



# Kansas Register

Ron Thornburgh, Secretary of State

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**Ron Thornburgh**  
**Secretary of State**  
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 (785) 296-4564  
 www.kssos.org



**Register Office:**  
 1st Floor, Memorial Hall  
 (785) 296-3489  
 Fax (785) 368-8024  
 kansasregister@kssos.org

## State of Kansas

## Children's Cabinet and Trust Fund

## Notice of Meeting

The Kansas Children's Cabinet and Trust Fund will conduct a board meeting from 9 a.m. to 2:30 p.m. Wednesday, October 17, in the lower level of the Hayden Building, 212 S.W. 8th Ave., Topeka. For more information, contact Dyogga Adegbore, program consultant, at (785) 368-7044.

Jim Redmon  
Executive Director

Doc. No. 034953

## State of Kansas

## Board of Pharmacy

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, December 12, at the Hayden Building, conference room, 212 S.W. 8th Ave., Topeka, to consider the amendment of K.A.R. 68-7-20 of the Kansas Pharmacy Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendment of K.A.R. 68-7-20. All interested parties may submit written comments prior to the hearing to Debra Billingsley, executive secretary of the Kansas Pharmacy Board, Room 560, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231, or e-mail to [pharmacy@pharmacy.ks.gov](mailto:pharmacy@pharmacy.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the amendment of the regulation 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 regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Pharmacy Board at the address above or by calling (785) 296-4056. Handicapped parking is located on the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

A summary of the proposed regulation follows:

**K.A.R. 68-7-20. Shared services.** This regulation establishes certain organizational and operational requirements that must be met by any pharmacy that engages in either shared order filling or shared order processing.

Copies of the regulation and the economic impact statement may be obtained by contacting the Kansas Pharmacy Board or by accessing the board's Web site at <http://www.accesskansas.org/pharmacy/leg.html>.

Debra Billingsley  
Executive Secretary

Doc. No. 034947

## State of Kansas

## Real Estate Appraisal Board

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, December 11, in the lower level conference room at 1100 S.W. Wanamaker Road, Topeka, to consider the adoption of K.A.R. 117-2-2a, 117-3-2a, 117-4-2a, 117-5-2a and 117-7-1.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, 1100 S.W. Wanamaker Road, Suite 104, Topeka, 66604. 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 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 Sally Pritchett at (785) 271-3373 or [cheryl.magathan@kreab.ks.gov](mailto:cheryl.magathan@kreab.ks.gov).

The proposed regulation amendments are for adoption on a permanent basis. A summary of the proposed amendments and the economic impact follows:

**117-2-2a. Licensed classification; experience supervision requirements.** This regulation is being changed to allow licensed experience to count toward the two years required for supervisors.

**117-3-2a. General classification; experience supervision requirements.** This regulation is being changed to allow licensed experience to count toward the two years required for supervisors.

**117-4-2a. Residential classification; experience supervision requirements.** This regulation is being changed to allow licensed experience to count toward the two years required for supervisors.

**117-5-2a. Provisional classification; supervised experience requirements.** This regulation is being changed to allow licensed experience to count toward the two years required for supervisors.

**117-7-1. Fees.** This regulation is being changed to increase the annual renewal fee from \$225 to \$250.

Copies of the regulations and the economic impact statements may be obtained by contacting the Kansas Real Estate Appraisal Board at (785) 271-3373, fax at (785) 271-3370, e-mail at [cheryl.magathan@kreab.ks.gov](mailto:cheryl.magathan@kreab.ks.gov), or from the board's Web site at [www.accesskansas.org/kreab](http://www.accesskansas.org/kreab).

Sally Pritchett  
Executive Director

Doc. No. 034944

## State of Kansas

## Department of Administration

## Public Notice

Under requirements of K.S.A. 2006 Supp. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$3,786,766.29 in the underground petroleum storage tank release trust fund and \$1,571,618.94 in the aboveground petroleum storage tank release trust fund at September 30, 2007.

Duane Goossen  
Secretary of Administration

Doc. No. 034951

## State of Kansas

## Kansas Insurance Department

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Monday, December 17, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed changes in an existing rule and regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Deletria Nash, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678, via facsimile at (785) 291-3673, or via e-mail at dnash@ksinsurance.org. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed amendments to the regulation during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Deletria Nash at (785) 296-4140 or via email at dnash@ksinsurance.org.

Any individual desiring a copy of this regulation and/or the policy and procedure that is being adopted by reference, if applicable, may obtain a copy from the department's Web site, [www.ksinsurance.org](http://www.ksinsurance.org) (under the Legal Issues link), or by contacting Deletria Nash. The charge for copies is 50 cents per page.

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

**K.A.R. 40-3-25. Same; writing of risks rates differently from normal market; requirements.** This regulation sets out statements that must be included on applications or policies for fire and casualty insurance when the insured has been issued a policy with a premium rate that is not from the normal market.

The primary changes to K.A.R. 40-3-25 are the addition of a definition of "normal market" and the inclusion of a provision regarding health care providers. The remaining changes are technical.

There is minimal economic impact on insurers, consumers, the Kansas Insurance Department, and other governmental agencies, if any, given that insurers currently comply with this regulation.

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 034959

## State of Kansas

## Kansas Insurance Department

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 2 p.m. Monday, December 17, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of a proposed rule and regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Deletria Nash, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678, via facsimile at (785) 291-3673, or via e-mail at dnash@ksinsurance.org. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Deletria Nash at (785) 296-4140 or via email at dnash@ksinsurance.org.

Any individual desiring a copy of this regulation and/or the policy and procedure that is being adopted by reference, if applicable, may obtain a copy from the department's Web site, [www.ksinsurance.org](http://www.ksinsurance.org) (under the Legal Issues link), or by contacting Deletria Nash. The charge for copies is 50 cents per page.

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

**K.A.R. 40-2-29. Life insurance; valuation of credit life insurance policies.** This proposed regulation adopts, by reference, the Kansas Insurance Department's policy and procedure regarding determining reserve liabilities for credit life insurance. The policy and procedures determine the minimum standard for valuation of life insurance policies and adopts the 2001 Male Composite Ultimate Mortality Table.

The economic impact on companies, consumers and the Kansas Insurance Department is positive, given that companies will be allowed to use a more current version of the mortality table when valuing its policies. The economic impact on other governmental agencies is minimal, if any.

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 034960

(Published in the Kansas Register October 11, 2007.)

## City of Wichita, Kansas

### Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, November 9, for the following project:

**(KDOT Project No. 87N-0359-01/  
472-84395/246127/775542)  
(OCA Code 715711/636148)  
Bridge-KDOT**

Hillside Bridge at Range Road over Gypsum Creek

Requests for the bid documents and plans should be directed to City Blue Print at (316) 265-6224 or Marty Murphy at (316) 268-4488. Other questions should be directed to the respective design engineer, (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 Kim Pelton at (316) 268-4499 for extra sets of plans and specifications.

Marty Murphy  
Administrative Aide  
City of Wichita—Engineering

Doc. No. 034945

## State of Kansas

### Board of Accountancy

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Friday, December 14, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Board of Accountancy.

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 executive director of the Board of Accountancy, Suite 556, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days

in advance of the hearing by contacting Judy Jenks at (785) 296-2162 or by e-mail at info@ksboa.ks.gov. Handicapped parking is located at the south end of Landon State Office Building, 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. 74-1-2. Determining and reporting examination grades.** Amendments to this regulation are to eliminate any reference to the paper examination.

**K.A.R. 74-1-3. Retaking the examination and granting of credits.** Amendments to this regulation are to eliminate any reference to the paper examination.

**K.A.R. 74-1-6. Refund of examination fees.** Amendments to this regulation are to eliminate any reference to the paper examination.

**K.A.R. 74-1-8. Administration of examination; cheating.** Amendments to this regulation are to eliminate any reference to the paper examination.

**K.A.R. 74-2-7. Concentration in accounting.** Amendments to this regulation are to specify the amount and type of alternative credits allowed under the concentration in accounting due to legislation passed in the 2007 session.

**K.A.R. 74-5-2. Definitions.** Amendments to this regulation update and add materials adopted by reference.

**K.A.R. 74-5-101. Independence.** Amendments to this regulation update materials adopted by reference.

**K.A.R. 74-5-201. Due professional competence.** Amendments to this regulation adopt materials by reference and change the heading of the regulation.

**K.A.R. 74-5-202. Compliance with standards.** Amendments to this regulation update materials adopted by reference.

**K.A.R. 74-5-204.** Revoked.

**K.A.R. 74-5-405a. Certified public accountants who own a separate business.** This new regulation adopts materials by reference relating to ethics required of a CPA with an ownership in a separate business.

**K.A.R. 74-5-406. Firm names.** Amendments to this regulation set forth firm name requirements for out-of-state firm registrations due to legislation passed in the 2007 session.

**K.A.R. 74-6-1. Definitions of office and firm.** Amendments to this regulation clarify requirements for firms that have a location in Kansas due to legislation passed in the 2007 session.

**K.A.R. 74-7-2. Firms eligible for registration.** Amendments to this regulation change the reference to the applicable statute and clarification due to legislation passed in the 2007 session.

Copies of the regulations and the economic impact statement may be obtained by contacting the Board of Accountancy at the address and phone number given above or from the board's Web site at [www.ksboa.org](http://www.ksboa.org).

Susan L. Somers  
Executive Director

Doc. No. 034949

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 15-26. 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://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Oct. 15	313-S	8:30 a.m.	State Employee Compensation Oversight Commission	Public comments; update on pay plan recommendations.
Oct. 15	123-S	10:00 a.m.	Joint Legislative Educational Planning Committee	<b>15th:</b> Virtual schools; obesity legislation review; KPERs and retired teachers; tuition for military personnel. <b>16th:</b> Community college legislative initiatives; review 2010 Commission report; begin development of annual report.
Oct. 16	123-S	9:00 a.m.		
Oct. 16	241-N	4:00 p.m.	Senate Confirmation Oversight Committee	Agenda not available.
Oct. 16	519-S	9:00 a.m.	Joint Committee on Economic Development	Agenda not available.
Oct. 16	423-S	9:00 a.m.	Kansas Autism Task Force Subcommittee	Education resources/funding.
Oct. 17	Meeting off site		Joint Committee on Corrections & Juvenile Justice	Meetings in El Dorado and Wichita — El Dorado: Prison population projections; expansion projects discussion; inmate intake/assessment; and review of medical, food and phone contracts. Wichita: community corrections and reentry initiatives.
Oct. 18				
Oct. 17	123-S	10:00 a.m.	Special Committee on Federal and State Affairs	Carnival rides regulation and committee discussion.
Oct. 18	123-S	9:00 a.m.		
Oct. 17	519-S	10:00 a.m.	Special Committee on Financial Institutions & Insurance	Review of Credit Unions' Legislative Post Audit Report; field of membership discussion.
Oct. 18	519-S	9:00 a.m.		
Oct. 18	526-S	10:00 a.m.	Joint Committee on Information Technology	Review of information technology projects.
Oct. 18	313-S	12:30 p.m.		
Oct. 18	514-S	10:00 a.m.	Kansas Technical College and Technical School Commission	Review of 2007 legislation and update from the Authority.
Oct. 22	313-S	10:00 a.m.	Joint Committee on Economic Development	Agenda not available.
Oct. 22	241-N	9:30 a.m.	Special Committee on Energy, Natural Resources and Environment	Hearing on intensive groundwater use control areas.
Oct. 22	123-S	10:00 a.m.	2010 Commission	Develop recommendations for school finance, teacher retention, and other topics.
Oct. 23	123-S	9:00 a.m.		
Oct. 22	514-S	10:00 a.m.	Joint Committee on Legislative Budget	<b>Oct. 22</b> Tour of flood damage in Osawatomie and Coffeyville. <b>Oct. 23</b> Tour of KU School of Medicine-Wichita and update on KU Hospital agreement.
Oct. 23	514-S	9:00 a.m.		
Oct. 22	519-S	10:00 a.m.	Special Committee on Transportation	Discussion of Proposals 1, 2, 3, 4, 5, and recommendations for committee reports.
Oct. 23	519-S	9:00 a.m.		
Oct. 24	514-S	8:00 a.m.	Kansas Criminal Code Recodification Commission	Agenda not available.
Oct. 24	123-S	10:00 a.m.	Joint Committee on State Building Construction	Overview of Capitol Restoration Commission and tour of Capitol restoration projects; review of LCC assigned topics.
Oct. 25	123-S	9:00 a.m.		

Oct. 24	519-S	10:00 a.m.	Special Committee on	<b>24th:</b> Update on Kansas/Missouri property tax deductibility issue. Public hearings on Topic 4 — Property Tax Deferral; and Topic 2 — Sales Tax Exemptions. Report of working groups on Topic 7 — Relief for Storm-Damaged Property. Department of Revenue Briefing on Topic 5 — Income Tax Withholding. <b>25th:</b> Continued Discussion of Topic 9 — Property Tax on New Residential Property (comparison of current law vs. HB 2543). Public Hearing on Topic 3 — Property Tax Payment Date.
Oct. 25	519-S	9:00 a.m.	Assessment and Taxation	
Oct. 25	313-S	9:00 a.m.	Kansas Autism Task Force	Review subcommittee reports and develop preliminary report recommendations.
Oct. 25	526-S	1:30 p.m.	Insurance Department Fee Modernization and Rating Laws Task Force	Agenda not available.
Oct. 25	514-S	10:00 a.m.	Disaster Relief and	Agenda not available.
Oct. 26	514-S	9:00 a.m.	Recovery Special Committee	

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

Doc. No. 034962

**State of Kansas**  
**Office of the Governor**  
**Notice of Available Grant Funding**

Grant funds are available from the Federal S.T.O.P. Violence Against Women Grant Program for calendar year 2008. The purpose of this grant program is to fund units of state or local government; Native American Tribes; and not-for-profit, community and faith-based organizations in developing strategies and enhancing victim services in cases involving violent crimes against women.

The allocation of grant funds will be made to each of the following areas: 25 percent law enforcement; 25 percent prosecution; 5 percent to courts; 30 percent to not-for-profit, community and faith-based victim service organizations; and 15 percent to discretionary grant projects. Federal S.T.O.P. Violence Against Women Grant funds cannot be used to supplant state and local funds that would otherwise be available for targeting violent crimes against women.

Applications may be accessed via the Internet at [www.governor.ks.gov](http://www.governor.ks.gov). This is to obtain a printed copy only.

The grant application must be submitted via the Governor's Grants Program Grant Portal at <https://www.accesskansas.org/ssrv-ksgrants>. All grant applications must be received by midnight November 15. No applications will be accepted after this date.

Juliene Maska  
Governor's Grants Program Administrator

Doc. No. 034956

**State of Kansas**  
**Department of Administration**  
**Division of Purchases**

**Notice to Bidders**

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

10/23/2007	10801	Cartons (Boxes) Printed Corrugated
10/23/2007	10813	Snow Removal Services
10/23/2007	10815	Particle Size Analyzer
10/24/2007	10791	Laboratory Equipment Maintenance
10/24/2007	10812	Develop and Conduct Training Courses
10/25/2007	10810	Abandoned Well Plugging
10/25/2007	10811	Abandoned Well Plugging
10/30/2007	10818	Outdoor Video Monitoring System
10/31/2007	10745	Pre-sort and Other Mailing Services
11/02/2007	10814	Software Application Filing Solution
11/06/2007	10804	Individual Professional Liability Insurance

The above-referenced bid documents can be downloaded at the following Web site:

<http://www.da.ks.gov/purch/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default.htm>

Chris Howe  
Director of Purchases

Doc. No. 034966

State of Kansas

Kansas Sentencing Commission

Notice of Subcommittee Meetings

The Kansas Sentencing Commission (KSC) Proportionality of Sentencing Subcommittee will meet from noon to 5 p.m. Thursday, October 18, and Wednesday, November 7, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. Any individual with a disability may request accommodation to attend a KSC meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Brenda Harmon at (785) 296-0923.

Helen Pedigo
Executive Director

Doc. No. 034954

State of Kansas

State Corporation Commission

Notice of Hearing on Proposed Administrative Regulations

The State Corporation Commission will conduct a public hearing at 9:30 a.m. Tuesday, December 18, in the first floor hearing room at the State Corporation Commission offices, 1500 S.W. Arrowhead Road, Topeka, to consider the adoption of a proposed rule and regulation of the State Corporation Commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Matthew A. Spurgin, Litigation Counsel, Gas and Electric, Transportation, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604, or to m.spurgin@kcc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation 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 the time of any oral presentation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Becky Reid at (785) 271-3231 or the Kansas Relay Center at (800) 776-3777. Accessible parking and entrance is available at the State Corporation Commission offices.

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

K.A.R. 82-4-30a will be permanently amended to adopt the provisions of Unified Carrier Registration for motor carriers designating Kansas as their base state as defined in 49 U.S.C. 14904a(a)(2) as in effect on August 10, 2005. This regulation adopts the fee schedule approved in 49 C.F.R. 367.20 as the fee schedule for motor carriers to pay to the State Corporation Commission. The fee schedule as approved by the Federal Motor Carrier Safety Admin-

istration's UCR board would apply a fee to motor carriers between \$39 for carriers with two or fewer commercial motor vehicles to \$37,000 for carriers with 1,001 or more commercial motor vehicles. The fee schedule was approved to allow participating states to generate the same revenue from motor carrier registrations as was reported for 2004. For Kansas, the fee schedule is estimated to generate \$4.4 million in revenue for the KCC.

Susan K. Duffy
Executive Director

Doc. No. 034955

State of Kansas

Department of Health and Environment

Request for Bids

Pursuant to the Kansas Childhood Lead Poisoning Prevention Program, sealed bids for lead hazard reduction at the following locations will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

October 26, 2007
264-08-11

Project Lead Safe KCK

- Property #1 5410 Yecker Ave. Kansas City, KS 66104
Property #2 3059 N. 33rd St. Kansas City, KS 66104
Property #3 1129 Shawnee Ave. Kansas City, KS 66105
Property #4 620 Northrup Ave. Kansas City, KS 66101
Property #5 6141 Georgia Ave. Kansas City, KS 66104
Property #6 3312 N. 58th St. Kansas City, KS 66104
Property #7 3031 N. 13th St. Kansas City, KS 66104
Property #8 815 Tauomee Ave. Kansas City, KS 66101
Property #9 1117 N. 36th St. Kansas City, KS 66102
Property #10 1051 Sandusky Ave. Kansas City, KS 66102

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the invitation for bid. For times and actual locations, call (913) 262-0796 or go to the following Web site: http://www.unleadedks.com/contractor\_info.html.

The above-referenced bid documents can be downloaded at the Web site listed above.

Roderick L. Bremby
Secretary of Health and Environment

Doc. No. 034964



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

The Kansas Mentors program is seeking proposals for the following:

**Kansas Mentors Conference**

To provide the necessary support to mentoring efforts across Kansas, a statewide mentoring conference should be held that covers the critical national and state issues related to mentoring. The conference should provide training sessions that are beneficial to both new and established mentoring programs. This includes training in the areas that are necessary in order to have an effective program, such as fundraising, risk management practices, volunteer training and development, and marketing and recruitment efforts. Specialized training also would be included for things like special needs populations, peer mentoring, staff leadership and training diversity. In addition, the conference should emphasize and provide a forum for collaboration efforts. This may include roundtable discussions to identify ways programs can work together or perhaps a session that showcases some of the model partnerships going on throughout the state. Feedback from these sessions should be compiled into a report for Kansas Mentors. The conference should be held in April or early May 2008. Eligible applicants must submit a plan detailing how the training administered by their organizations would be the most beneficial to both established and developing mentoring programs in Kansas. The plan also should include a description of topics that will be covered, a list of suggested speakers, possible location(s), and promotional strategies to attract attendees. Applications are due November 1 and can be found at <http://www.ksmentors.ks.gov/news.htm>.

**Regional Training Sessions**

In an effort to provide Kansas children to get the most beneficial, safe and positive results from a mentoring relationship, a statewide training effort is needed. The (6 to 8) regional sessions should be administered from February to June 2008, with some of the sessions being completed prior to the statewide conference. Each session should be administered in three sections. Sections one and two should be held during working hours, while section three should be held in the late afternoon or early evening. The first section would be for new mentoring programs (i.e. programs less than three years old) and would include instruction in the areas necessary to have a successful program: grant writing, marketing and recruitment, mentor training and risk management practices. Section two would provide instruction for established mentoring programs to enhance their efforts. Section three would provide training for volunteers interested in becoming mentors. The curriculum for this session would have to be tailored in order to meet the needs of the majority of Kansas Mentors mentoring partners. Essentially, this training should be compatible with most mentoring programs, so that trainees can apply it to the program of their choice. In order to generate attention for these events, the grantee must work with Kansas

Mentors to coordinate a speaking engagement for one of the following representatives: Gov. Kathleen Sebelius, Coach Bill Snyder or Lt. Gov. Mark Parkinson, with a local event such as a chamber or service club luncheon. Eligible applicants must submit a plan detailing how the training administered by their organizations would be the most beneficial to mentoring programs. The plan also should include a description of topics that will be covered, a list of suggested presenters and possible location(s), and promotional strategies to attract attendees. Applications are due November 1 and can be found at <http://www.ksmentors.ks.gov/news.htm>.

Roderick Bremby  
Secretary of Health  
and Environment

Doc. No. 034963

**State of Kansas****Department of Revenue****Notice of Available Publications**

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for September 2007. Copies can be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy and Research at (785) 296-3081.

**Private Letter Rulings**

No new publications

**Opinion Letters**

No new publications

**Final Written Determinations**

No new publications

**Notices**

Notice 07-07 New K-4 Form for State Withholding

**Memorandums**

No new publications

**Property Valuation Division Directives**

No new publications

**Q&A's**

Ks Retailers' Sales

Motor Vehicle Fuel Tax

Motor Vehicle Fuel Tax  
Motor Vehicle Fuel Tax

Motor Vehicle Fuel Tax

Motor Vehicle Fuel Tax  
Motor Vehicle Fuel Tax

Motor Vehicle Fuel Tax

HVAC Equipment Used in  
Manufacturing Plants  
Motor Vehicle Fuel Tax —  
General Information  
Motor Vehicle Fuel Tax  
Motor Vehicle Fuel Tax —  
Motor Fuel Refund  
Motor Vehicle Fuel Tax —  
Motor Fuel Retailer  
Motor Vehicle Fuel Tax — IFTA  
Motor Vehicle Fuel Tax —  
Liquid Fuel Carrier License  
Motor Vehicle Fuel Tax —  
Liquefied Petroleum

**Information Guides**

No new publications

Joan Wagnon  
Secretary of Revenue

Doc. No. 034948

**State of Kansas  
Department of Wildlife and Parks**

**Public Notice**

The Kansas Department of Wildlife and Parks has reached an agreement for the purchase of a tract of land in Greenwood County, Kansas. The parcel consists of 19 acres (NW ¼, SE ¼ SW ¼), (S ½ SW ¼ NE ¼ SW ¼), (S ½ N ½ SW ¼ NE ¼ SW ¼), (W ½ SW ¼ SE ¼ NE ¼ SW ¼) and (SW ¼ NW ¼ SE ¼ NE ¼ SW ¼), all in Sec 4, T27S, R11 E, in Greenwood County. This tract was appraised at \$170,000 and will be purchased for \$200,000. This tract will become known as the Fall River Wildlife Area and shall remain on the county tax rolls.

J. Michael Hayden  
Secretary of Wildlife and Parks

Doc. No. 034946

**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. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

**Effective 10-8-07 through 10-14-07**

Term	Rate
1-89 days	4.78%
3 months	4.08%
6 months	4.21%
1 year	4.22%
18 months	4.06%
2 years	4.08%

Derl S. Treff  
Director of Investments

Doc. No. 034942

**State of Kansas  
Department of Health  
and Environment**

**Notice Concerning Kansas/Federal Water  
Pollution Control Permits and Applications**

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, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject

to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

**Public Notice No. KS-07-127/130**

Name and Address of Applicant	Receiving Stream	Type of Discharge
Alden, City of P.O. Box 25 Alden, KS 67512	Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-AR02-OO01 Federal Permit No. KS0051641  
Legal Description: SE¼, SE¼, SE¼, S9, T21S, R9W, Rice County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform/E. coli, as well as monitoring of ammonia and pH. Contained in the permit is a schedule of compliance requiring the permittee to provide KDHE with a draft facility plan and a schedule of compliance to upgrade the facility to achieve consistent compliance with the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
LaCrosse, City of P.O. Box 339 LaCrosse, KS 67548	Sand Creek	Treated Domestic Wastewater

Kansas Permit No. M-UA23-OO01 Federal Permit No. KS0024643  
Legal Description: NW¼, SE¼, SE¼, S34, T17S, R18W, Rush County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia and pH, as well as monitoring for fecal coliform/E. coli and effluent flow. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Liberal, City of P.O. Box 2199 Liberal, KS 67905	Constructed/ Natural Wetland Area to the Cimarron River	Treated Domestic Wastewater

Kansas Permit No. M-CI10-OO02 Federal Permit No. KS0080870  
Legal Description: Mechanical Plant: SW¼, SW¼, SW¼, S27, T34S, R33W, Seward County

Polishing Pond: SW¼, S3, T34S, R32W, Seward County  
Facility Address: 1701 Country Estates Road, Liberal, Kansas

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. This facility is a mechanical treatment plant consisting of an activated sludge process with UV disinfection and anaerobic sludge digestion. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli and pH. Monitoring of total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, total recoverable selenium, chlorides, rainfall and effluent flow also will be required. The permittee will be required to perform a chronic whole effluent toxicity (WET) test annually as well as a priority pollutant scan (PPS) once during the term of this permit. Contained in the permit is a schedule of compliance requiring the permittee to submit to KDHE a draft facility plan for improvements to the facility that will allow the facility to consistently meet discharge limits of the permit. The permittee is required to complete improvements and achieve compliance by December 31, 2010. 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.

<b>Name and Address of Applicant</b>	<b>Receiving Stream</b>	<b>Type of Discharge</b>
Kansas Army Ammunition Plant 23018 Rooks Road, Suite AA Parsons, KS 67357	Receiving Stream See Below Neosho River Basin	Process Wastewater

Kansas Permit No. F-NE55-PO04 Federal Permit No. KS0029360  
 Receiving Stream: Neosho River via Labette Creek except outfalls 003A1 and 009A1 discharge via an unnamed tributary.

Facility Operator: Day and Zimmerman, Inc.

Facility Description: The proposed action is to modify an existing permit for an existing wastewater treatment discharge of process wastewater. This permit is being modified to reactivate outfall 006A1 for a discharge to the Neosho River from the sludge holding tank at the drinking water treatment plant. There are no other changes to the requirements of the permit. The proposed permit contains limits at outfall 006A1 for total suspended solids and total residual chlorine. Monitoring of pH and 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.

E-93 KS-03-159-116	2750 feet from south line and 2950 feet from east line of Section 14-20-8W, Reno County, Kansas (SE SE NW)
E-94 KS-03-159-117	2250 feet from south line and 2950 feet from east line of Section 14-20-8W, Reno County, Kansas (SW SE SE)

Facility Description: The proposed action is to reissue permits for the Class III salt solution mining wells at the locations described above. The fluids to be injected consist of fresh water and spent brine from the salt plant. Injection is to be made into the Hutchinson Salt member of the Wellington formation. Cavity development shall not extend into the upper 40 feet of the salt deposit. The maximum operational injection pressure is not to exceed 250 pounds per square inch at the wellhead. The monitoring and operation of these wells shall meet the requirements that apply to Class III Injection wells under K.A.R. 28-43-1 through 28-43-11 and the Kansas Underground Injection Control Regulations, K.A.R. 28-46-1 through 28-46-44.

**Public Notice No. KS-PT-07-012**

<b>Name and Address of Applicant</b>	<b>Receiving Facility</b>	<b>Type of Discharge</b>
Great Plains Manufacturing, Inc. 1525 E. North St. Salina, KS 67402-5060	Tipton POTW	Process Wastewater

Kansas Permit No. P-SO42-0001 Federal Tracking No. KSP000098  
 Facility Address: 607 Main St., Tipton, KS 67485

Facility Description: The proposed action is to issue a new pretreatment permit for this facility. This facility manufactures various types of farm tillage equipment. Steel parts are welded, phosphated and painted to produce the final products. Regulated wastes consist of wastewater from the conversion coating (phosphating) operation, which is a pressure spray gun system in a wash booth. Spent phosphating wastes are collected in a sump and pumped to a 250-gallon holding tank near the phosphating wash booth, which is a designated sampling location Outfall 001. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH, as well as monitoring of effluent flow. The permit limits are pursuant to state and federal pretreatment requirements.

Persons wishing to comment on the draft documents 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 considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before November 10 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-07-127/130, KS-PT-07-008, KS-EG-07-008) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdhe.state.ks.us/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

**Public Notice No. KS-EG-07-008**

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the state of Kansas:

**Name and Address of Applicant**

North American Salt Company  
 P.O. Box 498  
 Lyons, KS 67554  
 Facility Location: Lyons, Kansas

**Well and Permit Number**

<b>Location</b>	
E-90 KS-03-159-113	2750 feet from south line and 3450 feet from east line of Section 14-20-8W, Rice County, Kansas (SW SE NW)
E-91 KS-03-159-114	2250 feet from south line and 3450 feet from east line of Section 14-20-8W, Rice County, Kansas (NW NE SW)
E-92 KS-03-159-115	2500 feet from south line and 3200 feet from east line of Section 14-20-8W, Rice County, Kansas (NE NE SW)

Roderick L. Bremby  
 Secretary of Health and Environment

Doc. No. 034961

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 American Legion Post 17, 114 McCall Road, Manhattan. The public is invited to attend. For more information, call (785) 296-3976.

George Webb
Executive Director

Doc. No. 034952

(Published in the Kansas Register October 11, 2007.)

Summary Notice of Bond Sale

City of Manhattan, Kansas

\$3,275,000

General Obligation Bonds, Series 2007-C

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated October 2, 2007, written and electronic bids will be received on behalf of the clerk of the city of Manhattan, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. November 6, 2007, for the purchase of the above-referenced bonds. No bid of less than \$3,242,250 of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 1, 2007, and will become due on November 1 in the years as follows:

Table with 2 columns: Year, Principal Amount. Rows from 2008 to 2027 with values ranging from \$120,000 to \$235,000.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as here-

inafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2008.

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$65,500 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 7, 2007, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2007 is \$450,125,483. The total general obligation indebtedness of the issuer after delivery of the bonds, including \$8,130,000 principal amount of temporary notes of the issuer to be dated December 15, 2007, but excluding temporary notes to be retired in conjunction therewith, is \$93,090,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

Written Bid and Good Faith Deposit Delivery Address:

Elizabeth Peterson, City Treasurer
City Hall, First Floor
1101 Poyntz Ave.
Manhattan, KS 66502-5497
(785) 587-2465
Fax (785) 587-2409
E-mail: peterson@ci.manhattan.ks.us

Financial Advisor—Facsimile Bid and Good Faith

Deposit Delivery Address:
Springsted Incorporated
380 Jackson St., Suite 300
St. Paul, MN 55101-2887
(651) 223-3000
Fax (651) 223-3046
E-mail: advisors@springsted.com

Dated October 2, 2007.

City of Manhattan, Kansas

Doc. No. 034957

State of Kansas

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

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

**Kansas Court of Appeals  
U.S. Courthouse  
Courtroom 643  
500 State Ave.  
Kansas City, Kansas**

**Before Buser, P.J., Green and Caplinger, JJ.**

**Tuesday, November 13, 2007**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>96,247</b> State of Kansas, Appellee v. David Blaine Sullivan, Appellant	Attorney General Kristafer R. Ailslieger B. Joyce Yeager	Leavenworth
<b>96,984</b> Terry L. Hooker, Appellant v. State of Kansas, Appellee	Michael J. Bartee Attorney General Constance M. Alvey, Asst. D.A.	Wyandotte
<b>97,598</b> Leslie A. Nickels, Appellee v. Board of Education of Unified School District 453, Appellant	Elinor K. Newman Louis M. Clothier	Leavenworth
<b>1:30 p.m.</b>		
<b>97,828</b> Tamara (Tammy) Potts, James A. Wilson, Jr., Heirs at Law of Ella Alene Wilson, Deceased; and Ella Alene Wilson, Deceased, by and through Tamara Potts, Special Administrator of the Estate of Ella Alene Wilson, Appellants v. The Board of County Commissioners of Leavenworth County, Kansas; Karl Hendry and Michael Baxter, Appellees	Michael Crow J. Steven Pigg Teresa L. Watson Terelle A. Mock	Leavenworth
<b>96,210</b> State of Kansas, Appellee v. Edward N. Coburn, Sr., Appellant	Attorney General Renee S. Henry, Asst. D.A. Janine Cox, A.D.	Wyandotte
<b>97,835</b> Larry Sells, Appellee v. Muncie Auto Salvage, Inc., Appellant	Brian L. Smith J. R. Russell	Wyandotte
<b>96,899</b> State of Kansas, Appellee v. Joseph Perez Rivera, Appellant	Attorney General Renee S. Henry, Asst. D.A. Rachel Pickering, A.D.	Wyandotte
<b>97,725</b> Mary Rector, Appellant v. Clifford Tatham, Patricia Disque, and Ruth Strickland, Appellees	Ronald Schneider Christopher F. Burger Molly M. Wood	Douglas

(continued)

Wednesday, November 14, 2007

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<b>97,621</b> Chantelle Heath Webb, Appellant v. Susan Amtower and Doug Amtower, Appellees	Christopher T. Wilson M. Bradley Watson Thomas R. Pickert	Johnson
<b>96,326</b> State of Kansas, Appellee v. Veronica J. Spangler, Appellant	Attorney General Eric Godderz, C.A. Randall K. Hodgkinson, A.D.	Osage
<b>97,710</b> Shirley C. Bennett, Appellant v. MV Transportation and AIG Insurance Company/ American Home Assurance Co., Appellees	Jeff K. Cooper Douglas M. Greenwald Eric T. Lanham	Work. Comp.
<b>96,957</b> State of Kansas, Appellee v. Aaron Alberty, Appellant	Attorney General Amory K. Lovin, Asst. D.A. Rick Kittel, A.D.	Wyandotte

**Summary Calendar — No Oral Argument**

These cases shall be deemed submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice.

The cases will receive full consideration by the assigned panel of Judges.

<b>96,729</b> Nordyke v. Schwab et al.	<b>97,827</b> In re McMorris and Hoostal	<b>96,754</b> State v. Phillips
<b>97,196</b> Carr v. State	<b>97,755</b> Penn v. State	<b>96,854</b> State v. Ridge
<b>97,856</b> In re. M.M. & S.M.	<b>97,343</b> State v. Pete	<b>95,894</b> Jarmon v. State
<b>98,639</b> Fine v. Werholtz, et al.	<b>97,687</b> Cunningham v. State	<b>96,765</b> State v. King
<b>97,722</b> In re M.J.H. and L.C.	<b>97,222</b> Rivera v. State	<b>97,257</b> Sinnott v. State
<b>97,532</b> State v. Toledo	<b>97,912</b> State v. Miller	<b>98,521</b> State v. Daniels

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

**Before Malone, P.J., Elliott, J., and Bukaty, S.J.**

**Tuesday, November 13, 2007**

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<b>96,638</b> State of Kansas, Appellee v. Anthony L. Sullivan, Appellant	Attorney General Robert D. Hecht, D.A. Matthew J. Edge, A.D.	Shawnee
<b>97,295</b> James "Mike" Decker, Appellee v. State of Kansas, Department of Revenue, Appellant	Douglas E. Wells J. Brian Cox	Shawnee
<b>97,199</b> Cedric Baker, Appellant v. State of Kansas, Appellee	Edward G. Collister, Jr. Attorney General Brenda J. Clary, Asst. D.A.	Douglas

1:30 p.m.

<p><b>97,150</b> State of Kansas, Appellee v. Randy D. Thomas, Appellant</p>	<p>Attorney General Robert D. Hecht, D.A. Eric Kjorlie</p>	<p>Shawnee</p>
<p><b>96,357</b> In the Matter of the Appeal of Ward Kraft Forms, Inc. from an Order of the Division of Taxation on Assessment of Retail Sales Tax</p>	<p>Mark A. Burghart A. Leslie Rawlings</p>	<p>Tax Appeal</p>
<p><b>96,734</b> Brandon C. Moser, Appellant v. State of Kansas, Department of Revenue, Appellee</p>	<p>William K. Rork Wendie C. Bryan J. Brian Cox</p>	<p>Shawnee</p>
<p><b>96,708</b> Michael A. Flagler, Appellant v. State of Kansas, Department of Revenue, Appellee</p>	<p>William K. Rork Ted E. Smith</p>	<p>Shawnee</p>
<p><b>98,472/98,473</b> State of Kansas, Appellant v. Michael Lee Baker, Appellee State of Kansas, Appellant v. Altia Catherine Jensen, Appellee</p>	<p>Attorney General Christopher P. Getty, Asst. C.A. Christopher M. Joseph Attorney General Christopher P. Getty, Asst. C.A. Larry T. McRell, Public Defender</p>	<p>Riley</p>

Wednesday, November 14, 2007

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>97,098</b> State of Kansas, Appellee v. Shane A. Kitzman, Appellant</p>	<p>Attorney General Robert D. Hecht, D.A. Jamie L. Karasek, Asst. D.A. William K. Rork Wendie C. Bryan Kenneth B. Miller</p>	<p>Shawnee</p>
<p><b>97,523</b> Jace A. Hilburn, Appellant v. Kansas Department of Revenue, Appellee</p>	<p>Daniel C. Walter Ted Smith, Legal Services Bureau</p>	<p>Norton</p>
<p><b>98,049</b> State of Kansas, Appellant v. Terry L. Burton, Appellee</p>	<p>Attorney General Nicholas J. Heiman, Asst. C. A. Michael G. Patton</p>	<p>Lyon</p>
<p><b>97,889</b> City of Norton, Appellee v. Joshua Dean Wonderly, Appellant</p>	<p>R. Douglas Sebelius Daniel C. Walter</p>	<p>Norton</p>

Summary Calendar — No Oral Argument

These cases shall be deemed submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of Judges.

<b>97,733/97,734</b>	Murray v. State	<b>97,705</b>	State v. Wright	<b>96,604</b>	State v. Brown
<b>97,383/97,384</b>	State v. Julian	<b>97,004</b>	Manion v. State	<b>97,427</b>	State v. Little
<b>96,845</b>	State v. Camara-Lopez	<b>96,818</b>	State v. Mullen	<b>96,958</b>	State v. Delaughter
<b>97,357</b>	Cheeks v. State	<b>97,702</b>	State v. Stevens	<b>97,644</b>	Roemer v. Kansas Dept. of Revenue
<b>97,742</b>	State v. Brown	<b>97,242</b>	State v. Smith	<b>98,341</b>	State v. Allison
<b>97,443</b>	State v. Frost	<b>96,484</b>	State v. Frazier		

(continued)

**Kansas Court of Appeals  
U.S. Courthouse — Courtroom 408  
401 N. Market  
Wichita, Kansas**

**Before Marquardt, P.J., Leben, J., and Knudson, S.J.**

**Tuesday, November 13, 2007**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>97,311</b> Brian Cully, Appellee v. Earthgrains/Sara Lee Bakery Group and Indemnity Ins. Co. of North America, Appellants	John L. Carmichael Douglas C. Hobbs Ryan W. Weltz	Work. Comp.
<b>97,852</b> In the Matter of the Marriage of Kimberly A. Brown, N/K/A Kimberly Kroupa, Appellee v. Christopher K. Brown, Appellant	Terry L. Malone Adam T. Pankratz Boyd R. McPherson Christopher M. McHugh	Sedgwick
<b>97,642</b> Quy-Phi Nguyen, Appellant v. Janice Commons, Appellee	Elaine F. Winter Brooks Kancel Lyndon W. Vix	Sedgwick
<b>97,854/94,353</b> Mary Jane Krecklow, Appellant v. Asbury-Salina Regional Medical Center and Wausau Underwriters Ins. Co., Appellees	John Ostrowski Douglas C. Hobbs Ryan D. Weltz	Work. Comp.

**1:30 p.m.**

<b>94,578</b> State of Kansas, Appellee v. Darrell D. Jackson, Appellant	Attorney General David E. Yoder, Asst. C.A. Reid T. Nelson, C.A.C.O.	Harvey
<b>97,588</b> State of Kansas, Appellant v. Patrick Jones, Appellee	Attorney General Ellen Mitchell, C.A. Lydia Krebs, A.D.	Saline
<b>97,452</b> Exchange State Bank, St. Paul, Kansas, Appellant v. The Kansas Bankers Surety Company, Appellee	Richard D. Loffswold, Jr. Ann L. Hoover	Crawford
<b>97,355</b> Raymond Dreiling, Individually, and as Administrator of the Estate of Loretta Dreiling, Deceased, Appellant v. W. Duncan Davis, M.D., Kenneth Austin, M.D., and Goodland Regional Medical Center of Goodland, Kansas, Appellees	Donald F. Hoffman Kenneth C. Havner Keylene Brin Brian C. Wright Michael R. O'Neal Shannon L. Holmberg	Sherman

**Wednesday, November 14, 2007**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>97,558</b> Midwest Duct Cleaning Services, Inc., Plaintiff v. Dalton-Killinger Construction Company, Appellee, and Charles Killinger, and American States Ins. Co., Defendant v. S.E.K. Heat and Air, Inc., Appellant v. Ferraro Plumbing, Defendant	Phillip D. Greathouse Maradeth Frederick John G. Mazurek	Crawford



**97,858**  
 Jeffery Gilmore, Appellant  
 v.  
 Beach House, Inc., and Colony Insurance Company,  
 Appellees  
 Scott J. Gunderson  
 Mark T. Schoenhofer  
 Scott R. Schillings  
 Geron J. Bird  
 E. Wayne Taff  
 Sedgwick

**97,580**  
 Jeffrey S. Grether, Appellee  
 v.  
 Cox Communications and American Home Assurance,  
 Appellants  
 Alexander B. Mitchell II  
 Michael L. Baumberger  
 Jeffery R. Brewer  
 Work. Comp.

**95,320**  
 Sunflower Bank, N.A., Appellee  
 v.  
 Airport Red Coach Inn of Wichita, L.L.C., et al.,  
 Appellants  
 Michael P. Alley  
 Monte Vines  
 Patrick B. Hughes  
 E. Thomas Pyle III  
 F. James Robinson, Jr.  
 Donald E. Bucher  
 Roger M. Theis  
 Lee H. Woodard  
 Nancy Ogle  
 Sedgwick

**Summary Calendar — No Oral Argument**

These cases shall be deemed submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of Judges.

<b>96,856</b> State v. Tweedy	<b>97,966</b> Myers v. Penmac et al.	<b>97,206</b> State v. Schrader
<b>96,383</b> State v. Roger Reed	<b>97,903</b> Jamerson v. State	<b>96,788</b> Tillson v. State
<b>97,210</b> State v. Keith Reed	<b>96,563</b> State v. Dukes	<b>97,395</b> State v. Smith
<b>97,799</b> Stanford v. McGreevy's et al.	<b>96,660</b> State v. Vogt	<b>97,866</b> Custer v. State
<b>97,067</b> State v. Ferguson	<b>96,811/96,812</b> State v. Hodges	<b>96,719</b> State v. Morton
<b>97,932</b> State v. Shaver	<b>98,002</b> State v. Hill	<b>97,293</b> State v. Reagan

**Kansas Court of Appeals  
 Butler County Courthouse  
 311 N. Main St.  
 El Dorado, Kansas**

**Before Rulon, C.J., Greene, J. and Brazil, S.J.**

**Tuesday, November 13, 2007**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>97,286</b> Tobias Wilkerson, Appellant v. State of Kansas, Appellee	Monique K. Centeno Lawrence W. Williamson Sean E. Shores Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
<b>96,893</b> State of Kansas, Appellee v. Scott A. Baumfalk, Appellant	Attorney General Bonnie J. Selby, C.A. Carl F.A. Maughan	Sherman
<b>98,159</b> Rafaela Zepeda Deguillen, Appellee v. Schwan's Food Manufacturing, Inc. and Hartford Accident & Indemnity, Co., Appellants	D. Shane Bangerter Mickey W. Mosier Paula J. Wright	Work. Comp.

*(continued)*

97,418  
State of Kansas, Appellee  
v.  
Victor M. Navarro, Appellant

Attorney General  
Don L. Scott, C.A.  
Charles A. O'Hara

Seward

1:30 p.m.

96,445  
State of Kansas, Appellee  
v.  
Matthew D. Denny, Appellant

Attorney General  
Jared S. Magg, Depty. Sol. Gen.  
Randall K. Hodgkinson, A.D.

Butler

96,936  
State of Kansas, Appellee  
v.  
Eugene E. Makupa, Appellant

Attorney General  
Kristi L. Barton, Asst. D.A.  
Rick Kittel, A.D.

Sedgwick

96,535  
State of Kansas, Appellee  
v.  
Edward I. Newburn, Appellant

Attorney General  
Karen S. Smart, Asst. C.A.  
Sarah Morrison, A.D.

Reno

95,923  
State of Kansas, Appellee  
v.  
Gilberto Soriano-Garcia, Appellant

Attorney General  
Lois K. Malin, Asst. C.A.  
Carl Folsom III, A.D.

Finney

Wednesday, November 14, 2007

9:00 a.m.

Case No. / Case Name

Attorneys

Jurisdiction

96,869  
David J. Silvers, Appellant  
v.  
State of Kansas, Appellee

Michael S. Hollard  
Attorney General  
Kristi L. Barton, Asst. D.A.

Sedgwick

96,398  
State of Kansas, Appellee  
v.  
Tracallen Streeter, Appellant

Attorney General  
Matt J. Maloney, Asst. D.A.  
Christopher L. Hughes

Sedgwick

97,833  
State of Kansas, Appellee  
v.  
Logan K. Shore, Appellant

Attorney General  
Kristafer R. Aillslienger, Asst. Sol. Gen.  
Richard Ney

Stanton

97,614  
Michael R. Young, Appellant  
v.  
Edward Hefton, et al., Appellees

David E. Bengtson  
Jarrol C. Kieffer  
Norman G. Manley

Butler

Summary Calendar — No Oral Argument

These cases shall be deemed submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice.

The cases will receive full consideration by the assigned panel of Judges.

96,576 State v. Williams  
97,877 Waid v. State  
96,980 State v. Moffitt  
96,363 State v. Overby  
97,128 State v. Black  
97,560 Sexton v. State

97,102 Dexter et al. v. Brake et al.  
98,289 Meinen v. Finney  
97,610 McColpin v. State  
97,007 State v. Dunn  
96,758 Meinen v. Finney  
97,878 Fondren v. State

95,686 State v. Weaver  
96,005 State v. Lewis  
97,230 Donaldson v. State  
96,995 Murray v. State  
98,427 State v. Shade  
97,322 State v. Walker

Carol G. Green  
Clerk of the Appellate Courts

State of Kansas

University of Kansas

Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web sight at <http://www.purchasing.ku.edu/> for a complete list of all goods and services currently out for bid. For persons without Internet access, paper postings of all open bids may be reviewed at the Purchasing Services office, 1246 W. Campus Road, Room 7, Lawrence. Copies of current bids may be requested by contacting the Purchasing Services office at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at [purchasing@ku.edu](mailto:purchasing@ku.edu).

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 034941

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 2 p.m. Wednesday, December 12, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of one proposed amended rule and regulation (K.A.R. 100-73-9), dealing with radiologic technologists.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rule and regulation. All interested parties may submit comments prior to the hearing to the Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, or by e-mail to [healingarts@ink.org](mailto:healingarts@ink.org). All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the regulation during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation being considered and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Barbara Montgomery at (785) 296-8558 or [barbaram@ink.org](mailto:barbaram@ink.org). Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the proposed amended radiologic technologist rule and regulation to be considered at the hearing and the respective economic impact follows:

**K.A.R. 100-73-9. Continuing education; persons exempt from licensure.** This regulation establishes continuing education requirements for persons exempt from licensure as a radiologic technologist.

To renew their license as a radiologic technologist (LRT) in the state of Kansas, each LRT may incur costs to

enroll in and attend continuing education classes prior to annual renewal. The amount of the cost of coverage is not known. There are no foreseen costs to the board to implement this rule and regulation dealing with radiologic technologists who are exempt from licensure by the board for FY 2008 and future years. For FY 2009, the board may incur costs associated with auditing continuing education compliance. If an audit is performed, the board would have costs of mailing audit requests to approximately 250 licensees. These costs would be less than \$100 and are included in the FY 2009 budget request. No additional full-time employees will be required to perform the audit. No other methods were considered.

Copies of the proposed regulation and the associated economic impact statement may be obtained by contacting Cathy Brown, Kansas State Board of Healing Arts, at the address above, (785) 296-3680; by e-mail at [healingarts@ink.org](mailto:healingarts@ink.org); or from the board's Web site at [www.ksbha.org/pubinfo.html](http://www.ksbha.org/pubinfo.html).

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 034950

State of Kansas

State Corporation Commission

Permanent Administrative  
Regulations

Article 3.—PRODUCTION AND CONSERVATION  
OF OIL AND GAS

**82-3-103. Notice of intention to drill; penalty.** (a) Notice required.

(1) Intent to drill. Unless otherwise provided by K.A.R. 82-3-115a or K.A.R. 82-3-701, the owner, operator, or any other person responsible for a drilling operation shall submit written notice of the intention to drill to the conservation division for permit approval before the commencement of drilling operations for any of the following:

- (A) Exploratory holes;
- (B) a well to be drilled for the discovery or production of oil, gas, or other minerals, including reentry of a previously plugged and abandoned well;
- (C) a service well;
- (D) a storage well; or
- (E) a stratigraphic or core hole.

(2) Form and contents. The notice shall be submitted on a form prescribed by the commission. The notice shall be filled in completely and shall contain the following:

- (A) The operator's name, address, and commission license number;
- (B) the contractor's name, address, and commission license number;
- (C) the date on which drilling is anticipated to begin;
- (D) the lease name, quarter section, section, range, township, county, and the distance of the proposed drilling location from the section's nearest corner, in exact footages;

(continued)

(E) the distance to the nearest lease or unit boundary line;

(F) the estimated total depth of the well;

(G) the type of drilling equipment to be used;

(H) the depth to the bottom of the deepest freshwater at the drill site;

(I) the depth to the bottom of the deepest usable water formation at the drill site;

(J) for each exploratory hole, the estimated depth to water in each hole and to the top of the uppermost confined aquifer;

(K) for each well to be drilled into a common source of supply subject to a basic proration order of the commission, a plat map showing that the well will be located as specified in the basic proration order in relationship to other wells producing from the common source of supply, both within the area subject to proration and within one mile of the boundaries of the prorated area for gas wells and within one-half mile of the boundaries of the prorated area for oil wells;

(L) for each well to be drilled in locations not subject to a basic proration order, a plat map showing the well location; and

(M) any other relevant information that may be requested by the commission.

(b) District office notification. Before spudding the well, the operator shall notify the appropriate district office. Failure to notify the appropriate district office before spudding the well shall be punishable by a penalty of not less than \$250 and not more than \$1000.

(c) Surface casing and cementing. The conservation division shall give surface casing and cementing requirements to the operator along with the approved notice of the intention to drill. Unless otherwise provided, inadequate installation of or failure to install surface casing or failure to complete alternate II cementing pursuant to K.A.R. 82-3-106 shall each be punishable by a penalty of up to \$5000.

(d) Commencement of drilling. Drilling shall not commence until after commission approval has been received. The operator shall post a copy of the approved notice of intent to drill on each drilling rig. Drilling before receiving commission approval or drilling without an approved notice of intent to drill posted on the drilling rig shall be punishable by a \$1000 penalty.

(e) Plugging instructions. The conservation division shall give preliminary plugging instructions to the operator along with the approved notice of intention to drill.

(f) Expiration of approval. The approval of the notice of intent to drill shall expire one year from the date of approval.

(g) Extension. No extension of the one-year period shall be granted.

(h) Division of water resources information. The operator may be required by the commission to designate, on the written notice of intention to drill, the source of drilling water and the vested right or permit file number assigned by the division of water resources of the state department of agriculture. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-151, 55-152, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988;

amended April 23, 1990; amended Feb. 24, 1992; amended March 20, 1995; amended Oct. 25, 1996; amended Oct. 26, 2007.)

**82-3-603a. Spill notification to landowner or representative; penalty.** (a) Notification required. Each operator shall make good faith efforts to notify the landowner or the landowner's representative of any spill or escape that is required to be reported to the conservation division under K.A.R. 82-3-603(b)(1) or (b)(2). This notification to the landowner or landowner's representative shall meet the requirements of subsection (b) and shall be made no later than five business days following the discovery or knowledge of the spill or escape.

(b) Required information. Each notification shall include the following information:

(1) The operator's name;

(2) the lease name and approximate spill location;

(3) the time and date the spill or escape occurred;

(4) a description of the escaped materials, including each type and amount; and

(5) the methods being used to clean up the spill.

(c) "Discovery and knowledge" defined. For the purpose of this regulation, the point of "discovery and knowledge" shall mean the point at which the operator knew or reasonably should have known of the spill or escape.

(d) Record of notification and retention of records. Each operator shall keep accurate records of each notification made to a landowner or a landowner's representative regarding spills or escapes required under subsection (a). These records may include correspondence, electronic mail, telephone records, and field notes. The operator shall keep these records for at least three years. The records shall be made available to the conservation division upon request.

(e) Penalty for failure to notify. Failure to comply with subsection (a) shall be punishable by a \$250 penalty for the first violation, a \$500 penalty for the second violation, and a \$1,000 penalty for each subsequent violation. (Authorized by K.S.A. 55-152 and K.S.A. 2006 Supp. 55-186; implementing K.S.A. 55-164, K.S.A. 2006 Supp. 55-186, K.S.A. 74-623; effective Oct. 26, 2007.)

Susan K. Duffy  
Executive Director

Doc. No. 034958

## State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulations

#### Article 29.—SOLID WASTE MANAGEMENT

**28-29-28. Definitions.** For the purposes of these regulations, the following terms shall be defined as follows.

(a) "Contaminated waste tire" shall have the meaning specified in K.S.A. 65-3424 and amendments thereto. A waste tire shall be deemed "substantially unsuitable for

processing" if the volume of material with which the tire is coated or filled is estimated to be equal to or greater than 50% of the combined volume of the waste tire and contaminant. The determination that a waste tire is a contaminated waste tire shall be based on an inspection by the secretary or the secretary's designee.

(b) "Financial assurance" means a bond or other instrument that meets the requirements of K.A.R. 28-29-2101 through K.A.R. 28-29-2113.

(c) "Passenger tire equivalent" means 20 pounds of tires or processed waste tires.

(d) "Retreader" means a person engaged in the business of recapping tire casings to produce recapped tires for sale to the public.

(e) "Rick" means to stack tires securely by overlapping so that the center of a tire is offset from the center of the tire below it.

(f) "Waste tire monofill" means a permitted solid waste landfill or landfill cell in which only processed waste tires are placed.

(g) "Waste tire transporter" means a person who transports waste tires from a location in Kansas or to a location in Kansas. "Waste tire transporter" shall not mean a person transporting waste tires through Kansas, if both the origin and the destination of the waste tires are outside of Kansas. (Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424b; effective, T-28-4-27-92, April 27, 1992; effective June 8, 1992; amended Sept. 12, 1997; amended Oct. 26, 2007.)

**28-29-29. Waste tire processing and disposal standards.** (a) Any person may dispose of waste tires by landfilling, if the waste tires meet the criteria specified for the landfill disposal of waste tires in K.S.A. 65-3424a, and amendments thereto.

(b) The processing of waste tires for landfill disposal, as required by K.S.A. 65-3424a and amendments thereto, shall be accomplished by any of the following means:

- (1) Shredding;
- (2) cutting in half along the circumference;
- (3) cutting into at least four parts, with no part being greater than  $\frac{1}{3}$  of the original tire size;
- (4) chipping;
- (5) crumbing;
- (6) baling in a manner that reduces the volume of the waste tires by at least 50%; or
- (7) using an equivalent volume-reduction process that has received prior approval, in writing, from the secretary.

(c) Any person may process waste tires by burning, incineration, or other combustion process, including use as an alternative fuel, if the person performs all of the following:

- (1) Obtains a waste tire processing facility permit or a mobile waste tire processor permit from the secretary;
- (2) conducts the burning, incineration, or other combustion process in compliance with the Kansas air quality act, K.S.A. 65-3001 et seq. and amendments thereto, and its implementing regulations in article 19; and
- (3) handles all residue from the burning, incineration, or other combustion process by either or both of the following means:

(A) Disposal at a landfill permitted for disposal of the residue; or

(B) recycling. (Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424a; effective, T-28-4-27-92, April 27, 1992; effective June 8, 1992; amended Sept. 12, 1997; amended March 22, 2002; amended Oct. 26, 2007.)

**28-29-29a. Beneficial use of waste tires.** "Beneficial use" shall have the meaning specified in K.S.A. 65-3424, and amendments thereto.

(a) Approved beneficial use.

(1) Any person may use or store waste tires for a beneficial use if all of the following requirements are met:

(A) The use or storage is listed in the definition of "beneficial use" in K.S.A. 65-3424, and amendments thereto.

(B) The use or storage is conducted in accordance with subsections (b) and (c).

(C) The use or storage has no adverse impact on public health and safety and the environment.

(2) Each person that plans to use or store waste tires for a beneficial use that is not listed in the definition of "beneficial use" in K.S.A. 65-3424, and amendments thereto, shall submit an application for approval to the department, on a form provided by the department. The use or storage may be approved by the secretary if the use or storage meets the criteria specified in K.S.A. 65-3424, and amendments thereto.

(b) Management standards for all beneficial uses. The owner of the waste tires shall manage the waste tires in a manner that meets these requirements:

(1) Controls mosquitoes and other disease vectors, as specified in K.A.R. 28-29-29b; and

(2) minimizes the risk and impact of fire.

(c) Management standards for specific beneficial uses. The owner of waste tires used for any of the following beneficial uses shall meet the following requirements for that use:

(1) Windbreaks constructed of baled tires. The owner shall comply with the following requirements:

(A) Construct and maintain a stable base for the windbreak;

(B) construct the windbreak to be 200 feet or less in length;

(C) construct the windbreak to be three bales or less in height;

(D) repair all broken wires on the bales; and

(E) follow the fire control standards for the outdoor storage of tires specified in K.A.R. 28-29-31.

(2) Windbreaks constructed of waste tires that are not baled. The owner shall comply with the following requirements:

(A) Construct the windbreak to be 200 feet or less in length;

(B) construct the windbreak to be eight feet or less in height;

(C) place poles, either in the center of the waste tire stacks or next to the waste tire stacks, to stabilize the waste tires;

(D) fill each stack of waste tires with sand or soil; and

(E) follow the fire control standards for the outdoor storage of tires specified in K.A.R. 28-29-31.

(continued)

(3) Erosion control on the face of an earthen dam. The owner shall comply with the following requirements:

(A) Place the waste tires in a secure manner that ensures the longevity of the project;

(B) fill each tire with rock or mortar that will not be washed out by wave action;

(C) offset the rows of waste tires for stability; and

(D) place the tires to extend below the normal water level.

(4) Stabilization of soil or sand blowouts caused by wind. The owner shall perform the following:

(A) Place the waste tires in a random pattern or in rows perpendicular to the prevailing wind direction;

(B) confine the tires to an area of one-half acre or less; and

(C) after a vegetative cover has been established, remove each waste tire from the site if both of the following conditions are met:

(i) Less than one-half of the tire is covered by sand; and

(ii) removing the tire will not damage the vegetative cover.

(d) Cessation of beneficial use. The owner shall manage all waste tires that have ceased to be of beneficial use in accordance with K.S.A. 65-3424 et seq., and amendments thereto, and the implementing regulations in article 29. (Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424; effective Sept. 12, 1997; amended Oct. 26, 2007.)

**28-29-29b. Pest control requirements for the storage of new tires, used tires, waste tires, and processed waste tires.** (a) Pest control requirements. The owner or operator of each site that contains an accumulation of new tires, used tires, waste tires, or processed waste tires, or any combination of these, shall operate and maintain the accumulation in a manner that controls mosquito breeding and other disease vectors. The determination that mosquitoes are breeding shall be based on the presence of mosquito larvae in the tires or processed waste tires.

(b) Pesticide application. Each person that applies pesticides shall comply with the Kansas pesticide act, K.S.A. 2-2438a et seq. and amendments thereto. (Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424b; effective Oct. 26, 2007.)

**28-29-30. Waste tire processing facility, waste tire collection center, and mobile waste tire processor permits.** (a) Submission of application. Each person required to obtain a waste tire processing facility permit, a waste tire collection center permit, or a mobile waste tire processor permit, as specified in K.S.A. 65-3424b and amendments thereto, shall submit an application to the department.

(1) Each application shall be submitted on forms provided by the department.

(2) Each application shall be submitted to the department at least 90 days before operations are planned to begin.

(b) Waste tire processing facility and waste tire collection center permit applications. Each applicant for a waste tire processing facility or waste tire collection center permit shall include the following items in the application:

(1) Proof of consistency with zoning or land use requirements;

(2) a description of the land use within a radius of one-half mile of the facility, identifying all buildings and surface waters;

(3) the following maps:

(A) A site location map showing section, township, range, and site boundaries;

(B) a site layout drawing, showing the size and location of all pertinent artificial and natural features of the site, including roads, fire lanes, ditches, berms, waste tire storage areas, structures, wetlands, floodways, and surface waters; and

(C) a topographic map that has a scale of no less than one inch equals 2,000 feet, and that has a contour interval of 10 feet or less;

(4) a design plan, including equipment placement and a process flow diagram;

(5) an operations plan for the processing facility or collection center, which that includes the following information:

(A) The storage capacity for waste tires and processed waste tires, in passenger tire equivalents;

(B) the procedures that the facility owner or operator proposes to use to meet the mosquito and rodent control requirements of K.A.R. 28-29-29b;

(C) for waste tire collection centers, the proposed methods and schedule for storage of the waste tires before removal from the site; and

(D) for waste tire processing facilities, the following information:

(i) The proposed methods and schedule for the processing or disposal of waste tires;

(ii) the procedures that the facility owner or operator proposes to use to meet the waste tire processing standards in K.A.R. 28-29-29; and

(iii) a description of all equipment to be used in the waste tire processing operation;

(6) a contingency plan to minimize damage from fire and other emergencies at the site, including procedures for the following:

(A) Minimizing the occurrence or spread of fires;

(B) reporting all environmental problems, including fires, to the department;

(C) remediating the site;

(D) operating the facility when equipment fails; and

(E) operating the facility during inclement weather;

(7) proof that the applicant owns the site or has a lease for the site that runs at least one year. The permit shall be valid only for the location specified on the permit application;

(8) a closure plan that includes the following information:

(A) A description of when and why the operator would suspend the receipt of waste tires at the facility;

(B) a description of how all waste tires and processed waste tires will be removed from the site or otherwise properly disposed of upon closure;

(C) a time schedule for completing the closure procedures; and

(D) a plan for site rehabilitation and remediation;

(9) a closure cost estimate based on the cost to close the facility following the requirements of K.A.R. 28-29-31 and K.A.R. 28-29-31a. The cost of removing processed waste tires from the site shall not be required to be included in the closure cost estimate if the permittee demonstrates to the department that the processed waste tires have a positive market value;

(10) documentation of financial assurance issued in favor of the department that meets the requirements of K.A.R. 28-29-2101 through K.A.R. 28-29-2113; and

(11) the applicable application fee specified in K.A.R. 28-29-2011.

(c) Mobile waste tire processor permit applications. Each applicant for a mobile waste tire processor permit shall include the following items in the application:

(1) A description of all equipment to be used in the mobile waste tire processing operation;

(2) documentation of financial assurance issued in favor of the department that meets the requirements of K.A.R. 28-29-2101 through K.A.R. 28-29-2113; and

(3) the application fee specified in K.A.R. 28-29-2011.

(d) Permit renewal. As specified in K.S.A. 65-3424b and amendments thereto, each waste tire processing facility permit, waste tire collection center permit, and mobile waste tire processor permit shall be issued for a one-year period. Any permittee may apply to the secretary for permit renewal by submitting the renewal application to the department at least 30 days before the permit expiration date. Each renewal application shall be submitted on forms provided by the department and shall include the following items:

(1) For each waste tire processing facility permit and each waste tire collection center permit, the following items:

(A) An annual operations report that summarizes the information required in K.A.R. 28-29-31a(c);

(B) an updated closure cost estimate;

(C) documentation of updated financial assurance that meets the financial assurance requirements in K.A.R. 28-29-2101 through K.A.R. 28-29-2113; and

(D) the applicable permit renewal fee specified in K.A.R. 28-29-2011; and

(2) for each mobile waste tire processor permit, the following items:

(A) An annual operations report that summarizes the information required in K.A.R. 28-29-31a(c);

(B) documentation of financial assurance that meets the financial assurance requirements in K.A.R. 28-29-2101 through K.A.R. 28-29-2113; and

(C) the permit renewal fee specified in K.A.R. 28-29-2011.

(e) Permit modifications. Any waste tire processing facility, waste tire collection center, or mobile waste tire processor permittee may request from the secretary a permit modification to modify the operations authorized in an unexpired permit. The procedure for modifying permits specified in K.A.R. 28-29-8 shall apply.

(f) Transfers of ownership. The permittee shall provide notice of plans to transfer ownership of any facility or business permitted under these regulations to the department at least 60 days before the transfer. Each permit shall be issued only for the person or persons and the

premises or business named in the permit. As specified in K.S.A. 65-3424k and amendments thereto, permits shall not be transferable. (Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424b; effective, T-28-4-27-92, April 27, 1992; effective June 8, 1992; amended Sept. 12, 1997; amended Oct. 26, 2007.)

**28-29-31. Requirements for storage of waste tires, used tires, and processed waste tires.** (a) Outdoor storage of waste tires, used tires, or both.

(1) The requirements in this regulation for outdoor storage of tires shall not apply to tires stored in trailers or covered containers.

(2) Each person storing the tires shall meet the pest control standards specified in K.A.R. 28-29-29b.

(b) Outdoor storage of more than 500 used tires, 500 waste tires, or 500 used and waste tires. Each person storing the tires shall meet the following requirements:

(1) Locate the tires outside all wetlands;

(2) store tires that have been or will be stored for more than 30 days by one or more of the following means:

(A) Ricking;

(B) storing in racks; or

(C) storing on tread; and

(3) limit the size of each storage area to less than the following dimensions:

(A) 50 feet in width;

(B) 5,000 square feet in area; and

(C) 10 feet in height.

(c) Outdoor storage of 1,500 or more used tires, waste tires, or used and waste tires. Each person storing the tires shall meet the requirements of subsection (b) of this regulation and the following requirements:

(1) Locate each storage area at least 60 feet from each building;

(2) provide access to each storage area for fire-fighting equipment by either of the following means:

(A) Developing a 50-foot wide fire lane around the perimeter of each storage area. The person storing the tires shall maintain the fire lane and an approach and access road to each storage area, which shall be passable for any fire-fighting vehicle at all times; or

(B) obtaining certification from the local fire department stating that there is adequate access to each storage area for fire-fighting equipment;

(3) prohibit all activities involving the use of open flames, smoking materials, and other ignition sources within 25 feet of each storage area;

(4) maintain all vegetation within 100 feet of each storage area in a manner that minimizes fire hazard.

(d) Outdoor storage of processed waste tires. The requirements in this regulation for the outdoor storage of processed waste tires shall not apply to processed waste tires stored in trailers or covered containers.

(1) Each person storing processed waste tires in an amount equal to or greater than the amount derived from 500 passenger tire equivalents shall store the processed waste tires according to the requirements in paragraphs (b)(1) and (b)(3) of this regulation, replacing the term "tire" with "processed waste tires."

(2) Each person storing processed waste tires in an amount equal to or greater than the amount derived from

(continued)

1,500 passenger tire equivalents shall store the processed waste tires according to the requirements in paragraph (d)(1) and in paragraphs (c)(1) through (c)(4) of this regulation, replacing the term "tire" with "processed waste tires."

(e) Removal of contamination. If pyrolytic oil from a tire fire is released into the environment, each person storing the tires or the processed waste tires shall remove the oil and contaminated soil in accordance with the solid and hazardous waste regulations in articles 29 and 31 governing the removal, transportation, and disposal of the material.

(f) Closure of storage sites. When a storage site for waste tires, used tires, or processed waste tires closes, each person storing the tires or processed waste tires shall perform the following:

(1) Remove all waste tires and processed waste tires in accordance with the tire management standards of K.S.A. 65-3424 et seq., and amendments thereto, and the requirements of K.A.R. 28-29-28 through K.A.R. 28-29-33; and

(2) remove all other solid waste to a permitted solid waste disposal area. (Authorized by K.S.A. 65-3406 and 65-3424h; implementing K.S.A. 65-3406 and K.S.A. 2006 Supp. 65-3424b; effective, T-28-4-27-92, April 27, 1992; effective June 8, 1992; amended Sept. 12, 1997; amended Oct. 26, 2007.)

**28-29-31a. Requirements for permitted waste tire processing facilities, waste tire collection centers, and mobile waste tire processors.** (a) Access for fire-fighting equipment. Each permittee that obtains certification from the local fire department, as specified in K.A.R. 28-29-31, shall submit a copy of the certification to the department.

(b) Site access. The permittee of each waste tire collection center and each waste tire processing facility shall perform the following:

(1) Control access to the site;

(2) post a sign at the entrance of the site stating the following information:

(A) The name of the site;

(B) the permit number;

(C) the site's telephone number, if there is one;

(D) the 24-hour emergency telephone number; and

(E) if the site is open to the public, the hours of operation; and

(3) have an attendant present at all times when the waste tire processing facility or waste tire collection center is open for business.

(c) Recordkeeping. Each permittee shall retain the records required by this subsection at the facility or business for a minimum of three years. All quantities of tires and processed waste tires shall be recorded in passenger tire equivalents.

(1) Mobile waste tire processors. The permittee shall maintain records of the following information for each site at which waste tires were processed:

(A) The address or legal description;

(B) the landowner's name and address;

(C) the dates of arrival and departure of the mobile waste tire processor; and

(D) the quantity of waste tires processed.

(2) Waste tire processing facilities and waste tire collection centers. The permittee shall maintain monthly records of the following information:

(A) The quantity of waste tires received;

(B) for waste tire processing facilities, the quantity of waste tires processed;

(C) the quantity of waste tires and processed waste tires removed from the site; and

(D) each location to which waste tires or processed waste tires have been taken for use or disposal.

(d) Closure of waste tire processing facilities and waste tire collection centers.

(1) The permittee of each waste tire processing facility and each waste tire collection center shall cease to accept waste tires and shall close the waste tire processing facility or waste tire collection center in compliance with these regulations and with any special closure conditions established in the facility permit, if any of the following conditions is met:

(A) The permittee informs the secretary that the site is closed.

(B) A departmental order to cease operations is issued.

(C) A permit compliance schedule specifying closure is to begin.

(D) The owner fails to renew the permit.

(E) The permit is revoked.

(2) If the waste tire processing facility or waste tire collection center closes, the permittee shall perform the following:

(A) Close public access to the waste tire site;

(B) post a notice at the site entrance indicating to the public that the site is closed and, if the site had accepted waste tires from the public, indicating the nearest site where waste tires can be lawfully deposited;

(C) notify the department and the local government having jurisdiction over the site of the closing of the permitted waste tire processing facility or waste tire collection center; and

(D) submit certification to the department that the closure has been completed in compliance with the closure plan.

(3) All financial assurance not needed for the closure or for other purposes under this subsection shall be released to the permittee by the secretary. (Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424b; effective Oct. 26, 2007.)

**28-29-32. Waste tire transporter permits.** (a) Submission of application. Each person required to obtain a waste tire transporter permit, as specified in K.S.A. 65-3424b and amendments thereto, shall submit an application to the department. Each application shall be submitted on forms provided by the department.

(b) Waste tire transporter application. Each applicant for a waste tire transporter permit shall include the following items in the application:

(1) The address or legal description of each location where the waste tires will be transported for storage, processing, or disposal;

(2) an estimate of the number of tires that will be transported each month;

(3) a list of equipment that will be used;

(4) documentation of financial assurance issued in favor of the department that meets the requirements in K.A.R. 28-29-2101 through K.A.R. 28-29-2113; and



(5) the application fee listed in K.A.R. 28-29-2011.

(c) Permit renewal. Each waste tire transporter permit shall be issued for a one-year period. Any permitted waste tire transporter may apply to the secretary for permit renewal by submitting the renewal application to the department at least 30 days before the permit expiration date. Each permit renewal application shall be submitted on a form provided by the department and shall include the following items:

(1) An annual operations report that summarizes the information required in K.A.R. 28-29-33(b);

(2) an updated equipment list;

(3) documentation of updated financial assurance that meets the financial assurance requirements in K.A.R. 28-29-2101 through K.A.R. 28-29-2113; and

(4) the permit renewal fee listed in K.A.R. 28-29-2011.

(d) Multiple business locations. Any corporation that has more than one separate business location may submit one waste tire transporter permit application that provides for services to all of the corporation's locations.

(e) Permits that are no longer active. If a waste tire transporter permit is not renewed, or is revoked or suspended, the former permittee shall remove all copies of the waste tire transporter permit from its vehicles.

(1) The former permittee shall remove all copies of the waste tire transporter permit either on the renewal date or on the day on which the former permittee receives notification that the waste tire transporter permit is no longer active, whichever occurs first.

(2) Within 14 days after revocation, suspension, or the renewal date, the former permittee shall surrender the original permit to the department and notify the department, in writing, that all copies of the waste tire transporter permit have been removed from all vehicles. (Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424b; effective, T-28-4-27-92, April 27, 1992; effective June 8, 1992; amended Sept. 12, 1997; amended Oct. 26, 2007.)

**28-29-33. Requirements for permitted waste tire transporters.** Each person required to obtain a waste tire transporter permit shall perform the following:

(a) Display a copy of the person's current waste tire transporter permit in each vehicle that transports waste tires;

(b) record and maintain for three years the following information regarding activities for each month of operation:

(1) The number of waste tires transported;

(2) the name of the previous owner of the waste tires and the address or legal description of the location from which the waste tires were collected; and

(3) the name of the subsequent owner of the waste tires and the address or legal description of the location at which the waste tires were deposited; and

(c) transport waste tires only to a person or landfill authorized to receive waste tires, pursuant to K.S.A. 65-3424a and amendments thereto. (Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424b; effective, T-28-4-27-92, April 27, 1992; effective June 8, 1992; amended Sept. 12, 1997; amended Oct. 26, 2007.)

**28-29-2011. Waste tire permit fees.** For each permit required in K.S.A. 65-3424b and amendments thereto,

the applicant or permittee shall pay the applicable fee according to the following schedules.

(a) Permit application fees.

Mobile waste tire processor .....\$250

Waste tire collection center .....\$100

Waste tire processing facility .....\$250

Waste tire transporter .....\$100

(b) Annual permit renewal fees.

Mobile waste tire processor .....\$100

Waste tire collection center .....\$50

Waste tire processing facility .....\$100

Waste tire transporter .....\$50

(Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424b; effective Oct. 26, 2007.)

**28-29-2101. Financial assurance for closure and postclosure.** In K.A.R. 28-29-2101 through K.A.R. 28-29-2113, "facility" shall mean a solid waste disposal area, a solid waste processing facility, or both.

(a) Evidence of financial assurance. The owner or operator of each facility shall submit to the department evidence of financial assurance for the facility for the cost of closure, postclosure, or both, as specified in K.S.A. 65-3407, and amendments thereto. The financial assurance shall meet the following requirements:

(1) Be continuous during the active life of the facility and the required postclosure care period;

(2) be in an amount that is equal to or greater than the accepted or revised amount as specified in subsection (e) of this regulation;

(3) be available when needed; and

(4) be legally enforceable.

(b) Financial assurance methods.

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

(A) A funded trust fund, as specified in K.A.R. 28-29-2103;

(B) a surety bond guaranteeing payment, as specified in K.A.R. 28-29-2104;

(C) a surety bond guaranteeing performance, as specified in K.A.R. 28-29-2105;

(D) an irrevocable letter of credit, as specified in K.A.R. 28-29-2106;

(E) an insurance policy, as specified in K.A.R. 28-29-2107;

(F) a corporate financial test, as specified in K.A.R. 28-29-2108;

(G) a corporate financial guarantee, as specified in K.A.R. 28-29-2109;

(H) a local government financial test, as specified in K.A.R. 28-29-2110;

(I) a local government guarantee, as specified in K.A.R. 28-29-2111;

(J) use of ad valorem taxing authority for a local government subdivision of the state that owns or operates a solid waste facility other than a municipal solid waste landfill, as specified in K.A.R. 28-29-2112; and

(K) the following simplified financial instruments, as specified in K.A.R. 28-29-2113:

(i) A simplified permit bond for facilities with a closure cost estimate of \$100,000 or less;

(continued)

(ii) a simplified irrevocable letter of credit for facilities with a closure cost estimate of \$100,000 or less; and

(iii) an assigned certificate of deposit for facilities with a closure cost estimate of \$25,000 or less.

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

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

(4) If the financial assurance is a purchased financial instrument, it shall be purchased from a financial, insurance, or surety institution meeting the quality and reliability standards suitable to institutions of that type and the standards specified in these financial assurance regulations.

(c) Calculation of financial assurance. The owner or operator of each facility shall meet the following requirements when calculating the amount of financial assurance for the current estimated cost to provide for closure, post-closure, or both.

(1) The owner or operator shall meet the following requirements to determine the area or capacity to be included in the calculation of estimated cost.

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

(B) For each solid waste disposal area, the amount of closure financial assurance shall be calculated as the cost to complete final closure of the largest area to lack final cover at any one time before the next annual permit renewal. The calculated cost shall include the cost to complete all closure activities in a manner consistent with the approved facility closure plan.

(C) For each solid waste disposal area, the amount of postclosure financial assurance shall be calculated as the cost to be incurred for the largest area to have waste in place before the next annual permit renewal. The calculated cost shall include the cost to conduct the following, in a manner consistent with the approved facility postclosure plan, during the postclosure period of 30 years and any extensions of the postclosure period required by the secretary:

(i) Care and maintenance of the area, including all ap-purtenances; and

(ii) all required environmental monitoring.

(2) The owner or operator shall calculate the amount of financial assurance required by applying third-party costs to the activities listed in the closure plan and post-closure plan. The resulting amount shall not be dis-counted, nor shall any offset for the sale of recoverable

materials be subtracted. Third-party costs shall be deter-mined from one or more of the following sources:

(A) Representative costs supplied by the department;

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

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

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

(3) If the calculated amount does not include a specific allowance to pay for contingent events, the owner or op-erator shall add an amount equal to 10% of the total cost for the purpose of determining the amount of financial assurance required.

(4) The owner or operator shall submit the cost esti-mates on worksheets provided by the department or on other forms that contain the same information.

(d) When submissions are required. The owner or op-erator of each facility shall submit evidence of financial assurance to the department at the following times:

(1) Before the facility permit is issued by the secretary, including transferred permits;

(2) before a permit modification is issued by the sec-etary;

(3) annually during the active life of the facility, on or before the permit renewal date; and

(4) annually during the required period of postclosure, on or before the permit renewal date that was effective during the active life of the facility.

(e) Evaluation of amount of financial assurance.

(1) Upon receipt of the closure cost estimate, postclo-sure cost estimate, or both, from the owner or operator, the estimate or estimates shall be evaluated by the de-partment to determine if the estimated amount of finan-cial assurance is acceptable, according to the following criteria:

(A) The activities planned meet the requirements of the Kansas solid waste statutes and regulations, comply with all permit conditions, and are protective of public health and safety and the environment; and

(B) the method of estimating costs for the planned ac-tivities meets the requirements of this regulation.

(2) Revisions shall be made by the department in ac-cordance with the evaluation, if the cost estimate factors are not acceptable.

(f) Annual updates to financial assurance. The owner or operator shall update the financial assurance amount, on or before the annual renewal date of each permit dur-ing the active life of the facility and annually during the required period of postclosure care, by recalculating the cost of closure, postclosure care, or both, using current dollars, or by the addition of an inflation factor to the amount accepted by the department for the prior year.

(1) If a change to any of the following has occurred that will change the cost of closure, postclosure, or both, the owner or operator shall recalculate the affected cost or costs, consistent with the change:

(A) The closure plan, as submitted or as approved;

(B) the postclosure plan, as submitted or as approved; or

(C) the conditions at the facility.

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

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

where:

IPD<sub>y</sub> represents the current annual implicit price deflator for the gross domestic product;

IPD<sub>y-1</sub> represents the previous year's implicit price deflator for the gross domestic product;

FA<sub>y-1</sub> represents the previous year's approved estimate of closure or postclosure, or both; and

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

(g) Failure of the financial assurance method, or an inadequate amount of financial assurance. Each owner or operator of a facility who obtains information that a financial assurance instrument or other method has failed to meet the standards established by these financial assurance regulations for its use, or that the amount of financial assurance provided has become inadequate for reasons other than general annual price inflation, shall provide alternate or increased financial assurance of the type and within the time periods specified in these financial assurance regulations, but not later than 90 days after obtaining the information.

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

(i) Exception for certain closed municipal solid waste landfills. The financial assurance requirements of subsection (a) of this regulation shall not apply to closed mu-

nicipal solid waste landfills that are exempted from K.A.R. 28-29-101 through K.A.R. 28-29-120 according to the closure dates specified in K.A.R. 28-29-100.

(j) Exception to the requirement for postclosure financial assurance for facilities other than municipal solid waste landfills. Postclosure financial assurance shall not be required by the secretary for a facility that is not a municipal solid waste landfill unless the secretary determines that recurring environmental monitoring is required during the entire postclosure period.

(k) Exception to the closure plan pricing requirements for waste tire permittees. No waste tire processing facility, waste tire collection center, mobile waste tire processor, or waste tire transporter permittee shall be subject to the closure plan pricing requirements of subsections (c) and (f) of this regulation. The permittee shall determine the amount of financial assurance according to the following criteria:

(1) Waste tire processing facilities and waste tire collection centers. The amount of financial assurance shall correspond to the closure cost estimate, as specified in K.A.R. 28-29-30.

(2) Mobile waste tire processors. The amount of financial assurance shall be \$1,000.00.

(3) Waste tire transporters. The amount of financial assurance shall correspond to the average number of passenger tire equivalents (PTEs) transported per month, according to the following schedule:

PTEs transported	Financial assurance
0 through 1,000 .....	\$1,000.00
1,001 through 10,000 .....	\$5,000.00
more than 10,000 .....	\$10,000.00

(Authorized by K.S.A. 65-3406 and 65-3424h; implementing K.S.A. 2006 Supp. 65-3407 and K.S.A. 2006 Supp. 65-3424b; effective Feb. 24, 2000; amended Oct. 26, 2007.)

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 034931

**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 2006 Volumes of the *Kansas Administrative Regulations*.

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