



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 27, No. 3    January 17, 2008    Pages 57-92

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## State of Kansas

## Department of Transportation

## Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at noon Wednesday, February 20, the following structure located in Montgomery County, to be moved:

1568 sq. ft., 28' X 56', 3 bedroom, 2 bath, 1997 manufactured home with attached 12' X 56', 168 sq. ft. sun room located at 2024 Hwy. 169, Coffeyville, Montgomery County, Kansas

**Inspection of Structure:** The structure will be opened to the public for viewing and inspection from noon to 1 p.m. February 13 and 30 minutes prior to the auction.

**Terms of Sale:** A cashier's check for the purchase price must be paid on the day of the sale, made payable to the Kansas Department of Transportation. The successful bidder will receive a bill of sale upon payment. The successful bidder will be required to remove the structure from the right of way on or before May 31, 2008.

**Performance Bonds:** The successful bidder for the structure will be required to post a performance bond in the amount of \$4,000, posted by cashier's check the day of the sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. The seller makes no warranties, either expressed or implied, as to the condition of the dwelling; the soil conditions in, under or around the property; or the existence of hazardous substances, including, without limitation, lead paint, asbestos, mold, mildew, polychlorinated biphenyls, petroleum leakage, agricultural or household chemicals, which may or may not be present on the property, or any other environmental conditions. The seller has no knowledge of the existence of such matters or conditions on or in the property unless otherwise stated. The structure is being sold "as is."

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

For additional terms or information, visit [www.ksdot.org/burrow/Property4Sale/](http://www.ksdot.org/burrow/Property4Sale/) or contact the Bureau of Right of Way at (877) 461-6817.

Deb Miller  
Secretary of Transportation

Doc. No. 035301

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## State of Kansas

**Board of Emergency Medical Services****Notice of Meetings**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, February 1, in the fourth floor auditorium of the Eisenhower State Office Building, 700 S.W. Harrison, Topeka. Committee meetings will be held beginning at 9 a.m. Thursday, January 31, at the same location. Items on the agenda for the board meeting can be found on the board's new Web site at <http://www.ksbems.org>.

All meetings of the board are open to the public. For more information, contact the administrator, Room 1031, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1228, (785) 296-7296.

Robert Waller  
Administrator

Doc. No. 035309

## State of Kansas

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

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. A response may be submitted by e-mail to [neil@ksdot.org](mailto:neil@ksdot.org) or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages and must be received by noon February 7 for the consulting engineering firm to be considered.

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

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

**27-100 KA-1004-01****Wallace County**

Location study of K-27, 30 miles through Wallace County. The study should identify and evaluate the study corridor, complete the required environmental documentation and determine a preferred alignment. The study should be completed in 24 months and is estimated to cost \$750,000.

**400-11 KA-1005-01****Cherokee County**

Location study of US-400 from the Pittsburg Bypass south 28 miles to I-44. The study will evaluate past studies and project issues to determine a study corridor and recommend a roadway type (Expressway or Freeway). The study should be completed by January 2009 and is estimated to cost \$550,000.

**96-106 KA-1007-01****Statewide**

Location study of K-96 from southeast of Nickerson, northwest to north of Sterling. The study will evaluate past studies, ideas and review current transportation needs of the study corridor, complete the environmental documentation and determine a preferred alignment. The study will be complete by January 2009 and is estimated to cost \$800,000.

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

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

Deb Miller  
Secretary of Transportation

Doc. No. 035272

## 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:

01/31/2008	11020	Interior/Exterior Matting Systems
01/29/2008	11017	Unit Ventilators
02/19/2008	10961	Fax Services

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>

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/).

02/12/2008	A-010643	Leasure Hall Elevator, Kansas State University, Manhattan
02/12/2008	A-010653	Exterior Wall Repair — Food Service Bldg., Norton Correctional Facility, Norton

Chris Howe  
Director of Purchases

Doc. No. 035306

## State of Kansas

**Historic Sites Board of Review****Notice of Meeting**

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, February 23, in the classrooms at the Kansas Museum of History on the grounds of the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will evaluate the following properties for the National Register of Historic Places and/or the Register of Historic Kansas Places:

**National Register of Historic Places**

**Gates Funeral Home** — 1901 Olathe Blvd., Kansas City, Wyandotte County

**Washington Grade School** — 209 S. Locust, Pittsburg, Crawford County (Nominated as part of the "Historic Public Schools of Kansas" MPS)

**Brandt Hotel** — 400 Missouri St., Alma, Wabaunsee County

**Kanorado Archaeological District** — NE & SE of Exit 1, I-70, Kanorado vicinity, Sherman County

**H.D. Lee Company Complex** — 248 N. Santa Fe, Salina, Saline County

**Kelly Mills** — 400-414 S. Main, Hutchinson, Reno County (Nominated as part of the "Commercial and Industrial Resources of Hutchinson, Kansas" MPS)

**Brown Hotel and Annex** (nomination amendment)— 519-523 Main St., Neodesha, Wilson County

**Dunbar Theatre** — 1007 N. Cleveland, Wichita, Sedgwick County (Nominated as part of the "Historic Theaters and Opera Houses of Kansas" MPS)

**Colonial Fox Theatre** — 409 N. Broadway, Pittsburg, Crawford County (Nominated as part of the "Historic Theaters and Opera Houses of Kansas" MPS)

**Lake Nemaha Dam Guardrail** — South of Seneca on Hwy. 63, Nemaha County (Nominated as part of the "New Deal-era Resources of Kansas" MPS)

**Agra Lake and Park** — West edge of Agra — ¼ mile north of Hwy. 36, Agra, Phillips County (Nominated as part of the "New Deal-era Resources of Kansas" MPS)

**Oxley Barn and Granary** — 2470 County Road 74, Quinter vicinity, Gove County

**First Presbyterian Church** — 308 S. Crawford, Fort Scott, Bourbon County

**Barton County WPA Bridges** — Nominated under "New Deal-era Resources of Kansas" MPS:

**Hitschmann Double Arch Bridge** — N.E. 110 Ave. South and N.E. 190 Road — ½ mile east on N.E. 190 Road, Hitschmann vicinity, Barton County

**Hitschmann Cattle Underpass Bridge** — N.E. 110 Ave. South and N.E. 190 Road — ⅜ mile east on N.E. 190 Road, Hitschmann vicinity, Barton County

**Beaver Creek Native Stone Bridge** — N.E. 50 Ave. South & N.E. 230 Road — ¼ mile south on N.E. 50 Ave., Beaver vicinity, Barton County

**Bridge #218 — Off System Bridge** — N.E. 60 Ave. South and N.E. 220 Road — 500' west on 220 Road, Beaver vicinity, Barton County

Persons needing special accommodations should contact Wendy Huggins in the Cultural Resources Division, Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext. 240, by February 15 to discuss the nature of the disability and what the Kansas State Historical Society may do to ensure participation in the activity.

Jennie Chinn  
Executive Director

Doc. No. 035305

## State of Kansas

**Department of Commerce****Notice of Hearings**

The Department of Commerce, Division of Community Development, will conduct two public hearings on the proposed FY 2009 Community Development Block Grant Program. The purpose of these hearings is to gain citizen input on the proposed changes to the federally funded CDBG program, as well as take comments on the performance of past administration of this program. No pre-registration is required. All citizens are invited to attend the public hearings scheduled as follows:

Date	Location	Time
Feb. 27	Curtis State Office Building Main Conference Room 1000 S.W. Jackson, Topeka	11 a.m. to noon
Feb. 28	332 E. 8th St. Hays	9 to 10 a.m.

Anyone needing special accommodations should contact the Kansas Department of Commerce at least five business days in advance of the hearing at (785) 296-6158, fax (785) 296-3665 or TTY (785) 296-3487.

Proposed changes in the Community Development Block Grant Program for FY 2009 are as follows:

1. Can only apply for one application in Housing, Water/Sewer, Community Facility or KAN-STEP.
2. There will be a one-year moratorium on new certified administration classes.
3. Recertification of administrators will go to once a year at the application workshop. Those certificates expiring in December will roll until the next application workshop.
4. Administrative fees under Economic Development will increase to \$17,000 or 10%, whichever is less.
5. Housing will only have two categories: Weatherization (which includes H/S) and Livability.
6. Housing points: Remove 5 points from Strategy and add it to the housing log.

David D. Kerr  
Secretary of Commerce

Doc. No. 035298

## State of Kansas

## State Records Board

## Notice of Meeting

The Kansas State Records Board will meet at 8:30 a.m. Thursday, January 24, at the Kansas Historical Society, 6425 S.W. 6th Ave., Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Matthew A. Veatch  
State Archivist

Doc. No. 035304

## State of Kansas

## Kansas Development Finance Authority

## Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, January 31, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

**Project No. 000708—Maximum Principal Amount: \$91,370.56.** Owner/Operator: Jack E. and Deborah L. Geiger. Description: Acquisition of 43 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Jack E. and Deborah L. Geiger and is located at the West Half of the West Half of the Southwest Quarter of Section 9, Township 3, Range 18, Brown County, Kansas, approximately .5 mile south of Robinson.

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

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the KDFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFA.

Stephen R. Weatherford  
President

Doc. No. 035297

## State of Kansas

## State Conservation Commission

## Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Wednesday, January 23, in the commission's conference room, 109 S.W. 9th, Suite 500, Topeka. Persons requiring special accommodations should contact the commission at (785) 296-3600 at least three days prior to the meeting.

Greg A. Foley  
Executive Director

Doc. No. 035285

## State of Kansas

## Commission on Peace Officers' Standards and Training

## Notice of Meeting

The Kansas Commission on Peace Officers' Standards and Training will meet at 1 p.m. Tuesday, February 5, in the Topeka Meeting Room of the Holiday Inn, 605 S.W. Fairlawn Road, Topeka. The meeting is open to the public. For more information, call (620) 694-1430.

Steven R. Culp  
Executive Director

Doc. No. 035294

## State of Kansas

Department of Administration  
Division of Facilities ManagementNotice of Commencement of  
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for civil engineering services for the repair of a flood-damaged bridge over Pottawatomie Creek along the Prairie Spirit Trail in northern Anderson County. The 80' bridge is a four-span steel-deck girder originally designed to carry railroad loads. Repair of the flood-damaged section of the Prairie Spirit Trail also is needed. The estimated construction cost is \$700,000. A scope of work is available.

For more information regarding the scope of services, contact Norman Davis, Project Engineer, (785) 296-3859 or normd@wp.state.ks.us.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2007 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon February 1.

Marilyn Jacobson, Director  
Division of Facilities Management

Doc. No. 035295

## State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of Negotiations for  
Landscape Architectural Services**

Notice is hereby given of the commencement of negotiations for landscape architectural services for the McCain Entry Drive at Kansas State University, Manhattan. Construction should begin June 1, 2008. The estimated construction cost, including site work and fixed equipment, is \$1,160,000.

For more information regarding the scope of services, contact Abe Fattaey, (785) 532-1725.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2007 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon February 1.

Marilyn Jacobson, Director  
Division of Facilities Management

Doc. No. 035293

## State of Kansas

**Secretary of State**

**Notice of Corporations Forfeited**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of December 2007 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

**Domestic Corporations**

BBS Press Service, Inc., Bonita Springs, FL.  
Bogart Family Farm, Inc., Abilene, KS.  
Caldwell Bottling Company, Inc., Caldwell, KS.  
Cherryvale Lodge No. 989 Benevolent Protective Order of Elk's, Cherryvale, KS.  
Clare Generator Service, Inc., Salina, KS.  
Clay Center Country Club, Clay Center, KS.  
Deaf Hope Inc., Shawnee Mission, KS.  
Dick Kane Custom Carpentry Inc., Wichita, KS.  
Fast Pay Day Loans Inc., Atlanta, GA.  
Felix-American Products Company, Houston, TX.  
"Forever Crowned" with Glory Ministry of Training Inc., Wichita, KS.  
Gulf Coast Entertainment, L.L.C., Corpus Christi, TX.  
Heartland of America Inc., Olathe, KS.  
Heartland Packaging Group Corporation, Louisburg, KS.  
Horizon Housing Foundation, St. Louis, MO.  
Infino, Inc., Derby, KS.  
Inspection Group, Inc., Topeka, KS.

JLD Enterprises Inc., Derby, KS.  
Jodie's Recreation Center Inc., Topeka, KS.  
K. C. Pharmacal, Inc., Lenexa, KS.  
Kross Office Outfitters, Inc., Kansas City, KS.  
Legler Equipment, Inc., Overland Park, KS.  
Mid-America Concessions, Inc., Lawrence, KS.  
Midwest Historical and Genealogical Society, Inc., Wichita, KS.  
Money Tree Inc., McAlester, OK.  
Old TMS, Inc., Topeka, KS.  
Osawatomie Lodge No. 921, Benevolent and Protective Order of Elks of the United States of America, Osawatomie, KS.  
Rhodes Greenhouse, Inc., Spring Hill, KS.  
Shawnee Mission South Baseball Fund, Overland Park, KS.  
Shoelaces, Inc., Wichita, KS.  
Snow Tiger Enterprises, Inc., Bella Vista, AR.  
Southwest Corn Company, Inc., Garden City, KS.  
Techna Graphics, Inc., McPherson, KS.  
The Warehouse Information Network Ltd., Leawood, KS.  
Tiger Power/Multi-Power Inc., Leoti, KS.  
Tri-State Agri Services, LLC, Afton, OK.  
Unruh Brothers, Inc., Cimarron, KS.  
Wichita Food Cooperative, Wichita, KS.  
WMR Holdings, Inc., Derby, KS.  
Www.tigdepot.com, Inc., Geuda Springs, KS.

**Foreign Corporations**

American Promotions Inc., Kansas City, MO.  
Byerly Insurance Agents & Brokers, Inc., LeMoyne, PA.  
Gaming Partners International USA, Inc., Las Vegas, NV.  
Greater Kansas City Art Association, Inc., Shawnee Mission, KS.  
Kibble & Prentice Holding Company, Seattle, WA.  
National Rural Telecommunications Cooperative, Herndon, VA.  
Professional Hay Service, Ltd., Stratford, TX.  
The Book People Inc., New York, NY.  
Traverse City Glass Company, Troy, MI.  
W & C Land & Cattle, Ltd. Stratford, TX.  
Wagner Interior Supply of Kansas City, Inc., Omaha, NE.

Ron Thornburgh  
Secretary of State

Doc. No. 035296

## State of Kansas

**Secretary of State**

**Executive Appointments**

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

**Hamilton County Sheriff**

**Richard Garza**, P.O. Box 715, Syracuse, 67878. Succeeds Michael Keating, resigned.

**Linn County Commissioner**

**Jason Sabine**, 755 Holly, Pleasanton, 66075. Succeeds Doug Bartlet, resigned.

**State Banking Board**

**James G. O'Sullivan**, 12608 Cambridge Road, Shawnee Mission, 66209. Term expires March 15, 2010. Reappointed.

**Larry Williams**, 303 E. 5th, Halstead, 67056. Term expires March 15, 2010.

**Commission on Emergency Planning and Response**

**Randall C. Duncan**, 7108 E. Douglas, Wichita, 67206 (statutory member). Term expires November 30, 2011.

**Kevin Moles**, 4835 Normandy Park St., Lawrence, 66049 (statutory member). Term expires November 30, 2011.

**Jack Taylor**, P.O. Box 938, Emporia, 66801 (statutory member). Term expires November 30, 2011.

**State Fire Marshal**

**Dan McLaughlin**, 3624 S.E. Arrowhead Road, Tecumseh, 66542. Serves at the pleasure of the Governor.

**State Library of Kansas Board**

**Micaela Ayers**, 826 W. 4th Ave., El Dorado 67042. Term expires June 30, 2011.

**John Flower**, 15515 Cedar Lane, Bonner Springs, 66012. Term expires June 30, 2011.

**Lori A. Goetsch**, 2126 College Heights Road, Manhattan, 66502. Term expires June 30, 2011.

**Martha M. House**, P.O. Box 231, Council Grove, 66846. Term expires June 30, 2011.

**Nancy J. Keith**, 412 Elizabeth, Effingham, 66023. Term expires June 30, 2011.

**Donna Lauffer**, 8622 Broadmoor St., Overland Park, 66212. Term expires June 30, 2011.

**Marisa C. Lewis**, 9000 E. Lincoln St., # 310, Wichita, 67207. Term expires June 30, 2011.

**James Minges**, 5210 Fontana St., Roeland Park, 66205. Term expires June 30, 2011.

**Marion K. Renner**, 1207 Riley Ave., Haysville, 67060. Term expires June 30, 2011.

**Gail M. Stucky**, 256 22nd Ave., Moundridge, 67107. Term expires June 30, 2011.

**Dr. Michelle Swain**, 615 S. Centennial Road, Arkansas City, 67005. Term expires June 30, 2011.

**Commission on Peace Officers' Standards and Training**

**Frank R. Gent**, 421 N. Mill, Beloit, 67420. Term expires July 1, 2008.

**Kansas Public Employees Retirement System Board of Trustees**

**Tamla Edwards**, 5848 Edgewater Drive, Overland Park, 66223. Term expires January 15, 2011.

**State Rehabilitation Council**

**Wenda R. Blaauw**, 4441 N.W. 52nd Terrace, Topeka, 66618. Term expires October 31, 2008.

**Larry Burnette**, 608 W. 11th, Hutchinson, 67501. Term expires October 31, 2009.

**Teresa R. Caldwell**, 101 S. Homestead Lane, Frontenac, 66763. Term expires October 31, 2009.

**Barbara J. Crooks**, 908 Juniper Drive, Manhattan, 66502. Term expires October 31, 2008.

**Michael R. Donnelly**, 1851 S.W. Urish Road, Topeka, 66615. Ex-officio member.

**Karen D. Fitzpatrick**, 20075 Beverly, Stilwell, 66085. Term expires October 31, 2010.

**Julia Fonseca**, 3905 S.W. Mission Ct., Topeka, 66614. Term expires October 31, 2008.

**Robert Hammer**, 420 W. Taylor, Lyons, 67554. Term expires October 31, 2009.

**David Hanson**, 6000 Lamar, Suite 130, Mission, 66202. Term expires October 31, 2009.

**Shannon M. Jones**, 12330 W. 82nd Place, Shawnee Mission, 66215. Term expires October 31, 2010.

**Michael W. Jones**, 4109 Teal Drive, Lawrence, 66047. Term expires October 31, 2008.

**Kerry Lustick**, 655 Georgetown Road, Salina, 67401. Term expires October 31, 2010.

**Lynda Maddox**, 616 Brown Ave., Osawatomie, 66064. Term expires October 31, 2010.

**Rocky Nichols**, 635 S.W. Harrison, Topeka, 66603. Term expires October 31, 2010.

**Christine Owens**, 411 W. 6th St., Haven, 67543. Term expires October 31, 2008.

**Craig Perbeck**, 230 E. William, Wichita, 67201. Term expires October 31, 2010.

**Brad J. Rohr**, 139 W. 2nd St., Gorham, 67640. Term expires October 31, 2008.

**David S. Rosenthal**, 425 Boulder St., Lawrence, 66049. Term expires October 31, 2008.

**Tami Schwindt**, 305 Barber Ave., Garden City, 67846. Term expires October 31, 2008.

**Anita J. Trainer**, 1042 S. Everett St., #1, Wichita, 67213. Term expires October 31, 2008.

**Glen W. White, Ph.D.**, 4089 Dole Center, Lawrence, 66045. Term expires October 31, 2010.

**University of Kansas Hospital Authority**

**Dr. George J. Farha**, 300 N. Terrace, Wichita, 67208. Term expires March 15, 2011. Reappointment.

**Patricia A. Gaunce**, 7300 Waverly, Kansas City, KS 66109. Term expires March 15, 2011. Reappointment.

**Unmarked Burial Sites Preservation Board**

**Ron T. McCoy**, 1724 E. Wilman Ct., Emporia, 66801. Term expires July 15, 2010. Reappointment.

**Rose M. Wallen**, 116 E. Mill St., Lindsborg, 67456. Term expires July 15, 2010. Reappointment.

Ron Thornburgh  
Secretary of State

Doc. No. 035284

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 Linn County, Kansas. The parcel consists of approximately 52 acres described in S13, T 21S, R24W, further described as the E½ of the NE¼, West of the Railroad Right of Way in Linn County, Kansas. The appraised value is approximately \$1,596 an acre. The purchase price shall be \$83,000. This tract shall be known as the Marais des Cygnes Wildlife Area and shall remain on the county tax rolls.

J. Michael Hayden  
 Secretary of Wildlife and Parks

Doc. No. 035307

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 Linn County, Kansas. The parcel consists of approximately 28 acres described in S12, T 21S, R24W, further described as the S½ of the S½ NE¼, West of the Railroad Right of Way in Linn County, Kansas. The appraised value is approximately \$1,714 an acre. The purchase price shall be \$48,000. This tract shall be known as the Marais des Cygnes Wildlife Area and shall remain on the county tax rolls.

J. Michael Hayden  
 Secretary of Wildlife and Parks

Doc. No. 035308

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 1-14-08 through 1-20-08**

<b>Term</b>	<b>Rate</b>
1-89 days	4.25%
3 months	3.06%
6 months	3.01%
1 year	2.74%
18 months	2.60%
2 years	2.56%

Daniel J. Nackley  
 Director of Investments

Doc. No. 035283

State of Kansas  
**Statewide Independent Living Council**

**Notice of Meeting**

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, February 8, in Room 101C of the Topeka and Shawnee County Public Library, 1515 S.W. 10th Ave., Topeka. For more information, contact Mary Lou Dunn or Shannon Jones at (785) 234-6990 or (800) 217-4525, or e-mail at Marylouya@aol.com.

Shannon Jones  
 Executive Director

Doc. No. 035302

(Published in the Kansas Register January 17, 2008.)

**Summary Notice of Bond Sale**  
**City of Kechi, Kansas**  
**\$1,405,000**

**Aggregate Principal Amount**  
**General Obligation Bonds**  
**Series A, 2008**

**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

Subject to the terms and conditions of the complete official notice of sale dated December 27, 2007, of the city of Kechi, Kansas, in connection with the city's hereinafter described general obligation bonds, sealed or facsimile bids for the purchase of the bonds shall be received at the office of the city clerk at City Hall, 220 W. Kechi Road, Kechi, KS 67067, until 3 p.m. Thursday, January 24, 2008. All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and the bonds will be awarded by the City Council at a meeting at City Hall at 7 p.m. January 24, 2008.

No oral or auction bid for the bonds shall be considered, and no bid for less than the entire principal amount of the bonds shall be considered. Sealed and facsimile bids will be accepted only on the official bid form that has been prepared for the bonds, which may be obtained from either the city clerk or the city's financial advisor. Bids may be submitted by mail or delivered in person to the address stated above or may be submitted by facsimile at (316) 744-9636. The city shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. All bids must be received at the place and not later than the date and time herein specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of sale, and shall be in an amount equal to 2 percent of the principal amount of the series of bonds for which the bid is submitted. Bidders may be required to be qualified in a manner established by the city before submitting a bid.

**Details of the Bonds**

The bonds to be sold are in the aggregate principal amount of \$1,405,000 and shall bear a dated date of Feb-



ruary 15, 2008. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 2009, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$ 15,000	09/01/09
50,000	09/01/10
50,000	09/01/11
55,000	09/01/12
55,000	09/01/13
60,000	09/01/14
60,000	09/01/15
65,000	09/01/16
65,000	09/01/17
70,000	09/01/18
70,000	09/01/19
75,000	09/01/20
75,000	09/01/21
80,000	09/01/22
85,000	09/01/23
85,000	09/01/24
90,000	09/01/25
95,000	09/01/26
100,000	09/01/27
105,000	09/01/28

**Form of Bonds**

The bonds will be issued in book-entry-only form.

**Paying Agent & Bond Registrar; Payment of Principal and Interest**

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

**Redemption**

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

**Delivery**

The bonds shall be delivered at the expense of the city on or about February 20, 2008. As a condition to delivery,

the successful bidders shall be required to deposit the bonds with DTC. Reference is made to the official notice of sale for additional information regarding delivery.

**Legal Opinion**

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

**Security**

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon, in part, from the collection of special assessment taxes that have been levied against certain real properties in the city. To the extent the proceeds of such special assessment taxes are insufficient, the city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

**Financial Matters**

The city’s equalized assessed tangible valuation for computation of bonded debt limitations, after statutory adjustments, is \$16,168,179.00. The total outstanding general obligation bonded indebtedness of the city at February 15, 2008, less exempt amounts, will be \$1,123,657.34. This amount includes the within-described bonds.

**Official Statement**

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

**Continuing Disclosure**

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

**Additional Information**

Copies of the official notice of sale and preliminary official statement may be obtained from the city’s financial advisor, Larry Kleeman, Vice President, M&I Bank, 245 N. Waco, Suite 525, Wichita, KS 67202.

City of Kechi, Kansas  
By Laura Hill, City Clerk

Doc. No. 035286

(Published in the Kansas Register January 17, 2008.)

**Summary Notice of Bond Sale  
Unified School District No. 265  
Sedgwick County, Kansas (Goddard)  
\$33,714,700  
General Obligation School Building Bonds  
Series 2008  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated December 10, 2007, written and electronic bids will be received on behalf of the clerk of Unified School District No. 265, Sedgwick County, Kansas (Goddard) (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. January 28, 2008, for the purchase of the above-referenced bonds. No bid of less than 99.5 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$4,700 (or such amount added to \$5,000 or any integral multiple thereof). The bonds will be dated February 1, 2008, and will become due on October 1 in the years as follows:

Year	Principal Amount
2016	\$ 964,700
2017	1,680,000
2018	1,755,000
2019	1,830,000
2020	1,920,000
2021	2,000,000
2022	2,105,000
2023	2,190,000
2024	2,290,000
2025	2,975,000
2026	4,455,000
2027	4,665,000
2028	4,885,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2009.

**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 \$674,294 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about February 21, 2008, 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 \$234,730,475. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$92,134,700.

**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 persons at the addresses set forth below.

**Written Bid and Good Faith Deposit Delivery Address:**

Rod Dietz, Assistant Superintendent  
Office of the Board of Education  
201 S. Main, P.O. Box 249  
Goddard, KS 67052-0249  
(316) 794-4000  
Fax (316) 794-2222  
E-mail: rdietz@goddardusd.com

**Financial Advisor - Facsimile Bid and Good Faith****Deposit Delivery Address:**

George K. Baum & Company  
100 N. Main, Suite 810  
Wichita, KS 67202  
Attn: Charles M. Bouilly  
(316) 264-9351  
Fax (316) 264-9370  
E-mail: bouilly@gkbaum.com

Dated December 10, 2007.

Unified School District No. 265  
Sedgwick County, Kansas (Goddard)

Doc. No. 035300

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Reno County Municipal Solid Waste Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitor-

ing, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Reno County Municipal Solid Waste Landfill owns and operates a solid waste landfill located at 703 S. Mohawk Road, Hutchinson.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 18 (corrected date — previously was stated February 4).

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 18 (corrected date — previously was stated February 4) in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035289

## 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 site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, are seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454 or by e-mail at [purchasing@ku.edu](mailto:purchasing@ku.edu) to request a copy of a current bid.

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 035282

## 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 properties 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:

**February 1, 2008**

**264-08-15**

#### Project Lead Safe KCK

Property #1	831 N. 18th St. Kansas City, KS 66102
Property #2	2837 Parkwood Blvd. Kansas City, KS 66104
Property #3	647 Northrup Ave. Kansas City, KS 66101
Property #4	1720 Short Ave. Kansas City, KS 66104
Property #5	1850 N. 36th St. Kansas City, KS 66102
Property #6	1408 N. 40th St. Kansas City, KS 66102
Property #7	2848 N. 26th St. Kansas City, KS 66104

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 [http://www.unleadedks.com/contractor\\_info.html](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. 035299

## State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Hess Services, Inc. has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Hess Services, Inc., Hays, owns and operates a fiberglass tank manufacturing and metal tank painting facility located at 2670 E. 9th, Hays.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact Justin Cunningham, (785) 296-0776, at the KDHE central office; and to review the proposed permit only, contact Richard Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Justin Cunningham, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 18 (corrected date — previously was stated February 4).

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 18 (corrected date — previously was stated February 4) in order for the Secretary of Health and Environment to consider the request.

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

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

notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035288

## State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Butler County Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Butler County Landfill, 121 S. Gordy, Suite 200, El Dorado, owns and operates a solid waste landfill located at 2963 S.W. 40th St., El Dorado.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 18 (corrected date — previously was stated February 4).

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 18 (corrected date — previously was stated February 4) in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035290

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Salina Municipal Solid Waste Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Salina Municipal Solid Waste Landfill, 412 E. Ash St., Salina, owns and operates a solid waste landfill located at 4292 S. Burma Road, Salina.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact Jennifer Nichols, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air

and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 18 (corrected date — previously was stated February 4).

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 18 (corrected date — previously was stated February 4) in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035291

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Western Plains Regional Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Western Plains Regional Landfill owns and operates a solid waste landfill located at 1250 S. Raceway, Garden City.

A copy of the proposed permit, permit application, all supporting documentation and all information relied

(continued)

upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact Josh Weil, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 18 (corrected date — previously was stated February 4).

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 18 (corrected date — previously was stated February 4) in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035292

## 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-AG-08-001/009 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Doug Neis P.O. Box 372 Wellsville, KS 66092	NE/4 of Section 05,T15S, R21E, Douglas County	Kansas River Basin

Kansas Permit No. A-KSDG-M006

This is a new permit for an existing dairy with a maximum capacity for 50 head (70 animal units) of mature dairy cattle. There also is capacity for an additional maximum of 50 head (25 animal units) of calves and 3 head (3 animal units) of bulls at the site. Waste controls are for the parlor wastewater and runoff from the parlor holding pen and manure stockpile. Runoff from other pen areas is buffered by pasture and cropland.

Name and Address of Applicant	Legal Description	Receiving Water
AviPath, LLC Gary Leonard and Eric Smith 18354 E. 1100 Road Pleasanton, KS 66075	SW/4 of Section 27 & SE/4 of Section 28, T21S, R24E, Linn County	Marais des Cygnes River Basin

Kansas Permit No. A-MCLN-F001

This is an expansion permit for an existing facility for 29,000 laying hens and 24,000 pullets, for a total of 53,000 chickens. The facility currently consists of two layer buildings (each with a capacity for 8,000 layers), an egg storage/hatchery building, and two pullet buildings (each with a capacity for 6,500 pullets), and uses an incinerator for mortality disposal. The facility is proposing to increase the density of each pullet building to 12,000 pullets, to construct a layer building with a capacity of 8,000 layers, and to construct a layer building with a capacity of 5,000 layers. The proposed changes will increase the facility capacity by 24,000 chickens, bringing the total facility capacity from 29,000 chickens to 53,000 chickens.

Name and Address of Applicant	Legal Description	Receiving Water
Kong & Alee Turkey Farm Kong Lor Xiong 8316 S.E. 10th St. Baxter Springs, KS 66713	NE/4 of Section 30, T34S, R24E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-F004

This is a reissuance of a permit for an existing facility for 54,000 head (972 animal units) of turkeys.

Name and Address of Applicant	Legal Description	Receiving Water
J. L. Livengood Farms Inc. Tom Livengood 6020 RD #3 Kanorado, KS 67741	N/2 of Section 08, T09S, R42W, Sherman County	Upper Republican River Basin

Kansas Permit No. A-URSH-C006

Federal Permit No. KS0094005

This permit is being reissued for a confined animal feeding operation with a capacity for 4,999 head (4,999 animal units) of cattle more

than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Pro-Pork Doug Schwartz 2103 Liberty Road Morrowville, KS 66958	NE/4 of Section 24, T02S, R02E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S057

This permit is being reissued for 2,400 head (960 animal units) of swine more than 55 pounds. The permit includes a downsizing from 3,600 head of swine because one of the previously approved swine buildings was never built.

Name and Address of Applicant	Legal Description	Receiving Water
Gary L. Rieck 5588 W. 149th St. Burlingame, KS 66413	SW/4 of Section 25, T14S, R14E & NW/4 of Section 31, T14S, R15E, Osage County	Marais des Cygnes River Basin

Kansas Permit No. A-MCOS-B008

This permit is being reissued for 350 head (175 animal units) of cattle less than 700 pounds and 300 head (120 animal units) of swine more than 55 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Slash X Ranch Rex Schoen 18540 S.W. B Road Jetmore, KS 67854	SW/4 of Section 02, T25S, R25W, Ford County	Upper Arkansas River Basin

Kansas Permit No. A-UAFO-B003

This is a reissuance of a permit for an existing facility for 600 head (600 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Haverkamp Brothers (Berwick) Vaughn Young 2964 L4 Road Bern, KS 66408	NE/4 of Section 28, T16S, R40W, Nemaha County	Smoky Hill River Basin

Kansas Permit No. A-MONM-M057

This permit is being reissued for 1,200 head (480 animal units) of swine more than 55 pounds. There is not change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Livengood Brothers Tom Livengood 623 RD #24 Goodland, KS 67735	SW/4 of Section 36, T08S, R39W, Sherman County	Upper Republican River Basin

Kansas Permit No. A-URSH-C005 Federal Permit No. KS0093769

This is a reissuance of a permit for an existing facility for 3,000 head (3,000 animal units) of cattle weighing greater than 700 pounds.

**Public Notice No. KS-08-001/003**

Name and Address of Applicant	Receiving Stream	Type of Discharge
Goddard, City of P.O. Box 667 Goddard, KS 67052	Cowskin Creek via Dry Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-AR37-0001 Federal Permit No. KS0024791  
Legal Description: NE¼, NW¼, SW¼, and NW¼, NE¼, SW¼, S29,  
T27S, R2W, Sedgwick 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, fecal coliform/E.

coli and pH, as well as monitoring for ammonia. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Hawker Beechcraft Corporation P.O. Box 85, Dept. 137 Wichita, KS 67201	Arkansas River via Gypsum Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-AR94-PO04

Federal Permit No. KS0000183

Legal Description: 001: SE¼, S17, T27S, R2E, Sedgwick County  
002: NE¼, S20, T27S, R2E, Sedgwick County

Facility Location: 9709 E. Central, Wichita, KS 67206

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. This facility manufactures aircraft and missile targets. Municipal water used for noncontact equipment cooling, steam condensate, air conditioning condensate and fire protection test water, treated in an oil/water separator, and stormwater runoff, is discharged at outfalls 001 and 002. The average daily discharge, excluding stormwater runoff, is about 7,000 gpd at outfall 001 and about 30,000 gpd at outfall 002. The flow discharged at outfall 002 includes about 14,000 gpd of halogenated solvents-contaminated groundwater, treated in an air stripper (outfall 003A). Metal finishing process wastewater and domestic wastewater are discharge into a sanitary sewer. The proposed permit contains limits for oil and grease, total residual chlorine, trichloroethylene and pH. Monitoring of temperature, sulfate, chloride and effluent flow also will be required. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan (SWP2 Plan) within one year of the effective date of the permit. The permittee is further required to provide KDHE with a map showing the locations where the non-contact cooling water flows into the storm drain system. 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
Sterling, City of 114 N. Broadway Sterling, KS 67579	Cow Creek via Bull Creek via Silver Lake via 11th Street Ditch	Noncontact Cooling Water

Kansas Permit No. I-AR85-C001

Federal Permit No. KS0084905

Legal Description: NW¼, S21, T21S, R8W, Rice County

Facility Name: Sterling Power Plant

Facility Address: 333 N. Broadway, Sterling, KS 67579

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater discharge. This facility is a standby electrical generating station used for peaking and emergency power. City water is used for once-through, noncontact cooling purposes for the engine air intakes and discharged to outfall 001. This facility typically operates from June 15 through September 15. A cooling tower exists on-site but is a closed loop system and is connected to the city sanitary sewer. On a typical operating day, discharge is approximately 72,000 to 114,000 gallons depending on the different water usage rates for the 7 units and the combination they are operated. The proposed permit requires monitoring of total residual chlorine, chloride, pH, temperature and effluent flow.

**Public Notice No. KS-ND-08-001/006**

Name and Address of Applicant	Legal Location	Type of Discharge
Bird City, City of P.O. Box 219 Bird City, KS 67731	NW¼, SW¼, NW¼, S6, T4S, R27W, Cheyenne County	Nonoverflowing

Kansas Permit No. M-UR03-NO01

Federal Tracking No. KSJ000262

(continued)

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and pH. Contained in the permit is a schedule of compliance requiring the permittee to complete construction and initiate operation of the proposed new lagoon system by December 1, 2008. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
Elkhart, City of P.O. Box 640 Elkhart, KS 67950	E¼, NE¼, SW¼, S9, T35S, R42W, Morton County	Nonoverflowing

Kansas Permit No. M-CI04-NO01 Federal Tracking No. KSJ000421

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility. The proposed permit contains limits for chlorine residual and fecal coliform/E. coli on effluent discharge utilized for irrigation. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
Pawnee Rock, City of P.O. Box 218 Pawnee Rock, KS 67567	SW¼, SE¼, NW¼, S34, T20S, R15W, Barton County	Nonoverflowing

Kansas Permit No. M-UA32-NO01 Federal Tracking No. KSJ000254

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. The permittee is replacing this treatment facility with a new two-cell wastewater stabilization lagoon system which is to be completed and placed into service by September 30, 2008. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
Rolla, City of P.O. Box 125 Rolla, KS 67954	NE¼, SW¼, NW¼, S1, T34S, R40W, Morton County	Nonoverflowing

Kansas Permit No. M-CI19-NO01 Federal Tracking No. KSJ000416

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility. The proposed permit contains provisions for irrigation of the effluent wastewater and requires monitoring for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli, total phosphorus, pH, effluent flow to the irrigation system and the water level of the final cell. Contained in the permit is a schedule of compliance requiring the permittee to provide KDHE with a map showing the location of fields to be irrigated. The permittee also is required to provide a basic soil analysis from the irrigated lands in April 2008 and April 2012. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
Sawyer, City of P.O. Box 56 Sawyer, KS 67134	NE¼, NE¼, SW¼, S30, T29S, R12W, Pratt County	Nonoverflowing

Kansas Permit No. M-AR78-NO01 Federal Tracking No. KSJ000438

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility. Contained in the permit is a schedule of compliance requiring the permittee to complete construction of an approved rehabilitation project to bring the facility into compliance with Kansas Minimum Standards of Design for Water Pollution Control Facilities by November 1, 2008. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
Sublette, City of P.O. Box 934 Sublette, KS 67877	N½, NW¼, NW¼, S33, T29S, R32W, Haskell County	Nonoverflowing

Kansas Permit No. M-CI21-NO01 Federal Tracking No. KSJ000418

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility. The proposed permit contains provisions for irrigation of the effluent wastewater and requires monitoring for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli, total phosphorus, pH, effluent flow to the irrigation system and the water level of the final cell. Contained in the permit is a schedule of compliance requiring the permittee to provide KDHE with a map showing the location of fields to be irrigated. The permittee also is required to provide a basic soil analysis from the irrigated lands in September 2008 and September 2012. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

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 February 16 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-08-001/009, KS-08-001/003, KS-ND-008-001/006) 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035303



## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
RegulationsArticle 36.—FOOD SERVICE ESTABLISHMENTS,  
FOOD VENDING MACHINE COMPANIES AND  
LODGING ESTABLISHMENTS

**28-36-33 through 28-36-45.** (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979; revoked, T-28-10-8-07, Oct. 8, 2007; revoked Feb. 1, 2008.)

**28-36-46.** (Authorized by and implementing K.S.A. 36-506; effective May 1, 1983; revoked, T-28-10-8-07, Oct. 8, 2007; revoked Feb. 1, 2008.)

**28-36-47.** (Authorized by and implementing K.S.A. 36-506; effective May 1, 1983; revoked, T-28-10-8-07, Oct. 8, 2007; revoked Feb. 1, 2008.)

**28-36-48.** (Authorized by and implementing K.S.A. 36-507; effective May 1, 1983; revoked, T-28-10-8-07, Oct. 8, 2007; revoked Feb. 1, 2008.)

**28-36-49.** (Authorized by and implementing K.S.A. 36-507; effective May 1, 1983; revoked, T-28-10-8-07, Oct. 8, 2007; revoked Feb. 1, 2008.)

**28-36-70. Definitions.** Each of the following terms as used in K.A.R. 28-36-70 through K.A.R. 28-36-89 shall have the meaning assigned in this regulation. (a) "Bathroom" means a room provided to guests, including a locker room, shower room, or other similar room, where guests can shower, store personal items, or change into appropriate clothing for use in the spa.

(b) "Bed and breakfast home" means a boarding house that is a private residence where the owner or manager resides and provides lodging and meals for guests. Any licensee operating a bed and breakfast home may serve food only to the licensee's overnight guests, unless the licensee obtains a food service license.

(c) "Boarding house" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(d) "Egress" means an exit or route leading out of a lodging establishment.

(e) "Extended-stay establishment" means a lodging establishment in which a room is rented or leased to transient guests. Housekeeping functions are not provided on a daily basis.

(f) "Hotel" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(g) "Hot tub" means a pool or container of water designated for recreational use in which one or more people can soak. A hot tub can use hydrojet circulation or an air induction system, or a combination of these, to provide water circulation. A hot tub can use various water temperatures and additives, including minerals and oils, to provide therapy or relaxation.

(h) "KDHE" means Kansas department of health and environment.

(i) "Kitchenette" means a compact kitchen with cooking utensils, tableware, refrigerator, microwave, stove, or sink or any combination of these.

(j) "Licensee" means a person who is responsible for the operation of the lodging establishment and possesses a valid license to operate a lodging establishment.

(k) "Linens" means the cloth items used in the lodging establishment, including sheets, bedspreads, blankets, pillowcases, mattress pads, towels, and washcloths.

(l) "Lodge" means a boarding house or a rooming house that provides seasonal lodging for recreational purposes. If meals are provided for overnight guests, the lodge is operating as a boarding house. If meals are not provided for overnight guests, the lodge is operating as a rooming house.

(m) "Lodging establishment" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(n) "Major renovation" means a physical change to a lodging establishment or portion of a lodging establishment, including the following:

(1) Replacing or upgrading any of the following types of major systems:

(A) Electrical;

(B) plumbing;

(C) heating, ventilation, and air-conditioning;

(2) demolition of the interior or exterior of a building or portion of the building; and

(3) replacement, demolition, or installation of interior walls and partitions, whether fixed or moveable.

Major renovation shall not include replacement of broken, dated, or worn equipment and other items, including individual air-conditioning units, bathroom tiles, shower stalls, and any other items that do not require additional or new plumbing or electrical repairs.

(o) "Municipality" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(p) "Person" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(q) "Person in charge" means the individual or employee who is present in the lodging establishment at the time of the inspection and who is responsible for the operation. If no designated individual or employee is the person in charge, then any employee present is the person in charge.

(r) "Recreational water facility" and "RWF" mean a water environment with design and operational features that provides guests with recreational activity and that involves immersion of the body partially or totally in the water. This term shall include water slides, watercourse rides, water activity pools, jetted pools, and wave pools. This term shall not include swimming pools and hot tubs.

(s) "Regulatory authority" means the secretary of the department of health and environment or the secretary's designee.

(t) "Rooming house" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(u) "Sanitize" means to apply cumulative heat or chemicals on any clean surface so that, when evaluated for efficacy, the surface yields a reduction of 99.999% of disease-causing microorganisms.

(v) "Secretary" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(w) "Single-service articles" means items that are designed, constructed, and intended for one-time use and

(continued)

for one person's use, after which the item is discarded. This term shall include plastic, paper, or foam tableware and utensils, lightweight metal foil, stirrers, straws, toothpicks, and other items including single-use gloves, bags, liners, containers, placemats, and wrappers.

(x) "Spa" means any area of a lodging establishment where a hot tub, swimming pool, fitness equipment, tanning bed, or similar guest amenities are located.

This regulation shall be effective on and after February 5, 2008. (Authorized by K.S.A. 36-506; implementing K.S.A. 36-501 and 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-71. Licensure; plans and specifications; variances.** (a) Each person applying for a license to operate a lodging establishment shall submit the following to the department:

(1) A completed application and the required application and license fees; and

(2) if required by subsection (b), the plans and specifications of the lodging establishment.

(b) The plans and specifications shall be submitted before any of the following:

- (1) The construction of a lodging establishment;
- (2) the conversion of an existing structure for use as a lodging establishment;
- (3) the major renovation of a lodging establishment;
- (4) the addition or major renovation of a swimming pool, hot tub, RWF, or spa; or
- (5) the addition or change of a food service operation within a lodging establishment.

(c) Each plan and specification for a lodging establishment shall demonstrate conformance with the applicable requirements of these regulations and shall include the following:

- (1) The proposed layout, mechanical schematics, construction materials, and completion schedules;
- (2) the equipment layout, construction materials, and completion schedules for any food preparation and service area; and
- (3) the equipment layout and completion schedules for each swimming pool, hot tub, RWF, and spa.

(d) A variance may be granted by the regulatory authority to modify or waive one or more requirements of a regulation if the regulatory authority determines that a health hazard, safety hazard, or nuisance will not result from the variance.

(1) Each person requesting a variance shall submit the following to the department:

(A) A written statement of the proposed variance of the regulatory requirement;

(B) documentation of how the proposed variance addresses public health hazards and guest safety at the same level of protection as that of the original requirement; and

(C) any other relevant information if required by the secretary.

(2) For each variance granted, the licensee shall meet the following requirements:

(A) Follow the plans and procedures approved by the regulatory authority;

(B) maintain a permanent record of the variance at the lodging establishment; and

(C) maintain and provide to the regulatory authority, upon request, records that demonstrate that the variance is being followed.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-502 and 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-72. Food service and food safety.** Each licensee that serves food shall comply with one of the following provisions:

(a) Each licensee, if serving food to the general public, shall be required to obtain a food service license in accordance with K.S.A. 36-501 et seq., and amendments thereto, and comply with all provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108.

(b) A licensee that provides only commercially prepared, individually portioned prepackaged foods that are non-potentially hazardous or offers whole, uncut fresh fruits or coffee for guests shall not be considered to be operating a food establishment as specified in K.A.R. 28-36-101, but shall comply with all of the following requirements:

(1) All food shall be free from spoilage, filth, or other adulteration and shall be safe for human consumption.

(2) Condiments, if provided, shall be in individual packages.

(3) Only single-service articles shall be used for serving food.

(4) Single-service articles shall be stored, handled, and dispensed in a manner that prevents contamination of food contact surfaces.

(5) All food service areas and all food contact surfaces shall be smooth, free of breaks, open seams, cracks, chips, and similar imperfections and shall be kept clean.

(6) All food shall be stored and presented in a way that protects the food from cross contamination.

(7) All food service and storage areas shall be free of the evidence of insects, rodents, and other pests.

(8) Employees that handle food shall observe hygienic practices during all working periods of food service. Employees shall wash their hands before working with food; after using the toilet, smoking, eating, and drinking; and as often as necessary to keep their hands clean.

(c) Each licensee of a hotel that stores, prepares, packages, serves, or otherwise provides food to the licensee's overnight guests shall obtain a food service license in accordance with K.S.A. 36-501 et seq., and amendments thereto, and comply with all provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108.

(d) Any licensee of a boarding house who does not have a food service license as specified in K.S.A. 36-501 et seq., and amendments thereto, may serve food only to the overnight guests. The licensee of each boarding house shall comply with all applicable provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-73. Imminent health hazard.** (a) Each licensee shall discontinue operations of the affected portions of the lodging establishment on discovery that an imminent health hazard exists.

“Imminent health hazard” shall include fire, flood, sewage backup, rodent infestation, bed bug or other insect infestation, misuse of poisonous or toxic materials, gross unsanitary occurrence or condition, or any other condition that could endanger the health and safety of guests, employees, and the general public.

(b) Each licensee shall notify the regulatory authority within 12 hours of the discovery of an imminent health hazard.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-74. General requirements.** (a) Each licensee shall meet all of the following requirements:

(1) Post the license in a location in the lodging establishment that is conspicuous to guests;

(2) comply with the provisions of these regulations, including the conditions of any granted variance;

(3) ensure that no room or any portion of the lodging establishment is rented unless the room or portion of the lodging establishment is safe and sanitary; and

(4) replace any existing items, including equipment, furnishings, fixtures, or items of décor, with items that meet the requirements of these regulations, under any of the following conditions:

(A) The items constitute a public health hazard;

(B) the items affect guest safety; or

(C) the items do not meet the requirements of these regulations.

(b) Each licensee shall ensure that the hot water capacity is sufficient to meet the hot water demands of the lodging establishment.

(c) Each licensee shall ensure that all handwashing sinks meet all of the following requirements:

(1) Hot and cold potable water shall be supplied under pressure to each sink in enough capacity to meet handwashing needs.

(2) A mixing valve or combination faucet shall be used, unless the lodging establishment is listed on the state historical register or a variance that alters this requirement has been granted.

(3) The temperature of the hot water shall be at least 100 degrees Fahrenheit. If a mixing valve or combination faucet is not used, the temperature of the hot water shall not exceed 130 degrees Fahrenheit.

(4) A supply of hand soap and either paper towels or an electric drying device shall be available at all times at the handwashing sink.

(d) In public areas, cloth towels may be provided for one-time use by an individual. A receptacle for the soiled cloth towels shall be provided.

(e) The use of a common cloth towel shall be prohibited, except in guest rooms.

(f) A handwashing reminder sign shall be posted in each handwashing area, except in guest rooms.

(g)(1) A toilet room that is accessible at all times to employees shall be provided. A public toilet room may be

used by employees in lieu of a separate employee toilet room.

(2) A public toilet room or rooms shall be provided and accessible to the public if the lodging establishment provides space for guest or public gatherings or functions, including conferences, meetings, seminars, receptions, teas, dances, recitals, weddings, parties, wakes, and other events.

(3) There shall be at least one handwashing sink in or immediately adjacent to each toilet room. Each sink shall meet the requirements specified in subsection (c).

(4) Each toilet and urinal shall be sanitary, maintained in good repair, and operational at all times.

(5) Each toilet and urinal shall be cleaned and sanitized daily or more often if visibly soiled.

(6) The floor in each toilet room shall be constructed of smooth, nonabsorbent, easily cleanable materials and maintained in good repair. Carpeting shall be prohibited as a floor covering in toilet rooms.

(7) Except as specified in this paragraph, the storage of items in any toilet room shall be prohibited. A small amount of commonly used toilet room supplies may be stored, including toilet paper, hand soap, and paper towels.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-75. Personnel; health, cleanliness, and clothing.** Each licensee shall ensure that all of the following requirements are met:

(a) Health of employees. Each employee with any of the following health problems shall be excluded from a lodging establishment:

(1) The employee is infected with a communicable disease, and the disease can be transmitted to other employees or guests in the normal course of employment.

(2) The employee is a carrier of organisms that cause a communicable disease.

(3) The employee has a boil, an infected wound, or an acute respiratory infection.

(b) Cleanliness of employees.

(1) Each employee shall wash that employee's hands in accordance with paragraph (b)(2) before handling clean utensils or dishware, ice, beverages, food, or clean laundry.

(2) Each employee shall wash that employee's hands and any exposed portions of that employee's arms with soap and water in a designated sink by vigorously rubbing together the surfaces of the lathered hands and arms for 15 seconds to 20 seconds and thoroughly rinsing with clean water.

(c) Clothing. Each employee providing services directly to guests or performing housekeeping functions shall wear clean outer clothing that is in good repair.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-76. Guest and public safety.** (a) If the regulatory authority has reason to believe that defects could be present with regard to the integrity of the structure or

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electrical system of the lodging establishment, that authority may require the licensee to retain the services of a professional engineer or local building code officer to certify the lodging establishment for building safety. Disasters after which the structural integrity may need to be evaluated shall include a heavy snow or ice storm, flood, tornado, straight-line winds, fire, hurricane, and earthquake.

(b) Each licensee shall ensure that all repairs, construction, renovations, and maintenance are conducted in a manner that provides safe conditions for the guests and the public.

(c) The licensee of each lodging establishment using fuel-fired equipment or appliances that pose a potential carbon monoxide risk, including lodging establishments with attached parking garages or wood-burning fireplaces, shall install one or more carbon monoxide detectors according to the manufacturer's specifications.

(1) A carbon monoxide detector shall be required in each non-guest room adjoining or sharing a common ventilation system with an attached parking garage.

(2) Each carbon monoxide detector shall be in working condition.

(A) Each carbon monoxide detector shall be tested at least every six months to ensure that the detector is operating properly. The batteries shall be changed, as needed.

(B) A 12-month history of all test results shall be logged and maintained at the lodging establishment and made available to the regulatory authority upon request.

(C) If a battery-operated detector is not operational for two consecutive tests, the licensee shall install a detector that is hardwired with a battery backup.

(3) A carbon monoxide detector shall not be required to be installed in an attached parking garage area.

(d) The operation and maintenance requirements for each lodging establishment shall include all of the following:

(1) Each lodging establishment shall meet the requirements of all applicable building codes, fire codes, and ordinances.

(2) No freshly cut Christmas trees or boughs shall be used unless the freshly cut trees or boughs are treated with a flame-resistant material. The documentation of the treatment shall be kept on file at the lodging establishment for at least one year.

(3) Textile materials having a napped, tufted, looped, woven, nonwoven, or similar surface shall not be applied to walls or ceilings, unless the textile materials are treated with a flame-resistant material. The documentation of the treatment shall be kept on file at the lodging establishment for as long as the materials are used on the walls or ceilings. This documentation shall be made available to the regulatory authority upon request. Carpeting used as coving that covers the junction between the floor and walls shall be exempt from this requirement.

(4) Foam or plastic materials or other highly flammable or toxic material shall not be used as an interior wall, ceiling, or floor finish unless approved by the regulatory authority.

(5) The doors in any public areas that lead outside the lodging establishment shall not be locked or blocked, pre-

venting egress when the building is occupied. No exit doors shall be concealed or obscured by hangings, draperies, or any other objects.

(6)(A) Portable fire extinguishers shall be required and located in the hallways, mechanical rooms, laundry areas and all other hazardous areas and within 75 feet of each guest room door. All portable fire extinguishers shall be easily accessible to the guests and employees.

(B) Each fire extinguisher shall meet the following requirements:

(i) Be maintained in a fully charged and operable condition;

(ii) be rated at least 2A-10BC;

(iii) contain at least five pounds of fire suppressant; and

(iv) be inspected annually by a fire extinguisher company, a fire department representative, or another entity approved by the regulatory authority. The licensee shall retain a record of these inspections at the lodging establishment for at least one year.

(7) Emergency lighting shall be provided where guest room doors open to an interior corridor and where guest room doors open to the outside but not directly at ground level.

(8) A smoke detector shall be installed in each guest sleeping room, cooking area and kitchen, interior stairwell, hallway, laundry area, mechanical room, and any other fire hazard area. Any heat-sensing device designed to detect fire may be installed in a cooking area in lieu of a smoke detector.

(A) All smoke detectors and heat-sensing devices shall be maintained in operating condition.

(B) Each smoke detector and each heat-sensing device shall be tested at least every six months to ensure that the detector or device is operating properly. The batteries shall be replaced as needed.

(C) A 12-month history of test results shall be logged and maintained at the lodging establishment and made available to the regulatory authority upon request.

(D) If a battery-operated detector is not operational for two consecutive tests, the licensee shall install a detector that is hardwired with a battery backup.

(E) Smoke detectors for hearing-impaired individuals shall be available as specified in K.S.A. 36-517, and amendments thereto.

(9) If hardwired, interconnected smoke detectors are used, these detectors shall be tested and approved annually by a fire sprinkler company, fire alarm company, fire department representative, or any other entity approved by the regulatory authority. A 12-month history of test results shall be maintained at the lodging establishment and made available to the regulatory authority upon request.

(10) If fire alarm systems and fire sprinkler systems are used, the systems shall be tested and approved annually by a fire alarm company, fire sprinkler company, fire department representative, or any other entity approved by the regulatory authority. A 12-month history of test results shall be maintained at the lodging establishment and made available to the regulatory authority upon request.

(11)(A) All exit signs shall be clean and legible. At least one exit sign shall be visible from each of the following locations:

(i) The doorway of each guest room that opens to an interior corridor; and

(ii) the doorway of each guest room that opens to the outdoors but not directly at ground level.

(B) Each newly constructed lodging establishment shall have supplemental directional signs indicating the direction and path of egress.

(C) Boarding houses and rooming houses shall not be required to have exit signs if the requirements in paragraphs (d)(5) and (12) are met.

(12) An evacuation route diagram shall be posted in a conspicuous location in each guest room. The diagram shall include the location of the guest room, the layout of the floor, and the location of the nearest available exits. If the door of a guest room opens directly to the outdoors at ground level, the diagram shall not be required to be posted.

(13) A copy of an emergency management plan and employee instructions shall be kept on file in the lodging establishment, made accessible to all employees, and made available to the regulatory authority upon request. A record that each employee has received training on the emergency management plan shall be maintained at the lodging establishment in each employee's file.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-77. Guest rooms.** Each licensee shall ensure that each guest room is kept clean, is in good repair, and is maintained with regard to the health and safety of each guest, in accordance with all of the following requirements:

(a) The walls, floors, ceilings, doors, and windows shall be constructed of materials intended for that purpose, maintained in good repair, and cleaned, painted, or replaced as necessary.

(1) All junctures between floors and walls shall be constructed, covered, or finished with a baseboard and readily cleanable.

(2) All floors and floor coverings shall be cleaned as needed. The methods for cleaning shall be suitable to the finish and material.

(3) All floor maintenance, repair, or replacement shall be done in a manner that prevents slipping or tripping hazards to any guest.

(4) A guest room that has visible mold on the floors, walls, ceiling, or windows shall not be rented until mold cleanup is completed.

(b) All furnishings, including draperies, beds, appliances, furniture, lamps, and decorative items, shall be kept clean and in good repair. The methods for cleaning shall be suitable to the material and finish.

(c) Each guest room shall have a connecting toilet room and bathing facilities, including a bathtub or shower, except for the following:

(1) If the lodging establishment is listed on the state historical register and documentation is provided to the regulatory authority, at least one toilet room with bathing facilities located on the same floor shall be provided for every two guest rooms, unless otherwise specified by the regulatory authority.

(2) If the lodging establishment is a boarding house, including a bed and breakfast home, or a rooming house, at least one toilet room with bathing facilities located on the same floor shall be provided for every two guest rooms.

(3) If the lodging establishment is a lodge with dormitory sleeping areas, at least one toilet and at least one bathtub or one shower shall be provided for every six guests and shall be located within the same building as the dormitory sleeping area or adjacent to the dormitory sleeping area.

(d) Each handwashing sink shall meet the requirements specified in K.A.R. 28-36-74.

(e) Each rented guest room shall be serviced daily in the following manner except as otherwise specified in this subsection:

(1) Clean bathroom linens, including towels and washcloths, shall be provided. If bathmats are provided, the bathmats shall be clean.

(2) Clean bed linens shall be provided, and the bed shall be made.

(3) All floors shall be swept or vacuumed, if visibly soiled. All hard-surface floors shall be wet-cleaned if visibly soiled.

(4) Each toilet, sink, bathtub, and shower area shall be cleaned if visibly soiled.

(5) Each trash container shall be emptied and shall be cleaned if visibly soiled. A trash container liner may be reused during the same guest's stay if the liner is not visibly soiled.

(6) All soap and prepackaged guest toiletry items shall be replenished, as necessary.

(7) All toilet paper shall be replenished, as necessary.

(8) Clean ice bucket liners shall be provided and replaced, as necessary and upon request of the guest.

(9) All glassware and cups, if provided, shall be replaced with clean and sanitized dishware. Single-service cups, if provided, shall be replenished.

(10) If a coffeemaker is present in the guest room, the coffeepot shall be rinsed. If the coffeepot is visibly soiled or contaminated, it shall be washed, rinsed, and sanitized. A fresh supply of coffee, condiments, and any single-service articles shall be replenished, if provided.

(f) Each guest room shall be serviced daily during the guest's stay if the stay is less than five days, unless the guest requests that all or part of the room not be serviced.

(g) If the same guest continuously occupies the same room for five or more days, the room shall be serviced and cleaned at least every five days. For each extended-stay establishment, the guest room shall be serviced and cleaned at least every five days.

(h) Each guest room that is available for rent shall be serviced and cleaned before each new guest. In addition to the required service activities in subsection (e), each guest room cleaning shall include the following:

(1) All floors shall be swept or vacuumed, and all hard-surface floors shall be wet-cleaned.

(2) All furniture, fixtures, and any items of decoration shall be cleaned in a manner that is appropriate to the finish.

(3) The interior of all drawers shall be cleaned.

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(4) All toilets, sinks, bathtubs, and shower areas shall be cleaned and sanitized in a manner that is appropriate to the finish.

(5) All sinks, bathtubs, and shower areas shall be kept free of hair, mold, and mildew.

(6) Bed linens and bath linens shall not be used for cleaning or dusting.

(7) All trash containers shall be emptied and cleaned, and new liners shall be provided.

(8) All ice bucket liners shall be replaced with new liners.

(9) All used guest toiletries and soap shall be replenished.

(10) The guest room shall be visually inspected for any evidence of insects, rodents, and other pests.

(i)(1) All bedspreads, top-covering linens, blankets, mattress pads, mattresses, and box springs shall be cleaned and maintained in good repair according to all of the following requirements:

(A) All linens with tears or holes shall be repaired or replaced, and all soiled and stained linen shall be cleaned.

(B) All bedspreads and top-covering linens shall be cleaned at least monthly.

(C) All blankets and mattress pads shall be cleaned at least monthly. All blankets and mattress pads that are visibly soiled or stained shall be removed and replaced with clean linen.

(D) All mattresses and box springs shall be kept clean. Each damaged or soiled mattress and box spring shall be repaired or cleaned.

(E) Each mattress that is not kept in sanitary condition shall be replaced.

(2) The interior and surface of each enclosed mattress platform shall be cleaned if visibly soiled and either maintained in good repair or replaced.

(j) The requirements of one of the following paragraphs shall be met:

(1) No coffeemaker or coffeepot shall be located within a toilet room. Each coffeepot shall be rinsed before each new guest.

(2) Each coffeepot located within a toilet room shall be washed, rinsed, and sanitized before each new guest as specified in K.A.R. 28-36-78.

(k) All single-service drinking glasses and utensils shall be prepackaged.

(l) All food and condiments provided in each guest room shall be individually prepackaged.

(m) If a refrigerator unit is provided in a guest room, the unit shall be cleaned before each new guest.

(n) Each appliance provided for guest use, including microwaves, stoves, dishwashing machines, coffeemakers, hair dryers, clothing irons, radios, televisions, remote controls, and video equipment, shall be operational and in good repair. All cooking appliances, including microwaves and stoves, shall be cleaned before each new guest. All appliances shall be listed with or certified by underwriters' laboratories (UL) and shall bear the UL designation.

(o) Except as specified in this subsection, the use of portable electrical or open-flame cooking devices shall be prohibited in a guest room. These devices shall include hot plates, electric skillets and grills, propane and char-

coal grills, camping stoves, and any similar cooking devices. These devices shall not include slow cookers. Microwaves and toasters that are provided in a guest room by the licensee shall be permitted.

(p) Each guest room shall be free of any evidence of insects, rodents, and other pests.

(1) If a guest room has been vacant for at least 30 days, the licensee shall visually inspect that room for any evidence of insects, rodents, and other pests within 24 hours of occupancy by the next guest.

(2) No guest room that is infested by insects, rodents, or other pests shall be rented until the infestation is eliminated.

(3) The presence of bed bugs, which is indicated by observation of a living or dead bed bug, bed bug carapace, eggs or egg casings, or the typical brownish or blood spotting on linens, mattresses, or furniture, shall be considered an infestation.

(4) The presence of bed bugs shall be reported to the regulatory authority within one business day upon discovery or upon receipt of a guest complaint.

(5) All infestations shall be treated by a licensed pest control operator (PCO).

(6) All pest control measures, both mechanical and chemical, shall be used in accordance with the manufacturer's recommendations.

(7) No rodenticides, pesticides, or insecticides shall be stored in a guest room or in any area that could contaminate guest supplies, food, condiments, dishware, or utensils.

(q) (1) The licensee of each lodging establishment that allows pets into any guest room shall advise consumers that the establishment is "pet-friendly" by posting a sign in a conspicuous place at the front desk to alert guests that pets are allowed.

(2) The licensee of each lodging establishment where pets or service animals have been in a guest room shall meet one of the following requirements:

(A) The guest room shall be deep cleaned before the next guest. Deep cleaning shall include servicing and cleaning the guest room as specified in subsections (e) and (h), as well as vacuuming and shampooing the carpet and upholstered furnishings and vacuuming the mattress. All bed linens, including sheets, mattress pads, blankets, bedspreads or top coverings, and pillows, shall be replaced with clean bed linens.

(B) If the room is not deep cleaned, the licensee shall not offer that room to any guest without giving notification to that guest that a pet or service animal was in the room previous to the new guest.

(3) If the previous guest has smoked in a room, the licensee of any lodging establishment shall not offer that room as a non-smoking room until one of the following requirements is met:

(A) The guest room is deep cleaned as specified in paragraph (q)(2)(A).

(B) If the room is not deep cleaned, the licensee shall give notification to the new guest that the previous guest smoked in the room.

(r) Each guest room shall be provided with a means for locking each entrance both from the inside and from the outside, according to all of the following requirements:

(1) The key furnished to each guest shall not unlock the door to any other guest room.

(2) At least one secondary lock, including a dead bolt lock, thumb bolt, chain lock, or a similar device, shall be provided in addition to the primary key lock and shall be installed in accordance with the manufacturer's specifications.

(3) All locks shall be in good repair and fully operational.

(s) Each pair of connecting guest rooms shall have two doors in the connecting doorway. Each connecting door shall be equipped with a lock on only the guest room side of that door.

(t) If cribs are provided upon request, the cribs shall be easily cleanable, safe, and in good repair. Each crib rail, pad, and mattress shall be cleaned and sanitized after each guest.

This regulation shall be effective on or after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-78. Dishware and utensils.** Each licensee shall ensure that all of the following requirements are met: (a) General.

(1) All dishware and utensils that are designed for repeat use shall be made of safe, durable, and nonabsorbent material and shall be kept in good repair. No cracked or chipped dishware or utensils shall be provided for use by guests or employees.

(2) All single-service articles shall be constructed of safe, durable, and nonabsorbent materials.

(3) All single-service drinking glasses and utensils shall be prepackaged or protected in a dispenser.

(4) No single-service articles may be reused.

(b) Storage.

(1) All clean dishware and utensils and all single-service articles shall be protected from dirt, dust, liquids, insects, vermin, and any other sources of contamination at all times.

(2) Each licensee shall provide storage facilities for dishware and utensils in a clean, dry location at least six inches above the floor.

(3) No dishware and utensils shall be stored under an exposed sewer line or a dripping water line.

(4) No dishware, utensils, single-service articles, ice buckets, and food containers shall be stored within a toilet room.

(c) Cleaning and sanitization. Each licensee shall use either manual cleaning and sanitizing equipment or mechanical cleaning and sanitizing equipment.

(1) All dirty or used glasses, dishware, and utensils that are in areas other than a guest room kitchenette shall be removed from each guest room during the servicing or cleaning of the room and upon vacancy of that room. All items shall be washed, rinsed, and sanitized using one of the approved methods in this regulation.

(2) If the licensee provides repeat service dishware or utensils to the lodging establishment's guests or to the public, the licensee shall install in the lodging establishment, or in a food service area operated in conjunction with the lodging establishment, manual or mechanical cleaning equipment for dishware and utensils that meets the requirement of this regulation.

(3) The manual cleaning and sanitizing of dishware, utensils, and food equipment shall meet all of the following requirements:

(A) (i) A sink with at least three compartments or three adjacent sinks shall be used and shall be large enough to permit the immersion of the largest item of dishware, utensil, or food equipment articles to be cleaned.

(ii) All sinks and dishware drying surfaces shall be cleaned before use.

(B) Each compartment of the sink shall be supplied with hot and cold potable running water.

(C) The wash, rinse, and sanitizing water shall be kept clean.

(D) The steps for manual cleaning and sanitizing shall consist of all of the following:

(i) All dishware, utensils, and food equipment shall be thoroughly washed in the first compartment with a hot detergent solution.

(ii) All dishware, utensils, and food equipment shall be rinsed free of detergent and abrasives with clean water in the second compartment.

(iii) All dishware, utensils, and food equipment shall be sanitized in the third compartment according to one of the methods in paragraph (c)(3)(E).

(E) The food contact surfaces of all dishware, utensils, and food equipment shall be sanitized during manual ware washing by one of the following methods:

(i) Immersion for at least 10 seconds in a clean solution containing 50 to 200 parts per million of available chlorine, with a water temperature of at least 75 degrees Fahrenheit;

(ii) immersion for at least 30 seconds in clean hot water with a temperature of at least 171 degrees Fahrenheit;

(iii) immersion in a clean solution containing a quaternary ammonium compound with a minimum water temperature of 75 degrees Fahrenheit and with the concentration indicated by the manufacturer's directions on the label; or

(iv) immersion in a clean solution containing a sanitization chemical other than those specified in this subsection that meets the applicable requirements specified in K.A.R. 28-36-104.

(F) A chemical test kit, thermometer, or other device that accurately measures the concentration of sanitizing chemicals, in parts per million, and the temperature of the water shall be available and used daily.

(4) The mechanical cleaning and sanitizing of dishware, utensils, and food equipment may be done by spray-type or immersion commercial dishwashing machines. Another type of dishwashing machine or device may be used if the machine or device meets the requirements of this regulation.

(A) Each dishwashing machine and device shall be properly installed and maintained in good repair and shall be operated in accordance with the manufacturer's instructions.

(B) If an automatic detergent dispenser, rinsing agents dispenser, or liquid sanitizer dispenser is used, the dispenser shall be properly installed and maintained.

(C) Each dishwashing machine using hot water to sanitize shall be installed and operated according to the man-

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manufacturer's specifications and shall achieve a minimum dishware and utensil surface temperature of 160 degrees Fahrenheit as measured by a dishwasher-safe thermometer. For each dishwashing machine using hot water to sanitize that does not cause the surface temperature of the dishware and utensils to reach a temperature of 160 degrees Fahrenheit, one of the following requirements shall be met:

(i) The licensee shall install a heat booster.

(ii) The licensee shall provide the regulatory authority with documentation of a time and temperature relationship that results in the sanitization of the dishware and utensils.

(D) The final rinse temperature of each dishwashing machine using hot water to sanitize shall be monitored by a dishwasher-safe thermometer.

(E) All dishware, utensils, and food equipment shall be exposed to all dishwashing and drying cycles.

(F) Each dishwashing machine using chemicals for sanitization shall be used as follows:

(i) The temperature of the wash water shall be at least 120 degrees Fahrenheit, and the chemical sanitizing rinse water shall be at least 75 degrees Fahrenheit unless specified differently by the machine's manufacturer.

(ii) The wash water shall be kept clean.

(iii) The chemicals added for sanitization purposes shall be automatically dispensed.

(iv) All dishware, utensils, and food equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration.

(v) All chemical sanitizers shall meet the applicable requirements of K.A.R. 28-36-104.

(G) A chemical test kit, thermometer, or other device that accurately measures the concentration of sanitizing chemicals, in parts per million, and the temperature of the water shall be available and used daily.

(H) Each dishwashing machine or device shall be cleaned as often as necessary to be maintained in operating condition according to the manufacturer's specifications.

(d) All dishware, utensils, and food equipment shall be air-dried.

(e) Each licensee that provides dishware, utensils, and food equipment in the guest room shall clean and sanitize the dishware, utensils, and food equipment provided by one of the following methods:

(1) Provide manual dishwashing and sanitizing as specified in paragraph (c)(3);

(2) provide a mechanical dishwashing machine as specified in paragraph (c)(4); or

(3) provide a complete set of clean and sanitized dishware, utensils, and food equipment before each new guest arrives.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-79. Housekeeping and laundry facilities; maintenance supplies and equipment.** Each licensee shall ensure that all housekeeping and laundry facilities and equipment are clean and maintained in good repair.

Each licensee shall ensure that all of the following requirements are met:

(a)(1) Each housekeeping cart shall be maintained and operated to prevent the contamination of clean linens by dirty linens.

(2) Each housekeeping cart shall be designed, maintained, and operated to protect clean glasses, utensils, dishware, single-service articles, food, coffee, and condiments from dirty linens and other sources of contamination, including dirty glasses and dishware, cleaning and sanitizing agents, and poisonous or toxic materials.

(3) Each service or utility cart shall be maintained and operated to prevent the contamination of clean linens by dirty linens or other sources of contamination, according to one of the following methods:

(A) Cleaning and sanitizing the service cart before transporting clean linens;

(B) lining the service cart with a clean liner before transporting clean linens;

(C) placing the clean linens in a clean container before transporting the linens in the service cart; or

(D) using another method as approved by the regulatory authority.

(4) All laundry bags used for dirty linen shall be laundered before being used for clean linen.

(5) Each housekeeping cart and each service cart shall be kept clean and in good repair.

(b)(1) Each licensee shall provide laundry facilities, unless a commercial laundry service is used.

(2) All clean laundry shall be handled in a manner that prevents contact with dirty linen.

(3) Each laundry area shall be designed and arranged in a manner that provides for the functional separation of clean and dirty laundry. A space large enough for sorting and storing soiled linens and for sorting and storing clean linens shall be provided.

(4) The laundry facilities shall be located in areas that are not used by guests or the public and are not used as corridors or passageways.

(5) The laundry area shall be kept clean and free from accumulated lint and dust.

(6) The laundry facilities and areas shall be used for their intended purpose and shall not be used for storage of equipment or supplies not related to the laundering process.

(7) All laundry equipment shall be functional and in good repair. Any laundry equipment that is no longer in use shall be removed from the laundry area.

(8) Each lodging establishment that is newly constructed, undergoes a major renovation, or is licensed under a new ownership shall be required to have a hand sink in the laundry area. Each hand sink shall meet the requirements specified in K.A.R. 28-36-74.

(9) All housekeeping and cleaning supplies and equipment shall be stored in a designated area. The storage area may be in the laundry area if the supplies and equipment are physically separated from the laundry, laundry equipment, and laundry supplies.

(c) All laundry that is cleaned commercially off the premises shall have a segregated storage space for clean and dirty laundry and shall be located and equipped for convenient pick-up and delivery.



(d) Separate laundry facilities may be provided for use by guests if these facilities are located in a room or area of the lodging establishment designated only for guest laundry. The area and equipment shall be kept clean and in good repair.

(e) Single-use gloves shall be available for housekeeping and laundry staff and made available in the laundry and housekeeping areas.

(f) A specific location or area shall be provided for the storage of maintenance supplies and equipment. No other items shall be stored in this location or area.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-80. Poisonous or toxic materials.** Each licensee shall ensure that all of the following requirements are met: (a) Only those poisonous or toxic materials that are required for the operation and maintenance of the lodging establishment shall be allowed on the premises, including the following:

(1) Detergents, sanitizers, cleaning or drying agents, caustics, acids, polishes, and similar chemicals;

(2) insecticides and rodenticides;

(3) building maintenance materials, including paint, varnish, stain, glue, and caulking; and

(4) landscaping materials, including herbicides, lubricants, and fuel for equipment.

(b) The storage of poisonous or toxic materials shall meet all of the following requirements:

(1) The substances listed in each of the four categories specified in subsection (a) shall be stored on separate shelves or in separate cabinets. These shelves and cabinets shall be used for no other purpose.

(2) To prevent the possibility of contamination, poisonous or toxic materials shall not be stored above food, ice or ice-making equipment, linens, towels, utensils, single-service articles, or guest toiletry items. This requirement shall not prohibit the availability of cleaning or sanitizing agents in dishwashing or laundry work areas.

(c) Each bulk or original container of a poisonous or toxic material shall bear a legible manufacturer's label.

All poisonous or toxic materials taken from a bulk container or an original container and put into another container shall be clearly identified with the common name of the material.

(d) Each poisonous or toxic material shall be used according to the manufacturer's directions. Additional safety requirements regarding the safe use of poisonous or toxic materials may be established by the regulatory authority upon discovery of the unsafe use of these materials.

(e) Each restricted-use pesticide shall be applied only by a certified applicator or a person under the direct supervision of a certified applicator and in accordance with all applicable statutes and regulations.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-81. Public indoor areas.** Each licensee shall ensure that all of the following requirements are met: (a)

All indoor public areas shall be kept clean and free of debris.

(b) (1) All equipment, appliances, and fixtures shall be maintained in good repair. All equipment, appliances, and fixtures that require repair or maintenance either shall be removed for repair or maintenance or shall be designated as damaged or under repair by using signs, placards, cones, hazard tape, or other visual means to alert guests of any possible hazard.

(2) All unused or damaged equipment, appliances, and fixtures shall be removed.

(c) (1) All floors and floor coverings in public areas, service areas, hallways, walkways, and stairs shall be kept clean by effective means suitable to the finish.

(2) All floor coverings shall be maintained in good repair. All floor maintenance, repair, and replacement shall be done in a manner that prevents slipping or tripping hazards to guests.

(d) All furniture and items of décor shall be in good repair and kept clean by effective means suitable to the material and finish.

(e) All stairs, landings, hallways, and other walkways shall be kept free of debris and in good repair and shall meet the following requirements:

(1) The storage of items shall be prohibited.

(2) A minimum illumination of 10 foot-candles shall be required.

(f) Each fitness room, bathhouse, and spa shall meet the following requirements:

(1) Each area shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness.

(2) All floors shall be maintained in good repair and have a slip-resistant finish or covering that prevents slipping when wet.

(3) All equipment and fixtures that come into contact with guests, including benches, tables, stools, chairs, tanning beds, and fitness equipment, shall be constructed with a covering of a nonabsorbent material suitable for the use of the equipment or fixture. The following requirements shall be met:

(A) All surfaces that come into contact with guests shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness.

(B) Cleaning or sanitizing solutions shall be made available for guest use and shall be kept in clearly labeled bottles.

(C) All showers shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness.

(4) (A) Towels, including bath towels, hand towels, and paper towels, shall be provided in the area and made available upon guest request.

(B) Each cloth towel shall be laundered before being provided to a guest.

(C) A receptacle for wet or soiled towels shall be provided for guest use in the area. The receptacle shall be emptied at least once daily.

(5) All equipment, fixtures, and recreational items provided for guest use shall be maintained in good repair.

(6) Protective eye equipment shall be provided if tanning equipment is provided for guest use.

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This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-82. Ice and ice dispensing.** Each licensee shall ensure that all of the following requirements are met: (a) (1) If ice is provided in a public area to guests or the general public, the ice shall be provided only through automatic, self-service dispensing machines that are constructed to prevent the direct access to bulk ice storage compartments by guests or the general public.

(2) Ice machines other than the type specified in paragraph (a)(1), including bin-type ice machines that allow direct access to the bulk ice storage compartments, shall not be accessible to guests or the general public. Any lodging employee may provide containers of ice to guests or the general public from this type of ice machine, from an icemaker, or from prepackaged ice.

(b) (1) Only ice that has been made from potable water and handled in a sanitary manner shall be provided by a lodging establishment. All ice shall be free of visible contaminants.

(2) All ice that is not made on the premises of the lodging establishment shall be obtained from a commercial source and shall be protected from contamination during transportation and storage.

(c) Each ice machine shall meet the following requirements:

(1) Be constructed of sanitary, durable, corrosion-resistant material and be easily cleanable;

(2) be constructed, located, installed, and operated to prevent contamination of the ice;

(3) be kept clean, free of any mold, rust, debris, or other contaminants, and maintained in good repair; and

(4) be drained through an air gap.

(d) (1) Each ice container or ice bucket shall meet the following requirements:

(A) Be made of smooth, nonabsorbent, impervious, food-grade materials and be easily cleaned;

(B) be kept clean and stored in a sanitary manner;

(C) be cleaned and sanitized before each new guest; and

(D) be provided with a sanitary, single-service use, food-grade liner that is changed daily.

(2) All canvas or wax-coated buckets or containers shall be prohibited.

(3) No ice container or ice bucket shall be located within the room housing the toilet.

(e) Each icemaker located in a guest room shall be kept clean and sanitary.

(1) No individual ice cube trays shall be used.

(2) All ice shall be removed from the icemaker's storage bin before each new guest.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-83. Exterior premises.** Each licensee shall ensure that all of the following requirements are met: (a) Exterior areas and surfaces.

(1) All exterior areas and surfaces, including alleys and driveways, shall be kept clean, free of debris, and in good repair.

(2) Each walking, driving, and parking surface shall be graded or maintained to prevent the pooling of water.

(3) All lawns and landscaping shall be mowed or pruned as needed to promote guest safety.

(4) All parking areas and walkways shall be illuminated for guest safety and shall be kept free of debris.

(5) All unused or discarded equipment and materials shall be removed from the premises, except when placed in a designated storage area.

(6)(A) All exterior balconies, landings, porches, decks, stairways, and ramps shall be kept in good repair and free of debris and shall be illuminated for guest safety.

(B) Storage on stairs, landings, and ramps shall be prohibited.

(C) All guards and railings shall be attached securely and shall be kept in good repair.

(D) All ramps shall have a slip-resistant surface.

(E) All exterior stairways, ramps, landings, and walkways shall be kept free of ice and snow.

(b) Outside playgrounds and recreational areas.

(1) All equipment shall be kept clean and in good repair at all times. All protruding bolts, screws, and nails and all sharp edges shall be removed or covered.

(2) The ground cover under children's play equipment shall be a soft surface, including turf, rubber chips, bark mulch, clean sand, or any other surface approved by the regulatory authority.

(3) Unused equipment shall be stored in a designated area.

(4) If the area is open for nighttime use, lighting shall be provided for guest safety.

(5) The area shall be kept clean and free of debris.

(6) If fencing is provided, the fencing shall be kept in good repair.

(c) Refuse containers.

(1) The area where refuse containers are located shall be kept free of debris and cleaned as necessary to prevent the attraction and harborage of insects, rodents, and other pests and to minimize odors.

(2) Containers of adequate capacity or number shall be available to store all refuse that accumulates between refuse pickups. All refuse containers shall be emptied at least once each week or more frequently, if necessary to meet the requirements of these regulations. All rotten waste shall be removed daily.

(3) All refuse container lids shall be closed. All refuse containers shall be kept on a solid surface. Solid surfaces shall include concrete, asphalt, and any other hard surface approved by the regulatory authority.

(d) Outdoor vector control.

(1) The premises shall be free of any harborage conditions that can lead to or encourage infestations of rodents, insects, and any other pests.

(2) Control measures shall be taken to protect against the entrance of rodents, insects, and any other pests into the lodging establishment. All buildings shall be vermin-proofed and kept in a verminproof condition.

All doors leading outside shall be tightfitting to eliminate entrance points for rodents, insects, and any other pests. All windows and doors that can be opened for ventilation shall have screening material that is at least 16

mesh to the inch and shall be tightfitting and kept in good repair.

(3) Identified infestation problems shall be treated by a licensed pest control operator (PCO).

(4) All control measures, both mechanical and chemical, shall be used in accordance with each manufacturer's recommendations.

(e) Exterior storage.

(1) A storage area shall be provided for maintenance and recreational equipment, machinery, and any other maintenance items.

(2) Only those items necessary for the operation and maintenance of the lodging establishment shall be kept in a storage area.

(3) All poisonous and toxic materials shall be stored as specified in K.A.R. 28-36-80.

(4) Each storage area shall be kept free of debris, filth, and any harborage conditions.

(5) All articles in need of repair may be stored on a short-term basis, which shall not exceed six months. All articles that are not repaired within six months shall be discarded or moved to an off-site storage facility.

(f) Outdoor space for pets. All pets shall be kept on a leash or controlled in a manner that prevents the pets from running freely about the premises.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

#### **28-36-84. Swimming pools, RWFs, and hot tubs.**

(a) General requirements. Each licensee shall ensure that all swimming pools, RWFs, and hot tubs are kept sanitary and in good repair.

(1) Each swimming pool, RWF, and hot tub shall meet the requirements in these regulations, unless local ordinances pertaining to planning and design, lifesaving and safety equipment, water quality, and sanitation exist and these ordinances are as restrictive or more restrictive than these regulations.

(2) Each licensee shall maintain records of each inspection conducted by a local regulatory agency for at least one year. The inspection records shall be made available for review by the regulatory authority, upon request.

(b) Design and safeguards.

(1) Each plan for a new swimming pool or RWF and for a swimming pool or RWF undergoing major renovation, including installation of a diving board, slide, or other similar recreational devices, shall be designed by a licensed engineer, architect, or other qualified professional and shall be submitted to the regulatory authority before the start of construction. Submission of documentation of plan approval by the local regulatory agency shall meet the requirements of this paragraph.

(2) Each grate over a main drain in each swimming pool or RWF shall be intact, firmly affixed at all times, and designed to prevent swimmer entanglement, entrapment, or injury. Other methods to prevent swimmer entanglement, entrapment, or injury may include multiple main drains, antivortex drain covers, or any similar device approved by the regulatory authority.

(3) The depth of water in each swimming pool or RWF shall be plainly marked with at least four-inch high num-

bers of a color that contrasts with the color of the pool decking or vertical pool wall.

(A) Water depth markings for an inground swimming pool shall be clearly marked on the edge of the deck and visible at all times. In addition, water depth markings may be placed above the water surface on the vertical pool walls and shall be visible at all times.

(B) Water depth markings for each aboveground swimming pool or RWF shall be on the edge of the deck and shall be visible to persons entering the swimming pool. If water depth markings cannot be placed on the edge of the deck, another means shall be used so that the water depth is visible to persons entering the swimming pool.

(C) The water depth markings in each swimming pool or RWF shall be located in the following areas:

(i) At the maximum and minimum depths. Intermediate increments of depth may be used in addition to the required maximum and minimum depths; and

(ii) the transition point between the shallow end, which shall be five feet or less, and the deep end, which shall be more than five feet. This transition point shall be marked by a line on the floor and the walls of the swimming pool or RWF or by a safety rope equipped with buoys.

(4) Each lighting and electrical system for a swimming pool, RWF, or hot tub shall be kept in good repair at all times. The following requirements shall be met:

(A) Artificial lighting shall be provided at each swimming pool, RWF, or hot tub if used at night and for each indoor swimming pool, RWF, or hot tub. The lighting shall illuminate all portions of each swimming pool, RWF, or hot tub.

(B) All artificial lighting located in the water shall be designed and maintained to prevent electrical shock hazards to guests.

(5) Each outdoor swimming pool and RWF shall be protected by a fence, wall, building, or other enclosure that is at least four feet in height.

(A) Each enclosure shall be made of durable material and kept in good repair.

(B) Each gate shall have self-closing and self-latching mechanisms. The self-latching mechanism shall be installed at least four feet from the bottom of the gate.

(C) A hedge shall not be an acceptable protective enclosure.

(6) Each door leading into an indoor or enclosed swimming pool or RWF area shall have self-closing and self-latching mechanisms. The self-closing mechanism shall be at least four feet from the bottom of the door.

(c) Lifesaving and safety equipment.

(1) Each swimming pool or RWF shall have lifesaving equipment, consisting of at least one U.S. coast guard-approved flotation device that can be thrown into the water and at least one reaching device.

(A) The flotation device shall be attached to a rope that is at least as long as one and one-half times the maximum width of the swimming pool or RWF. If a lifeguard is on duty, life-saving rescue equipment, including rescue tubes, may also be used.

(B) The reaching device shall be a life pole or a shepherd's crook-type of pole, with a minimum length of 12 feet.

*(continued)*

(C) Each lifesaving device shall be located in a conspicuous place and shall be accessible. The lifeguard personnel shall keep their rescue equipment close for immediate use.

(D) Each lifesaving device shall be kept in good repair.

(2) A first-aid kit shall be accessible to the lodging employees.

(3) No glass containers shall be permitted in the swimming pool, RWF, or hot tub area.

(4) Each swimming pool, RWF, and hot tub and each deck shall be kept clean of sediment, floating debris, visible dirt, mold and algae and shall be maintained free of cracks, peeling paint, and tripping hazards.

(5) Each swimming pool, RWF, and hot tub shall be refinished or relined if the bottom or wall surfaces cannot be maintained in a safe and sanitary condition.

(6) If handrails are not present, all steps leading into the swimming pool or RWF shall be marked in a color contrasting with the color of the interior of the swimming pool and RWF so that the steps are visible from the swimming pool or RWF deck. If step markings are not used when these regulations become effective, step markings shall be installed the first time the swimming pool or RWF is drained on or before January 1, 2010.

(7) All steps, ladders, and stairs shall be easily cleanable, in good repair, and equipped with nonslip treads. Handrails and ladders, if present, shall be provided with a handhold and securely attached.

(8) The rules of operation and safety signs for each swimming pool, RWF, and hot tub shall be posted in a conspicuous place at the swimming pool, RWF, or hot tub. Each swimming pool and RWF without a lifeguard shall have posted the following sign: "Warning — No Lifeguard On Duty." The sign shall be legible, with letters at least four inches in height.

(9) If chlorinating equipment is located indoors, the chlorinating equipment shall be housed in a separate room, which shall be vented to the outside or to another room that is vented to the outside. If chlorinating equipment is located outdoors and within an enclosed structure, the structure shall be vented to the outside.

(d) Water quality and sanitation. Each licensee shall ensure that all of the following requirements are met:

(1) Each swimming pool, RWF, and hot tub shall be maintained to provide for continuous disinfection of the water with a chemical process. This process shall use a disinfectant that leaves a measurable residual in the water.

(A) If chlorine or bromine is used to disinfect the water of any swimming pool or RWF, the water shall have a disinfectant residual level of at least 1.0 part per million (ppm) and not more than 5.0 ppm.

(B) If chlorine or bromine is used to disinfect the water of any hot tub, the water shall have a disinfectant residual level of at least 2.0 ppm and not more than 5.0 ppm.

(C) Each means of disinfection other than those specified in paragraphs (d)(1)(A) and (B) shall be used only if the licensee has demonstrated that the alternate means provides a level of disinfection equivalent to that resulting from the residual level specified in paragraph (d)(1)(A) or (B).

(2) The pH of the water in each swimming pool, RWF, and hot tub shall be maintained at not less than 7.0 and not more than 8.0.

(3) Each licensee shall use a chemical test kit or a testing device approved by the regulatory authority. Each testing kit or device shall be appropriate for the disinfecting chemical used and capable of accurately measuring disinfectant residual levels of 0.5 ppm to 20.0 ppm. In addition, a chemical test kit or testing device for measuring the pH of the water shall be used and capable of accurately measuring the pH of water in 0.2 increments.

(4) The water in each swimming pool, RWF, and hot tub shall have sufficient clarity at all times so that one of the following conditions is met:

(A) A black disc with a diameter of six inches is clearly visible in the deepest portion of the swimming pool or RWF.

(B) The bottom drain at the deepest point of the swimming pool or RWF is clearly visible, and the bottom of the hot tub is clearly visible.

(5) The water in each swimming pool, RWF, and hot tub shall be free of scum and floating debris. The bottom and walls shall be free of dirt, algae, and any other foreign material.

(6) No chemical shall be added manually and directly to the water of any swimming pool, RWF, or hot tub while any individual is present in the water.

(7) The temperature of the water in each hot tub shall not exceed 104 degrees Fahrenheit.

(A) Each hot tub shall be operated in accordance with the manufacturer's specifications.

(B) Each hot tub shall have a thermometer or other device to accurately record the water temperature within plus or minus two degrees.

(e) Fecal accident in a swimming pool and RWF. If a fecal accident occurs in a swimming pool or RWF, the following requirements shall be met:

(1) In response to any accident involving formed feces, the following requirements shall be met:

(A) Direct the guests to leave the swimming pool or the RWF, and do not allow any individuals to reenter until the decontamination process has been completed. The closure times can vary since the decontamination process takes from 30 to 60 minutes;

(B) remove as much fecal material as possible using a net or scoop, and dispose of the material in a sanitary manner. Sanitize the net or scoop;

(C) raise the disinfectant level to 2.0 ppm and ensure that the water pH is between 7.2 and 7.8; and

(D) return the disinfectant level to the operating range specified in paragraph (d)(1)(A) before the swimming pool or RWF is reopened to guests.

(2) In response to any accident involving diarrhea, the following requirements shall be met:

(A) Direct guests to leave the swimming pool or the RWF, and do not allow any individuals to reenter until the decontamination process has been completed;

(B) remove as much fecal material as possible using a scoop, and dispose of the material in a sanitary manner. Sanitize the scoop. Vacuuming the fecal material shall be prohibited;

(C) raise the disinfectant level to 20.0 ppm and maintain a water pH of at least 7.2 but not more than 7.8. This level of concentration shall be maintained at least eight hours to ensure inactivation of *Cryptosporidium*. A lower disinfectant level and a longer inactivation time may be used according to the following table:

Cryptosporidium inactivation for diarrheal accident

Disinfectant levels (ppm)	Disinfection time
1.0	6.5 days
10.0	16 hours
20.0	8 hours

(D) ensure that the filtration system is operating and maintaining the required disinfectant levels during the disinfection process. Backwash the filter. Do not return the backwashed water through the filter. Replace the filter medium, if necessary; and

(E) return the disinfectant level to the operating range specified in paragraph (d)(1)(A) before the swimming pool or RWF is reopened to guests.

(f) Vomiting accident in a swimming pool or RWF. If a vomiting accident occurs in a swimming pool or RWF, the procedures in paragraph (e)(1) shall be followed.

(g) Body fluid spills at a swimming pool or RWF. All body fluid spills that occur on swimming pool or RWF equipment or hard surfaces, including decking, shall be cleaned and chemically sanitized. Disposable gloves shall be available for employees' use during cleanup. The following cleanup method shall be used:

(1) Wipe up the spill using absorbent, disposable material. Paper towels may be used;

(2) use a bleach solution by combining one part bleach and 10 parts water. Pour the bleach solution onto the contaminated surface, leave the solution on the surface for at least 10 minutes, and rinse the surface with clean water;

(3) disinfect all nondisposable cleaning materials, including mops and scrub brushes, and allow to air-dry; and

(4) require each employee assisting with the cleanup to wash that employee's hands with warm water and soap after the cleanup is completed.

(h) Fecal or vomiting accident in a hot tub. If a fecal accident or vomiting occurs in a hot tub, all of the following requirements shall be met:

(1) All guests shall be required to leave the hot tub, and the water shall be completely drained.

(2) The hot tub shall be disinfected according to the manufacturer's specifications.

(3) The filtering system shall be disinfected or the filter medium shall be replaced with a clean filter medium before refilling the hot tub with clean water.

(i) Operation and maintenance of a swimming pool, RWF, or hot tub. Each licensee shall ensure that all of the following requirements for each swimming pool, RWF, and hot tub are met:

(1) Daily operational logs shall be maintained for at least one year at the lodging establishment and made available to the regulatory authority, upon request. These logs shall include the date and time the information was

collected and the name or initials of the person who collected the information. These logs shall also record the following information:

(A) The disinfectant residuals shall be recorded at least once daily when the swimming pool, RWF, or hot tub is available for guest use or more often, if necessary to maintain the water quality as specified in subsection (d).

(B) The pH test shall be recorded at least once daily when the swimming pool, RWF, or hot tub is available for guest use or more often, if necessary to maintain the water quality as specified in subsection (d).

(C) The temperature reading of each hot tub shall be recorded at least once daily when the hot tub is available for guest use.

(2) Each fecal and vomiting accident log shall include the time and date of the accident and the disinfection measures taken.

(3) Each indoor swimming pool area and chemical storage room shall be either vented directly to the exterior or vented to a room that is vented directly to the exterior.

(4) All chemicals applied to a swimming pool, RWF, or hot tub shall be used, handled, stored, and labeled in accordance with the manufacturer's specifications.

(5) All recreational equipment shall be kept sanitary. Recreational equipment shall include slides, diving boards, play equipment, water sports equipment, and accessory items available to guests, including floats, tubes, air mattresses, and pads for water slides.

(6) A cleaning system shall be used to remove dirt, algae, and any other foreign material from the bottom of the swimming pool or RWF.

(7) All surface skimmers, strainer baskets, and perimeter overflow systems shall be kept clean and in good repair.

(8) The water in each swimming pool and each RWF shall be maintained at the manufacturer's recommended level so that the water will flow into each skimmer and strainer.

(9) The recirculation system serving each swimming pool, RWF, and hot tub shall operate continuously or in accordance with the manufacturer's specifications. The filtration and recirculation systems shall be maintained in accordance with the manufacturer's specifications.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-85. Water supply systems.** Each licensee shall ensure that all of the following requirements are met:

(a) Sufficient potable water to meet the needs of the lodging establishment shall be provided from a source constructed and operated pursuant to K.S.A. 65-161 et seq., and amendments thereto.

(b) No water supply system deemed unsafe by the regulatory authority shall be used as a potable water supply.

(c) (1) Each nonpublic water supply system shall be constructed, maintained, and operated as specified in K.S.A. 65-161 et seq., and amendments thereto.

(2) All water from a nonpublic water supply system shall meet the state drinking water quality standards

(continued)

specified in K.S.A. 65-161 et seq., and amendments thereto. The most recent sample report for the nonpublic water supply system used by the lodging establishment shall be retained for at least 12 months at the lodging establishment and shall be made available to the regulatory authority upon request.

(d) During any period when a boil water order is in effect, including a precautionary boil water notice or advisory issued by the regulatory authority on a public or nonpublic water supply, the licensee shall meet the following requirements until the problem has been corrected:

(1) Notify each guest, verbally upon check-in and by written notice placed in each rented guest room, that the plumbed water is not potable and only potable water should be used for drinking and for brushing teeth;

(2) discard any ice that could have been made from or exposed to contaminated water; and

(3) obtain a temporary, alternate supply of potable water by using one of the following:

(A) A supply of commercially bottled drinking water;

(B) one or more closed, portable, bulk water containers;

(C) an enclosed vehicular water tank;

(D) an on-premises water storage tank; or

(E) any other alternative water source if approved by the regulatory authority.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-86. Sewage systems.** Each licensee shall ensure that all of the following requirements are met:

(a) All sewage shall be disposed of through an approved facility, including one of the following:

(1) A public sewage treatment plant; or

(2) an individual sewage disposal system that is constructed, maintained, and operated according to K.S.A. 65-161 et seq., and amendments thereto, and meets all applicable sanitation requirements.

(b) A temporary sewage disposal facility shall be allowed only as approved by the regulatory authority in response to a disaster.

(c) All condensate drainage, rainwater, and other non-sewage liquids shall be drained from the point of discharge to disposal pursuant to K.S.A. 65-161 et seq., and amendments thereto.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-87. Electrical systems.** (a) Each licensee shall ensure that the electrical wiring is installed and maintained in accordance with all applicable local electrical codes. In the absence of local electrical codes, the electrical wiring shall be installed and maintained by a licensed electrician. Each licensee shall ensure that all of the following requirements are met:

(1) (A) Each newly constructed lodging establishment shall have a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub.

(B) Each existing lodging establishment in which major renovation or rewiring has occurred shall be required to

have a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub.

(C) Each licensee shall ensure that the lodging establishment has a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub, on or before January 1, 2010.

(2) Each electrical switch and each outlet shall be covered by a faceplate. Each junction box shall have a junction box cover.

(3) All circuit breaker boxes, fuse boxes, and electrical panels shall be protected from physical damage and kept in good condition. All fuses and circuits shall be labeled to identify the circuit location.

The storage of any item that obstructs access to any circuit box shall be prohibited.

(4) All wire splices shall be located in covered junction boxes.

(5) Bare or frayed wiring shall be prohibited.

(6) All three-prong outlets shall be grounded. Each appliance shall be grounded in accordance with the manufacturer's specifications.

(b) All emergency lighting shall be kept in working condition.

(c)(1) The permanent use of extension cords in guest rooms shall be prohibited.

Individual branch circuits, including multiple-plug outlet strips that contain fuse breakers and multiple-plug outlet adapters that do not exceed the amperage for which the outlets are rated, shall be permitted.

(2) The licensee of each lodging establishment shall be required to meet the requirements of this subsection on or before January 1, 2010.

(d) The temporary use of extension cords shall be allowed for housekeeping and maintenance purposes if the extension cords are rated for industrial use.

(e) The wattage of light bulbs shall not exceed the wattage rating of the corresponding light fixtures.

Empty light sockets shall be prohibited.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-88. Plumbing systems.** (a) Each licensee shall ensure that all plumbing is installed and maintained in accordance with all applicable local plumbing codes. In the absence of local plumbing codes, all plumbing shall be installed and maintained by a licensed plumber.

(b) Each licensee shall ensure that all of the following requirements are met:

(1) Potable water under pressure shall be available at all times at each fixture designed to provide water. Hot water shall be provided to each fixture designed to use hot water.

(2) Each toilet room, bathing facility, and laundry area shall be provided with ventilation to minimize condensation and to prevent mold, algae, and odors.

Each newly constructed lodging establishment and each lodging establishment undergoing major renovation shall be required to have mechanical ventilation in each toilet room, bathing facility, and laundry area.

- (3) Each fixture drain shall be plumbed with a P-trap.
- (4) All openings for the passage of plumbing shall be verminproof.
- (5) No fitting, connection, device, or method of installation of plumbing shall obstruct or retard the flow of water, wastes, sewage, or air in the drainage or venting system.
- (c) All backflow devices shall meet the design specifications for their intended use. All potable water supplies shall be protected from sources of potential contamination. Each licensee shall ensure that all of the following requirements are met:
  - (1) If provided, each boiler unit, fire sprinkler system with chemical additives, lawn sprinkler with a means for injection of pesticides, herbicides, or other chemicals, and pumped or repressurized cooling or heating system shall be protected by a reduced-pressure-principle backflow prevention assembly.
  - (A) The backflow prevention assembly shall be tested at least annually.
  - (B) Documentation of each test shall be maintained at the lodging establishment for at least one year and shall be made available to the regulatory authority upon request.
  - (2) If provided, each fire sprinkler system not using chemical additives and lawn sprinkler system without a means for injection of pesticides, herbicides, or other chemicals shall be protected by a double-check valve assembly.
  - (A) The double-check valve assembly shall be tested at least annually.
  - (B) Documentation of each test shall be maintained at the lodging establishment for at least one year and shall be made available to the regulatory authority upon request.
  - (3) If provided, each threaded faucet to which a hose is connected, flush valve, and any similar device shall be protected by a vacuum breaker. Each commercial dishwasher and each commercial laundry machine shall be protected by either a vacuum breaker or an air gap.
  - (4) If provided, each relief valve discharge line from a water heater, water-holding tank, cooling tower, or water softener, each discharge line from a commercial laundry machine, and each condensation line shall be protected by an air gap.
  - (5) Each swimming pool water supply line shall be protected by either an air gap or a double-check valve assembly.
  - (6) Fire sprinklers plumbed into a waterline over gas water heaters or furnaces, or both, shall not be required

to have a backflow device unless required by local ordinance.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

**28-36-89. Heating, ventilation, and air-conditioning (HVAC) systems.** (a) Each licensee shall ensure that each guest room has heating, ventilation, and related heating and ventilation equipment.

(1) All equipment shall be installed according to the manufacturer's directions and shall be kept in operating condition.

(2) A means to control the temperature in the guest room shall be provided in each guest room that is furnished with a separate heating or air-conditioning unit.

(3) If the guest room has air-conditioning, the air-conditioning system shall meet the requirements specified in paragraphs (a)(1) and (2).

(b) Unvented fuel-fired heaters, unvented fireplaces, and similar devices and portable electrical space heaters shall be prohibited from use in all areas of the lodging establishment, unless designed by the manufacturer for commercial use and approved by the regulatory authority. The following conditions shall be met:

(1) The unvented fuel-fired heater, unvented fireplace, or similar device or the portable electrical space heater is not the primary source of heat.

(2) The unvented fuel-fired heater, unvented fireplace, or similar device or the portable electric space heater is not used in a guest room.

(c) All gas and electric heating equipment shall be equipped with thermostatic controls.

(d) All gas water heaters, gas furnaces, and other gas heating appliances shall be vented to the outside.

(e) A gas shutoff valve shall be located next to each gas appliance, gas furnace, and gas water heater.

(f) Each furnace and each air-conditioning unit shall be equipped with an electrical fuse breaker to protect the unit from electrical overload.

(g) Each furnace room or room containing a gas water heater or any other fuel-fired appliance shall be provided with adequate air for circulation.

(h) Each filter shall be changed according to the manufacturer's specifications.

This regulation shall be effective on and after February 5, 2008. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008.)

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035287

**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 Vol-

umes and the 2007 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-64-1	New	V. 26, p. 1393
AGENCY 3: KANSAS STATE TREASURER		
Reg. No.	Action	Register
3-4-1	Amended	V. 26, p. 1045
3-4-2	Amended	V. 26, p. 1045

3-4-4	Amended	V. 26, p. 1045
3-4-5	Amended	V. 26, p. 1045
3-4-6	Amended	V. 26, p. 1045

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-2-8	Amended	V. 27, p. 16
4-2-20	Amended	V. 27, p. 16
4-3-47	Amended	V. 27, p. 16
4-3-49	Amended	V. 27, p. 16
4-3-51	Amended	V. 27, p. 16

(continued)

4-8-14a	Amended	V. 26, p. 489
4-8-27	Amended	V. 26, p. 489
4-8-28	Amended	V. 26, p. 489
4-8-29	Amended	V. 26, p. 489
4-8-30	Amended	V. 26, p. 489
4-8-31	Amended	V. 26, p. 489
4-8-33	Amended	V. 26, p. 489
4-8-34	Amended	V. 26, p. 489
4-8-35	Amended	V. 26, p. 489
4-8-39	Amended	V. 26, p. 490
4-8-42	Amended	V. 26, p. 490
4-11-2	Amended	V. 26, p. 100
4-11-3	Amended	V. 26, p. 100
4-11-5	New	V. 26, p. 101
4-15-9	Amended	V. 26, p. 81
4-19-1	Amended	V. 26, p. 173

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-40-1	Amended	V. 26, p. 642
5-40-2	Amended	V. 26, p. 644
5-40-2a	New	V. 26, p. 646
5-40-2b	New	V. 26, p. 647
5-40-3	Amended	V. 26, p. 647
5-40-4	Amended	V. 26, p. 647
5-40-5	Amended	V. 26, p. 648
5-40-5a	New	V. 26, p. 648
5-40-8	Amended	V. 26, p. 648
5-40-9	Revoked	V. 26, p. 648
5-40-10	Revoked	V. 26, p. 648
5-40-11	Revoked	V. 26, p. 648
5-40-12	Amended	V. 26, p. 648
5-40-13	Revoked	V. 26, p. 649
5-40-20	New	V. 26, p. 649
5-40-21	New	V. 26, p. 649
5-40-22	New	V. 26, p. 649
5-40-23	New	V. 26, p. 650
5-40-24	New	V. 26, p. 650
5-40-26	New	V. 26, p. 651
5-40-30	New	V. 26, p. 651
5-40-31	New	V. 26, p. 652
5-40-32	New	V. 26, p. 653
5-40-33	New	V. 26, p. 653
5-40-40	New	V. 26, p. 653
5-40-41	New	V. 26, p. 654
5-40-42	New	V. 26, p. 654
5-40-43	New	V. 26, p. 655
5-40-44	New	V. 26, p. 655
5-40-45	New	V. 26, p. 655
5-40-46	New	V. 26, p. 655
5-40-50	New	V. 26, p. 656
5-40-51	New	V. 26, p. 656
5-40-52	New	V. 26, p. 657
5-40-53	New	V. 26, p. 657
5-40-54	New	V. 26, p. 657
5-40-55	New	V. 26, p. 658
5-40-56	New	V. 26, p. 658
5-40-57	New	V. 26, p. 658
5-40-70	New	V. 26, p. 659
5-40-71	New	V. 26, p. 659
5-40-72	New	V. 26, p. 659
5-40-73	New	V. 26, p. 659
5-40-73a	New	V. 26, p. 660
5-40-74	New	V. 26, p. 661
5-40-75	New	V. 26, p. 661
5-40-76	New	V. 26, p. 662
5-40-77	New	V. 26, p. 662
5-40-90	New	V. 26, p. 662
5-40-91	New	V. 26, p. 663
5-40-92	New	V. 26, p. 663
5-40-93	New	V. 26, p. 663
5-40-94	New	V. 26, p. 663
5-40-100	New	V. 26, p. 663
5-40-101	New	V. 26, p. 663
5-40-102	New	V. 26, p. 664
5-40-103	New	V. 26, p. 664
5-40-104	New	V. 26, p. 664
5-40-105	New	V. 26, p. 664
5-40-106	New	V. 26, p. 664
5-42-1	Amended	V. 26, p. 664
5-42-5	New	V. 26, p. 665
5-44-7	New	V. 26, p. 666

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-17-22	Amended	V. 26, p. 325
7-44-1 through 7-44-7	New	V. 26, p. 505, 506

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-20-1	Amended	V. 26, p. 507
10-20-2	Amended	V. 26, p. 507
10-20-2a	Amended	V. 26, p. 507
10-20-4	Amended	V. 26, p. 507

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-8-3	Amended	V. 26, p. 1543
11-8-4	Amended	V. 26, p. 1543
11-12-1 through 11-12-7	New	V. 26, p. 1184-1187

**AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

Reg. No.	Action	Register
14-8-2	Amended	V. 26, p. 1906
14-8-3	Amended	V. 26, p. 1906
14-16-23	Revoked	V. 26, p. 1906
14-16-24	Revoked	V. 26, p. 1906
14-24-1 through 14-24-6	New	V. 26, p. 1907

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-5	Amended	V. 26, p. 1115
28-1-6	Amended	V. 26, p. 1115
28-15-35	Amended	V. 26, p. 825
28-15-36	Amended	V. 26, p. 829
28-15-36a	Amended	V. 26, p. 829
28-16-28g	Amended	V. 26, p. 691
28-16-56c	Amended	V. 26, p. 283
28-16-56d	Amended	V. 26, p. 284
28-18-1	Amended	V. 26, p. 284
28-18-2	Amended	V. 26, p. 288
28-18-4	Amended	V. 26, p. 289
28-18-8	Amended	V. 26, p. 289
28-18-9	Amended	V. 26, p. 290
28-18-11	Amended	V. 26, p. 1929
28-18-12	Amended	V. 26, p. 290
28-18-13	Amended	V. 26, p. 291
28-18-14	Amended	V. 26, p. 292
28-18-16	New	V. 26, p. 292
28-18-17	New	V. 26, p. 293
28-18a-1	Amended	V. 26, p. 1929
28-18a-2	Amended	V. 26, p. 298
28-18a-4	Amended	V. 26, p. 299
28-18a-8	Amended	V. 26, p. 299
28-18a-9	Amended	V. 26, p. 300
28-18a-11	Amended	V. 26, p. 300
28-18a-12	Amended	V. 26, p. 300
28-18a-19	Amended	V. 26, p. 301
28-18a-21	Amended	V. 26, p. 302
28-18a-22	Amended	V. 26, p. 302
28-18a-26	Amended	V. 26, p. 303
28-18a-32	Revoked	V. 26, p. 303
28-18a-33	New	V. 26, p. 303
28-19-720	Amended	V. 26, p. 951
28-19-728	New	V. 26, p. 951
28-19-728a through 28-19-728f	New	V. 26, p. 951, 952
28-19-735	Amended	V. 26, p. 953
28-19-750	Amended	V. 26, p. 953
28-24-1 through 28-24-14	Amended	V. 26, p. 1510-1514
28-24-15	Revoked	V. 26, p. 1514
28-24-16	Revoked	V. 26, p. 1514

28-24a-1	New	V. 26, p. 1514
28-24a-2	New	V. 26, p. 1514
28-24a-3	New	V. 26, p. 1515
28-29-28	Amended	V. 26, p. 1610
28-29-29	Amended	V. 26, p. 1611
28-29-29a	Amended	V. 26, p. 1611
28-29-29b	New	V. 26, p. 1612
28-29-30	Amended	V. 26, p. 1612
28-29-31	Amended	V. 26, p. 1613
28-29-31a	New	V. 26, p. 1614
28-29-32	Amended	V. 26, p. 1614
28-29-33	Amended	V. 26, p. 1615
28-29-2011	New	V. 26, p. 1615
28-29-2101	Amended	V. 26, p. 1615
28-35-135a	Amended	V. 26, p. 1142
28-35-135d	Amended	V. 26, p. 1144
28-35-135n	Amended	V. 26, p. 1145
28-35-135p	Amended	V. 26, p. 1145
28-35-135r	Amended	V. 26, p. 1147
28-35-177a	Amended	V. 26, p. 1148
28-35-178a	Amended	V. 26, p. 1149
28-35-178b	Amended	V. 26, p. 1150
28-35-180a	Amended	V. 26, p. 1151
28-35-181d	Amended	V. 26, p. 1152
28-35-181m	Amended	V. 26, p. 1153
28-35-181n	Amended	V. 26, p. 1154
28-35-181o	Amended	V. 26, p. 1155
28-35-182c	Amended	V. 26, p. 1155
28-35-184a	Amended	V. 26, p. 1156
28-35-201	Amended	V. 26, p. 1156
28-35-202	Revoked	V. 26, p. 1158
28-35-203	Amended	V. 26, p. 1158
28-35-216a	Amended	V. 26, p. 1159
28-35-230g	New	V. 26, p. 1159
28-35-289	Amended	V. 26, p. 1160
28-35-292	Amended	V. 26, p. 1162
28-35-308	Amended	V. 26, p. 1162
28-35-349	Amended	V. 26, p. 1162
28-35-450	Amended	V. 26, p. 1162
28-36-33 through 28-36-49	Revoked (T)	V. 26, p. 1682
28-36-70 through 28-36-89	New (T)	V. 26, p. 1682-1696
28-36-101 through 28-36-108	Amended	V. 26, p. 1776-1779
28-36-109	New	V. 26, p. 1780
28-46-2	Revoked	V. 26, p. 214
28-46-2a	New	V. 26, p. 215
28-46-25	Amended	V. 26, p. 215
28-46-26	Revoked	V. 26, p. 215
28-46-26a	New	V. 26, p. 215
28-46-34a	New	V. 26, p. 215
28-46-38	Amended	V. 26, p. 216
28-54-1 through 28-54-7	New	V. 26, p. 1640-1642

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-98	Amended	V. 26, p. 1905
30-5-65	Revoked	V. 26, p. 1091

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-37	Amended	V. 26, p. 1393
40-1-51	Revoked	V. 26, p. 1364
40-2-20	Amended	V. 26, p. 101
40-2-29	New	V. 27, p. 15
40-2-30	New	V. 26, p. 1545
40-3-25	Amended	V. 27, p. 15
40-3-34	Revoked	V. 26, p. 1423
40-7-19	Amended	V. 26, p. 881
40-7-20a	Amended	V. 26, p. 103
40-7-25	Amended	V. 26, p. 488

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-6-101	Amended	V. 26, p. 817
44-6-125	Amended	V. 26, p. 818



44-6-136	Amended	V. 26, p. 819
44-11-111	Amended	V. 26, p. 819
44-11-113	Amended	V. 26, p. 820
44-11-123	Amended	V. 26, p. 820
44-12-103	Amended	V. 26, p. 1074
44-12-105	Amended	V. 26, p. 1075
44-12-106	Amended	V. 26, p. 1075
44-12-107	Amended	V. 26, p. 1075
44-12-208	Amended	V. 26, p. 1075
44-12-210	Amended	V. 26, p. 1075
44-12-211	New	V. 26, p. 1075
44-12-212	New	V. 26, p. 1075
44-12-304	Amended	V. 26, p. 1075
44-12-306	Amended	V. 26, p. 1076
44-12-308	Amended	V. 26, p. 1076
44-12-312	Amended	V. 26, p. 1076
44-12-315	Amended	V. 26, p. 1076
44-12-320a	New	V. 26, p. 1076
44-12-325	Amended	V. 26, p. 1076
44-12-601	Amended	V. 26, p. 1077
44-12-901	Amended	V. 26, p. 1079
44-12-902	Amended	V. 26, p. 1079
44-12-903	New	V. 26, p. 1079
44-12-1101	Amended	V. 26, p. 1080
44-12-1201	Amended	V. 26, p. 1080
44-12-1301	Amended	V. 26, p. 1080
44-12-1302	Amended	V. 26, p. 1081
44-12-1303	Amended	V. 26, p. 1081
44-12-1306	Amended	V. 26, p. 1081
44-12-1308	Amended	V. 26, p. 1081
44-13-101a	Amended	V. 26, p. 1082
44-13-106	Amended	V. 26, p. 1082
44-13-201	Amended	V. 26, p. 1082
44-13-201a	New	V. 26, p. 1083
44-13-201b	Amended	V. 26, p. 1084
44-13-202	Amended	V. 26, p. 1084
44-13-307	Amended	V. 26, p. 1085
44-13-402	Amended	V. 26, p. 1085
44-13-403	Amended	V. 26, p. 1085
44-13-404	Amended	V. 26, p. 1087
44-13-405a	Amended	V. 26, p. 1088
44-13-406	Amended	V. 26, p. 1089
44-13-408	Amended	V. 26, p. 1089
44-13-603	Amended	V. 26, p. 1089
44-13-610	Amended	V. 26, p. 1089
44-13-701	Amended	V. 26, p. 1090
44-13-703	Amended	V. 26, p. 1090
44-13-704	Amended	V. 26, p. 1090
44-15-101a	Amended	V. 26, p. 820
44-15-102	Amended	V. 26, p. 821
44-15-104	Amended	V. 26, p. 822
44-16-104a	New	V. 26, p. 822

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-36	New	V. 26, p. 1647
49-50-6	Amended	V. 26, p. 1647
49-50-20	Amended	V. 26, p. 1647

**AGENCY 50: DEPARTMENT OF LABOR—  
DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-3-2	Amended	V. 26, p. 1642

**AGENCY 51: DEPARTMENT OF LABOR—  
DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-7	Amended	V. 26, p. 1639

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 26, p. 446
60-7-106	Amended	V. 26, p. 447
60-8-101	Amended	V. 26, p. 448
60-9-106	Amended	V. 26, p. 1112
60-11-119	Amended	V. 26, p. 448
60-17-102	Amended	V. 26, p. 448
60-17-103	Amended	V. 26, p. 449
60-17-104	Amended	V. 26, p. 449
60-17-105	Amended	V. 26, p. 450
60-17-107	Amended	V. 26, p. 450
60-17-108	Amended	V. 26, p. 451
60-17-110	Amended	V. 26, p. 451

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-1	Amended	V. 26, p. 126
63-5-1	Amended	V. 26, p. 126

**AGENCY 66: BOARD OF TECHNICAL  
PROFESSIONS**

Reg. No.	Action	Register
66-9-5	Amended	V. 26, p. 1024
66-10-10a	Amended	V. 26, p. 1024
66-11-5	Amended	V. 26, p. 1025

**AGENCY 67: BOARD OF EXAMINERS  
IN THE FITTING AND DISPENSING OF  
HEARING INSTRUMENTS**

Reg. No.	Action	Register
67-5-3	Revoked	V. 26, p. 692
67-5-4	Amended	V. 26, p. 692
67-5-5	New	V. 26, p. 692

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-5-16	Amended	V. 26, p. 488
68-7-11	Amended	V. 26, p. 1112
68-7-12	Amended	V. 26, p. 1114
68-20-17	Amended	V. 26, p. 488

**AGENCY 69: BOARD OF COSMETOLOGY  
(by Dept. of Health and Environment)**

Reg. No.	Action	Register
69-12-6	Revoked	V. 26, p. 1515
69-12-13	Revoked	V. 26, p. 1515

**AGENCY 70: BOARD OF  
VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-5-1	Amended	V. 26, p. 1863

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-2	Amended	V. 26, p. 1954
74-1-3	Amended	V. 26, p. 1954
74-1-6	Amended	V. 26, p. 1955
74-1-8	Amended	V. 26, p. 1955
74-2-7	Amended	V. 26, p. 1955
74-4-1a	Amended	V. 26, p. 126
74-5-2	Amended	V. 26, p. 1956
74-5-101	Amended	V. 26, p. 1957
74-5-105	Revoked	V. 26, p. 127
74-5-201	Amended	V. 26, p. 1957
74-5-202	Amended	V. 26, p. 1957
74-5-204	Revoked	V. 26, p. 1957
74-5-403	Amended	V. 26, p. 128
74-5-405a	New	V. 26, p. 1957
74-5-406	Amended	V. 26, p. 1958
74-5-408	New	V. 26, p. 128
74-6-1	Amended	V. 26, p. 1958
74-7-2	Amended	V. 26, p. 1958
74-11-6	Amended	V. 26, p. 128

**AGENCY 82: STATE CORPORATION  
COMMISSION**

Reg. No.	Action	Register
82-3-103	Amended	V. 26, p. 1609
82-3-119	Revoked	V. 26, p. 1643
82-3-123	Amended	V. 26, p. 1643
82-3-123a	Amended	V. 26, p. 1644
82-3-124	Amended	V. 26, p. 1644
82-3-131	Amended	V. 26, p. 1645
82-3-140	Amended	V. 26, p. 1645
82-3-300	Amended	V. 26, p. 1645
82-3-303	Amended	V. 26, p. 823
82-3-304	Amended	V. 26, p. 824
82-3-408	Amended	V. 26, p. 1646
82-3-603a	New	V. 26, p. 1610
82-4-30a	Amended (T)	V. 26, p. 1930
82-11-1	Amended	V. 27, p. 43
82-11-3	Amended	V. 27, p. 43
82-11-4	Amended	V. 27, p. 44
82-11-7	Amended	V. 27, p. 49
82-11-8	Amended	V. 27, p. 49

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-2	Amended	V. 26, p. 1728
86-1-5	Amended	V. 26, p. 1728
86-1-10	Amended	V. 26, p. 1729
86-1-11	Amended	V. 26, p. 1730
86-1-13	Amended	V. 26, p. 1731
86-1-15	Amended	V. 26, p. 1732
86-1-17	Amended	V. 26, p. 1732
86-1-18	Amended	V. 26, p. 1733
86-1-19	Amended	V. 26, p. 1733
86-1-20	New	V. 26, p. 1734
86-2-3	Revoked	V. 26, p. 1734
86-2-5	Revoked	V. 26, p. 1734
86-2-7	Revoked	V. 26, p. 1734
86-3-3	Revoked	V. 26, p. 1734
86-3-8	Amended	V. 26, p. 1734
86-3-9	Amended	V. 26, p. 1734
86-3-15	Amended	V. 26, p. 1734
86-3-21	Amended	V. 26, p. 1735
86-3-22	Amended	V. 26, p. 1735
86-3-26a	New	V. 26, p. 1736

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-3-8	Revoked	V. 26, p. 1141
88-3-8a	New	V. 26, p. 1141
88-3-12	Amended	V. 26, p. 1141
88-24-1	Amended	V. 26, p. 1142
88-24-2	Amended	V. 26, p. 1142
88-29-1	through	
88-29-19	New	V. 26, p. 216-229
88-30-1	New	V. 26, p. 1544
88-30-2	New	V. 26, p. 1544
88-30-3	New	V. 26, p. 1544

**AGENCY 91: DEPARTMENT OF  
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Reg. No.	Action	Register
91-1-201	Amended	V. 26, p. 1217
91-1-202	Amended	V. 26, p. 1218
91-1-203	Amended	V. 26, p. 1220
91-1-204	Amended	V. 26, p. 1224
91-1-209	Amended	V. 26, p. 1226
91-1-234	New	V. 26, p. 1226

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-55a	Revoked	V. 26, p. 409
92-19-81	Amended	V. 26, p. 409
92-21-7	Revoked	V. 26, p. 409
92-21-8	Revoked	V. 26, p. 409
92-21-10	Revoked	V. 26, p. 409
92-21-14	Amended	V. 26, p. 409
92-21-16	Revoked	V. 26, p. 409
92-21-17	Revoked	V. 26, p. 409
92-27-1	through	
92-27-5	New	V. 26, p. 1648, 1649

**AGENCY 97: KANSAS COMMISSION ON  
VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-6-1	New	V. 26, p. 484
97-6-2	New	V. 26, p. 485
97-6-4	through	
97-6-11	New	V. 26, p. 485-488

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 26, p. 1258
100-15-5	Amended	V. 26, p. 384
100-15-6	Amended	V. 26, p. 385
100-22-6	New	V. 26, p. 1642
100-22-7	New	V. 26, p. 1043
100-22-8	New	V. 26, p. 1367
100-22-8	Revoked (T)	V. 26, p. 1929
100-22-8a	New (T)	V. 26, p. 1929

(continued)

100-28a-1	Amended	V. 26, p. 1753
100-49-4	Amended	V. 26, p. 1258
100-49-10	New	V. 26, p. 1367
100-54-7	Amended	V. 26, p. 1043
100-54-8	Amended	V. 26, p. 1044
100-73-1	Amended	V. 26, p. 1258
100-73-9	New	V. 26, p. 1044

**AGENCY 102: BEHAVIORAL SCIENCES  
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-7	Revoked	V. 26, p. 881
102-1-13	Amended	V. 26, p. 1774
102-2-3	Amended	V. 26, p. 1775
102-2-10	Revoked	V. 26, p. 881
102-3-2	Amended	V. 26, p. 1775
102-3-8a	Revoked	V. 26, p. 881
102-4-2	Amended	V. 26, p. 1775
102-4-8a	Revoked	V. 26, p. 881
102-5-2	Amended	V. 26, p. 1776
102-5-8	Revoked	V. 26, p. 881
102-6-8	Amended	V. 26, p. 881

**AGENCY 105: BOARD OF  
INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-11-1	Amended	V. 26, p. 1752

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-13-10	Amended	V. 26, p. 1752
110-15-1 through 110-15-4	New	V. 26, p. 1864
110-16-1 through 110-16-4	New	V. 26, p. 1865, 1866
110-17-1 through 110-17-4	New	V. 26, p. 1866, 1867
110-18-1 through 110-18-4	New	V. 26, p. 1867, 1868

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be

found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register.

**AGENCY 112: RACING AND  
GAMING COMMISSION**

Reg. No.	Action	Register
112-4-9a	Amended	V. 27, p. 19
112-4-14a	Amended	V. 27, p. 19
112-5-1	Amended	V. 27, p. 19
112-6-1	Amended	V. 27, p. 20
112-7-6	Amended	V. 27, p. 20
112-7-8	Amended	V. 27, p. 21
112-7-15a	Amended	V. 27, p. 21
112-7-16	Amended	V. 27, p. 22
112-7-18a	Amended	V. 27, p. 22
112-7-20	Amended	V. 27, p. 23
112-8-9	Amended	V. 27, p. 23
112-10-12	Amended	V. 27, p. 23
112-10-32	Amended	V. 27, p. 23
112-11-10	Amended	V. 27, p. 24
112-11-20	Amended	V. 27, p. 24
112-18-1	Amended	V. 27, p. 26

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

Reg. No.	Action	Register
115-2-1	Amended	V. 26, p. 1722
115-2-3a	Amended	V. 26, p. 1723
115-4-4	Amended	V. 26, p. 410
115-4-4a	Amended	V. 26, p. 411
115-4-13	Amended	V. 26, p. 1111
115-7-1	Amended	V. 26, p. 1725
115-7-8	Amended	V. 26, p. 1726
115-7-9	New	V. 26, p. 1727
115-8-7	Amended	V. 26, p. 1364
115-9-9	Amended	V. 26, p. 641
115-18-10	Amended	V. 26, p. 1727
115-18-12	Amended	V. 26, p. 1728

115-18-20	Amended	V. 26, p. 1728
115-30-1	Amended	V. 26, p. 1364
115-30-5	Amended	V. 26, p. 1365
115-30-7	Amended	V. 26, p. 1365
115-30-8	Amended	V. 26, p. 1365
115-30-10	Amended	V. 26, p. 1366
115-30-12	New	V. 26, p. 1366

**AGENCY 117: REAL ESTATE  
APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 26, p. 1259
117-2-1	Amended	V. 26, p. 1259
117-2-2	Amended	V. 26, p. 1260
117-2-2a	Amended	V. 27, p. 16
117-2-3	Amended	V. 26, p. 1261
117-2-4	Amended	V. 26, p. 1261
117-3-1	Amended	V. 26, p. 1262
117-3-2	Amended	V. 26, p. 1265
117-3-2a	Amended	V. 27, p. 17
117-3-4	Amended	V. 26, p. 1264
117-4-1	Amended	V. 26, p. 1264
117-4-2	Amended	V. 26, p. 1265
117-4-2a	Amended	V. 27, p. 17
117-4-3	Amended	V. 26, p. 1266
117-4-4	Amended	V. 26, p. 1266
117-5-2a	Amended	V. 27, p. 18
117-6-1	Amended	V. 26, p. 1266
117-6-2	Amended	V. 26, p. 1267
117-7-1	Amended	V. 27, p. 18
117-8-1	Amended	V. 27, p. 19

**AGENCY 118: STATE HISTORICAL SOCIETY**

Reg. No.	Action	Register
118-4-4	Amended	V. 26, p. 46

**AGENCY 121: DEPARTMENT OF  
CREDIT UNIONS**

Reg. No.	Action	Register
121-2-1	Amended	V. 26, p. 1908
121-3-1	Amended	V. 26, p. 1908
121-5-4	New	V. 26, p. 1909
121-9-1	New	V. 26, p. 1910

**AGENCY 129: KANSAS HEALTH  
POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 26, p. 1579
129-5-65	New	V. 26, p. 1091

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