



# Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Animal Health Department

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Kansas Animal Health Department at 10 a.m. Wednesday, December 19, in the office of the Kansas Animal Health Department, 708 S.W. Jackson, Topeka, to consider the adoption of proposed regulations K.A.R. 9-29-12, K.A.R. 9-29-13, K.A.R. 9-29-14 and K.A.R. 9-29-15. These regulations establish a voluntary chronic wasting disease surveillance program for cervidae producers.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to George Teagarden, Kansas Livestock Commissioner, 708 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and

may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Brenda Schuette at (785) 296-2326. There is no designated handicapped parking on the block. The agency is located on Jackson Street and is handicap accessible.

A copy of the full text of the regulations and economic impact statement may be reviewed or obtained by contacting the Animal Health Department at the address above, (785) 296-2326.

A summary of the proposed regulations and the economic impact follows.

K.A.R. 9-29-12 establishes definitions used in these regulations.

K.A.R. 9-29-13 establishes requirements to participate in the chronic wasting disease program.

K.A.R. 9-29-14 establishes program levels.

K.A.R. 9-29-15 establishes provisions for affected herds.

There is no fiscal impact to consumers, licensees or the agency due to the regulations.

George Teagarden  
Kansas Livestock Commissioner

Doc. No. 027162

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## State of Kansas

**Legislature**  
**Interim Committee Schedule**

The following committee meetings have been scheduled during the period of October 22-November 4. 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>.

<b>Date</b>	<b>Room</b>	<b>Time</b>	<b>Committee</b>	<b>Agenda</b>
October 22	123-S	11:00 a.m.	Legislative Coordinating Council	Legislative matters.
October 22	231-N	10:00 a.m.	Special Committee on Commercial and Financial Institutions/Insurance	<b>22nd:</b> Hearings on issues related to the business health partnerships.
October 23	<b>Canceled</b>			
October 22	519-S	10:00 a.m.	Special Committee on Energy	Hearings on Equus Beds Ground-water Management District issue.
October 23	519-S	9:00 a.m.		
October 23	123-S	10:00 a.m.	Joint Committee on Pensions, Investments and Benefits	<b>23rd: a.m.</b> —KPERs reports; <b>p.m.</b> —Actuary reports.
October 24	123-S	9:00 a.m.		<b>24th: a.m.</b> —KPERs asset allocation and investments; <b>p.m.</b> —LCC assigned proposal.
October 24	231-N	10:00 a.m.	Joint Committee on Children's Issues	Foster care and other issues.
October 25	231-N	9:00 a.m.		
October 26	231-N	9:00 a.m.		
October 24	514-S	10:00 a.m.	Legislative Budget Committee	<b>24th:</b> Agency monthly expenditure to date report—Dept. of Wildlife and Parks; Economic Development Initiatives Fund (EDIF) block grants; Higher Education Coordination Act (1999 SB 345)
October 25	514-S	9:00 a.m.		<b>25th:</b> Maximizing federal funds; status report on layoffs at Boeing Corporation's Wichita operations; presentation of a study by the Kansas Division of Personnel Services on selected salary increases for Kansas Highway Patrol.
October 24	519-S	10:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
October 25	519-S	9:00 a.m.		
October 24	526-S	2:00 p.m.	Central Payment Center Oversight Commission	Review of KPC issues and public hearing via video conference (in Landon State Office Building) from 5-7 p.m.
October 25	<b>Canceled</b>		Joint Committee on Economic Development	
October 26	<b>Canceled</b>			
October 29	Garden City Community College	10:00 a.m.	Special Committee on Agriculture	<b>29th:</b> Hearings on various agricultural marketing issues.
October 30	Fort Hays State University Memorial Union	10:00 a.m.		<b>30th:</b> Hearings on various natural resource issues impacting agriculture.
October 30	531-N	9:00 a.m.	Joint Committee on Special Claims Against the State	Claims filed to date.
October 30	White Cloud	10:00 a.m.	Joint Committee on State-Tribal Relations	Tour Iowa Reservation.
November 1	519-S	9:00 a.m.	Legislative Post Audit	Audit reports presented on: Kansas Pesticide and Fertilizer Program, school district budgets, implementation and enforcement of the bingo tax laws, and foster care monitoring.

Jeff Russell  
Director of Legislative  
Administrative Services

## State of Kansas

## Social and Rehabilitation Services

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, December 20, at the SRS Organizational Development, Eastman Building, 300 S.W. Oakley, first floor, Conference Room C, Topeka, to consider the adoption of amendments to existing rules and regulations on a permanent basis effective 15-days after publication in the Kansas Register. Telephone conference will not be available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations. All interested parties may submit written comments prior to or during the public hearing to Hope Burns, Office of the Secretary for SRS, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns at (785) 296-3969 or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the regulations will take place at 11:30 a.m. Thursday, January 3, in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

Copies of the regulations and the economic impact statement may be obtained by contacting Hope Burns. A summary of the proposed regulations and the economic impact follows:

**Article 64—Developmental Disabilities—  
Community Developmental  
Disability Organizations (CDDOs)**

**30-64-20. Contracting community developmental disability organizations; requirements; enforcement actions.** This regulation is being amended to clarify that CDDOs are subject to enforcement action for failing to comply with provisions of the contract between SRS and the CDDO, and adding to the list of possible enforcement actions the options of a required corrective action plan and of a required peer review process.

Economic Impact: None anticipated due only to these changes.

Bearer of Cost: None.

Affected Parties: CDDOs.

Other Methods: This was determined the most appropriate method for the desired outcome, rather than a statutory or policy change. A work group of system stakeholders had input into the drafting of this regulatory change.

**30-64-22. Implementation responsibilities of CDDOs.** This regulation is being amended to clarify that CDDOs may refuse to enter into or continue an affiliation agreement with any community service provider for failing to comply with reimbursement or other terms of the affiliation agreement.

Economic Impact: None anticipated due only to this clarification.

Bearer of Cost: None.

Affected Parties: If affiliation agreements are discontinued, potential temporary impact on services provided by CDDOs or CSPs, and people receiving services from affected affiliated agency.

Other Methods: This was determined the most appropriate method for the desired outcome, rather than a statutory or policy change. A work group of system stakeholders had input into the drafting of this regulatory change.

**30-64-23. Single point of application, determination and referral.** This regulation is being amended to clarify that these CDDO activities must be conducted impartially; and, to add that training of people performing these CDDO functions be approved by the division, that the CDDO must maintain records demonstrating compliance, and that if a person currently receiving services indicates a desire to change providers, an impartial person is assigned to visit with that person to describe all available types and providers of services in the region.

Economic Impact: None.

Bearer of Cost: None.

Affected Parties: People receiving services who want to change providers will have enhanced ease of access to information to assist in the transfer of services.

Other Methods: This was determined the most appropriate method for the desired outcome, rather than a statutory or policy change. A work group of system stakeholders had input into the drafting of this regulatory change.

**30-64-30. Statewide service access list.** This regulation is being amended to conform to current SRS policy regarding people who are either unserved or underserved and awaiting additional services. The regulatory change is primarily cosmetic in changing "waiting list" to "service access list," and to incorporate the division's policy regarding such lists.

Economic Impact: None anticipated due only to this clarification. Costs involved relate to services that are actually funded and accessed.

Bearer of Cost: None.

Affected Parties: CDDOs, CSPs and people waiting for services.

Other Methods: This was determined the most appropriate method for the desired outcome, rather than a statutory or policy change. The policy governing service access lists was developed through the jointly-created SRS Health Care Policy/CDDO policy protocol, which incorporates stakeholder input.

**30-64-31. Council of community members.** This regulation is being amended to add that councils of community members are responsible for overseeing development, implementation and progress reporting as to local capacity building plans, in accordance with guidelines provided by the division.

Economic Impact: None anticipated by this duty alone; implementation of plan costs would depend upon the provisions of local plans, and those plans would need to include anticipated ways to address unmet local needs and/or enhance service efficiencies. The economic impact of that process is not yet capable of determination.

Bearer of Cost: Not yet capable of determination.

Affected Parties: CDDOs, community service providers, councils of community members and people receiving services in the community.

Other Methods: No other methods were considered as the Legislature amended K.S.A. 39-1804 specifying this requirement for the councils of community members. A work group of stakeholders was convened to develop core planning/reporting requirements for local capacity building plans.

**30-64-32. Dispute resolution.** This regulation is being streamlined and puts specific timelines on local dispute resolution processes, and adds a step to the process that will allow bringing the dispute to the division for decision and broad-based resolution.

Economic Impact: The primary anticipated economic impact would be upon SRS in the workload of staff to address disputes that are brought to them for resolution. It may become necessary—depending upon the number of disputes brought to SRS—to add staff resource designated to address these issues, which would be estimated at \$44,770 annually.

Bearer of Cost: State of Kansas, SRS, Health Care Policy.

Affected Parties: CDDOs, community services providers and/or people receiving services who have a dispute related to service delivery or service system management.

Other Methods: This was determined the most appropriate method for the desired outcome, rather than a statutory or policy change. A work group of system stakeholders had input into the drafting of this regulatory change.

**30-64-34. Annual budget planning report.** This regulation is being repealed. The issues involved in this regulation are handled through ongoing CDDO reporting to the division's BASIS data system.

No economic or other impact is anticipated by this change—it conforms to actual current practice.

Janet Schalansky  
Secretary of Social and  
Rehabilitation Services

Doc. No. 027170

## State of Kansas

### Social and Rehabilitation Services

#### Notice of ICF/MR Cost Center Limits

The following ICF/MR cost center limits are being set forth as the final cost center limits following a 30-day public comment period that expired October 6, 2001. K.A.R. 30-10-214 provides for the annual determination of ICF/MR cost center limits, approved and reviewed by the secretary of SRS or designee, based on cost information supplied by the licensed providers and a formula set forth in the Kansas State Medicaid Plan (attachment 4.19-D, Part II, Subpart 0, page 1).

The formula is as follows: total allowable costs, including an inflation factor, are compared to the amount to be reimbursed under the current limits. The required threshold is 75 percent of all ICF/MR facilities are reimbursed 95 percent of their allowable costs. If less than 75 percent of the facilities are reimbursed 95 percent of their allowable costs, then cost limits are adjusted upward until the threshold is met. The inflation factor is 2.5 percent.

To determine where to make the adjustment, the two major cost centers are analyzed according to the following prescription:

Administrative costs are based on facility size.  
Habilitation costs are based on facility size *and* level of care.

The cost analysis for 2001 cost center limits revealed that 68 percent of ICF/MR facilities were reimbursed 95 percent of their costs. An adjustment was required. To determine where the adjustment should be, each group of ICFs/MR were reviewed, according to the above prescription.

#### Cost Analysis

The A-size facilities are the largest, 16+ beds, and the fewest (2) in number. Their total allowable costs exceeded the threshold: 100.83 percent and 96.52 percent.

There are eight, B-size, or medium, facilities (9-16 beds). The configuration of this group makes it difficult to address the discrepancies in the cost reimbursement of their two cost centers. As a group, they had an average 93.36 percent cost reimbursement for administration, even though four, or half, of these facilities had 99 percent or better reimbursement. The high cost and low reimbursement of three facilities, owned by the same corporate entity, lowered the average of the group.

The habilitation costs were compared according to level of care. This B-size group has four levels of care: four Level 1 facilities, one Level 2 facility, one Level 3 facility, and two Level 4 facilities. The comparison groups were considered too small to yield meaningful information on which to base an increase in cost limits.

The C-size facilities are the smallest in size (4-8 beds) and the most numerous (24). Twenty of these facilities are Level 1.

As a group, their administrative costs are considered too disparate to achieve parity with a reasonable increase in cost limits. However, the habilitation costs of 15 out of the 20 Level 1 facilities exceeded the current habilitation limit of \$170. This seemed to be an area where an increase in cost limits was warranted. An increase of \$15.50, to \$185.50 from the current limit of \$170, would bring two additional size C, Level 1 facilities up to the 95 percent reimbursement of total allowable costs, meeting the threshold.

The total costs of the Level 2 and the Level 3 C-size facilities exceed the 95 percent reimbursement.

In summary, the cost analysis indicated that an increase in the habilitation cost limit for small, Level 1 ICFs/MR from \$170 to \$185.50 would benefit the greatest number of facilities and also meet the threshold of 75 percent facilities reimbursed 95 percent of their allowable costs.

#### Fiscal Impact

The fiscal impact of this proposed increase in size C habilitation cost center is \$957,284. The breakdown is \$384,349 state general funds and \$572,934 federal financial participation.

The rate effective date (RED) for the revised cost center limits is October 1, 2001.

Janet Schalansky  
Secretary of Social and  
Rehabilitation Services

Doc. No. 027171

## State of Kansas

## Department of Agriculture

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, December 20, in Room 401 of the Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Weights and Measures Program.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located on the southwest corner of 9th and Jackson, and the north entrance to the building is accessible to individuals with disabilities.

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

**K.A.R. 99-25-1** — Updates references to the current edition of the National Institute of Standards and Technology Handbook 44.

**K.A.R. 99-25-3** — Adopts uniform language regarding weighing and measuring devices; adds an exemption from the requirement for obtaining a certificate of conformance for certain devices.

**K.A.R. 99-25-4** — Makes editorial changes for clarity of the rule and does not change the scope or intent of the regulation.

**K.A.R. 99-25-6** — Permits the use of e-mail as a means to notify the agency of a nonconforming weighing and measuring device; makes editorial changes for clarity of the rule.

**K.A.R. 99-25-7** — Adds a requirement to obtain report forms from the agency; makes editorial changes for clarity of the rule.

**K.A.R. 99-25-9** — Updates references to the current edition of the National Institute of Standards and Technology Handbook 130; consolidates several current regulations adopting handbook 130 into this one regulation.

**K.A.R. 99-26-1** — Raises the fees charged for metrology services from \$30 per hour to \$50 per hour.

**K.A.R. 99-27-2, 99-27-3, 99-27-4 and 99-27-5** — Make editorial changes for clarity of these rules; and revise the legislative history to include the statutes governing both

the inspection of petroleum products and motor vehicle fuel or liquid fuel dispensing devices.

**K.A.R. 99-30-2** — Adds language to more accurately define technical representatives required to be listed on license application forms; does not change scope or intent of the regulation.

**K.A.R. 99-30-3 and K.A.R. 99-30-4** — Make editorial changes for clarity of the rule and do not change the scope or intent of the regulation.

**K.A.R. 99-30-5** — Clarifies the acceptability of submitting inspection reports by facsimile; makes editorial changes for clarity of the rule.

**K.A.R. 99-30-6** — Identifies the placed-in-service report; makes editorial changes for clarity of this rule.

**K.A.R. 99-31-2** — Adds language to more accurately define technical representatives required to be listed on license application forms; does not change scope or intent of the regulation.

**K.A.R. 99-31-3 and 99-31-4** — Make editorial changes for clarity of the rule.

**K.A.R. 99-31-5** — Clarifies the acceptability of submitting inspection reports by facsimile; makes editorial changes for clarity of this rule.

**K.A.R. 99-31-6** — Identifies the placed-in-service report; makes editorial changes for clarity of this rule.

**K.A.R. 99-40-3** — Removes requirement pertaining to the maximum Reid vapor pressure of gasoline; removes an obsolete requirement applicable to leaded gasoline; makes editorial changes for clarity of this rule.

**K.A.R. 99-8-8, 99-8-9, 99-9-1, 99-10-1, 99-40-1, 99-40-21, 99-40-22, 99-40-23, 99-40-24, 99-40-25, 99-40-26, 99-40-27, 99-40-28, 99-40-29, 99-40-30, 99-40-31, 99-40-32, 99-40-33, 99-40-34, 99-40-35, 99-40-36, 99-40-37, 99-40-38, 99-40-39, 99-40-40, 99-40-41, 99-40-42, 99-40-43, 99-40-44, 99-40-45, 99-40-46, 99-40-47, 99-40-100, 99-40-101, 99-40-104, 99-40-105** — The proposals revoke obsolete regulations.

With the exception of the proposed fee increase for metrology services (K.A.R. 99-26-1), no direct or indirect costs are anticipated to impact the Department of Agriculture, other governmental units or agencies, regulated entities or private citizens. The costs of the proposed fee increase for metrology services will be directly borne by weighing and measuring device service companies that utilize metrology services. Based upon costs charged to current customers for metrology services, the increase in fees is estimated at a range of \$20 to \$640 per weighing and measuring device service company. The increased fee for metrology services could indirectly increase costs for persons and businesses that utilize the services of private weighing and measuring service companies. These rule changes will not increase nor decrease revenues of cities, counties or school districts. It does not impose functions or responsibilities on cities, counties or school districts.

Copies of the regulations and their economic impact statements may be obtained from the Department of Agriculture, (785) 296-4623.

Jamie Clover Adams  
Secretary of Agriculture

Doc. No. 027163

State of Kansas

State Fire Marshal

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, December 18, in the Florentine Room, Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the adoption of rules and regulations of the State Fire Marshal's Office.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Dan Thompson, State Fire Marshal's Office, Suite 600, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Nan Hipsher at (785) 296-1803 or TTY 1-800-966-3777. Handicapped parking is located in the vicinity of the building. The west entrance to the building is accessible to individuals with disabilities.

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

**K.A.R. 22-24-1 through K.A.R. 22-24-18.** These regulations address the development and operation of regional hazardous materials response teams across the state of Kansas. Areas addressed are response areas; adoption of standards; qualifications of team members; composition of teams; responsibilities of teams; reporting and documentation; emergency planning; emergency response assistance; review and evaluation of response; supplies, equipment and vehicles; equipment for chemical assessment teams; emergency response and dispatch criteria; cost recovery; coordinating emergency response activities; liability; workers compensation; and advisory committee.

Federal Mandates: None.

Economic Impact: No adverse impact to affected parties.

Bearer of Costs: The State Fire Marshal's fee fund.

Affected Parties: State Fire Marshal's Office; other governmental agencies; citizens; facilities, shippers, transportation entities.

Other Methods: After consideration by the Kansas Legislature and after assessing proposals from various state agencies, this proposal was deemed the most economically feasible and appropriate for the State of Kansas.

Copies of these regulations and their economic impact statements may be obtained by contacting the State Fire Marshal's Office.

Gale Haag  
State Fire Marshal

Doc. No. 027166

(Published in the Kansas Register October 18, 2001.)

Notice of Redemption  
Rural Water District No. 4  
Sedgwick County, Kansas  
Water Utility Refunding Revenue Bonds  
Series 1996  
Dated September 1, 1996

Notice is hereby given that pursuant to Resolution 2001-1 of the governing body of Rural Water District No. 4, Sedgwick County, Kansas, and Section 3 of Resolution 96-1 dated August 15, 1996, the following outstanding Rural Water District No. 4, Sedgwick County, Kansas, Water Utility Refunding Revenue Bonds, Series 1996, dated September 1, 1996, maturing on and after December 1, 2001, have been called for redemption and prepayment on December 1, 2001 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein.

Date	Principal Amount	Interest Rate	CUSIP
December 1, 2002	105,000	5.30%	815363BJ4
December 1, 2003	110,000	5.40%	815363BK1
December 1, 2004	115,000	5.60%	815363BL9
December 1, 2005	120,000	5.75%	815363BM7
December 1, 2006	125,000	5.90%	815363BN5
December 1, 2007	135,000	6.00%	815363BP0
December 1, 2008	145,000	6.00%	815363BQ8
December 1, 2012	685,000	6.00%	815363BR6

The principal amount of the above described Series 1996 Bonds shall become due and payable on December 1, 2001, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date.

On December 1, 2001, provided that funds are on hand to pay the specified redemption price, all outstanding Series 1996 bonds will become due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, and from and after December 1, 2001, all interest on the Series 1996 Bonds will cease to accrue thereon.

Under the Interest and Dividend Tax Compliance Act of 1983 [Section 3406(a)(1) of the Internal Revenue Code of 1986], as amended, paying agents making payment of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment. Holders of the Series 1996 Bonds who desire to avoid the imposition of said tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated September 28, 2001.

Rural Water District No. 4  
Sedgwick County, Kansas

Doc. No. 027165

## State of Kansas

## State Bank Commissioner

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, December 17, in the conference room of the Office of the State Bank Commissioner (OSBC), Suite 300, 700 S.W. Jackson, Topeka, to consider the adoption of changes to Kansas Administrative Regulations concerning state-chartered banks and trust companies. The regulations that will be considered at the meeting are as follows:

**K.A.R. 17-11-14. Directors' meetings.** This regulation sets out the items to be reviewed at a bank or trust company's board of directors' meeting. The regulation is being amended to clarify that the OSBC expects the board to review all of the regulatory reports, state or federal, which have been received since the board's last meeting. Currently, the regulation only requires review of the last state or FDIC report that was received. There should be no economic impact associated with this regulatory change.

**K.A.R. 17-11-18. Loans; documentation requirements.** This regulation is being amended to change the dollar level at which title insurance or a title opinion is required on a real estate loan. The OSBC is proposing to amend subsection (b) to allow an officer of the bank (or a designee) to conduct a simple lien search at the county register of deeds office on real estate loans between \$25,000 and \$50,000, and require title insurance or a title opinion on loans in excess \$50,000. The OSBC believes this amendment will provide a benefit to consumers, in the form of possible greater accessibility to smaller loans. And, as the cost of the title insurance has normally been passed on to the borrower, the amendment should result in a reduction in fees paid by consumers, while maintaining acceptable safety and soundness standards for state-chartered banks.

**K.A.R. 17-11-19. Charged-off assets; records.** This regulation is proposed to be amended to change the retention time for a charged-off asset ledger from permanent to 10 years after charge-off or 10 years after the last payment is received on the debt, whichever is later. The economic impact of reducing the time frame for retention of this record would be a reduction in recordkeeping costs to the bank, including personnel costs for maintenance of the records, and possible storage costs. A dollar figure is unknown, but is likely minimal in terms of a particular bank's bottom line.

**K.A.R. 17-11-21. Appraisals and evaluations.** An amendment is proposed to clarify when an appraisal is required if there are new moneys advanced on an existing loan. The OSBC's intent is to make the state requirement consistent with the FDIC's regulation on this subject. It will simplify compliance for banks to have a common rule to follow on this subject at the state and federal level. The OSBC does not perceive any economic impact as a result of the change.

**K.A.R. 17-16-2. Application; contents.** This regulation specifies the information required in a new charter application. The OSBC is proposing amendments to put into

regulation form the information that is currently being requested in the application. This regulatory change should have no economic impact on new charter applicants, the OSBC or the public.

**K.A.R. 17-23-1. Definitions.** This regulation contains the definitions for terms used in all of the other trust regulations. Expanding the definitions in subsections (d) and (f) will allow funds held as custodian under any uniform transfers to minors act or uniform gifts to minors act, to be invested in a collective investment fund authorized in K.A.R. 17-23-11. Prior to this amendment, the definition encompassed only the fiduciary relationship under the *Kansas Uniform Transfers to Minors Act*, K.S.A. 38-1701 et seq. This amendment will provide more operational flexibility to custodians.

The other substantive amendment is found in subsection (h). The amendment is intended to clarify that a "fiduciary," for purposes of the regulation, is a person or entity that has investment discretion or authority. If the person or entity does not fall in one of the listed categories, or does not have investment discretion or authority, that person or entity would not be a "fiduciary" under the regulation. Finally, the old (r) and (s) are rewritten and inserted into the definition list in (b), (q) and (l). The OSBC perceives no economic impact as a result of any of the changes to this regulation.

**K.A.R. 17-23-3. Administration of fiduciary powers.** This regulation allows for designation of a trust committee by the board of directors to administer the trust functions of the bank or trust company. Revisions are being proposed merely to address structural inconsistencies within the regulation, and not to change the meaning or how it is applied. Therefore, there should be no economic impact as a result of these amendments.

**K.A.R. 17-23-6. Funds awaiting investment or distribution.** This regulation sets out the general prohibition against allowing fiduciary funds to remain uninvested and undistributed for any longer than reasonable for proper account management. The regulation allows fiduciary funds held by a bank or trust company that are awaiting investment to be deposited in a bank. If the deposits, per fiduciary account, exceed FDIC limits, the regulation requires the bank of deposit to set aside securities to cover those excess amounts. The proposed amendment in (b) (1) specifies that securities that are deposited or substituted as collateral must at all times be at least equal in *market value* to the amount of the excess funds deposited. Prior to the amendment, it was only required that securities be equal in *face value* to the amount of excess funds. Requiring market value, rather than face value, will provide more adequate security for the fiduciary funds. As a practical matter, trustees are already using market value as the standard for collateralizing trust deposits. Therefore, this change should not have any economic impact.

**K.A.R. 17-23-8. Self-dealing.** Paragraph (b) (1) was restructured for technical reasons. It also adds an additional provision clarifying that the bank or trust company may lend, sell or otherwise transfer assets held in a fiduciary capacity to directors, officers or employees if such a transaction is required in writing by this office. Paragraph (b) (2) grants specific authority for a bank or trust company



to lend funds held in trust in the bank's own employee benefit plan to directors, officers and employees who are participants in the plan, in accordance with section 408 of ERISA. ERISA specifically authorizes loans to participants and beneficiaries of such plans under certain circumstances. This provision is being added in order to be consistent with the regulations of the Office of the Comptroller of the Currency (OCC), and should not have any economic impact.

**K.A.R. 17-23-9. Custody of investments.** Before the proposed amendments, the regulation's language required any fiduciary assets held by someone other than the fiduciary to be held subject to a written agreement. However, the regulation did not specify the minimum terms the OSBC believes are necessary to include in the agreement. The proposed amendments to subsection (b) specify these minimum requirements. In addition, the amendments are intended to clarify that the nature of the relationship established by any such agreement should be custodial in nature, so that the fiduciary assets remain under the ultimate control of the fiduciary. Other amendments were technical in nature. All regulated entities with assets being held by a third party already have some sort of custody agreement in place. The amendments are to provide clarity with respect to specific provision that must be contained in the agreement. Except for the minimal administrative costs that *may* be required for an entity to make technical changes to existing agreements, there should be no economic impact.

**K.A.R. 17-23-11. Collective investment.** This regulation allows state banks and trust companies to invest fiduciary assets in collective investment funds. All proposed changes to this regulation are to promote efficient management of a collective investment fund, and are to provide consistency with OCC regulations concerning such funds. To the extent that the changes result in operation efficiencies, the economic impact would be positive for collective investment fund providers.

**K.A.R. 17-23-14. Time of notification for securities transactions.** This regulation requires that notifications be provided at certain intervals for all securities transactions that occur in connection with trust accounts. An amendment is proposed that would allow a trust agreement to specify notification intervals that are different from those specified in the regulation. Such an amendment will give additional control to the person establishing the trust to specify the timing in which notifications are provided by the trustee. The proposal should have no economic impact.

**K.A.R. 17-23-15. Securities trading policies and procedures.** The OSBC proposes to revoke this regulation, as a similar requirement is already in federal law that adequately addresses this issue and is applicable to most regulated entities. Also, the OSBC believes examiners have adequate tools to assess such conflict of interest issues without requiring this record to be maintained. While revocation of this regulation could result in minimal savings in recordkeeping costs to some regulated entities, the economic impact is perceived as negligible.

A copy of the proposed regulations and the economic impact statement may be obtained by contacting Jenna

Hall, Consumer Relations Officer, Office of the State Bank Commissioner, Suite 300, 700 S.W. Jackson, Topeka, 66603, (785) 296-2266. The standard departmental cost will be assessed for any copies requested.

This 60-day notice of hearing shall constitute a public comment period for the purpose of receiving public comments on the proposed regulations. Written comments should be submitted prior to the hearing to Franklin W. Nelson, State Bank Commissioner, at the address listed above. Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulation. However, presentations should be in writing whenever possible.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days before the hearing by contacting Jenna Hall at (785) 296-2266 or fax (785) 296-0168.

Franklin W. Nelson  
State Bank Commissioner

Doc. No. 027164

(Published in the Kansas Register October 18, 2001.)

## City of Wichita, Kansas

### Notice to Bidders

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, November 16, for the following project:

#### **KDOT Project No. 87 N-0195-01/472-83262/706817 (OCA Code 706817)**

#### **Paving**

Improving and widening Maple from 135th Street West to 119th Street West (north of Kellogg, 135th West to 119th West)

Requests for the bid documents and plans should be directed to City Blue Print, (316) 265-6224, or Sandra Loggins, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

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

The successful bidder may contact Pam Plank at (316) 268-4499 or Sandra Loggins at (316) 268-4488 for extra sets of plans and specifications.

Sandra Loggins  
Administrative Aide  
City of Wichita—Engineering

Doc. No. 027169

## State of Kansas

## Commission on Disability Concerns

## Notice of Meeting

The Kansas Commission on Disability Concerns will conduct its winter board meeting from 1 to 4 p.m. Thursday, October 18, and from 9 a.m. to noon Friday, October 19, in the Disability Determination Services conference room, Suite 100, 3640 S.W. Topeka Blvd., Topeka. Current photo identification must be shown in order to participate in the meeting.

Persons requiring special accommodations are asked to call the Kansas Commission on Disability Concerns' toll free voice at 1-800-295-5232 (outside of Topeka), (785) 296-1722 (local), or toll free TTY 877-340-5874 (outside of Topeka) or (785) 296-5044 (local TTY).

Richard E. Beyer  
Secretary of Human Resources

Doc. No. 027160

(Published in the Kansas Register October 18, 2001.)

## City of Overland Park, Kansas

## Notice to Bidders

Sealed bids for **Roadway Improvements—110th Street and Lamar Avenue Roundabout**, will be received by the City of Overland Park, Kansas, at the office of the City Clerk, City Hall, 8500 Santa Fe Drive, Overland Park, 66212, until 2 p.m. local time November 20. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the City Clerk of Overland Park, Kansas, and marked "Bid for Roadway Improvements—110th Street and Lamar Avenue Roundabout." Copies of plans, specifications, bid documents and other contract documents are on file at the office of Olsson Associates, 8301 State Line Road, Suite 101, Kansas City, MO 64114, (816) 861-1177. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from Olsson Associates upon payment of \$75, which amount is not refundable.

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations and shall include in its bid a sum to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC-2 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures, the signature shall be long hand, and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

The following items must be included in the sealed envelope with the bid:

- a. Bid
- b. 5% Bid Security—Bid Bond, Cashier's Check or Certified Check (See below.)
- c. Signed Documents (KDOT Certifications)
  - Certification—Noncollusion & History of Debarment
  - Certification—Federal Funds for Lobbying
  - Required Contract Provisions—Certification—Contractual Services with Current Legislator or Legislator's Firm
  - Required Contract Provision—DBE Contract Goals

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the City of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the City of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk, prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

Mary Lou McCann  
Public Works Department  
City of Overland Park, Kansas

Doc. No. 027172

## 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 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 Web site at [www.kssos.org](http://www.kssos.org). The following appointments were recently filed with the Secretary of State:

## Board of Adult Care Home Administrators

**Rosemary Fi Choate**, 2460 Spring Hill Road, Victoria, 67671. Term expires June 30, 2003. Succeeds Cynthia Kelly.

**Lou A. Esplund**, Minneola Nursing Home, Box 10, Minneola, 67865. Term expires June 30, 2003. Reappointed.

**Dr. Daniel Swagerty**, University of Kansas Medical Center, 3901 Rainbow Blvd., Kansas City, KS 66160. Term expires June 30, 2003. Succeeds Delores Schmeidler.

## Kansas Arts Commission

**Lisa Adkins, ex officio member**, 8021 Belinder Road, Leawood, 66206. Serves at the pleasure of the Governor.

**Martin W. Bauer, Chair**, 100 N. Broadway, Suite 500, Wichita, 67202. Term expires June 30, 2002. Reappointed.

**Elizabeth F. Fager**, 3320 S.W. Spring Creek Place, Topeka, 66614. Term expires June 30, 2004. Succeeds Raymond Olais.

**Mark S. Gilman**, 2602 W. 70th Terrace, Mission Hills, 66208. Term expires June 30, 2004. Succeeds Lisa Adkins.

**John C. Hunter, Vice Chair**, 1801 Webster, Topeka, 66604. Term expires June 30, 2003. Reappointed.

**Sharon Kriss**, 1820 Harvey Court, Colby, 67701. Term expires June 30, 2004. Succeeds Robert Feldt.

**Denice S. Morris**, 321 S. Denver, El Dorado, 67042. Term expires June 30, 2002. Reappointed.

**Burton M. Pell**, 3309 E. 13th, Box 8816, Wichita, 67208. Term expires June 30, 2003. Reappointed.

**Martha Rhea, Secretary-Treasurer**, 652 Rockview Road, Salina, 67401. Term expires June 30, 2004. Reappointed.

**Elwanda C. Richardson**, 4115 Lloyd, Kansas City, KS 66103. Term expires June 30, 2002. Reappointed.

**T.J. Snyder**, 6722 Willow Lane, Shawnee Mission, 66208. Term expires June 30, 2002. Reappointed.

**Kent Stehlik**, P.O. Box 43, Dodge City, 67801. Term expires June 30, 2003. Reappointed.

**Rosalie E. Summers**, 9112 Boxthorn St., Wichita, 67226. Term expires June 30, 2003. Reappointed.

## Kansas Commission for the Deaf and Hard of Hearing

**Kim B. Kurz**, 15251 W. 147th St., Olathe, 66062. Term expires April 29, 2003. Succeeds Jason Curry, resigned.

**Dr. Greg Ator**, 6535 Belinder Ave., Mission Hills, 66208. Term expires April 29, 2004. Succeeds Rebecca Gaughan.

**Gregory E. Heller**, 4988 W. 129th Place, Leawood, 66209. Term expires April 29, 2004. Succeeds Leonard Hall.

**Glenda J. Lickteig**, 827 E. Third, Hutchinson, 67501. Term expires April 29, 2004. Reappointed.

**Lori A. Price**, 14327 S.W. Phyllis Road, Rose Hill, 67133. Term expires April 29, 2004. Succeeds Michael Womeldorf.

## Kansas Planning Council on Developmental Disabilities Services

**Lorna F. Ford**, P.O. Box 33, Jetmore, 67854. Serves at the pleasure of the Governor. Succeeds Linda King, resigned.

## Coordinating Council on Early Childhood Developmental Services

**Sharon G. Hixon, Chair**, 2065 Chainey, #2, Garden City, 67846. Term expires July 31, 2005. Reappointed.

**Karla Kenton**, 3706 JP Drive, Hays, 67601. Term expires July 31, 2005. Reappointed.

**Maria Martinez**, 707 E. 6th, Hays, 67601. Term expires July 31, 2005. Succeeds Gloria Rader.

**Ellen Mellard**, 1250 Lecompton Road, Perry, 66073. Term expires July 31, 2005. Succeeds Christine Baird.

## Commission on Emergency Planning and Response

**Randall C. Duncan**, 535 N. Main, Suite B-10, Wichita, 67203. Term expires June 30, 2005. Reappointed.

**Britt T. McKinney**, 24 Locust Lane, Emporia, 66801. Term expires June 30, 2005. Succeeds Clay Warren.

**Jack Taylor**, P.O. Box 928, Emporia, 66801. Term expires June 30, 2005. Reappointed.

## Kansas Firefighters Memorial Advisory Committee

(Established by 2001 Session Laws of Kansas, Chapter 12. Members serve at the pleasure of the Governor.)

**Kent Boster**, 1102 N. Olive, Wellington, 67152.

**Lawrence D. Garcia**, Wichita Fire Department, 455 N. Main, Wichita, 67202.

**Earl Hemphill**, P.O. Box 112, Russell, 67665.

**Chris Herrera**, 808 S.E. 17th St., Topeka, 66607.

**Robert W. McLemore**, 585 N. Franklin, Colby, 67701.

**Steve D. Moody**, 2528 Edward, Salina, 67401.

**Christine Standard**, P.O. Box 91, Kismet, 67859.

(continued)

**Information Network of Kansas**

**Ronald V. Srajer**, 43 S.W. Randolph Square, Topeka, 66611. Term expires September 30, 2004. Succeeds Bill McBride.

**Kansas National Guard**

**Kenneth G. Gale, Judge Advocate General**, 7006 E. 10th, Wichita, 67206.

Ron Thornburgh  
Secretary of State

Doc. No. 027150

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. ONEOK Field Services Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a compressor engine. Emissions of oxides of nitrogen (NOx), carbon monoxide (CO) and volatile organic compounds (VOCs) were evaluated during the permit review process.

ONEOK Field Services Company, Tulsa, Oklahoma, owns and operates the stationary source located at the SW¼ of Section 17, Township 34 South, Range 14 West, Barber County, Kansas, at which the compressor engine is to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Ralph Walden, (785) 296-1583, at the KDHE central office, or David Butler, (620) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ralph Walden, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 19.

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

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 027183

**State of Kansas****Commission on Veterans' Affairs****Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, October 19, at the Kansas Soldiers' Home, 714 Sheridan, Fort Dodge. The public is invited to attend. For further information, call (785) 296-3976.

Stoney Wages  
Executive Director

Doc. No. 027168

**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. Koch & Company, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of volatile organic compounds (VOCs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Koch & Company, Inc. owns and operates a wood kitchen cabinet and door manufacturing facility located at 111 N. 1st St., Seneca.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 19.

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

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 027180

State of Kansas

Department of Corrections

Correction Notice Concerning Hearing on Proposed Administrative Regulations

All interested parties and members of the public are hereby notified that the notice of hearing on proposed administrative regulations issued by the Kansas Department of Corrections and published in the Vol. 20, No. 41, October 11, 2001 Kansas Register contained an error in regard to the telephone number for the TTY telephone line established for use by hearing-impaired individuals, which appears on page 1618 of the aforesaid issue. The prefix listed as "368" is incorrect. Instead, the correct TTY number is (785) 296-8157.

Charles E. Simmons  
Secretary of Corrections

Doc. No. 027186

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. Earthgrains Baking Companies, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen (NOx), carbon monoxide (CO), particulate matter (PM), particulate matter equal to or less than 10 micrometers in diameter (PM<sub>10</sub>), volatile organic compounds (VOC) and oxides of sulfur (SOx) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Earthgrains Baking Companies, Inc., St. Louis, Missouri, owns and operates a bakery located at 2530 Southeast Drive, Wichita, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Julie Ingoli, (785) 368-6683, 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 Julie Ingoli, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 19.

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

Clyde D. Graeber  
Secretary of Health and Environment

Doc. No. 027181

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Archer Daniels Midland Corporation (ADM) has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to add vegetable oil and distillate fuel oil to the approved fuels for an existing boiler. Emissions of oxides of nitrogen (NOx), oxides of sulfur (SOx), volatile organic compounds (VOCs), carbon monoxide (CO), particulate matter (PM) and particulate matter equal to or less than 10 microns in diameter (PM<sub>10</sub>) were evaluated during the permit review process.

Archer Daniels Midland Corporation (ADM), Decatur, Illinois, owns and operates the stationary source located at 6425 County Road 14, Goodland, Sherman County, Kansas, at which an existing boiler will be modified to burn natural gas, distillate fuel oil and vegetable oil.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact Herbert Buckland, (785) 296-6438, at the KDHE central office, or Richard Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Herbert Buckland, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 19.

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

Clyde D. Graeber  
Secretary of Health and Environment

Doc. No. 027182

## 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 and amending previously-issued construction approval. Prestige, 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. Notice also is given that certain requirements in the construction approval dated March 9, 1992, are being modified by a modification of approval conditions.

Prestige, Inc., Neodesha, owns and operates a wood kitchen cabinet and bathroom vanity manufacturing facility located at 1101 Illinois St., Neodesha.

A copy of the proposed permit, permit application, all supporting documentation, all information relied upon during the permit application review process and a copy of the modification of approval conditions are available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review either document, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or Lynelle Stranghoner, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the documents to Rasha Allen, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating final document decisions, written comments must be received by the close of business November 19.

A person may request a public hearing be held on the proposed documents. 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 19 in order for the Secretary of Health and Environment to consider the request.

The U.S. 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. 027179

## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. November 6 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

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

**Applications for Abandonment of Certificate of Public Service:**

**Agile Transportation, Inc.**, 3603 Belmont, Parsons, KS 67357-3725; MC ID No. 136739

**Rodney L. Koehn**, Route 1, Box 15A, Cottonwood, KS 66845; MC ID No. 150848

**Joe Reynolds, dba Reynolds Farms**, Route 1, Box 31A, Tribune, KS 67379; MC ID No. 156255

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

**Jayhawk Delivery & Storage Service, Inc.**, 528 Adams, Topeka, KS 66601, MC ID No. 13718, to: Jayhawk Moving & Storage, Inc., 528 Adams, Topeka, KS 66601; Jeffrey L. Ungerer, Attorney; Household goods

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 027176

State of Kansas
State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 53,000 cubic yard detention dam, Site 103 in Lyon County, will be received by the Rock Creek Watershed Joint District No. 84 at King Engineering, Inc., 307 Montana Ave., Holton, 66436-1127, (785) 364-4312, until 1 p.m. November 14. The bid opening is scheduled for 7 p.m. November 14 at the United Methodist Church, Dunlap. A copy of the invitation for bids and the plans and specifications can be reviewed at and/or obtained from the office of King Engineering, Inc., Holton. A \$25 nonrefundable deposit will be required for each set of plans requested.

Tracy D. Streeter
Executive Director

Doc. No. 027167

State of Kansas
State Corporation Commission

Notice of Motor Carrier Applications

The following motor carriers have filed various applications. All applications listed herein are for statewide authority, unless otherwise stated.

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike J. Hoeme, Director of Transportation, at the address above within 20 days of the date of publication of this notice.

Applications for Certificate of Public Service:

- Berkgren Chemical & Fertilizer, Inc., 2917 Highway 83, Oakley, KS 67748; MC ID No. 159729; William Barker, Attorney; General commodities (except household goods and hazardous materials)
D. J. Lee, Inc., 1000 Scott Blvd., South Hutchinson, KS 67505; MC ID No. 159727; General commodities (except household goods and hazardous materials)
Warren Davidson, dba Warren Davidson Trucking, 1702 Douglas, Hays, KS 67601; MC ID No. 161046; General commodities (except household goods)
Double L Trux, Inc., 1733 Elk Road, Clay Center, KS 67432; MC ID No. 160986; General commodities (except household goods and hazardous materials)
Rick Dreasher, dba Dreasher Trucking, 14176 102nd Road, Hoyt, KS 66440; MC ID No. 255626; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives, household goods and hazardous materials)
Bruce W. France, dba France Trucking, 6887 W. K-170 Hwy., Osage City, KS 66523; MC ID No. 161048; William Barker, Attorney; General commodities (except household goods and hazardous materials)
Scott Herlinger, dba Salon Scot T. Style, 713 Oregon St., Hiawatha, KS 66434; MC ID No. 159733; Wrecked, disabled, repossessed and replacement vehicles
Ronald Hexum, dba Hexum Trucking, 610 Everett St., Tea, SD 57064; MC ID No. 159726; General commodities (except household goods and hazardous materials)

- Audrey Allen Huntsinger, dba C.A. Towing, 211 W. 3rd, Cherryvale, KS 67335; MC ID No. 159730; Wrecked, disabled, repossessed and replacement vehicles
Michael Kidd, dba Kidd's Towing & Recovery, 3116 N. 49th Drive, Kansas City, KS 66104; MC ID No. 161078; Wrecked, disabled, repossessed and replacement vehicles
Par 3 Transportation, Inc., 705 N. Gordy, El Dorado, KS 67042; MC ID No. 159731; Tom Kelly, Attorney; General commodities (except household goods)
Titan Trucks, Inc., 306 Austin St., Levelland, TX 79336; MC ID No. 218259; Pat Phelan, Attorney; General commodities (except household goods and hazardous materials)
Valley Feeds Trucking, LLC, 1271 W. Fox Road, Long Island, KS 67647; MC ID No. 159728; General commodities (except household goods, passengers and hazardous materials)
William H. Williams, dba Williams Fertilizer Service, 611 E. Main, Council Grove, KS 66846; MC ID No. 161093; General commodities (except household goods and hazardous materials)
Raymond L. Winkler, dba Raymond L. Winkler Trucking, 201 Huron St., Plains, KS 67869; MC ID No. 159602; General commodities (except household goods and hazardous materials)

Mike J. Hoeme, Director
Transportation Division

Doc. No. 027177

State of Kansas
African-American Affairs
Advisory Commission

Notice of Meeting

The Kansas African-American Affairs Advisory Commission (KAAAC) will meet at 1 p.m. Friday, October 19, at the Kansas Department of Human Resources, 1430 S.W. Topeka Blvd., Topeka. The public is invited to attend. Those requiring special accommodations are asked to call the KAAAC at (785) 296-4874.

Pamela Johnson-Betts
Executive Director

Doc. No. 027184

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. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Table with 2 columns: Term, Rate. Rows include 1-89 days (2.42%), 3 months (2.18%), 6 months (2.20%), 1 year (2.36%), 18 months (2.60%), 2 years (2.85%).

Derl S. Treff
Director of Investments

Doc. No. 027159

State of Kansas

State Corporation Commission

Notice of Motor Carrier Tariff Filing/Rate Increase

The following motor carrier(s) have filed with the commission a tariff and/or a rate increase, which will be approved and filed by the commission and shall become effective 30 days from date of this publication, unless a written protest is received by the commission not later than 12 days before that date.

Requests to inspect and copy the notices provided to the parties and questions in regard to these tariffs should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151.

Application for Rate Decrease:

Security Transport Services, Inc., 1607 S.W. 41st St., Topeka, KS 66609; MC ID No. 139511

Mike J. Hoeme, Director
Transportation Division

Doc. No. 027175

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-01-337

Application(s) for New or Expansion of Existing Swine Facilities

Table with 3 columns: Name and Address of Applicant, Owner of Property Where Facility Will Be Located, Receiving Water. Includes details for Craig Strahm and Missouri River Basin.

This is an application for a permit for the modification and expansion of an existing facility. A new or modified permit will not be issued without additional public notice.

The application is for the expansion and modification of an existing swine and proposed poultry facility by constructing a swine finishing building for 1,200 head of swine greater than 55 pounds for a total capacity of 480 animal units.

Public Notice No. KS-AG-01-338/343

Pending Permits for Confined Feeding Facilities

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Includes details for West Plains Dairy and Scott County.

This is a permit for a new facility for 4,300 head (6,020 animal units) of mature dairy cattle.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Includes details for Pork Chop Acres, Inc. and Washington County.

This is a permit renewal for an existing facility for 240 head (96 animal units) of swine.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Includes details for Doug Schwartz and Washington County.

This is a renewal permit for an existing facility for 2,000 head (800 animal units) of swine.



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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ox Town Cattle Feeders, LLC P.O. Box 428 Tribune, KS 67879	NE/4 of Section 20, T16S, R40W, Greeley County	Smoky Hill River Basin

Kansas Permit No. A-SHGL-C001 Federal Permit No. KS0115665  
This is a renewal permit for an existing facility for 21,000 head (21,000 animal units) of beef cattle.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Pro Am Feedyard P.O. Box 448 Ulysses, KS 67880	SE/4 of Section 8, T31S, R37W, Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-C003 Federal Permit No. KS0090913  
This is a new permit for an expanding facility for 7,140 head (3,570 animal units) of beef cattle weighing less than 700 pounds.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. Dewatering equipment shall be obtained within six months after issuance of the permit. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Heath Farms, Inc. P.O. Box 974 6 W. Road 130 Dighton, KS 67839	NE/4 of Section 24, T20S, R28W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-B003  
This is a renewal permit for an existing facility for 400 head (400 animal units) of beef cattle.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

**Public Notice No. KS-01-145/147**

Name and Address of Applicant	Waterway	Type of Discharge
Moundridge, City of 225 S. Christian P.O. Box 636 Moundridge, KS 67107	Little Arkansas River via Black Kettle Creek	Treated Domestic Wastewater

Kansas Permit No. M-LA12-0001 Federal Permit No. KS0021008  
Legal: NE¼, S35, T21S, R2W, McPherson County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform 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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Rose Hill, City of 306 N. Rose Hill Road P.O. Box 175 Rose Hill, KS 67133	Walnut River via Eight Mile Creek	Treated Domestic Wastewater

Kansas Permit No. M-WA13-0001 Federal Permit No. KS0117048  
Legal: SE¼, S29, T28S, R3E, Butler County

Facility Description: The proposed action is to modify and reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform 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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Watco, Inc. 315 W. Third Pittsburg, KS 66762	Deer Creek via Unnamed Tributary	Washwater, Pit Dewatering and Uncontaminated Stormwater

Kansas Permit No. I-NE75-PO01 Federal Permit No. KS0095613  
Legal: S4 and 5, T33S, R22E, Cherokee County

Facility Description: The proposed action is to modify and reissue an existing permit for the discharge of wastewater. Coal from coal waste of the previous mining operation is recovered and processed on-site. Outfall 001 consists of washwater, mine pit dewatering and uncontaminated stormwater. A series of settling ponds removes suspended solids prior to discharge. The proposed permit includes limits for total suspended solids, total iron, total manganese, settleable solids and pH. Monitoring for effluent flow 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-01-024**

Name and Address of Applicant	Legal Location	Type of Discharge
Spring Lake Resort Wayne Gehring, Manager 1308 S. Spring Lake Road Halstead, KS 67056	NW¼, S28, T23S, R2W, Harvey County	Nonoverflow

Kansas Permit No. C-LA06-NO02  
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 three-cell wastewater stabilization lagoon. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its NPDES permit. 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).

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

(continued)

vision of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before November 17 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-337/343, KS-01-145/147, KS-ND-01-024) 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. McArto 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

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 027178

## State of Kansas

### Department of Administration Division of Purchases

#### Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, 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:

**Tuesday, October 30, 2001**

**04038**

Department of Administration, Division of Facilities  
Management—Install UPS and SRS Systems

**04151**

University of Kansas—Paint Spray Booth

**04163**

Topeka Correctional Facility—Perimeter Security  
Fencing

**04169**

Department of Transportation, Statewide—  
Automotive Lubricants

**Wednesday, October 31, 2001**

**04165**

Fort Hays State University—Rotary Screw Chiller

**Thursday, November 1, 2001**

**A-9345**

Fort Hays State University—Custer Hall South Wing

**Tuesday, November 6, 2001**

**A-9252**

Larned State Hospital—Reroof Staff Houses, Various  
Buildings

**A-9269**

Kansas Neurological Institute—Utility Tunnel Sump  
Pump and Ventilation

**Thursday, November 8, 2001**

**A-8160 (A)**

Emporia State University—Ventilation Improvement  
Project, King Hall

**Monday, November 26, 2001**

**04117**

Kansas State University—Aircraft Insurance, Salina

**Tuesday, December 4, 2001**

**04150**

University of Kansas Medical Center—Excess  
Professional Liability Insurance for Students in Medical  
School

**Wednesday, December 5, 2001**

**04154**

Department of Social and Rehabilitation Services—  
Individual Physicians Professional Liability Insurance

John T. Houlihan  
Director of Purchases

Doc. No. 027185

## State of Kansas

## Board of Technical Professions

Permanent Administrative  
Regulations

## Article 6.—PROFESSIONAL PRACTICE

**66-6-1. Seal.** (a) Each licensee shall obtain a seal of the design approved by the board in compliance with K.S.A. 74-7023, and amendments thereto. The seal may be a rubber stamp, an embossed seal, or a computer-generated seal.

(b) Each original drawing, document, technical report, legal description, record, and paper prepared by or under the direct supervision of the licensee in the licensee's professional capacity shall be stamped with the licensee's seal, unless the project is exempt from the requirements for licensure pursuant to K.S.A. 74-7031, K.S.A. 74-7032, K.S.A. 74-7033, K.S.A. 74-7034, or K.S.A. 74-7042, and amendments thereto.

After the licensee's seal has been applied to the original or record copy, the licensee shall place the licensee's handwritten signature and date across the seal. Computer-generated or other facsimile signatures and dates shall not be acceptable.

(c) Each licensee shall endeavor to take all practical measures to ensure that drawings and specifications are not utilized for projects that are not contemplated at the time of the completion of the drawings and specifications.

(d) Each licensee shall endeavor to ensure that the drawings and specifications as instruments of service remain the property of the licensee, whether the project for which they are made is executed or not.

(e) The owner may retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the owner's use and occupancy of the project.

(f) The licensee shall endeavor to ensure that the drawings and specifications are not used by the owner on any other projects, for additions to the contemplated project or for completion of this project, unless the licensee is in default or agrees, in writing, and receives appropriate compensation. (Authorized by K.S.A. 2000 Supp. 74-7013; implementing K.S.A. 74-7023; effective May 1, 1978; amended May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995; amended March 1, 1996; amended Feb. 6, 1998; amended Nov. 2, 2001.)

**66-6-4. Professional conduct.** (a) For the purposes of this regulation, "licensee" means an architect, a geologist, a landscape architect, a land surveyor, or a professional engineer licensed by the Kansas state board of technical professions.

(b) If any licensee's judgment is overruled under circumstances in which the safety, health, or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences, and the licensee shall notify the authority who issued the building permit or otherwise has jurisdiction.

(c) The licensee shall not advertise to perform or undertake to perform any assignment involving a specific

technical profession unless licensed and qualified by education and experience in that technical profession, as defined in K.S.A. 74-7003, and amendments thereto.

(d) A licensee in any technical profession shall not affix a personal signature, seal, or both to any plan or document dealing with subject matter that is outside the licensee's field of practice as defined by K.S.A. 74-7003, and amendments thereto. Additionally, as provided in K.S.A. 74-7023, and amendments thereto, a licensee in any technical profession shall not affix a personal signature, seal, or both to any plan or document of any individual licensed in a technical profession in another state, unless the licensee has completed a detailed review and evaluation of the documents and both individuals are licensed in the same field of practice.

(e) If the competence of any licensee to perform an assignment in a specific technical field is at issue, the licensee may be required by the board to pass an appropriate examination.

(f) In all professional reports, statements, and testimony, each licensee shall meet the following criteria:

- (1) Be completely objective and truthful; and
- (2) include all relevant and pertinent information.

(g) When serving as an expert or technical witness before any court, commission, or other tribunal, each licensee shall express only opinions founded on the following:

- (1) An adequate knowledge of the facts at issue;
- (2) a background of technical competence in the subject matter; and
- (3) an actual, good-faith belief of the accuracy and propriety of the licensee's testimony.

(h) If a licensee issues any statements, criticisms, or arguments on public policy matters that are inspired or paid for by any interested party or parties, those comments shall be prefaced by and include disclosure of the following:

- (1) The identities of the party or parties on whose behalf the licensee is speaking; and
- (2) the existence of any pecuniary interest of the licensee.

(i) Each licensee shall disclose all known or potential conflicts of interest to employers or clients by promptly informing them of any business association, interest, or any other circumstances that could influence that licensee's judgment or the quality of the licensee's services.

(j) A licensee shall not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(k) A licensee shall not solicit or accept financial or other valuable consideration, directly or indirectly, from either of the following:

- (1) Material or equipment suppliers for specifying their products; or
- (2) contractors, their agents, or other parties in connection with work for employers or clients for which the licensee is responsible.

(l) A licensee shall not solicit a contract from a governmental body on which a principal or officer of the li-

(continued)

censee's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.

(m) A licensee shall not offer, directly or indirectly, to pay a commission or other consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment agency for its services.

(n) In all contacts with prospective or existing clients or employers, each licensee shall accurately represent the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is claiming credit.

(o) A licensee shall not be associated with, or permit the use of the licensee's personal name or firm name in, a business venture being performed by any person or firm that the licensee knows, or has reason to believe, is engaging in either of the following:

(1) Business or professional practice of a fraudulent or dishonest nature; or

(2) a violation of K.S.A. 74-7001 *et seq.*, and amendments thereto, or the rules and regulations promulgated and adopted by the board, or both.

(p) Each licensee with knowledge of any alleged violation of K.S.A. 74-7001 *et seq.*, and amendments thereto, or the rules and regulations promulgated and adopted by the board, or both, shall perform the following:

(1) Report the alleged violation to the board; and

(2) cooperate with the board in furnishing information or any assistance that may be required.

(q) A licensee shall not assist any person in applying for registration if the licensee knows that person to be unqualified with respect to education, training, experience, or character.

(r) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause that in the state of Kansas would constitute a violation of Kansas law or of these regulations, or both, shall be grounds for a charge of violation of these regulations. (Authorized by and implementing K.S.A. 2000 Supp. 74-7013 and 74-7023; effective May 1, 1978; amended May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995; amended Feb. 4, 2000; amended Feb. 9, 2001; amended Nov. 2, 2001.)

#### Article 10.—EXPERIENCE

**66-10-12. Surveying experience of a character satisfactory to the board.** (a) (1) Land surveying experience shall meet the following criteria:

(A) Fall within the definition of "the practice of land surveying" in K.S.A. 74-7003, and amendments thereto; and

(B) be under the direct supervision of a licensed land surveyor for work performed after May 1, 1988.

(2) Each applicant shall supply at least three references from licensed land surveyors or licensed professional engineers who are familiar with the applicant's land surveying experience. At least one reference shall be from a licensed land surveyor.

(b) The following requirements shall be used to assign credit for work experience.

(1) Progressive land surveying experience shall include each of the following elements of professional land surveying:

(A) Project management;

(B) research;

(C) measurements and locations;

(D) computations and analysis;

(E) legal principles and reconciliation;

(F) land planning and design;

(G) monumentation; and

(H) documentation and land information systems.

(2) Land surveying experience normally identified with engineering projects, including construction staking, curb and gutter projects, sanitary sewers, and design surveys for highways or bridges other than those that relate to right-of-way surveys, shall not be considered progressive land surveying experience. This experience, however, may be considered by the board as basic land surveying experience.

(3) Teaching experience in land surveying courses in an accredited engineering or land surveying curriculum may be considered as equal to one year of basic land surveying experience.

(4) Through June 30, 2009, if the applicant provides a record of surveying and related technical education courses, including mathematics and drafting, the applicant may be given credit for 0.5 years of experience in basic land surveying for every 15 semester hours of these educational courses. (Authorized by K.S.A. 2000 Supp. 74-7013; implementing K.S.A. 74-7022; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995; amended Feb. 4, 2000; amended Feb. 9, 2001; amended Nov. 2, 2001.)

**66-10-13. Geology experience of a character that is satisfactory to the board.** (a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the discipline of geology in which the applicant claims qualification to practice and shall be verified as set forth in paragraph (b)(2) of this regulation.

(b) Geology experience shall meet these criteria:

(1) Fall within the definition of "the practice of geology" in K.S.A. 74-7003, and amendments thereto; and

(2) be directly supervised and verified by a licensed geologist for work performed after July 1, 2000. However, direct supervision of a licensed geologist shall not be required of the employees of any person, firm, or corporation that does not offer services in the technical professions to the public, although verification by the applicant's supervisor shall still be required.

(c) The following shall be used to assess credit for work experience:

(1) Experience credit shall not be allowed for work performed before graduation, except for experience gained under the provision of paragraph (c)(4) below.

(2) One year of credit toward the experience requirement may be given for a master's degree in geology or in a closely related specialty area acceptable to the board.

(3) Teaching geology in a college or university that offers an approved geology curriculum of four years or more may be considered geology experience.

(4) Credit may be given for 50% of the verified work experience obtained through a cooperative geology program approved by a school or university with an accredited geology curriculum. Credit for this work experience shall not exceed one year.

(d) Each applicant shall supply at least three references who are familiar with the applicant's geology experience. One reference may be a licensed professional engineer. Through June 30, 2002, an acceptable professional geologist reference shall be either of the following:

(1) A licensed geologist; or

(2) an individual certified by any of the following:

(A) The American institute of professional geologists (AIPG);

(B) the American association of petroleum geologists' division of professional affairs (AAPG); or

(C) the society of independent professional earth scientists (SIPES).

(e) On and after July 1, 2002, each applicant shall supply at least three references who are familiar with the applicant's geology experience. At least two of these references shall be licensed geologists. One of the three references may be a professional engineer. (Authorized by K.S.A. 2000 Supp. 74-7013; implementing K.S.A. 2000 Supp. 74-7041; effective Feb. 4, 2000; amended Feb. 9, 2001; amended Nov. 2, 2001.)

#### Article 14.—CONTINUING EDUCATION REQUIREMENTS

**66-14-5. Computation of credit.** (a) Continuing education credits shall be measured in professional development hours and shall be computed as follows:

(1) Successfully completing one hour of professional development education in coursework or seminars, or making professional or technical presentations at meetings, conventions, or conferences shall be the equivalent of one PDH.

(2) Teaching or instructing a qualified presentation, as referred to in K.A.R. 66-14-3(a)(5), shall constitute two PDH for each contact hour spent in the classroom. Teaching credit shall be valid for teaching a course or seminar in its initial presentation only. Full-time faculty at a college, university, or other educational institution shall not receive teaching credit for teaching their regularly assigned courses.

(3) Authoring a published paper, article, or book shall be the equivalent of 10 PDH.

(4) Actively participating in a technical profession society or organization shall be the equivalent of two PDH. An individual shall serve as an officer or actively participate in a committee of the organization, or both, in order to receive credit under this subsection. Professional development hours shall be limited to two PDH per organization and shall not be earned until the completion of each year of service.

(5) Successfully completing one university semester hour of credit shall be the equivalent of 45 PDH.

(6) Successfully completing one university quarter hour of credit shall be the equivalent of 30 PDH.

(7) Successfully completing one continuing education unit shall be the equivalent of 10 PDH.

(b) Final authority shall rest with the board, with respect to approval of courses, credits, and professional development hours for courses and other methods of earning credit. (Authorized by K.S.A. 2000 Supp. 74-7013; implementing K.S.A. 2000 Supp. 74-7025; effective March 1, 1996; amended Nov. 2, 2001.)

Betty L. Rose  
Executive Director

Doc. No. 027158

#### State of Kansas

### Kansas Public Employees Retirement System

#### Permanent Administrative Regulations

#### Article 5.—RETIREMENT

**80-5-19. Partial lump sum option; death of member.** (a) If a married member who has elected the partial lump sum option pursuant to K.S.A. 74-4918(3)(G), and amendments thereto, dies after the member's retirement date and before the distribution of the partial lump sum, the partial lump sum may be distributed to the member's surviving spouse.

(b) If an unmarried member who has elected the partial lump sum option pursuant to K.S.A. 74-4918(3)(G), and amendments thereto, dies after the member's retirement date and before the distribution of the partial lump sum, the partial lump sum may be distributed to the member's beneficiary or beneficiaries.

(c) To the extent allowed under federal tax law, any lump sum that is distributed to a surviving spouse as specified in subsection (a) may be rolled over to a traditional individual retirement account (IRA). (Authorized by K.S.A. 2000 Supp. 74-4909; implementing K.S.A. 2000 Supp. 74-4918, as amended by L. 2001, Ch. 209, Sec. 15; effective Nov. 2, 2001.)

**80-5-20. Partial lump sum option; commencement of monthly benefits.** (a) If a member elects a partial lump sum option pursuant to K.S.A. 74-4918(3)(G) and amendments thereto, the member's monthly payments shall commence on the first regular monthly payment date after the system has paid the member the partial lump sum distribution according to the option chosen.

(b) The member's first monthly benefit payment shall include all monthly payments that are due and owing on the date the first monthly payment is made. (Authorized by K.S.A. 2000 Supp. 74-4909; implementing K.S.A. 2000 Supp. 74-4918, as amended by L. 2001, Ch. 209, Sec. 15; effective Nov. 2, 2001.)

**80-5-21. Partial lump sum option; recovery of debt owed by member to system.** If a member elects a partial lump sum option pursuant to K.S.A. 74-4918(3)(G) and amendments thereto, any debt owed by the member to the system may be recovered as an offset against the member's partial lump sum distribution. (Authorized by K.S.A. 2000 Supp. 74-4909; implementing K.S.A. 2000

(continued)

Supp. 74-4918, as amended by L. 2001, Ch. 209, Sec. 15; effective Nov. 2, 2001.)

**80-5-22. Partial lump sum option; actuarial assumptions used in calculating partial lump sum distribution.** If a member elects a partial lump sum option pursuant to K.S.A. 74-4918(3)(G) and amendments thereto, the assumptions used in establishing the actuarial present value of the benefit shall consist of the following: (a) An assumed annual investment return of eight percent, compounded annually; and

(b) mortality rates in the "mortality table" adopted by the KPERS board of trustees on January 19, 2001, which is hereby adopted by reference. (Authorized by K.S.A. 2000 Supp. 74-4909; implementing K.S.A. 2000 Supp. 74-4918, as amended by L. 2001, Ch. 209, Sec. 15; effective Nov. 2, 2001.)

#### Article 9.—INVESTMENTS

**80-9-1. Common stock investment program.** (a) The term "book value," as used in K.S.A. 74-4921(5)(a) and amendments thereto, shall mean the original cost as adjusted according to generally accepted accounting principles, which shall be referred to as the "adjusted original cost."

(b) Compliance with K.S.A. 74-4921(5)(a), and amendments thereto, shall be measured by dividing the adjusted original cost of the system's common stock investments by the adjusted original cost of the system's aggregate investments in all asset classes. (Authorized by K.S.A. 2000 Supp. 74-4909; implementing K.S.A. 2000 Supp. 74-4921, as amended by L. 2001, Ch. 1, Sec. 1 and as amended by L. 2001, Ch. 209, Sec. 20; effective Nov. 2, 2001.)

**80-9-2. Alternative investment program.** (a) As used in K.S.A. 74-4921(5)(b), and amendments thereto, the following shall apply:

(1) The "total of such alternative investments" shall mean the total value of funds actually invested in alternative investments and shall not include amounts committed for future investment. The total value of funds actually invested in alternative investments shall be determined by using market-value methodology.

(2) The "total investment assets of the fund" shall be determined by using market-value methodology.

(b) Compliance with K.S.A. 74-4921(5)(b), and amendments thereto, shall be measured by dividing the market value of the system's alternative investments by the market value of the system's aggregate investments in all asset classes.

(c) The definition of "alternative investment" in K.S.A. 74-4921(b)(viii), and amendments thereto, shall not include securities traded pursuant to rule 144A of the general rules and regulations promulgated under the federal securities act of 1933. (Authorized by K.S.A. 2000 Supp. 74-4909; implementing K.S.A. 2000 Supp. 74-4921, as amended by L. 2001, Ch. 1, Sec. 1 and as amended by L. 2001, Ch. 209, Sec. 20; effective Nov. 2, 2001.)

Glenn Deck  
Executive Director

Doc. No. 027173

State of Kansas

Board of Accountancy

Permanent Administrative  
Regulations

#### Article 4.—PERMITS TO PRACTICE

**74-4-3a. Permit renewal.** (a) Each application for renewal of a permit shall be made on a form provided by the board.

(b) A renewal application that is insufficient shall not be processed and shall be returned to the applicant.

(1) An application shall be deemed insufficient if it meets any of the following conditions:

(A) Is not completely filled out;

(B) lacks the required documentation; or

(C) does not include the renewal fee.

(2) If the renewal fee is paid by credit card, the application shall be deemed insufficient if it meets either of the following conditions:

(A) The information necessary to process the credit card payment is deficient.

(B) The credit card company rejects payment. (Authorized by K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7; implementing K.S.A. 2000 Supp. 1-310, as amended by 2001 HB 2343, § 2 and K.S.A. 2000 Supp. 75-30,100; effective Nov. 17, 2000; amended Nov. 2, 2001.)

**74-4-4. Experience requirement for permits.** (a) The accounting experience required under K.S.A. 1-302b, and amendments thereto, may include any type of service or advice involving the use of attest or nonattest skills pursuant to K.S.A. 1-302b and amendments thereto. Attest and nonattest services shall be as defined in K.S.A. 1-321, and amendments thereto.

(b) One year of experience shall consist of full- or part-time employment that extends over a period of no less than one year and no more than three years and that includes no fewer than 2,000 hours of performance of services as described in subsection (a). (Authorized by K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7; implementing K.S.A. 2000 Supp. 1-302b, as amended by 2001 HB 2343, § 1; effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended Jan. 12, 1996; amended Sept. 25, 1998; amended Nov. 17, 2000; amended Nov. 2, 2001.)

**74-4-8. Continuing education programs; requirements.** (a) A program may be approved for continuing education credit under K.A.R. 74-4-7 if the program meets the following conditions:

(1) It is a formal program of learning that contributes directly to the professional competence of a permit holder and requires attendance.

(2) An outline of the program is prepared in advance and retained.

(3) The program is at least 50 minutes in length.

(4) The program is conducted by a person qualified in the subject area.

(5) A record of registration and attendance is retained.

(b) The following types of programs shall qualify as acceptable continuing education if they meet the requirements of subsection (a):

(1) Professional development programs of the American institute of certified public accountants, and of state societies and local chapters of certified public accountants;

(2) technical sessions at meetings of the American institute of certified public accountants, and of state societies and local chapters of certified public accountants;

(3) university or college credit courses. Each semester hour of credit shall equal 15 hours of continuing education credit. Each quarter hour of credit shall equal 10 hours of continuing education credit;

(4) university or college non-credit courses. These courses shall qualify for continuing education credit that equals the number of actual, full 50-minute class hours attended;

(5) formal, organized, in-firm or inter-firm educational programs; and

(6) programs in other accounting, management, industrial, or professional organizations.

(c) Formal correspondence or other individual self-study programs that require registration, have a post-examination to be graded, and provide certificates of satisfactory completion may qualify for continuing education credit. The amount of credit for these programs shall be determined by the board, as follows:

(1) Regular correspondence and self-study programs may receive one hour of continuing education credit for each 100 minutes spent on the course or program.

(2) Interactive self-study programs may receive one hour of continuing education credit for each 50 minutes spent on the interactive study program if the sponsors of such programs are approved either by the national continuing professional education registry or by a state society of certified public accountants.

(d) The maximum amount of credit that may be satisfied by individual correspondence or self-study programs shall be 48 hours, or 60 percent of the total required continuing education hours for the renewal period if the total required continuing education hours are less than 80 hours. The remainder of the requirement shall be satisfied by attendance at continuing professional education programs meeting the requirements of subsection (a) above. (Authorized by and implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7, K.S.A. 2000 Supp. 1-310, as amended by 2001 H.B. 2343, § 2, and K.S.A. 75-1119; effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1985; amended Feb. 14, 1994; amended Sept. 25, 1998; amended Nov. 2, 2001.)

#### Article 5.—RULES OF PROFESSIONAL CONDUCT

**74-5-2. Definitions.** The following definitions shall be applicable wherever this terminology is used in the rules of professional conduct:

(a) "Audit" means an independent examination of financial information of any entity, regardless of profit orientation, size, and legal form, if the examination is conducted to express an opinion thereon.

(b) "Board" means the Kansas state board of accountancy.

(c) "Certified public accountant" and "CPA" mean any of the following:

(1) A holder of a Kansas certificate;

(2) a person practicing certified public accountancy under the authorization to practice by notification as provided in K.S.A. 1-322 and amendments thereto; or

(3) a registered firm.

(d) "Client" means a person or entity that contracts with a permit holder to receive any professional service.

(e) "Compilation" shall be defined in K.S.A. 1-321 and amendments thereto.

(f) "Contingent fee" is any charge established for the performance of any services pursuant to an arrangement in which no charge will be made unless a specified finding or result is attained, or in which the amount of the charge is otherwise dependent upon the finding or result of these services. Fees fixed by courts or other public authorities, or in tax matters that are determined based on the results of judicial proceedings or the findings of governmental agencies, shall not be regarded as being contingent.

(g) "Enterprise" means any person or persons or entity, whether organized for profit or not, for which a certified public accountant provides services.

(h) "Financial planning" means the ongoing process of designing fiscal strategies and making planning decisions that are intended to implement goals, including assisting clients by organizing data, performing analyses, providing suggestions and recommendations, assisting in decision making, and facilitating the implementation of planning decisions.

(i) "Financial statements" means the following:

(1) The statements and related footnotes that purport to show financial position at a particular time or changes in financial position over a period of time;

(2) the statements that use a cash or other comprehensive basis of accounting; and

(3) the balance sheets, statements of income, statements of retained earnings, statements of cash flow, and statements of changes in owner's equity. Incidental financial data included in management advisory services reports to support recommendations to a client and tax returns and supporting schedules shall not constitute financial statements for purposes of this definition. The required affidavit or signature on tax returns prepared by a certified public accountant shall not constitute an opinion regarding financial statements.

(j) "Firm" means a proprietorship, partnership, limited liability partnership, professional corporation or association, limited liability company, or general corporation organized for the practice of certified public accountancy.

(k) "Licensed municipal public accountant" and "LMPA" mean a holder of a permit issued under the laws of Kansas to practice as a municipal public accountant.

(l) "Practice of certified public accountancy" means performing or offering to perform attest or nonattest services for the public while using the designation "certified public accountant" or "C.P.A." in conjunction with these services. "Attest" and "nonattest" services shall be as defined in K.S.A. 1-321 and amendments thereto.

(m) "Professional services" means any services performed or offered to be performed by a certified public

(continued)

accountant in the course of the practice of certified public accountancy.

(n) "Public communication" means any written, verbal, or electronic communication.

(o) "Review" means performing inquiry and analytical procedures that provide the accountant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the statements in order for them to be in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting. (Authorized by and implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7; and K.S.A. 75-1119; effective Jan. 1, 1974; amended May 1, 1978; amended May 1, 1979; amended May 1, 1985; amended July 22, 1991; amended July 13, 1992; amended April 5, 1993; amended Aug. 23, 1993; amended Jan. 12, 1996; amended Jan. 8, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001.)

**74-5-202. Auditing standards.** (a) A certified public accountant or a licensed municipal public accountant shall not permit the accountant's name to be associated with financial statements in a way that implies the accountant is acting as an independent certified public accountant or licensed municipal public accountant with respect to the financial statements unless the accountant has complied with applicable, generally accepted auditing standards as interpreted by statements on auditing standards issued by the American institute of certified public accountants in the AICPA professional standards, as adopted by reference in K.A.R. 74-11-6, and the 2001 revised "Kansas municipal audit guide," prescribed by the municipal accounting section of the division of accounts and reports, department of administration, and hereby adopted by reference.

(b) Each accountant who does not conform to those standards shall provide justification for this departure. (Authorized by and implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7 and K.S.A. 75-1119; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended May 22, 1989; amended Jan. 7, 1991; amended July 13, 1992; amended Aug. 23, 1993; amended Sept. 26, 1994; amended Jan. 12, 1996; amended Sept. 25, 1998; amended Sept. 10, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001.)

**74-5-205. Professional standards.** (a) Each certified public accountant who provides consulting or management advisory services shall conform to the "statement on standards for consulting services" (SSCS) in volume two of the AICPA professional standards, as adopted by reference in K.A.R. 74-11-6.

(b) Each certified public accountant who provides compilation and review services shall conform to the "statements on standards for accounting and review services" (SSARS) in volume two of the AICPA professional standards, as adopted by reference in K.A.R. 74-11-6.

(c) Each certified public accountant who provides attestation services shall conform to the "statements on standards for attestation engagements" (SSAE) in volume

one of the AICPA professional standards, as adopted by reference in K.A.R. 74-11-6.

(d) Each certified public accountant who prepares tax returns and provides advice on tax matters shall conform to the "statements on standards for tax services" (SSTS) in volume two of the AICPA professional standards, as adopted by reference in K.A.R. 74-11-6. (Authorized by and implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7; effective Nov. 17, 2000; amended Nov. 2, 2001.)

**74-5-302. Records.** (a) A certified public accountant shall furnish to that accountant's client or former client, upon request, a copy of the client's record, within a reasonable time after preparation of the document in question.

(b) A client's record shall include the following documents:

(1) The client's tax return;

(2) a copy of any report issued by the certified public accountant on behalf of the client;

(3) any document provided to the certified public accountant that was obtained from the client or received by the certified public accountant on the client's behalf;

(4) adjusting journal entries with explanations;

(5) working trial balances;

(6) tax journal entries;

(7) tax working trial balances;

(8) deferred tax calculations;

(9) depreciation schedules; and

(10) balance sheet accounts that list items and balances.

(c) A certified public accountant shall not be required to honor subsequent requests for copies of a client's records if the certified public accountant has previously produced the requested document. The certified public accountant may charge a reasonable fee for additional documents.

(d) Except for documents identified in paragraph (b)(3), a certified public accountant may require that all fees be paid before providing copies of a client's record. (Authorized by and implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended Nov. 2, 2001.)

**74-5-404a. Use of CPA designation while performing non-attest services.** (a) A person who has a Kansas permit to practice as a certified public accountant may use the "certified public accountant" or "CPA" designation when performing non-attest services in an organization that is not required to register as a firm.

(b) Non-attest services shall mean those services set forth in K.S.A. 1-321 and amendments thereto. (Authorized by and implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7; effective Jan. 8, 1999; amended Nov. 2, 2001.)

#### Article 7.—FIRM REGISTRATION

**74-7-3. Revocable living trusts.** An owner of a firm may include a partner, shareholder, member, or a trustee of a revocable living trust established by a licensed CPA or other natural person permitted to own an interest in a



firm pursuant to K.S.A. 1-308 and amendments thereto, if the terms of the trust include all of the following provisions:

(a) The CPA or other natural person is the principal beneficiary and a trustee of the trust.

(b) The CPA or other natural person has the unrestricted right to revoke the trust.

(c) The trust does not continue to hold an ownership interest in the firm following the death of the CPA or other natural person for more than a reasonable period of time necessary to dispose of the stock or ownership interest. (Authorized by K.S.A. 2000 Supp. 1-202, as amended by 2001 H.B. 2343, § 7; implementing K.S.A. 2000 Supp. 1-308; effective Nov. 2, 2001.)

#### Article 11.—PEER REVIEW PROGRAM

**74-11-6. Definitions.** The following definitions shall be applicable whenever used throughout article 11 pertaining to peer reviews: (a) "AICPA" means the American institute of certified public accountants.

(b) "AICPA professional standards" means the "AICPA professional standards," volumes 1 and 2, published by the American institute of certified public accountants, as in effect on June 1, 2001, which are hereby adopted by reference.

(c) "Firm" shall be as defined in K.S.A. 1-308 and amendments thereto.

(d) "Peer review" means a review of a firm's accounting and auditing practice in accordance with the standards for performing and reporting on peer reviews.

(e) "Peer review team" means persons or organizations participating in the peer review program required by the regulations in article 11. It shall specifically include the team captain, team members, the report acceptance committee, and the oversight body, but shall not include the board.

(f) "Standards for performing and reporting on peer reviews" means either of the following:

(1) The AICPA "statements on quality control standards" contained in volume two of the AICPA professional standards, as adopted by reference in this regulation; or

(2) standards published in the "AICPA SEC practice section reference manual" and in the "AICPA SEC practice section peer review program manual," as in effect on June 1, 2001, which are hereby adopted by reference.

(g) "Substantially similar review" means a peer review conducted in accordance with the provisions of this regulation and subject to the following requirements:

(1) The peer review team shall be approved by a nationally recognized accounting organization as having the qualifications, training, and experience to perform the peer review function required by this regulation.

(2)(A) The peer review shall be conducted pursuant to peer review standards as issued by a nationally recognized peer review program that has received prior approval by the board and incorporates the requirements of this regulation; or

(B) the peer review shall be conducted pursuant to a written submission detailing the qualifications of the peer review team to conduct the peer review and providing a

written plan for the peer review illustrating the means of compliance with this regulation with the prior specific approval of the board.

(3) Each peer review program that has been approved by the board shall include a review of each peer review by a report acceptance committee. The report acceptance committee shall consist of at least three members currently active in public practice at a supervisory level in the accounting and auditing function of a firm that has already had a peer review in compliance with either this regulation or requirements substantially similar to those of this regulation. (Authorized by and implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7 and K.S.A. 2000 Supp. 1-501, as amended by 2001 HB 2343, § 6; effective Feb. 14, 1994; amended Sept. 25, 1998; amended Sept. 10, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001.)

**74-11-7. Peer review required.** (a) During the three-year period preceding the application for renewal of a firm registration, the firm shall have completed a peer review in accordance with the standards for performing and reporting on peer reviews, or shall submit a certification that the firm has completed a peer review program endorsed or supported by the AICPA or other substantially similar review unless the firm qualifies for a waiver.

(b) The date of the letter certifying completion of a peer review shall be considered as the effective date of completion for purposes of this requirement. The letter of completion shall be valid for three years from the date of issuance.

(c) Each application for renewal shall include one of the following:

(1) A letter certifying completion of peer review issued to the firm by the review acceptance committee; or

(2) a request for a waiver.

(d) If a firm has received a waiver pursuant to K.S.A. 1-501 and amendments thereto, before commencement of any attestation engagement, the firm shall have in place a system of internal quality control and shall notify the board. The firm shall provide a letter of completion to the board within 18 months after the date the report subject to peer review was issued. (Authorized by K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7; implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7; and K.S.A. 2000 Supp. 1-501, as amended by 2001 HB 2343, § 6; effective Feb. 14, 1994; amended Sept. 25, 1998; amended Nov. 2, 2001.)

**74-11-8 through 74-11-12.** (Authorized by and implementing K.S.A. 1997 Supp. 1-501; effective Feb. 14, 1994; amended Sept. 25, 1998; revoked Nov. 2, 2001.)

**74-11-13.** (Authorized by and implementing K.S.A. 1997 Supp. 1-501 and 1-311; effective Feb. 14, 1994; amended Sept. 25, 1998; revoked Nov. 2, 2001.)

**74-11-14.** (Authorized by K.S.A. 1997 Supp. 1-202 and 1-501 and implementing K.S.A. 1997 Supp. 1-501; effective Feb. 14, 1994; amended Sept. 25, 1998; revoked Nov. 2, 2001.)

**74-11-15. Peer review oversight.** (a) The board shall appoint a peer review oversight committee that shall

(continued)

monitor the peer review process to determine whether peer reviews are conducted in accordance with the standards for performing and reporting on peer reviews.

(b) The board shall appoint up to three persons to serve on the peer review oversight committee, each of whom shall meet the following qualifications:

- (1) Holds a current permit to practice certified public accountancy;
(2) has extensive experience in accounting and auditing services, as determined by the board; and
(3) is not a current member of the board of accountancy.

(c) Peer review oversight committee members may be reimbursed only for travel, lodging, and training expenses.

(d) The peer review oversight committee shall meet at least annually with an organization that provides a peer review program endorsed or supported by the AICPA or another substantially similar program for the purpose of determining whether peer reviews are being conducted in accordance with the standards for performing and reporting on peer reviews.

(e) The peer review committee shall meet at least two times a year with the report acceptance committee of an organization that provides a peer review program during the report acceptance committee's consideration of peer review documents, including conclusions in the report, letters of comments, responses to letters of comment, and follow-up action, if any.

(f) The peer review committee shall report at least annually to the board concerning the qualifications of an organization to conduct peer review programs. However, information concerning specific firms and reviewers shall be confidential and shall not be reported to the board. (Authorized by and implementing K.S.A. 2000 Supp. 1-202, as amended by 2001 HB 2343, § 7 and K.S.A. 2000 Supp. 1-501, as amended by 2001 HB 2343, § 6; effective Nov. 2, 2001.)

Article 12.—FEES

74-12-1. Fees. Each applicant shall submit the appropriate application form and fee as shown in the following schedule.

- (a) Issuance of Kansas certificate (initial or duplicate)..... \$25.00
(b) Issuance of reciprocal certificate..... \$250.00
(c) Initial permit to practice as a certified public accountant:
(1) For more than one year of a biennial period..... \$150.00
(2) For one year or less of a biennial period..... \$75.00
(d) Renewal of biennial permit to practice as certified public accountant:
(1) If received on or before July 1 of the renewal year in which the permit expires..... \$150.00
(2) If received after July 1 of the renewal year in which the permit expires..... \$225.00
(e) Reinstatement of permit to practice as a certified public accountant whose permit has expired:
(1) For more than one year of a biennial period..... \$225.00
(2) For one year or less of a biennial period..... \$112.50
(f) Issuance of a duplicate permit..... \$25.00
(g) Renewal of a biennial permit to practice as a licensed municipal public accountant:
(1) If received on or before July 1 of the odd-numbered renewal years..... \$50.00
(2) If received after July 1, or for reinstatement of a permit to practice that has been expired for one or more years..... \$75.00
(h) To proctor another state's candidate at a CPA examination in Kansas..... \$100.00
(i) Notification fee..... \$150.00
(j) Renewal of notification..... \$150.00
(k) Firm registration fee..... \$40.00

(Authorized by and implementing K.S.A. 2000 Supp. 1-301, as amended by 2001 SB 110, § 1, and K.S.A. 75-1119; effective May 1, 1988; amended May 22, 1989; amended Dec. 18, 1989; amended Sept. 26, 1994; amended Aug. 23, 1996; amended July 18, 1997; amended May 28, 1999; amended November 29, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001.)

Susan L. Somers
Executive Director

Doc. No. 027161

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes of the Kansas Administrative Regulations.

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28-19-719	New	V. 20, p. 492
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28-34-9a	Amended	V. 20, p. 107
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28-34-26	Revoked	V. 20, p. 323
28-34-27	Revoked	V. 20, p. 323
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28-34-54	Amended	V. 20, p. 456
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28-36-60	New (T)	V. 20, p. 1122
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28-38-23	Amended	V. 19, p. 1078-1080
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