial surety bond in the amount of 2 percent of the total amount of the bid for the bonds shall accompany each bid. A successful bidder utilizing a financial surety bond shall be required to submit its deposit by cashier's or certified check or wire transfer by 1 p.m. local time on the next business day following the award.

Copies of the official notice of bond sale, copies of the city's preliminary official statement relating to the bonds and further information may be obtained from the undersigned city finance director or from George K. Baum & Company, 12 Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, (816) 474-1100, the city's financial advisor.

Mailed bids should be addressed to Kathy Rogers, City Finance Director, City of Leawood, Kansas, 4800 Town Center Drive, Leawood, KS 66211, and marked "Bid for Purchase of \$8,310,000 General Obligation Improvement Bonds, Series 2000-A, Leawood, Johnson County, Kansas." Bids also may be delivered to said officer at City Hall, Leawood, Kansas, at or immediately prior to 1 p.m. on the sale date.

Dated at Leawood, Kansas, October 2, 2000.

Kathy Rogers  
City Finance Director

Doc. No. 025770

## 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 operating permit. Marley Cooling Tower Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Marley Cooling Tower Company, Olathe, owns and operates a facility for the manufacturing of plastic components and steel/machine components for cooling towers located at Marley and Lone Elm Roads, Olathe.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Johnson County Environmental Department, 11180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Amer Safadi, (785) 296-1993, at the KDHE central office, or Mike Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Amer Safadi, 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 November 20.

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 November 20 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity

during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 025776

## 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:

**Monday, October 30, 2000**

**02332**

State Corporation Commission—Abandoned Well  
Plugging, Works Lease Project

**02372**

Kansas Department of Transportation—Liquid  
Chloride Storage and Dispensing System, Various  
Locations

**02378**

Department of Health and Environment—Light  
Cycler with Laptop Computer and Peripherals

**Tuesday, October 31, 2000**

**A-8811(A)**

Emporia State University—Site Grading and  
Preparation Project, Student Recreation Facility

**A-9048**

Emporia State University—Roof Replacement,  
Cremer Hall

**Thursday, November 2, 2000**

**A-8853-R**

Topeka Juvenile Correctional Facility—Door and  
Frame Replacement, Swimming Pool Building

**Tuesday, November 28, 2000**

**02296**

Kansas State University—Aircraft Insurance, Salina

John T. Houlihan  
Director of Purchases

Doc. No. 025786

## State of Kansas

## Department of Human Resources

## Notice of Secretary's Decision

Pursuant to K.S.A. 44-759, the Department of Human Resources is publishing the following secretary's decision. 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 00-C-01

Dated October 5, 2000

The Secretary of Human Resources has no jurisdiction and cannot review an out of time appeal of an order that has become final.

Richard E. Beyer  
Secretary of Human Resources

Doc. No. 025773

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding issuance of a revised authorization to operate under the general Class I air quality operating permit for natural gas compressor stations. The authorization to operate under the general Class I operating permit has been issued in accordance with the provisions of K.A.R. 28-19-400 *et seq.*

A copy of the permit application, authorization and all supporting documentation is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Information also is available at the KDHE district office indicated for each facility. To obtain or review the permit, authorization and supporting documentation, contact Connie Carreno, (785) 296-6422, at the KDHE central office, or the indicated district representative. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding an authorization to Connie Carreno, Bureau of Air and Radiation, KDHE, Building 283, Forbes Field, Topeka, 66620.

A list of all major sources within the state authorized to operate under the terms of the general Class I operating permit will be maintained at the Topeka KDHE offices.

Revised authorization issued during the week of  
September 25, 2000:

Company: Enron Transportation and Storage  
Compressor Station: Morton County #1 Compressor Station  
Source ID No.: 1290008  
Location: S25, T34S, R40W, Morton County  
KDHE District Rep.: Al Guernsey, (316) 225-0596  
Rep. Location: Southwest District Office, Dodge City

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 025769

## 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 operating permit. Western Resources, Inc. has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Western Resources, Inc., Topeka, owns and operates Murray Gill Energy Center located at 6100 W. 55th St., Wichita.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th St., Wichita. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office, or Randy Owen, (316) 268-8448, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, 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 November 20.

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 November 20 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this



notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 025779

## State of Kansas

### Department of Health and Environment

#### Notice 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-00-309/315 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Schwarz Feedlot Inc 1326 County Road 37 HC 1, Box 80 Menlo, KS 67753	E/2 of Section 36, T8S, R31W, Thomas County	Solomon River Basin
Kansas Permit No. A-SOTH-C004 Federal Permit No. KS-0081337		
This is an expansion of an existing facility from 2,000 head (2,000 animal units) to 10,000 head (10,000 animal units) of cattle weighing greater than 700 pounds.		
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.		
Compliance Schedule: The approved manure/waste management plan for the facility shall be adhered to as a condition of the permit.		

Name and Address of Applicant	Legal Description	Receiving Water
Kleysteuber & Gillen Inc. Feedyard 13060 S. Road 20 Garden City, KS 67846	SE/4 of Section 20, T26S, R31W, Finney County	Upper Arkansas River Basin
Kansas Permit No. A-UAFI-C022 Federal Permit No. KS-0087653		
This is a permit renewal for an existing facility for 4,800 head (4,800 animal units) of cattle weighing greater than 700 pounds.		

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Prairie Pork Development, LLC 522 17th Road Haddam, KS 66944	NW/4 of Section 14, T3S, R1E, Washington County	Lower Republican River Basin
Kansas Permit No. A-LRWS-H009 Federal Permit No. KS-0096156		
This is a new facility for a maximum capacity of 4,800 head (1,920 animal units) of swine weighing greater than 55 pounds.		

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: Permeability tests shall be conducted on each cell of the earthen impoundment structure. KDHE shall be notified in advance of the pond liner construction to allow KDHE to observe construction and compaction of the liner. The designer is responsible for providing KDHE with a final post-construction certification to assure the system is constructed in accordance with the approved plans and specifications. If a well or well-like feature of any type is discovered within the construction zone of the waste lagoon, the permittee shall report the discovery to KDHE within 48 hours. Construction in the area shall not resume until authorized by the department.

Name and Address of Applicant	Legal Description	Receiving Water
Classic Feeders Inc. P.O. Box 146 Little River, KS 67457	SE/4 of Section 5, T19S, R6W, Rice County	Little Arkansas River Basin
Kansas Permit No. A-LARC-C001 Federal Permit No. KS-0085316		
This is a permit renewal for an existing facility for 2,400 head (2,400 animal units) of cattle weighing greater than 700 pounds.		
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.		

Compliance Schedule: The approved manure/waste management plan for the facility shall be adhered to as a condition of the permit. Once during the term of the permit (five years), the soil in each field that is identified as located in a sensitive groundwater area and has received manure or wastewater in the previous five years shall be sampled and analyzed. Removal of all manure from the north manure stockpile shall be completed by December 1, 2000. An updated set of maps and plan drawings shall be submitted to the department by February 1, 2001. By May 1, 2001, reseedling of the lagoon berms, diversion terraces, manure stockpile areas and any other areas disturbed by maintenance of the existing facilities shall be complete.

Name and Address of Applicant	Legal Description	Receiving Water
Flaming Dairy Dwight Flaming 1561 K-15 Hwy. Hillsboro, KS 67063	NE/4 of Section 20, T20S, R1E, Marion County	Little Arkansas River Basin
Kansas Permit No. A-LAMN-M002		
This is a new facility for 132 head (134.8 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: The approved manure/waste management plan for the facility shall be adhered to as a condition of the permit. Permeability tests shall be conducted on each cell of the earthen impoundment structure. KDHE shall be notified in advance of the pond liner construction to allow KDHE to observe construction and compaction of the liner. The designer is responsible for providing		

(continued)

KDHE with a final post-construction certification to assure the system is constructed in accordance with the approved plans and specifications. If a well or well-like feature of any type is discovered within the construction zone of the waste lagoon, the permittee shall report the discovery to KDHE within 48 hours. Construction in the area shall not resume until authorized by the department.

Name and Address of Applicant	Legal Description	Receiving Water
Haverkamp Brothers Inc. Route 1, Box 37A Bern, KS 66408	SW/4 of Section 1, T1S, R12E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S050

This is a permit renewal for an existing facility for 2,000 head (200 animal units) of swine weighing less than 55 pounds.

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

Compliance Schedule: The approved manure or waste management plan for the facility shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Maxine Mueller & Sons 1216 350th Tampa, KS 67483	SW/4 of Section 12, T17S, R2E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-M007

This is a permit renewal for an existing facility for 70 head (98 animal units) of mature dairy cattle, 40 head (40 animal units) of replacement heifers weighing over 700 pounds, and 20 head (10 animal units) of calves weighing less than 700 pounds.

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

Compliance Schedule: The approved manure/waste management plan for the facility shall be adhered to as a condition of the permit. The facility does not meet the department's 120-day minimum storage requirement; however, it has been able to prevent discharge by wintertime land application. The department may require additional storage to be provided in the future if land application issues develop.

**Public Notice No. KS-AG-00-316**  
**Application(s) for New or Expansion of Existing Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
Kent F. Condray 471 Bismark Road Clifton, KS 66937	Condray Farms Inc 471 Bismark Road Clifton, KS 66937	Lower Republican River Basin

Application Number A-LRWS-H008 Federal Permit No. KS-0095974

This is an application for a new permit and expansion of an existing swine facility from 4,000 head to a capacity of 8,000 head (3,200 animal units) of swine weighing greater than 55 pounds each. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-00-218**

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Smoky Hill River via Terrapin Lake via Various Tributaries	Washwater and Stormwater Runoff

Facility Name: Kelly Quarry #95

Kansas Permit No. I-SH04-PO05 Federal Permit No. KS0093955

Legal: NW¼, S13, T13S, R3E, Dickinson County

Facility Description: The proposed action is to reissue an existing permit for the discharge of washwater and stormwater run-off from this facility. This facility is a limestone quarrying operation with some washing. The proposed permit includes limits for total suspended solids and pH. Monitoring for sulfates 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.

**Public Notice No. KS-ND-00-044/046**

Name and Address of Applicant	Legal Description	Type of Discharge
Ed Doyle 7750 Stockdale Park Road Manhattan, KS 66503	SW¼, S22, T9S, R7E, Riley County	Nonoverflowing

Facility Name: Tuttle Terrace Trailer Court

Facility Address: 6030 Tuttle Terrace, Manhattan, KS 66503

Kansas Permit No. C-KS38-NT05

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility has a two-cell wastewater stabilization lagoon system. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Description	Type of Discharge
St. Francis at Salina, Inc. 5097 W. Cloud Salina, KS 67401	NE¼, S25, T14S, R4W, Saline County	Nonoverflowing

Kansas Permit No. C-SH49-NO01

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility has a two-cell wastewater stabilization lagoon system. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Description	Type of Discharge
Shears Construction L.P. P.O. Box 1605 Hutchinson, KS 67504-1605	NE¼, S25, T27S, R3E, Butler County	Nonoverflowing

Facility Name: Augusta Asphalt Plant #917

Kansas Permit No. I-WA03-NP01

Facility Description: The proposed action is to issue a new permit for the operation of an existing wastewater treatment facility treating primarily processed wastewater. This facility is engaged in an asphalt production operation. A concrete-lined settling pit collects wastewater originating from the wet washer at the asphalt plant. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

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 at-

tention 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, Division 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 November 18 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-00-309/316, KS-00-218, KS-ND-00-044/046) 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](http://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

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. 1999 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Term	Rate
1-89 days	6.47%
3 months	6.26%
6 months	6.19%
1 year	6.12%
18 months	5.96%
2 years	5.83%

Derl S. Treff  
Director of Investments

Doc. No. 025771

State of Kansas

Governmental Ethics Commission

Opinion No. 2000-44

Written September 21, 2000, to Laura Johnson, Deputy Director, Kansas Department of Revenue, Division of Property Valuation, Topeka.

This opinion is in response to your letter of August 10, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you are asking for this opinion in your capacity as Deputy Director of the Kansas Department of Revenue's Division of Property Valuation. You have explained that one of your employees will be speaking at the Kansas County Appraiser's Association (the Association) conference. The Association has offered to pay the registration fees and travel costs for this employee to attend the conference. You have informed us that the Department of Revenue does not regulate, license or inspect the Association and that the Department considers this conference to be beneficial and useful to the agency and would have paid for this employee to attend this conference if the Association had not offered to pay these expenses.

Question

May the Kansas County Appraiser's Association provide this State employee with free registration and travel costs to this conference?

Opinion

The ability of State employees to accept reimbursement for these type of expenses is covered by K.S.A. 1999 Supp. 46-237a(d)(2). It states in pertinent part:

(continued)

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(d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

(2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses.

Because this employee's presence at the Conference serves a legitimate state purpose, and your agency would authorize payment for the travel and expenses, the employee may accept all of the expenses associated with attendance at this conference that the State would normally pay.

#### Opinion No. 2000-45

Written September 21, 2000, to Michael George, General Counsel, Juvenile Justice Authority, Topeka.

This opinion is in response to your letter dated August 23, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this opinion in your capacity as General Counsel for the Juvenile Justice Authority (JJA). You have explained that the JJA will be sponsoring the 2001 Governor's Conference on Juvenile Justice (the Conference). The JJA would like to increase vendor participation by having a vendor exhibition hall and soliciting vendors to assume some of the cost of food and beverage provided at the Conference.

#### Questions

I. May JJA employees solicit vendors to participate in the conference?

II. May JJA employees, acting in their capacity as Kansas Correctional Association members, solicit vendors to participate in the conference?

III. May Kansas State University Division of Continuing Education employees solicit vendors to participate in the conference?

IV. May the JJA show a profit from putting on the Conference without violating any state governmental ethics laws?

#### Opinion

The majority of your questions ask about the ability of state employees to solicit on behalf of the agency. K.S.A. 46-236, K.S.A. 46-228, and K.S.A. 1999 Supp. 46-237a, as amended by the 2000 Legislature, apply to this issue.

K.S.A. 46-236 states in pertinent part:

No state officer or employee . . . shall solicit any economic opportunity, [or] gift . . . from any person known to have a special interest, under circumstances where such officer [or] employee . . . knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer [or] employee.

K.S.A. 46-228 defines "special interest" in the following manner:

"Special interest" means an interest of any person . . . in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

K.S.A. 1999 Supp. 46-237a, as amended by the 2000 Legislature states in pertinent part:

(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:

(1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; or

(2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; or

(3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or

(4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended.

Pursuant to this statute, state employees are entirely prohibited from soliciting or accepting gifts unless one of the four enumerated exceptions applies.

We now turn to your specific questions:

#### I. May JJA employees solicit vendors to participate in the conference?

Under the factual scenario you have described, the JJA employees will be soliciting on behalf of the agency, and therefore, the items they collect will become the property of the state. Therefore, pursuant to K.S.A. 1999 Supp. 46-237a(b)(3), as amended by the 2000 Legislature, the JJA employees may solicit donations for the Conference, so long as the provisions of K.S.A. 46-236 are followed.

In addition, we must address K.S.A. 46-236. Pursuant to this statute the JJA employees may not solicit any economic opportunity, gift, special discount, etc., from any person known to have a special interest in the JJA when they know or should know that a major purpose of the donor in granting that gift or discount could be to influence the performance of official duties. Absent the special interest or a major purpose to influence, the employee will be able to solicit gifts for the agency pursuant to K.S.A. 1998 Supp. 46-236.

In summary, it would appear to us that most interested vendors would have a "special interest" in the JJA, and therefore, JJA employees may not solicit such vendors.

#### II. May JJA employees, acting in their capacity as Kansas Correctional Association members, solicit vendors to participate in the conference?

Because the Kansas Correctional Association is not presenting the Conference, the JJA employees who are also members of the KCA would actually be soliciting on behalf of the JJA and, therefore, are still governed by the Kansas governmental ethics laws and the analysis under Section I above applies. It should be noted, however, that KCA members who are not JJA employees would not be

prohibited from soliciting sponsorship for the Conference.

### III. May Kansas State University Division of Continuing Education employees solicit vendors to participate in the conference?

Pursuant to K.S.A. 46-236, the Kansas State University Division of Continuing Education (University) employees may not solicit any economic opportunity, gift, special discount, etc., from any person known to have a special interest in the University when they know or should know that a major purpose of the donor in granting that gift or discount could be to influence the performance of official duties. Absent the special interest or a major purpose to influence, the employee will be able to solicit gifts for the agency pursuant to K.S.A. 1998 Supp. 46-236.

Next we must address K.S.A. 1999 Supp. 46-237a. Under the factual scenario you have described, the University employees will be soliciting on behalf of a state agency, and therefore, the items they collect will become the property of the state. Therefore, pursuant to K.S.A. 1999 Supp. 46-237a(b)(3), as amended by the 2000 Legislature, the University employees may solicit donations for the Conference, so long as the provisions of K.S.A. 46-236 are followed.

### IV. May the JJA show a profit from putting on the Conference without violating any state governmental ethics laws?

There are no statutes in the State level governmental ethics laws (K.S.A. 46-215 *et seq.*) which would prohibit the agency from showing a profit. Please note, however, that whether some other statutory system, common law theory or agency rule or regulation applies to this question is not covered by this opinion.

#### Opinion No. 2000-46

Written September 21, 2000, to all interested persons:

Pursuant to K.S.A. 25-4159, the Kansas Governmental Ethics Commission takes the opportunity to issue its opinion regarding the propriety of sheriff or sheriff's deputies uniforms being worn during campaign activities.

#### Opinion

A question has arisen as to whether a sheriff, who is running for re-election, or deputy sheriff, who is running for the office of Sheriff, may wear their sheriff uniforms during election activities or in election advertisements. K.S.A. 1999 Supp. 25-4169a addresses this issue. It states in pertinent part:

(a) No officer or employee of the state of Kansas, [or] any county . . . shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such governmental agency, to expressly advocate the nomination, election or defeat of a clearly identified candidate to state office or local office. The provisions of this section prohibiting the use of time of any officer or employee for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office or to members of the personal staff of any elected officer.

The Commission now determines that wearing the uniform does not constitute "public funds or public vehicles, machinery, equipment or supplies." Therefore, the Kan-

sas Campaign Finance Act does not prohibit a sheriff or a deputy sheriff from wearing their sheriff uniforms during election activities or in election advertisements.

#### Opinion No. 2000-47

Written September 21, 2000, to David E. Frey, Administrator, Kansas Wheat Commission, Manhattan.

This opinion is in response to your letter of August 1, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission (GEC) concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*) and the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 25-4142 *et seq.* and K.S.A. 46-215 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this opinion in your capacity as the Administrator for the Kansas Wheat Commission (Wheat Commission). You have explained that pursuant to K.S.A. 1999 Supp. 2-3002, as amended by House Bill 2674 enacted during the 2000 legislative session, the Wheat Commission will no longer be under the direction of the Department of Agriculture, but will become an independent entity. Pursuant to the statute, the employees of the Wheat Commission will no longer be state employees. In addition, while members of the Wheat Commission used to be appointed by the Governor, they will now be elected through a statutorily prescribed election process by which the Kansas growers of wheat will cast ballots for the open positions.

#### Questions

I. Are candidates for the Kansas Wheat Commission subject to the Kansas Campaign Finance Act?

II. Are the Kansas Wheat Commission members and employees required to file statement of substantial interests forms?

#### Opinion

With regard to your first question, the Kansas Campaign Finance Act (CFA) applies to all "candidates" as defined by K.S.A. 1999 Supp. 25-4143. That statute states in pertinent part:

- (a) "Candidate" means an individual who:
- (1) Appoints a treasurer or a candidate committee;
  - (2) makes a public announcement of intention to seek nomination or election to state or local office;
  - (3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or
  - (4) files a declaration or petition to become a candidate for state or local office.

Therefore, to be a "candidate" for purposes of the Kansas Campaign Finance Act, the individual must be running for a state or local office. The term "state office" is defined by K.S.A. 25-2505(b):

"State office" or "state officer" means the state officers elected on a statewide basis, members of the house of representatives and state senators, members of the state board of education, district judges, district magistrate judges and district attorneys.

(continued)

The term "local office" is defined by K.S.A. 1999 Supp. 25-4143(q):

"Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

Pursuant to these statutes, the Wheat Commission is not a state or local office. Therefore, a "candidate" for a seat on the Wheat Commission is not a candidate running for state or local office and is not governed by the Kansas Campaign Finance Act.

With respect to your second question, K.S.A. 46-247 details which individuals are required to file statement of substantial interest (SSI) forms. It states:

The following individuals shall file written statements of substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive, and amendments thereto:

(a) Legislators and candidates for nomination or election to the legislature;

(b) individuals holding an elected office in the executive branch of this state, and candidates for nomination or election to any such office;

(c) state officers, employees and members of boards, councils and commissions under the jurisdiction of the head of any state agency who are listed as designees by the head of a state agency pursuant to K.S.A. 46-285, and amendments thereto;

(d) individuals whose appointment to office is subject to confirmation by the senate; whether or not such individual is a state officer or employee;

(e) general counsels for state agencies irrespective of how compensated;

(f) the administrator or executive director of the education commission of the states, the interstate compact on agricultural grain marketing, the Mo-Kan metropolitan development district and agency compact, the Kansas City area transportation district and authority compact, the midwest nuclear compact, the central interstate low-level radioactive waste compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue river compact, and the multistate lottery;

(g) private consultants under contract with any agency of the state of Kansas to evaluate bids for public contracts or to award public contracts.

Because the Commissioners and candidates for the Commission will be "elected" by the Kansas wheat growers, the Commissioners are "individuals holding an elected office in the executive branch of this state" and candidates for the Commission are "candidates for nomination or election to any such office." Therefore, Commissioners and candidates for the Commission must file SSI forms. On the other hand, the Commission's staff do not fit into any of the categories listed in subsections (a) through (g) and, therefore, would not be required to file SSI forms.

#### Opinion No. 2000-48

Written September 21, 2000, to all interested persons:

Pursuant to K.S.A. 46-254, the Kansas Governmental Ethics Commission takes the opportunity to issue its opinion interpreting K.S.A. 1999 Supp. 46-233(d)(1).

#### Opinion

K.S.A. 1999 Supp. 46-233 states in pertinent part:

(a) (1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or

business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest. . . .

(2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business as an employee, independent contractor or subcontractor until two years after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner. . . .

(b) No individual shall, while a legislator or within one year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239, and amendments thereto.

(d) Subsections (a) and (b) shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice.

When this statute was initially written in 1974, there were only two types of contracts. In general terms, these were known as (1) pure negotiated contracts or sole source contracts and (2) pure competitive bid contracts otherwise known as sealed bid/lowest bid contracts. It was the intention of the Legislature, in enacting this statute, to apply the prohibitions in K.S.A. 1999 Supp. 46-233(a) and (b) to contracts containing negotiation and to exempt from the prohibitions contracts which were purely competitively bid. Since the enactment of this statute, however, a third type of contract has been developed. In general terms this type of contract is a competitively bid/negotiated contract where the contract is let pursuant to a competitive bid procedure, but then each individual bidder may be negotiated with individually.

In order to achieve the intent of the Legislature, the Commission now determines that an individual who is substantially involved in the preparation of a pure competitive bid contract or whose involvement in a contract is limited to the competitive bid portion of a competitively bid/negotiated contract, will not be subject to the prohibitions contained in K.S.A. 1999 Supp. 46-233(a) and (b). Conversely, an individual who is substantially involved in the preparation of a pure negotiated contract or who is substantially involved in the preparation of the negotiated portion of a competitively bid/negotiated type of contract will be subject to the prohibitions contained in K.S.A. 1999 Supp. 46-233(a) and (b).

#### Opinion No. 2000-49

Written October 4, 2000, to John A. Blaufuss, University Controller, Emporia State University, Emporia.

This opinion is in response to your letter dated September 25, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**Factual Statement**

We understand that you request this opinion in your capacity as University Controller for Emporia State University (ESU). You have explained that you have been invited to attend a client thank you dinner held by Sodexo Marriott (Sodexo) who is a food service provider for ESU. This dinner will be held during the Central Association of Colleges and University Business Officers (CACUBO) Convention in Orlando, Florida on October 20, 2000, but the dinner is not provided in connection with the CACUBO convention. You have informed us that approximately 100 people from different state and private schools from across the country will attend this dinner. These individuals will have different titles, but will all be in a position to make decisions regarding this vendor. In addition, there will be approximately 50 additional people who are spouses or guests of the invitees. You have explained that this dinner is provided as a way of showing the company's gratitude and as an opportunity for the university personnel to meet the company's executives. Historically, there have been approximately five (5) members of the company present during these dinners. These five individuals are generally not interspersed with the invitees, but are seated separately near the speakers table.

You question whether this meal would be considered widely attended pursuant to K.S.A. 46-237a(c)(1).

**Question**

Is the Sodexo dinner provided at a "widely attended" event pursuant to K.S.A. 46-237a(c)(1)?

**Opinion**

K.S.A. 1999 Supp. 46-237a states in pertinent part:

(c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:

(1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is "widely attended" when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;

(2) meals provided at public events in which the person is attending in an official capacity;

(3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position; and

(4) food such as soft drinks, coffee or snack foods not offered as part of a meal.

Because all of the invitees are in a position to benefit Sedexo, it would appear that the very reason the meal is being provided is for members of Sedexo to have access to university personnel. Therefore the event is not "widely attended," as defined by the statute, and the State of Kansas employees may not accept the free meal. It should be noted, however, that the employee may attend and consume the meal, but he or she must pay to the host, the fair market value of the meal consumed.

Daniel Sevart  
Chairman

**State of Kansas****Department of Administration****Permanent Administrative  
Regulations****Article 18.—MAXIMUM ALLOWANCE FOR  
MILEAGE FOR USE OF A  
PRIVATELY OWNED CONVEYANCE  
FOR PUBLIC PURPOSES**

**1-18-1a. Mileage rates.** (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately owned conveyance to engage in official business for an agency shall be entitled to reimbursement for the use of that conveyance at the following rates:

(1) 16¢ per mile for the use of a privately owned motorcycle;

(2) 32½¢ per mile for the use of a privately owned automobile;

(3) 44¢ per mile for the use of a privately owned airplane; or

(4) 44¢ per mile for the use of a specially equipped vehicle for the physically disabled.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for the following expenses:

(1) Parking fees when on an official trip;

(2) toll road and toll bridge costs; and

(3) airplane landing and tie-down fees.

(c) When an employee travels by privately owned airplane, reimbursement may be made for one round trip in a privately owned automobile or for a taxi fare charged in travel under these conditions:

(1) Between the official station or domicile and the airport in the city in which the official station or domicile is located; and

(2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows.

(1) When a mode of transportation is available and is less costly than transportation by privately owned conveyance, mileage payments for use of a privately owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(3) For employees of the state of Kansas only, any state employee choosing to use a privately owned automobile when a state-owned or leased vehicle, as defined by K.A.R. 1-17-1, is available for use shall be reimbursed at the central motor pool rate for compact cars, except under either of the following conditions:

(A) The employee's agency head or the agency head's designee determines that the use of a state-owned or

(continued)

leased vehicle would be more expensive than the use of the employee's privately owned automobile.

(B) The employee has a disability that requires the use of a privately owned vehicle that is specially equipped. (Authorized by and implementing K.S.A. 75-3203 and 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended, T-1-2-28-90, March 1, 1990; amended April 23, 1990; amended, T-1-11-14-90, Nov. 14, 1990; amended Jan. 7, 1991; amended July 12, 1993; amended, T-1-6-28-95, June 28, 1995; amended Aug. 4, 1995; amended, T-1-7-1-96, July 1, 1996; amended Oct. 18, 1996; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998; amended, T-1-3-18-99, April 1, 1999; amended June 24, 1999; amended, T-1-7-7-2000, July 15, 2000; amended Nov. 3, 2000.)

Dan Stanley  
Secretary of Administration

Doc. No. 025777

## State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulations

#### Article 16.—SURFACE WATER QUALITY STANDARDS

**28-16-28b. Definitions.** As used in these regulations, the following terms shall have these meanings: (a) "Alluvial aquifer" means the sediment that is associated with and deposited by a stream, and that contains water capable of being produced from a well.

(b) "Alternate low flow" means a low flow, alternate to the 7Q10 flow, based seasonally, hydrologically, or biologically, or a low flow determined through a water assurance district. Wherever used in this regulation in the context of mixing zones, the term shall refer to a minimum amount of stream flow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution and assimilation of wastewater discharges.

(c) "Antidegradation" means the regulatory actions and measures taken to prevent or minimize the lowering of water quality in surface waters of the state, including those streams, lakes, and wetlands in which existing water quality exceeds the level required for maintenance and protection of the existing uses.

(d) "Artificial sources" means sources of pollution that result from human activities that can be abated by construction of control structures, modification of operating practices, complete restraint of activities, or some combination of these methods.

(e) "Background concentration" means the concentration of any elemental parameter listed in tables 1a, 1b, 1c, 1d, and 1e of K.A.R. 28-16-28e, or any elemental substance meeting the definition of pollutant in K.A.R. 28-16-28b(qq), that occurs in a surface water immediately upstream of a point source or nonpoint source under consideration and is from natural sources.

(f) "Base flow" means that portion of a stream's flow contributed by sources of water other than precipitation runoff. Wherever used in this regulation in the context of stream classification, the term shall refer to a fair weather flow sustained primarily by springs or groundwater seepage, wastewater discharges, irrigation return flows, releases from reservoirs, or some combination of these factors.

(g) "Bioaccumulation" means the accumulation of toxic substances in plant or animal tissue through either bioconcentration or biomagnification.

(h) "Bioassessment methods and procedures" means the use of biological methods of assessing surface water quality including field investigations of aquatic organisms and laboratory or field aquatic toxicity tests.

(i) "Bioconcentration" means the concentration and incorporation of toxic substances into body tissues from ambient sources.

(j) "Biomagnification" means the transport of toxic substances through the food chain through successive cycles of eating and being eaten, and through the subsequent accumulation and concentration of these substances in higher-order consumers and predators.

(k) "Biota" means the animal and plant life and other organisms of a given geographical region.

(l) "Carcinogenic" means having the property of inducing the production of cancerous cells in organisms.

(m) "Classified surface water" means any surface water or surface water segment that supports or, in the absence of artificial sources of pollution, would support one or more of the designated uses of surface water defined in K.A.R. 28-16-28d(a), or that otherwise meets the criteria for classification given in K.A.R. 28-16-28d(b).

(n) "Compliance schedule" means any provision in a discharge permit, license, or enforceable order issued by the department pursuant to the federal clean water act or K.S.A. 65-165, and amendments thereto, that, for the purposes of meeting water quality-based effluent limitations, technology-based limits, effluent limitations determined through best professional judgement, or other requirements in the Kansas statutes and regulations, provides a specified period of time for the construction or renovation of a wastewater treatment facility and the completion of any related scientific or engineering studies, reports, plans, design specifications, or other submittals required by the department.

(o) "Condition of acute toxicity" means any concentration of a toxic substance that exceeds the applicable acute criterion for aquatic life support presented in K.A.R. 28-16-28e or, for substances not listed in K.A.R. 28-16-28e or for mixtures of toxic substances, any concentration that exceeds 0.3 times the median lethal concentration. The concentration at which acute toxicity exists shall be determined through laboratory toxicity tests conducted in accordance with the United States environmental protec-



tion agency's "methods for measuring the acute toxicity of effluents and receiving waters to freshwater and marine organisms," fourth edition, as published in August 1993, which is hereby adopted by reference.

(p) "Condition of chronic toxicity" means any concentration of a toxic substance that exceeds the applicable chronic criterion for aquatic life support presented in K.A.R. 28-16-28e or, for substances not listed in K.A.R. 28-16-28e or for mixtures of toxic substances, any concentration that exceeds the no-observed-effect level. The concentration at which chronic toxicity exists shall be determined through laboratory toxicity tests conducted in accordance with the United States environmental protection agency's "short-term methods for estimating the chronic toxicity of effluents and receiving waters to freshwater organisms," third edition, as published in July 1994, which is hereby adopted by reference.

(q) "Criterion" means any numerical element or narrative provision of the surface water quality standards representing an enforceable water quality condition.

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

(s) "Designated use" means any of the beneficial uses specifically attributed to surface waters of the state in K.A.R. 28-16-28d.

(t) "Discharge" means the release of effluent, either directly or indirectly, into surface waters of the state.

(u) "Ecological integrity" means the natural or unimpaired structure and functioning of an aquatic or terrestrial ecosystem.

(v) "Effluent" means the sewage or other wastewater discharged from an artificial source.

(w) "Exceptional state waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register, as defined in K.A.R. 28-16-28b (zz), and are afforded the level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

(x) "Existing use" means any of the beneficial uses described in K.A.R. 28-16-28d known to have occurred in, or to have been made of, a surface water or surface water segment on or after November 28, 1975.

(y) "Fecal coliform bacteria" means facultatively anaerobic, gram negative, non-spore forming, rod-shaped bacteria that, when cultured under specific laboratory conditions, will ferment lactose, thereby producing acid, gas, or both.

(z) "Federal clean water act" means the federal water pollution control act, 33 U.S.C. 1251 et seq., as amended on February 4, 1987.

(aa) "General purpose waters" means any classified surface water that is not classified as an outstanding national resource water or an exceptional state water.

(bb) "Groundwater" means water located under the surface of the land that is or can be the source of supply for wells, springs, or seeps, or that is held in aquifers or the soil profile.

(cc) "Kansas implementation procedures: surface water" dated September 15, 2000, means written departmental procedures used for carrying out specific provisions

of surface water quality standards, available upon request from KDHE's division of environment, which is hereby adopted by reference.

(dd) "Maximum contaminant level" means any of the enforceable standards for finished drinking water quality promulgated by the United States environmental protection agency pursuant to section 300g-1(b)(3) of the federal safe drinking water act, 42 U.S.C. 300f through 300j-9, as amended on August 6, 1996, which is hereby adopted by reference.

(ee) "Median lethal concentration" means the concentration of a toxic substance or a mixture of toxic substances calculated to be lethal to 50 percent of the population of test organisms in an acute toxicity test.

(ff) "Microfibers per liter ( $\mu$ fibers/L)" means the number of microscopic particles with a length-to-width ratio of 3:1 or greater present in a volume of one liter.

(gg) "Microgram per liter ( $\mu$ g/L)" means the concentration of a substance at which one one-millionth of a gram ( $10^{-6}$  g) of the substance is present in a volume of one liter.

(hh) "Milligram per liter (mg/L)" means the concentration of a substance at which one one-thousandth of a gram ( $10^{-3}$  g) of the substance is present in a volume of one liter.

(ii) "Mixing zone" means the designated portion of a stream or lake where a discharge is incompletely mixed with the receiving surface water and where, in accordance with K.A.R. 28-16-28e, concentrations of certain pollutants may legally exceed chronic water quality criteria associated with the established designated uses that are applied in most other portions of the receiving surface water.

(jj) "Mutagenic" means having the property of directly or indirectly causing a mutation.

(kk) "Nonpoint source" means any activity that is not required to have a national pollutant discharge elimination system permit and that results in the release of pollutants to waters of the state. This release may result from precipitation runoff, aerial drift and deposition from the air, or the release of subsurface brine or other contaminated groundwaters to surface waters of the state.

(ll) "No-observed-effect level" means the highest concentration of a toxic substance, or a mixture of toxic substances, that has no statistically significant adverse effect on the population of test organisms in a chronic toxicity test.

(mm) "Outstanding national resource water" means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined in K.A.R. 28-16-28b(zz), and afforded the highest level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

(nn) "pH" means the common logarithm of the reciprocal of the hydrogen ion concentration measured in moles per liter, expressed on a scale that ranges from zero to 14, with values less than seven being more acidic and values greater than seven being more alkaline.

(continued)

(oo) "Picocurie per liter (pCi/L)" means a volumetric unit of radioactivity equal to 2.22 nuclear transformations per minute per liter.

(pp) "Point source" means any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or floating craft, from which pollutants are or may be discharged. This term may include structures or site conditions that act to collect and convey stormwater runoff from roadways, urban areas, or industrial sites. This term shall not include agricultural stormwater discharges or return flows from irrigated agricultural land.

(qq) "Pollutant" means any physical, biological, or chemical conditions, substances, or combination of substances released into surface waters of the state that results in surface water pollution, as defined in K.A.R. 28-16-28b(rr).

(rr) "Pollution" means either of the following:

(1) Contamination or other alteration of the physical, chemical, or biological properties of the surface waters of the state, including changes in temperature, taste, odor, turbidity, or color of the waters, or discharges of gaseous, liquid, solid, radioactive, microbiological, or other substances into surface waters in a manner that may create a nuisance or render these waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, industrial, agricultural, recreational, or other beneficial uses; or to livestock, domestic animals, or native or naturalized plant or animal life; or

(2) any discharge that will or is likely to exceed state effluent limitations predicated upon technology-based effluent standards, or water quality-based standards.

(ss) "Potable water" means water that is suitable for drinking and cooking purposes in terms of both human health and aesthetic considerations.

(tt) "Precipitation runoff" means the rainwater, or the meltwater derived from snow, hail, sleet, or other forms of atmospheric precipitation, that flows by gravity over the surface of the land and into streams, lakes, or wetlands.

(uu) "Presedimentation sludge" means a slurry or suspension of residual solid materials derived from an initial step in the production of potable water. Presedimentation sludge shall also include residual solids originating from the raw water supply used for industrial or other nonpotable water purposes, before the addition of any artificial materials. The solid materials shall include sand, silt, and other easily settleable particles originating from the raw water supply.

(vv) "Private surface water" means any freshwater reservoir or pond that is both located on and completely bordered by land under common private ownership.

(ww) "Seven-day, ten-year low flow (7Q10 flow)" means the seven-day average low flow having a recurrence frequency of once in 10 years, as statistically determined from historical flow data. Where used in this regulation in the context of mixing zones, the term shall refer to the minimum amount of stream flow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution or assimilation of wastewater discharges.

(xx) "Site-specific criterion" means any criterion applicable to a given classified surface water segment and developed for the protection of the designated uses of that segment alone.

(yy) "Stream flow" means the volume of water moving past a stream cross-sectional plane per unit of time.

(zz) "Surface water register" means a list of the state's major classified surface waters, including a listing of waters recognized as outstanding national resource waters or exceptional state waters, and the surface water use designations for each classified surface water, periodically updated and published by the department pursuant to the requirements of K.A.R. 28-16-28d(c)(2) and K.A.R. 28-16-28f(a).

(aaa) "Surface water segment" means a delineated portion of a stream, lake, or wetland.

(bbb) "Surface waters" means all of the following:

(1) Streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, and cavern streams, and any alluvial aquifers associated with these surface waters;

(2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes, and ponds; and

(3) wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "corps of engineers wetlands delineation manual," as published in January 1987, which is hereby adopted by reference.

(ccc) "Surface waters of the state" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

(ddd) "Teratogenic" means having the property of causing abnormalities that originate from impairment of an event that is typical in embryonic or fetal development.

(eee) "Toxic substance" means any substance that produces deleterious physiological effects in humans, animals, or plants.

(fff) "Turbidity" means the cloudiness of water as measured by optical methods (nephelometry) and expressed in standard nephelometric units.

(ggg) "Use attainability analysis" means a study conducted or accepted by the department that is designed to determine whether or not a surface water or surface water segment supports, or is capable of supporting in the absence of artificial sources of pollution, one or more of the designated uses defined in K.A.R. 28-16-28d(a).

(hhh) "Variance" means the department's written approval and authorization of a proposed action that knowingly will result in a lack of conformity with one or more of the criteria of K.A.R. 28-16-28e(c) but that is deemed necessary based on the provisions of 40 C.F.R. 131.10(g), as in effect on July 1, 1996, which is hereby adopted by reference. Variances shall be administered by the department in accordance with K.A.R. 28-16-28f(e).

(iii) "Water-effect ratio (WER)" means the numerical toxicity (median lethal concentration or no-observed-effect level) of a chemical pollutant diluted in water from a given stream, lake, or wetland divided by the numerical toxicity of the same pollutant diluted in laboratory water.

(jjj) "Water quality certification" means the department's written finding that a proposed action that impacts upon water quality will comply with the terms and conditions of the surface water quality standards.

(kkk) "Whole-effluent toxicity limitation" means any restriction imposed by the department on the overall acute or chronic toxicity of an effluent discharged to a surface water.

(lll) "Zone of initial dilution" means the region of a surface water in the immediate vicinity of a discharge where acute and chronic criteria may be exceeded. The zone shall comprise, in terms of volume, no more than 10 percent of the mixing zone. (Authorized by K.S.A. 1999 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 1999 Supp. 65-165 and 65-171d, and K.S.A. 65-171m; effective May 1, 1986; amended Aug. 29, 1994; amended July 30, 1999; amended Nov. 3, 2000.)

**28-16-28e. Surface water quality criteria.** (a) Criteria development guidance. The development of surface water quality criteria for substances not listed in these standards shall be guided by water quality criteria published by the United States environmental protection agency. When the department finds that the criteria listed in this regulation are underprotective or overprotective for a given surface water segment, appropriate site-specific criteria may be developed and applied by the department, in accordance with K.A.R. 28-16-28f(f), using bioassessment methods or other related scientific procedures, including those procedures described in the United States environmental protection agency's "water quality standards handbook," second edition, as published in August 1994.

(b) General criteria for surface waters. The following criteria shall apply to all surface waters, regardless of classification.

(1) Surface waters shall be free, at all times, from the harmful effects of substances that originate from artificial sources of pollution and that produce any public health hazard, nuisance condition, or impairment of a designated use.

(2) Hazardous materials derived from artificial sources, including toxic substances, radioactive isotopes, and infectious microorganisms derived directly or indirectly from point or nonpoint sources, shall not occur in surface waters at concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife, or aquatic or semiaquatic life.

(3) Surface waters shall be free of all discarded solid materials, including trash, garbage, rubbish, offal, grass clippings, discarded building or construction materials, car bodies, tires, wire, or other unwanted or discarded materials. The placement of stone and concrete rubble for bank stabilization shall be acceptable to the department, if all other required permits are obtained before placement.

(4) Surface waters shall be free of floating debris, scum, foam, froth, or other floating materials directly or indirectly attributable to artificial sources of pollution.

(5) Oil and grease from artificial sources shall not cause any visible film or sheen to form upon the surface of the

water or upon submerged substrate or adjoining shorelines, nor shall these materials cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

(6) Surface waters shall be free of deposits of sludge or fine solids attributable to artificial sources of pollution.

(7) Taste-producing and odor-producing substances of artificial origin shall not occur in surface waters at concentrations that interfere with the production of potable water by conventional water treatment processes, that impart an unpalatable flavor to edible aquatic or semiaquatic life or terrestrial wildlife, or that result in noticeable odors in the vicinity of surface waters.

(8) The natural appearance of surface waters shall not be altered by the addition of color-producing or turbidity-producing substances of artificial origin.

(9) In stream segments where background concentrations of naturally occurring substances, including chlorides and sulfates, exceed the water quality criteria listed in Table 1a of K.A.R. 28-16-28e(d), at ambient flow, the existing water quality shall be maintained, and the newly established numeric criteria shall be the background concentration, as defined in K.A.R. 28-16-28b(e). Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures: surface water," dated September 15, 2000, and available upon request from the department.

(c) Criteria for designated uses of surface waters. The following criteria shall apply to all classified surface waters designated for the indicated beneficial uses.

(1) Agricultural water supply use. The water quality criteria for irrigation and livestock watering set forth in Table 1a of K.A.R. 28-16-28e(d) shall not be exceeded outside of mixing zones due to artificial sources of pollution.

(2) Aquatic life support use.

(A) Dissolved oxygen. The concentration of dissolved oxygen in surface waters shall not be lowered below 5.0 mg/L by the influence of artificial sources of pollution.

(B) Nutrients. The introduction of plant nutrients into streams, lakes, or wetlands from artificial sources shall be controlled to prevent the accelerated succession or replacement of aquatic biota or the production of undesirable quantities or kinds of aquatic life.

(C) pH. Artificial sources of pollution shall not cause the pH of any surface water outside of a zone of initial dilution to be below 6.5 or above 8.5.

(D) Suspended solids. Suspended solids added to surface waters by artificial sources shall not interfere with the behavior, reproduction, physical habitat, or other factors related to the survival and propagation of aquatic or semiaquatic life or terrestrial wildlife. In the application of this provision, suspended solids associated with discharges of presedimentation sludge from water treatment facilities shall be deemed noninjurious to aquatic and semiaquatic life and terrestrial wildlife, if these discharges comply fully with the requirements of K.A.R. 28-16-28e(b)(6) and (8) and K.A.R. 26-16-28e(c)(2)(F).

(E) Temperature.

(i) Except as provided in K.A.R. 28-16-28e(c) (2) (E) (ii), a discharge shall not elevate the temperature of a receiving surface water beyond the zone of initial dilution

(continued)

above 32° C (90° F). Heat of artificial origin shall not be added to a surface water in excess of the amount that will raise the temperature of the water beyond the mixing zone more than 3° C above natural conditions. Additionally, a discharge to a receiving water shall not lower the temperature of the water beyond the mixing zone more than 3° C below natural conditions. The normal daily and seasonal temperature variations occurring within a surface water before the addition of heated or cooled water of artificial origin shall be maintained.

(ii) Temperature criteria applicable to industrial cooling water recycling reservoirs that meet the requirements for classification presented in K.A.R. 28-16-28d(b)(2) shall be established by the department on a case-by-case basis.

(F) Toxic substances.

(i) Conditions of acute toxicity shall not occur in classified surface waters outside of zones of initial dilution, nor shall conditions of chronic toxicity occur in classified surface waters outside of mixing zones.

(ii) Acute criteria for the aquatic life support use given in tables 1a, 1b, and 1c of K.A.R. 28-16-28e(d) shall apply beyond the zone of initial dilution. Chronic criteria for the aquatic life support use given in tables 1a, 1b, 1d, and 1e of K.A.R. 28-16-28e(d) shall apply beyond the mixing zone.

(iii) When a discharge contains a toxic substance that lacks any published criteria for the aquatic life support use, or when a discharge contains a mixture of toxic substances capable of additive or synergistic interactions, bioassessment methods and procedures shall be used by the department to establish whole-effluent toxicity limitations that are consistent with paragraph (2) (F) (i) of this subsection.

(3) Domestic water supply use.

(A) Except as provided in K.A.R. 28-16-28e(c) (3) (B), criteria listed in Table 1a of K.A.R. 28-16-28e(d) for domestic water supply use shall not be exceeded at any point of domestic water supply diversion.

(B) In stream segments where background concentrations of naturally occurring substances, including chlorides and sulfates, exceed the domestic water supply criteria listed in Table 1a of K.A.R. 28-16-28e(d), at ambient flow, due to intrusion of mineralized groundwater, the existing water quality shall be maintained, and the newly established numeric criteria for domestic water supply shall be the background concentration, as defined in K.A.R. 28-16-28b(f). Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures; surface water," dated September 15, 2000, available upon request from the department.

(C) Any substance derived from an artificial source that, alone or in combination with other synthetic or naturally occurring substances, causes toxic, carcinogenic, teratogenic, or mutagenic effects in humans shall be limited to nonharmful concentrations in surface waters. Unless site-specific water quality conditions warrant the promulgation of more protective criteria under the provisions of K.A.R. 28-16-28e(a) and K.A.R. 28-16-28f(f), maximum contaminant levels for toxic, carcinogenic, teratogenic, or mutagenic substances promulgated by the United States environmental protection agency pursuant

to section 300g-1 of the federal safe drinking water act, 42 U.S.C. 300f through 300j-9, as amended on August 6, 1996, shall be deemed nonharmful by the department and adopted as domestic water supply criteria.

(4) Food procurement use.

(A) Criteria listed in Table 1a of K.A.R. 28-16-28e(d) for food procurement use shall not be exceeded outside of a mixing zone due to any artificial source of pollution.

(B) Substances that can bioaccumulate in the tissues of edible aquatic or semiaquatic life or wildlife through bioconcentration or biomagnification shall be limited in surface waters to concentrations that result in no harm to human consumers of these tissues. For bioaccumulative carcinogens, surface water concentrations corresponding to a cancer risk level of less than 0.000001 (10<sup>-6</sup>) in human consumers of aquatic or semiaquatic life or wildlife shall be deemed nonharmful by the department and adopted as food procurement criteria. Average rates of tissue consumption and lifetime exposure shall be assumed by the department in the estimation of the cancer risk level.

(5) Groundwater recharge use. In surface waters designated for the groundwater recharge use, water quality shall be such that, at a minimum, degradation of groundwater quality does not occur. Degradation shall include any statistically significant increase in the concentration of any chemical or radiological contaminant or infectious microorganism in groundwater resulting from surface water infiltration or injection.

(6) Industrial water supply use. Surface water quality criteria for industrial water supplies shall be determined by the department on a case-by-case basis.

(7) Recreational use.

(A) General. The introduction of plant nutrients into surface waters designated for primary or secondary contact recreational use shall be controlled to prevent the development of objectional concentrations of algae or algal by-products or nuisance growths of submersed, floating, or emergent aquatic vegetation.

(B) Primary contact recreation. Artificial sources of pollution shall not cause concentrations of fecal coliform bacteria in surface waters designated for primary contact recreational use to exceed a geometric mean of 200 organisms per 100 milliliters beyond the mixing zone. Calculation of the geometric mean shall be based on the analysis of at least five consecutive samples collected during separate 24-hour periods. No sample shall exceed 900 organisms per 100 milliliter sample. These criteria shall be in effect from April 1 through October 31 of each year. The concentration of fecal coliform bacteria in surface waters designated for primary contact recreation shall not exceed 2,000 organisms per 100 milliliters beyond the mixing zone, from November 1 through March 31 of each year.

(C) Secondary contact recreation. Artificial sources of pollution shall not cause concentrations of fecal coliform bacteria in surface waters designated for secondary contact recreational use to exceed 2,000 organisms per 100 milliliters beyond the mixing zone. This criterion shall be in effect from January 1 through December 31 of each year.

(D) Wastewater effluent shall be disinfected if it is determined by the department that the discharge of non-

disinfected wastewater constitutes an actual or potential threat to public health. Situations that constitute an actual or potential threat to public health shall include instances in which there is a reasonable potential for the discharge to exceed the applicable criteria supporting the assigned recreational use designation or if a water body is known or likely to be used for either of the following:

(i) Primary or secondary contact recreation; or

(ii) any domestic water supply.

(8) Multiple uses. If a classified surface water or surface water segment is designated for more than one beneficial use pursuant to K.A.R. 28-16-28d(c), the water quality of the surface water or surface water segment shall comply with the most stringent of the applicable water quality criteria.

(d) Tables.

Table 1a. Numeric criteria.

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
<b>RADIONUCLIDES (pCi/L)</b>						
gross beta radioactivity	a	a	a	a	a	50
gross alpha particles including radium-226, but not radon or uranium	a	a	a	a	a	15
radium 226 and 228 combined	a	a	a	a	a	5
strontium 90	a	a	a	a	a	8
tritium	a	a	a	a	a	20,000
<b>METALS (µg/L)</b>						
antimony, total	88	30	a	a	4,300	6
arsenic, total	340	50	200	100	20.5	b
arsenic (III)	360	50	a	a	b	b
arsenic (V)	850	48	a	a	a	a
barium	a	a	a	a	a	2,000
beryllium, total	130	5.3	a	100	0.13	4
boron, total	a	a	5,000	750	a	a
cadmium, total	table 1b	table 1b	20	10	170	5
chromium, total	a	40	1,000	100	a	100
chromium (III)	table 1b	table 1b	a	a	3,433,000	50
chromium (VI)	15	10	a	a	3,400	50
copper, total	table 1b	table 1b	500	200	a	1,300
lead, total	table 1b	table 1b	100	5,000	a	15
mercury, total	2.1	0.012	10	a	0.146	b
nickel, total	table 1b	table 1b	500	200	100	100
selenium, total	20	5	50	20	6,800	50
selenium (V)	11.2	a	a	a	a	a
silver, total	table 1b	a	a	a	a	50
thallium, total	1,400	40	a	a	b	2
zinc, total	table 1b	table 1b	25,000	2,000	a	a
<b>OTHER INORGANIC SUBSTANCES (µg/L)</b>						
ammonia	table 1c	table 1c	a	a	a	a
asbestos (µfibers/L)	a	a	a	a	a	7,000,000
chloride	860,000	352,000	a	a	a	250,000
chlorine, total residual	19	11	a	a	a	a
cyanide (free)	22	5.2	a	a	220,000	200
fluoride	a	a	2,000	1,000	a	2,000
nitrate (as N)	a	a	a	a	a	10,000
nitrite + nitrate (as N)	a	a	100,000	a	a	10,000
phosphorus, elemental (white)	a	0.1	a	a	a	a
sulfate	a	a	1,000,000	a	a	250,000
<b>ORGANIC SUBSTANCES (µg/L)</b>						
<b>Benzenes</b>						
aminobenzene (aniline)	14	6.7	a	a	a	a
benzene	5,300	a	a	a	40	b
chlorobenzene	250	50	a	a	21,000	100
dichlorobenzenes, total	1,120	763	a	a	2,600	a
o-dichlorobenzene	1,120	763	a	a	2,600	600
m-dichlorobenzene	1,120	763	a	a	2,600	b
p-dichlorobenzene	a	a	a	a	2,600	75
other chlorinated benzenes, total	250	50	a	a	a	a
1,2,4-trichlorobenzene	250	a	a	a	a	70
1,2,4,5-tetrachlorobenzene	250	50	a	a	48	a
pentachlorobenzene	250	50	a	a	85	a
hexachlorobenzene	6.0	3.7	a	a	0.00074	b
ethylbenzene	32,000	a	a	a	28,718	700
nitrobenzene	27,000	a	a	a	1,900	b
pentachloronitrobenzene	250	50	a	a	a	a

(continued)

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
vinylbenzene (styrene)	a	a	a	a	a	100
Ethers						
chloroalkyl ethers, total	238,000	a	a	a	a	a
bis(2-chloroethyl)ether	238,000	a	a	a	1.36	b
bis(2-chloroisopropyl)ether	238,000	a	a	a	0.00184	b
bis(chloromethyl)ether	238,000	a	a	a	0.00184	a
2-chloroethyl vinyl ether	360	120	a	a	a	a
halogenated ethers, total	360	122	a	a	a	a
chloromethyl methyl ether	238,000	a	a	a	0.00184	a
4,4'-dibromodiphenyl ether	360	120	a	a	a	a
hexabromodiphenyl ether	360	120	a	a	a	a
nonabromodiphenyl ether	360	120	a	a	a	a
pentabromodiphenyl ether	360	120	a	a	a	a
tetrabromodiphenyl ether	360	120	a	a	a	a
tribromodiphenyl ether	360	120	a	a	a	a
Halogenated Hydrocarbons						
chlorinated ethanes						
1,2-dichloroethane	18,000	2,000	a	a	b	b
1,1,1-trichloroethane	18,000	a	a	a	173,077	200
1,1,2-trichloroethane	18,000	9,400	a	a	41.8	b
tetrachloroethanes, total	9,320	a	a	a	a	a
1,1,1,2-tetrachloroethane	9,320	a	a	a	a	a
1,1,2,2-tetrachloroethane	9,320	2,400	a	a	10.7	b
pentachloroethane	7,240	1,100	a	a	a	a
hexachloroethane	980	540	a	a	8.74	b
chlorinated ethylenes, total	11,600	a	a	a	1.85	a
1,1-dichloroethylene	11,600	a	a	a	1.85	b
cis-1,2-dichloroethylene	11,600	a	a	a	1.85	70
trans-1,2-dichloroethylene	11,600	a	a	a	140,000	100
trichloroethylene	45,000	21,900	a	a	80.7	b
tetrachloroethylene	5,280	840	a	a	8.85	b
chlorinated propanes/propenes						
1,2-dichloropropane	23,000	5,700	9.0	a	39	5
1,3-dichloropropane	6,600	244	a	a	14.1	b
Other Halogenated Hydrocarbons						
halogenated methanes, total	11,000	a	a	a	15.7	100
bromomethane	11,000	a	a	a	15.7	b
1,2-dibromoethane	a	a	a	a	a	0.05
tribromomethane (bromoform)	11,000	a	a	a	15.7	b
bis(2-chloroethoxy) methane	11,000	a	a	a	15.7	a
bromodichloromethane	11,000	a	a	a	15.7	b
bromochloromethane	11,000	a	a	a	15.7	a
bromotrichloromethane	11,000	a	a	a	15.7	a
dibromochloromethane	11,000	a	a	a	15.7	b
dibromochloropropane	a	a	a	a	15.7	0.2
dibromodichloromethane	11,000	a	a	a	15.7	a
dichlorodifluoromethane	11,000	a	a	a	15.7	a
dichloromethane (methylene chloride)	11,000	a	a	a	1,600	4.7
trichloromethane (chloroform)	28,900	1,240	a	a	15.7	b
tribromochloromethane	11,000	a	a	a	15.7	a
trichlorofluoromethane	11,000	a	a	a	15.7	a
tetrachloromethane (carbon tetrachloride)	35,200	a	a	a	b	b
di(2-ethylhexyl)adipate	a	a	a	a	a	500
hexachlorobutadiene	90	9.3	a	a	50	b
hexachlorocyclopentadiene	7	5.2	a	a	206	50
vinyl chloride	a	a	a	a	525	2
Miscellaneous Organics						
dioxin (2,3,7,8 TCDD)	0.01	0.00001	a	a	0.000000014	b
isosphorone	117,000	a	a	a	b	b
polychlorinated biphenyls, total	2	0.014	a	a	0.0000079	b
tributyltin oxide	0.149	0.026	a	a	a	a
Nitrogen Compounds						
nitrosamines, total	5,850	a	a	a	1.24	a
N-nitrosodibutylamine	5,850	a	a	a	0.587	a
N-nitrosodiethanolamine	5,850	a	a	a	1.24	a
N-nitrosodimethylamine	5,850	a	a	a	1.24	a
N-nitrosodiphenylamine	5,850	a	a	a	1.6	b
N-nitrosodi-n-propylamine	a	a	a	a	16.0	b
N-nitrosopyrrolidine	5,850	a	a	a	1.24	a
					91.9	a

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
acrylonitrile	7,550	2,600	a	a	0.65	b
benzidine	2,500	a	a	a	0.000535	b
3,3'-dichlorobenzidine	a	a	a	a	0.02	b
1,2-diphenyl hydrazine	270	a	a	a	0.54	b
Polynuclear Aromatic Hydrocarbons, total	a	a	a	a	0.0311	0.2
acenaphthene	1,700	520	a	a	a	1200
acenaphthylene	a	a	a	a	0.0311	a
anthracene	a	a	a	a	0.0311	b
benzo(a)anthracene	a	a	a	a	0.0311	b
benzo(a)pyrene	a	a	a	a	0.0311	b
benzo(b)fluoranthene	a	a	a	a	0.0311	b
benzo(g,h,i)perylene	a	a	a	a	0.0311	a
benzo(k)fluoranthene	a	a	a	a	0.0311	b
chrysene	a	a	a	a	0.0311	b
dibenzo(a,h)anthracene	a	a	a	a	0.0311	b
fluoranthene	3,980	a	a	a	b	b
fluorene	a	a	a	a	0.0311	b
ideno(1,2,3-cd)pyrene	a	a	a	a	0.0311	b
naphthalene	2,300	620	a	a	a	a
phenanthrene	30	6.3	a	a	0.0311	a
pyrene	a	a	a	a	0.0311	b
Phthalate Esters						
phthalates, total	940	3	a	a	a	a
butylbenzyl phthalate	a	a	a	a	5,200	100
di(2-ethylhexyl)phthalate	400	360	a	a	b	b
dibutyl phthalate	940	3	a	a	b	b
diethyl phthalate	a	a	a	a	b	5
dimethyl phthalate	940	3	a	a	2,900,000	b
Phenolic Compounds						
phenol	10,200	2,560	a	a	4,600,000	b
2,4-dimethyl phenol	1,300	530	a	a	2,300	540
chlorinated phenols						
2-chlorophenol	4,380	2,000	a	a	400	120
3-chlorophenol	a	a	a	a	29,000	a
2,4-dichlorophenol	2,020	365	a	a	b	b
2,4,5-trichlorophenol	100	63	a	a	a	a
2,4,6-trichlorophenol	a	970	a	a	3.6	b
pentachlorophenol	table 1b	table 1b	a	a	8.2	b
3-methyl-4-chlorophenol	30	a	a	a	a	a
nitrophenols, total	230	150	a	a	a	a
2,4-dinitrophenol	a	a	a	a	765	b
4,6-dinitro-o-cresol	a	a	a	a	765	b
Toluenes						
toluene	17,500	a	a	a	b	1,000
dinitrotoluenes, total	330	230	a	a	9.1	a
2,4-dinitrotoluene	330	230	a	a	9.1	b
xylene	a	a	a	a	a	10,000
PESTICIDES (µg/L)						
acrolein	68	21	a	a	780	320
acrylamide	a	a	a	a	a	0.01
alachlor (lasso)	760	76	100	a	a	2
aldicarb	a	a	a	a	a	3
aldicarb sulfone	a	a	a	a	a	2
aldicarb sulfoxide	a	a	a	a	a	3
aldrin	3	0.001	1	a	0.000079	b
atrazine (aatrex)	170	3	a	a	a	3
bromoxynil (MCPA)	a	a	20	a	a	a
carbaryl (sevin)	a	0.02	100	a	a	a
carbofuran (furan)	a	a	100	a	a	40
chlordane	2.4	0.0043	3	a	0.00048	b
chlorpyrifos	0.083	0.041	100	a	a	a
2,4-D	a	a	a	a	a	70
dacthal (DCPA)	a	14,300	a	a	a	a
dalapon	a	110	a	a	a	200
diazinon (spectracide)	a	0.08	100	a	a	a
DDT and Metabolites						
4,4'-DDE (p,p'-DDE)	1,050	a	a	a	0.00059	b
4,4'-DDD (p,p'-DDD)	a	a	a	a	0.00084	b
DDT, total	1.1	0.001	50	a	0.00024	b
dieldrin	1.0	0.0019	1	a	0.000076	b

(continued)

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
dinoseb (DNBP)	a	a	a	a	a	7
diquat	a	a	a	a	a	20
disulfoton (disyston)	a	a	100	a	a	a
endosulfan, total	0.22	0.056	a	a	159	b
alpha-endosulfan	0.22	0.056	a	a	240	110
beta-endosulfan	0.22	0.056	a	a	240	110
endosulfan sulfate	a	a	a	a	b	b
endothall	a	a	a	a	a	100
entdrin	0.18	0.0023	0.5	a	0.81	0.76
endrin aldehyde	a	a	a	a	0.81	b
epichlorohydrin	a	a	a	a	a	4
ethylene dibromide	a	a	a	a	a	0.05
fenchlorfos (ronnel)	a	a	100	a	a	a
glyphosate (roundup)	a	a	a	a	a	700
guthion	a	0.010	100	a	a	a
heptachlor	0.52	0.0038	0.1	a	0.00021	b
heptachlor epoxide	0.52	0.0038	0.1	a	b	b
hexachlorocyclohexane	100	a	a	a	a	a
alpha-HCH	100	a	a	a	0.0031	b
beta-HCH	100	a	a	a	b	b
delta-HCH	100	a	a	a	a	a
gamma-HCH (lindane)	2	0.08	5	a	0.0625	b
technical-HCH	a	a	a	a	0.0414	a
malathion	a	0.10	100	a	a	a
methoxychlor	a	0.03	1,000	a	a	40
methyl parathion	a	a	100	a	a	a
metribuzin (sencor)	a	100	a	a	a	a
mirex	a	0.001	a	a	0.000097	a
oxamyl (vydate)	a	a	a	a	a	200
parathion	0.065	0.013	100	a	a	a
picloram (tordon)	a	a	a	a	a	500
propachlor (ramrod)	a	8	a	a	a	a
simazine (princep)	a	a	10	a	a	4
toxaphene	0.73	0.0002	5	a	0.00073	b
2,4,5-T	a	a	2	a	a	a
2,4,5-TP (silvex)	a	a	a	a	a	50

a - criterion not available  
 b - US EPA has promulgated criterion for Kansas under the Code of Federal Regulations, Title 40, Part 131.36

Table 1b. Formulae for calculation of hardness-dependent aquatic life support criteria for chromium III and total cadmium, total copper, total lead, total nickel, total silver and total zinc and pH-dependent aquatic life support criteria for pentachlorophenol. A WER value of 1.0 is applied in the hardness-dependent equations for total metals unless a site-specific WER has been determined and adopted by the department in accordance with K.A.R. 28-16-28e(a) and K.A.R. 28-16-28f(f). Hardness values in metal formulae are entered in units of mg/L as CaCO<sub>3</sub>. Pentachlorophenol formulae apply only over the pH range 6.5-8.5.

**CADMIUM (ug/L):**  
 acute criterion = WER [EXP[(1.1280\*(LN(hardness)))-3.6867]]  
 chronic criterion = WER [EXP[(0.7852\*(LN(hardness)))-2.715]]

**CHROMIUM III (ug/L):**  
 acute criterion = WER [EXP[(0.819\*(LN(hardness)))+3.7256]]  
 chronic criterion = WER [EXP[(0.819\*(LN(hardness)))+0.6848]]

**COPPER (ug/L):**  
 acute criterion = WER [EXP[(0.9422\*(LN(hardness)))-1.700]]  
 chronic criterion = WER [EXP[(0.8545\*(LN(hardness)))-1.702]]

**LEAD (ug/L):**  
 acute criterion = WER [EXP[(1.273\*(LN(hardness)))-1.460]]  
 chronic criterion = WER [EXP[(1.273\*(LN(hardness)))-4.705]]

**NICKEL (ug/L):**  
 acute criterion = WER [EXP[(0.846\*(LN(hardness)) + 2.255]]  
 chronic criterion = WER [EXP[(0.846\*(LN(hardness)))+0.0584]]

**PENTACHLOROPHENOL (ug/L):**  
 acute criterion = EXP[(1.005\*pH)-4.830]  
 chronic criterion = EXP[(1.005\*pH)-5.290]

**SILVER (ug/L):**  
 acute criterion = WER[EXP[(1.72\*(LN(hardness)))-6.52]]

**ZINC (ug/L):**  
 acute criterion = WER [EXP[(0.8473\*(LN(hardness)))+0.884 ]]  
 chronic criterion = WER [EXP[(0.8473\*(LN(hardness)))+0.884]]

Table 1c. pH-dependent acute aquatic life support criteria for total ammonia (total ammonia as N, mg/L).

Acute Aquatic Life Criteria for Ammonia, mg/L	
pH	Criteria
6.5	48.8
6.6	46.8
6.7	44.6
6.8	42.0
6.9	39.1
7.0	36.1
7.1	32.8
7.2	29.5
7.3	26.2
7.4	23.0



7.5	19.9
7.6	17.0
7.7	14.4
7.8	12.1
7.9	10.1
8.0	8.40
8.1	6.95
8.2	5.72
8.3	4.71
8.4	3.88
8.5	3.20
8.6	2.65
8.7	2.20
8.8	1.84
8.9	1.56
9.0	1.32

Table 1d. pH- and temperature-dependent chronic aquatic life criteria for total ammonia (total ammonia as N, mg/L) with early life stages of fish present.

Chronic Aquatic Life Criteria for Ammonia, Early Life Stages Present, mg/L

pH	Temperature, °C									
	0	14	16	18	20	22	24	26	28	30
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.3	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.7	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

Table 1e. pH- and temperature-dependent chronic aquatic life criteria for total ammonia (total ammonia as N, mg/L) with early life stages of fish absent.

Chronic Aquatic Life Criteria for Ammonia, Early Life Stages Absent\*, mg/L

pH	Temperature, °C							
	0-7	8	9	10	11	12	13	14**
6.5	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33
7.0	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86

7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89
7.5	1.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
8.0	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951
8.7	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805
8.8	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684
8.9	0.917	0.860	0.806	0.456	0.709	0.664	0.623	0.584
9.0	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503

\* Early life stage absent criteria will apply to all Kansas surface waters during the months November through February except in surface water segments listed in Table 1f. The application of early life stage absent criteria outside of the months November through February will require a segment-specific examination of the surface water for the presence of early life stages of fish.

\*\* At 15 °C and above, the criterion for early life stages absent is equivalent to the criterion for early life stages present.

Table 1f. Surface Water Segments where early life stages absent chronic aquatic life criteria are not applicable.

Surface Water	Basin	Subbasin	Hydrologic Unit Code	Segment Number
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	1
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	2
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	3
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	4
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	5
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	18
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	19
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	21
Missouri River	Missouri	Tarkio-Wolf	10240005	1
Missouri River	Missouri	Tarkio-Wolf	10240005	2
Missouri River	Missouri	Tarkio-Wolf	10240005	19
Missouri River	Missouri	Tarkio-Wolf	10240005	20
Missouri River	Missouri	Tarkio-Wolf	10240005	21
Missouri River	Missouri	Independence-Sugar	10240011	1
Missouri River	Missouri	Independence-Sugar	10240011	2
Missouri River	Missouri	Independence-Sugar	10240011	4
Missouri River	Missouri	Independence-Sugar	10240115	5
Missouri River	Missouri	Independence-Sugar	10240011	7
Missouri River	Missouri	Independence-Sugar	10240011	9
Missouri River	Missouri	Independence-Sugar	10240011	11
Missouri River	Missouri	Independence-Sugar	10240011	13
Missouri River	Missouri	Independence-Sugar	10240011	15
Missouri River	Missouri	Independence-Sugar*	10240011	19

(Authorized by K.S.A. 1999 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 1999 Supp. 65-165 and 65-171d, and K.S.A. 65-171m; effective May 1, 1986; amended, T-87-8, May 1, 1986; amended May 1, 1987; amended Aug. 29, 1994; amended July 30, 1999; amended Nov. 3, 2000.)

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 025774

INDEX TO ADMINISTRATIVE REGULATIONS

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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 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-1 through 88-23-6	New	V. 19, p. 41-43

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-26	Revoked	V. 19, p. 1435
91-1-27	Revoked	V. 19, p. 1435
91-1-27a through 91-1-27d	Revoked	V. 19, p. 1435
91-1-28	Revoked	V. 19, p. 1435
91-1-30	Revoked	V. 19, p. 1435
91-1-30a	Revoked	V. 19, p. 1435
91-1-31 through 91-1-35	Revoked	V. 19, p. 1435
91-1-37	Revoked	V. 19, p. 1435
91-1-39 through 91-1-58	Revoked	V. 19, p. 1435, 1436
91-1-60	Revoked	V. 19, p. 1436
91-1-61	Revoked	V. 19, p. 680
91-1-63	Revoked	V. 19, p. 1436
91-1-65	Revoked	V. 19, p. 1436
91-1-67	Revoked	V. 19, p. 1436
91-1-68a through 91-1-68e	Amended	V. 19, p. 1588-1592
91-1-70	Revoked	V. 19, p. 1436
91-1-70b	Revoked	V. 19, p. 1593
91-1-71 through 91-1-83	Revoked	V. 19, p. 1436, 1437
91-1-84a	Revoked	V. 19, p. 1437
91-1-85 through 91-1-91	Revoked	V. 19, p. 1437
91-1-91a	Revoked	V. 19, p. 1437
91-1-92	Revoked	V. 19, p. 1437
91-1-93a	Revoked	V. 19, p. 1437
91-1-101a	Revoked	V. 19, p. 1437
91-1-101b	Revoked	V. 19, p. 1437
91-1-102a	Revoked	V. 19, p. 1437
91-1-104b	Revoked	V. 19, p. 1437
91-1-104c	Revoked	V. 19, p. 1437
91-1-105	Revoked	V. 19, p. 1437
91-1-106	Revoked	V. 19, p. 1437
91-1-106a through 91-1-106m	Revoked	V. 19, p. 1437, 1438
91-1-107a	Revoked	V. 19, p. 1438

91-1-108a	Revoked	V. 19, p. 1438
91-1-108b	Revoked	V. 19, p. 1438
91-1-108c	Revoked	V. 19, p. 1438
91-1-109a	Revoked	V. 19, p. 1438
91-1-110a	Revoked	V. 19, p. 1438
91-1-110c	Revoked	V. 19, p. 1438
91-1-111a	Revoked	V. 19, p. 1438
91-1-112c	Revoked	V. 19, p. 1438
91-1-112d	Revoked	V. 19, p. 1438
91-1-113b	Revoked	V. 19, p. 1438
91-1-114a	Revoked	V. 19, p. 1438
91-1-115a	Revoked	V. 19, p. 1438
91-1-117a	Revoked	V. 19, p. 1438
91-1-118a	Revoked	V. 19, p. 1438
91-1-119a through 91-1-119g	Revoked	V. 19, p. 1438, 1439
91-1-120	Revoked	V. 19, p. 1439
91-1-121	Revoked	V. 19, p. 1439
91-1-122	Revoked	V. 19, p. 1439
91-1-123a	Revoked	V. 19, p. 1439
91-1-125	Revoked	V. 19, p. 1439
91-1-127a	Revoked	V. 19, p. 1439
91-1-128b	Revoked	V. 19, p. 1439
91-1-129a	Revoked	V. 19, p. 1439
91-1-130	Revoked	V. 19, p. 1439
91-1-131	Revoked	V. 19, p. 1439
91-1-132a	Revoked	V. 19, p. 1439
91-1-135a	Revoked	V. 19, p. 1439
91-1-137a	Revoked	V. 19, p. 1439
91-1-138a	Revoked	V. 19, p. 1439
91-1-140a	Revoked	V. 19, p. 1439
91-1-141	Revoked	V. 19, p. 1439
91-1-143	Revoked	V. 19, p. 1439
91-1-144	Revoked	V. 19, p. 1439
91-1-145	Revoked	V. 19, p. 1439
91-1-146a	Amended	V. 19, p. 1593
91-1-146e	Amended	V. 19, p. 1593
91-1-148a	Revoked	V. 19, p. 1439
91-1-149	Revoked	V. 19, p. 1439
91-1-150	Revoked	V. 19, p. 1439
91-1-153	Revoked	V. 19, p. 1439
91-1-200 through 91-1-211	New	V. 19, p. 1439-1449
91-12-22	Revoked	V. 19, p. 680
91-12-23	Revoked	V. 19, p. 680
91-12-24a	Revoked	V. 19, p. 680
91-12-25	Revoked	V. 19, p. 680
91-12-27	Revoked	V. 19, p. 680
91-12-28	Revoked	V. 19, p. 680
91-12-30 through 91-12-33	Revoked	V. 19, p. 680
91-12-35	Revoked	V. 19, p. 680
91-12-42	Revoked	V. 19, p. 680, 681
91-12-44 through 91-12-69	Revoked	V. 19, p. 681
91-12-71 through 91-12-74	Revoked	V. 19, p. 682
91-22-1a	New	V. 19, p. 682
91-22-2	Amended	V. 19, p. 683
91-22-3	Revoked	V. 19, p. 683
91-22-4	Amended	V. 19, p. 683
91-22-5a	Amended	V. 19, p. 683
91-22-7	Amended	V. 19, p. 683
91-22-8	Revoked	V. 19, p. 683
91-22-9	Amended	V. 19, p. 683
91-22-10 through 91-22-18	Revoked	V. 19, p. 684
91-22-19	Amended	V. 19, p. 684
91-22-21	Revoked	V. 19, p. 684
91-22-22	Amended	V. 19, p. 684
91-22-23	Revoked	V. 19, p. 684
91-22-24	Revoked	V. 19, p. 684
91-22-25	Amended	V. 19, p. 684
91-22-26	Revoked	V. 19, p. 685
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

91-40-1 through 91-40-5	New	V. 19, p. 685-691
91-40-7 through 91-40-12	New	V. 19, p. 692-695
91-40-16 through 91-40-19	New	V. 19, p. 695-697
91-40-21	New	V. 19, p. 697
91-40-22	New	V. 19, p. 697
91-40-24 through 91-40-31	New	V. 19, p. 698-700
91-40-33 through 91-40-39	New	V. 19, p. 700-702
91-40-41 through 91-40-48	New	V. 19, p. 702-704
91-40-50 through 91-40-53	New	V. 19, p. 705, 706

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

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189
99-26-1	Amended	V. 19, p. 840
99-27-1	Amended	V. 19, p. 840

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended (T)	V. 18, p. 1747
100-6-2	Amended	V. 19, p. 241
100-7-1	Amended	V. 19, p. 1044
100-10a-1	Amended	V. 19, p. 241
100-10a-3	Amended	V. 19, p. 241
100-11-1	Amended	V. 19, p. 1190
100-11-5	Revoked	V. 18, p. 1230
100-22-3	New	V. 19, p. 571
100-24-3	New	V. 18, p. 483
100-29-7	Amended	V. 19, p. 1547
100-49-4	Amended	V. 19, p. 1190
100-54-4	Amended	V. 19, p. 1547
100-55-1 through 100-55-9	Amended	V. 19, p. 1017-1020
100-55-4	Amended	V. 19, p. 1547
100-55-11	New	V. 19, p. 1020
100-60-1	Amended	V. 19, p. 1547
100-60-9	Amended	V. 19, p. 571
100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572
100-69-5	Amended	V. 19, p. 1547

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-3	Revoked	V. 19, p. 1681
102-1-3a	New	V. 19, p. 1681
102-1-5	Revoked	V. 19, p. 1683
102-1-5a	New	V. 19, p. 1683
102-1-12	Amended	V. 19, p. 1684
102-1-15	Amended	V. 19, p. 1686
102-1-17	New	V. 19, p. 1687
102-1-18	New	V. 19, p. 1687
102-2-1a	Amended	V. 19, p. 1192
102-2-2a	Amended	V. 19, p. 1194
102-2-3	Amended	V. 19, p. 1194
102-2-4a	Amended	V. 19, p. 1195
102-2-5	Amended	V. 19, p. 1196
102-2-7	Amended	V. 19, p. 1196
102-2-8	Amended	V. 19, p. 1198
102-2-11	Amended	V. 19, p. 1200
102-2-12	Amended	V. 19, p. 1201
102-2-13	New	V. 19, p. 1202
102-2-14	New	V. 19, p. 1202
102-3-1a	Amended	V. 19, p. 1202
102-3-2	Amended	V. 19, p. 1204
102-3-5a	Amended	V. 19, p. 1205
102-3-7a	Amended	V. 19, p. 1206
102-3-14	New	V. 19, p. 1207
102-3-15	New	V. 19, p. 1207
102-4-1a	Amended	V. 19, p. 1208
102-4-2	Amended	V. 19, p. 1209
102-4-4a	Amended	V. 19, p. 1209

(continued)

102-4-5a	Amended	V. 19, p. 1211
102-4-7a	Amended	V. 19, p. 1211
102-4-10a	Amended (T)	V. 18, p. 1035
102-4-10a	Amended	V. 18, p. 1556
102-4-14	New	V. 19, p. 1212
102-4-15	New	V. 19, p. 1213
102-5-1	Amended	V. 19, p. 1213
102-5-2	Amended	V. 19, p. 1214
102-5-4a	Amended	V. 19, p. 1215
102-5-5	Amended	V. 19, p. 1216
102-5-7a	Amended	V. 19, p. 1216
102-6-13	New	V. 19, p. 1218
102-5-14	New	V. 19, p. 1218

**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 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-3	New (T)	V. 18, p. 1392
108-1-3	New	V. 19, p. 68

**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
109-5-1	Amended (T)	V. 19, p. 1339
109-5-2	Amended	V. 18, p. 1654
109-5-3	Amended	V. 18, p. 1654
109-5-4	Amended	V. 18, p. 1655
109-5-4	Amended (T)	V. 19, p. 1340
109-6-2	Amended	V. 18, p. 1655
109-6-2	Amended (T)	V. 19, p. 1340
109-6-3	New (T)	V. 19, p. 1341
109-7-1	Amended (T)	V. 19, p. 1341
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 110: DEPARTMENT OF COMMERCE AND HOUSING**

Reg. No.	Action	Register
110-6-1	Amended (T)	V. 19, p. 677
110-6-1a	New (T)	V. 19, p. 677
110-6-2	Amended (T)	V. 19, p. 678
110-6-3	Amended (T)	V. 19, p. 678
110-6-4	Amended (T)	V. 19, p. 679
110-6-5	Amended (T)	V. 19, p. 679

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 1999 can be found in the Vol. 18, No. 52, December 30, 1999 Kansas Register. The regulations listed below were published after December 31, 1999.

Reg. No.	Action	Register
111-2-30	Amended	V. 19, p. 1310
111-2-66	Revoked	V. 19, p. 14
111-2-84	Revoked	V. 19, p. 14
111-2-95	Amended	V. 19, p. 174
111-2-100	New	V. 19, p. 14
111-2-101	New	V. 19, p. 15
111-2-102	New	V. 19, p. 174
111-2-103	New	V. 19, p. 1089
111-2-104	New	V. 19, p. 15
111-2-105	New	V. 19, p. 16
111-2-106	New	V. 19, p. 16
111-2-107	New	V. 19, p. 174
111-2-108	New	V. 19, p. 175
111-2-109	New	V. 19, p. 175
111-2-111	New	V. 19, p. 811
111-2-112	New	V. 19, p. 1310
111-2-113	New	V. 19, p. 1310
111-2-114	New	V. 19, p. 1311
111-2-115	New	V. 19, p. 1311
111-3-1	Amended	V. 19, p. 1555
111-3-12	Amended	V. 19, p. 16
111-3-13	Amended	V. 19, p. 1045
111-3-14	Amended	V. 19, p. 1556
111-3-18	Amended	V. 19, p. 1312
111-3-20	Amended	V. 19, p. 17
111-3-35	Amended	V. 19, p. 177
111-4-580	Amended	V. 19, p. 1046
111-4-583	Amended	V. 19, p. 1046
111-4-584	Amended	V. 19, p. 1047
111-4-585	Amended	V. 19, p. 1047
111-4-878	Amended	V. 19, p. 1047
111-4-880	Amended	V. 19, p. 1091
111-4-881	Amended	V. 19, p. 1091
111-4-882	Amended	V. 19, p. 1048
111-4-1594	Amended	V. 19, p. 17
111-4-1595	Amended	V. 19, p. 17
111-4-1597	Amended	V. 19, p. 18
111-4-1598	Amended	V. 19, p. 18
111-4-1621	through	
111-4-1636	New	V. 19, p. 177-181
111-4-1617	Amended	V. 19, p. 19
111-4-1637	through	
111-4-1649	New	V. 19, p. 19-22
111-4-1673	through	
111-4-1698	New	V. 19, p. 522-528
111-4-1686	through	
111-4-1689	Amended	V. 19, p. 811, 812
111-4-1699	through	
111-4-1711	New	V. 19, p. 812-815
111-4-1712	through	
111-4-1715	New	V. 19, p. 1092
111-4-1718	through	
111-4-1729	New	V. 19, p. 1048-1051
111-4-1730	through	
111-4-1758	New	V. 19, p. 1093-1101
111-4-1731	Amended	V. 19, p. 1313
111-4-1734	Amended	V. 19, p. 1313
111-4-1735	Amended	V. 19, p. 1314

111-4-1736	Amended	V. 19, p. 1314
111-4-1759	through	
111-4-1776	New	V. 19, p. 1314-1319
111-4-1760	Amended	V. 19, p. 1557
111-4-1763	Amended	V. 19, p. 1558
111-4-1777	through	
111-4-1787	New	V. 19, p. 1558-1564
111-5-30	Amended	V. 19, p. 529
111-5-77	New	V. 19, p. 529
111-5-78	New	V. 19, p. 815
111-6-1	Amended	V. 19, p. 529
111-6-5	Amended	V. 19, p. 530
111-6-24	New	V. 19, p. 531
111-7-73	Amended	V. 19, p. 531
111-7-77	Amended	V. 19, p. 531
111-7-78	Amended	V. 19, p. 532
111-7-80	Amended	V. 19, p. 532
111-7-81	Amended	V. 19, p. 533
111-7-126	Amended	V. 19, p. 534
111-7-157	New	V. 19, p. 1564
111-8-2	Amended	V. 19, p. 1564
111-9-109	New	V. 19, p. 1564
111-9-110	New	V. 19, p. 1565

**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-4-1	Amended	V. 19, p. 1307
112-6-4a	New	V. 18, p. 1458
112-7-21	Amended	V. 19, p. 118
112-10-6	Amended	V. 18, p. 954
112-10-38	Amended	V. 19, p. 119
112-18-21	Amended	V. 19, p. 1308
112-18-22	Amended	V. 19, p. 119

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-4-1	Amended	V. 19, p. 1137
115-4-3	Amended	V. 19, p. 1138
115-4-5	Amended	V. 19, p. 1139
115-4-6	Amended	V. 19, p. 1140
115-4-7	Amended	V. 19, p. 1142
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
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-14	Amended	V. 18, p. 1336
115-18-16	New (T)	V. 19, p. 242
115-18-16	New	V. 19, p. 1475
115-30-10	Amended	V. 18, p. 781

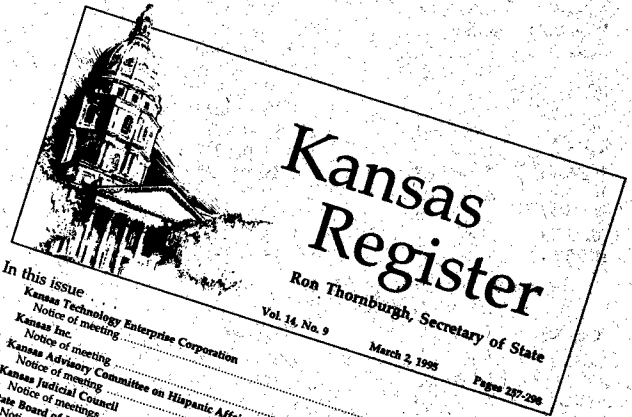
**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

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
117-6-3	Amended	V. 19, p. 472
117-7-1	Amended	V. 19, p. 41
117-8-1	Amended	V. 19, p. 473
117-9-1	Amended	V. 19, p. 41

**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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