



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 27, No. 7 February 14, 2008 Pages 163-200

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State of Kansas

**Department of Administration
Division of Facilities Management**

Notice of Hearing

Pursuant to K.S.A. 75-37,143(d), the State Building Advisory Commission will conduct a public hearing at 1 p.m. Wednesday, March 12, in Room 102, Conference Room 1E, Landon State Office Building, 900 S.W. Jackson, Topeka. The purpose of the hearing is for the public to have an opportunity to comment on a request from the University of Kansas Medical Center for construction management at-risk services for the renovation of the Aplegate Energy Center, located on the medical center campus in Kansas City, Kansas. The \$10,000,000 project will be completed in phases over a five-year period and is funded for the first year.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 035404

State of Kansas

Social and Rehabilitation Services

Notice of Hearing

The Department of Social and Rehabilitation Services will conduct a federally required public hearing on the federal block grants SRS receives. The hearing will be held in the House Appropriations Committee at 9 a.m. Monday, March 17, in Room 514-S, State Capitol, 300 S.W. 10th Ave., Topeka. The following federal block grants will be heard: Low Income Home Energy Assistance Program Block Grant (LIEAP), Social Services Block Grant (SSBG), Community Mental Health Services Block Grant (CMHS BG), Substance Abuse Prevention and Treatment Block Grant (SAPT BG), and Program for Assistance in the Transition from Homelessness Block Grant (PATH BG).

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 035395

State of Kansas

Social and Rehabilitation Services

Notice of Meetings

Individuals and organizations interested in employment of Kansans with disabilities are invited to participate in a series of regional stakeholder meetings to be hosted in March and April by Kansas Rehabilitation Services (KRS). KRS is the state agency that supports people with disabilities to achieve their employment goals. During the meetings, KRS Director Michael Donnelly will discuss the following four strategic goals of KRS:

- Kansans with disabilities will achieve quality employment and self-sufficiency.
- KRS, its providers and partners will be accountable for the achievement of employment and the effective use of resources.

- KRS will emphasize the employment potential of students with disabilities and improve the outreach and outcomes for transition-aged students.
- KRS will emphasize the meaningful involvement of people with disabilities, public/private partners, employers and other stakeholders in KRS programs, services and activities.

Participants will be asked to provide feedback about these goals and to share ideas or strategies that will contribute to effectively implementing the goals. Participants also will be asked to share the following:

- Their knowledge and experience related to the needs of Kansans with disabilities
- Their views about the strengths of KRS programs and services
- Suggestions on ways to improve programs and customer service
- Opportunities for greater collaboration with other stakeholders and organizations

Each of the meetings will be held from 4 to 6 p.m. according to the following schedule:

March 18 — South Hutchinson

Kansas Room, Hutchinson SRS Service Center
600 Andrew Ave.

March 19 — Wichita

Independent Living Resource Center
3033 W. 2nd St. North

March 20 — Topeka

Shawnee Room A, Maner Convention Center
1717 S.W. Topeka Blvd.
(Access parking lot from 17th Street)

April 15 — Hays

Room Cody C, Holiday Inn
3603 Vine St.

April 16 — Liberal

Student Activities Building
Rooms SU-214 East and West
Seward County Community College
1801 N. Kansas

April 29 — Parsons

Large Conference Room
Parsons SRS Service Center
300 N. 17th

April 30 — Overland Park

Sunflower Rooms East & West
Overland Park SRS Service Center
8915 Lenexa Drive

In case of inclement weather, check the KRS Web site at www.srskansas.org/rehab to confirm the meeting or call the KRS toll-free customer service line at (866) 213-9079 or TDD (800) 432-0698.

All meetings will be held in accessible locations. To request a sign language interpreter, Braille, large print, other special media or any other accommodation, call toll-free (866) 213-9079 or toll-free TDD (800) 432-0698 at least 10 days before the meeting. Real-time captioning will be provided.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 035396

State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of Negotiations for
"On-Call" Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" mechanical-electrical-plumbing engineering services for small projects for the Kansas Department of Corrections. The contract will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Mike Gaito, (785) 296-0883.

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 2008 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 29.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 035402

State of Kansas

Department of Revenue

Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for January 2008. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

- P-2007-006 Leasing of an e-mail mailing list.
- P-2008-001 Sales of meals and drinks in a company cafeteria.
- P-2008-002 Medicare covered diabetic supplies sold to Kansas users.

Opinion Letters

- O-2008-001 Sales of fiberglass-reinforced plastic (FRP) panels.

Final Written Determinations

No new publications

Revenue Rulings

No new publications

Notices

No new publications

Memorandums

No new publications

Property Valuation Division Directives

No new publications

Q&A's

No new publications

Information Guides

- | | |
|-------------------------|--|
| KS Retailers' Sales Tax | Application for Sales Tax Exemption Certificates |
| KS Retailers' Sales Tax | Vending Companies Self-Audit Fact Sheet |
| KS Retailers' Sales Tax | Jewelry Industries Self-Audit Fact Sheet |
| EDU-31 | Sales Tax Guidelines: How Kansas Motor Vehicle Dealers Should Charge Sales Tax on Vehicle Sales |
| EDU-32 | Sales Tax Guidelines: How Kansas Motor Vehicle Dealers and Leasing Companies Should Charge Sales Tax on Leases |
| KS Retailers' Sales Tax | Chambers of Commerce Self-Audit Fact Sheet |
| KS Retailers' Sales Tax | Application of Kansas Sales Tax to the Sale of Propane |

Joan Wagnon
Secretary of Revenue

Doc. No. 035390

(Published in the Kansas Register February 14, 2008.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, March 14, for the following project:

**(KDOT Project No. 472-84639/400502)
(OCA Code 701232)**

Paving

Central & I-235 Intersection,
Left Turn Lanes and SE Ramp

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

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

The successful bidder may contact Kim Pelton at (316) 268-4499 for extra sets of plans and specifications.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 035401

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, February 22, in the Florentine Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For more information, call (785) 296-3976.

George S. Webb
Executive Director

Doc. No. 035403

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:

02/21/2008	PR# 015448	Boiler, Beloit Juvenile Correctional Facility
02/25/2008	11096	Fabricate Bridge Expansion Bearing Devices
02/27/2008	11081	Advertising, Public Relations Services
02/28/2008	11063	Recycling Services
02/27/2008	11089	Conveyor Belt, Portable for Salt Handling
02/29/2008	11094	Loaders, Skid Steer and Track
03/04/2008	11079	Promotional Items and T-Shirts

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/.

02/28/2008	A-010582	HVCA Improvements — McMIndes Hall, Fort Hays State University, Hays
03/05/2008	A-010531	Reroof Geodesic Chemical Storage Building, Department of Transportation, Scott City
03/05/2008	A-010535	Reroof Sub-Area Office/Shop, Department of Transportation, Goodland
03/05/2008	A-010541	Reroof Sub-Area Office/Shop, Department of Transportation, Cimarron
03/05/2008	A-010657	Replace Windows in Press Box — Cessna Stadium, Wichita State University, Wichita

Chris Howe
Director of Purchases

Doc. No. 035408

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

Wednesday, February 27, 2008

#8117

Neutron Generator

#8118

Germanium Detector

Carla K. Bishop
Director of Purchasing

Doc. No. 035394

(Published in the Kansas Register February 14, 2008.)

City of Olathe, Kansas

Notice to Bidders

Sealed bids will be received at the office of the city clerk at City Hall, 100 E. Santa Fe, Olathe, 66051, until 10 a.m. local time March 17 for the construction of **Santa Fe and Brougham, KDOT Project No. 46N-0379-01, HSIP Project No. N037(901), City Project No. 34606**. At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud.

The work consists of the following:

Geometric improvements including widening to add additional turn lanes, storage, and capacity at the intersection. Improvements include new curb and gutter, asphalt and/or concrete pavement, sidewalk, and new ADA ramps. Work will also include modification to the existing traffic signal to accommodate the geometric improvements including traffic signal poles, heads and bases as detailed in the plans. Improvements also include pavement marking and signing modifications.

Contract documents including drawings and specifications are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be obtained at the office of Olsson Associates, 7301 W. 133rd St., Suite 200, Overland Park, 66213, (913) 381-1170, in the amount of \$50, none of which will be refunded.

The entire name of the project must appear on the outside of the bid envelope submitted to the city clerk's office. A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

The city of Olathe reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the city of Olathe for a period not to exceed 60 days from the date of the opening of bids for

(continued)

the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

Effective April 24, 2000, all bidders shall submit in writing to the director of Human Relations an affirmative action program. No contract will be awarded to any company that has not been issued a Certification of Compliance by the Olathe Human Relations Commission within the past 12 months. A copy of the required form is included in the contract documents. Questions concerning the forms and information required to complete the form should be directed to the Olathe Equal Opportunity Office at (913) 971-6694.

City of Olathe, Kansas
By Debra S. Gragg, City Clerk

Doc. No. 035399

(Published in the Kansas Register February 14, 2008.)

City of Olathe, Kansas

Notice to Bidders

Sealed bids will be received at the office of the city clerk at City Hall, 100 E. Santa Fe, Olathe, 66051, until 10 a.m. local time March 17 for the construction of **Santa Fe and Lindenwood Drive, KDOT Project No. 46N-0380-01, HSIP Project No. N038(001), City Project No. 34706**. At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud.

The work consists of the following:

Geometric improvements including widening to add additional turn lanes, storage, and capacity at the intersection. Improvements include new curb and gutter, asphalt and/or concrete pavement, concrete drives, sidewalk, and new ADA ramps. Work will also include modification to the existing traffic signal to accommodate the geometric improvements including traffic signal poles, heads and bases as detailed in the plans. Improvements also include pavement marking and signing modifications.

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City of Olathe, Kansas
By Debra S. Gragg, City Clerk

Doc. No. 035400

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, February 28, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the projects 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 K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The projects shall be located as shown:

Project No. 000710—Maximum Principal Amount: \$101,522.84. Owner/Operator: Mark W. and Lisa K. Compton. Description: Acquisition of 80 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 Mark W. and Lisa K. Compton and is located at the West Half of the Northwest Quarter of Section 35, Township 3, Range 17, Brown County, Kansas, approximately 5 miles south of Hiawatha on US-73 and 2 miles east on 170th and Mulberry.

Project No. 000711—Maximum Principal Amount: \$120,000. Owner/Operator: Matthew Jarvis. Description: Acquisition of 160 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 Matthew Jarvis and is located at Section 27, Arcade Township, Phillips County, Kansas, approximately 6 miles east of Phillipsburg on Highway 36.

The bond, when issued, will be a limited obligation of the K DFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the K DFA, 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 K DFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the projects may be obtained by contacting the K DFA.

Stephen R. Weatherford
President

Doc. No. 035398

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission, pursuant to K.S.A. 55-703, has directed that an investigation be instituted to determine the reasonable market demand for gas produced from the fields listed below for the period extending from April 1, 2008 through September 30, 2008, both inclusive; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages, quotas and allowables for wells within said fields for said proration period:

- Greenwood gas field in Morton County
- Glick (Mississippi) gas pool in Barber, Comanche and Kiowa counties

A hearing will be conducted, if necessary under the terms of the commission's order dated January 3, 2008, at 10 a.m. Thursday, March 27, at the State Corporation Commission's office, Room 2078, Finney State Office Building, 130 S. Market, Wichita.

All transporters of gas produced from said fields are hereby notified to furnish to the State Corporation Commission their nominations from said fields for the calendar months included in said proration period as provided in the above-cited commission order.

For more information, contact John McCannon, Assistant General Counsel, State Corporation Commission, Conservation Division, Room 2078, Finney State Office Building, 130 S. Market, Wichita, 67202, (316) 337-6200.

Susan K. Duffy
Executive Director

Doc. No. 035409

(Published in the Kansas Register February 14, 2008.)

City of Hoisington, Kansas
\$625,000
General Obligation Bonds
Series 2008

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated January 28, 2008, of the city of Hoisington, Kansas, bids to purchase the city's General Obligation Bonds, Series 2008, will be received at the office of the city clerk at City Hall, 109 E. 1st, Hoisington, KS 67544, or by telefacsimile at (620) 653-2767, until 4 p.m. Monday, February 25, 2008. The bids will be considered by the governing body at its meeting at 7:30 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond, in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds are dated March 1, 2008, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof. Interest on the bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2009. Principal of the bonds becomes due on September 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$40,000	2009
55,000	2010
60,000	2011
60,000	2012
60,000	2013
65,000	2014
65,000	2015
70,000	2016
75,000	2017
75,000	2018

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

Book-Entry Bonds

The bonds will be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to DTC on or about March 13, 2008.

Legal Opinion

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$11,202,459. As of March 1, 2008, the city's total outstanding general obligation debt (including the bonds) is \$1,405,000. The city's total indebtedness that is subject to debt limitation, as of March 1, 2008, is estimated to be \$54,194.

Additional Information

For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, Dave Malone, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, (316) 685-5777.

City of Hoisington, Kansas
By Donita Crutcher, City Clerk
City Hall, 109 E. 1st
Hoisington, KS 67544
(620) 653-4125
Fax (620) 653-2767

Doc. No. 035406

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 to request a copy of a current bid.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 035381

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 Shawnee County, Kansas. The parcel consists of approximately 106 acres described in S25, T11S, R15E, further described as the N1/2 of S25, T11S, R15E, lying south of the Kansas River and 50 feet north of the centerline of the northernmost track of St. Louis Southwestern Railway Co. in the city of Topeka, Shawnee County, Kansas. The appraised value is approximately \$350,000. The purchase price shall be \$365,000. This tract shall be known as the Riverfront Property and shall remain on the county tax rolls.

J. Michael Hayden
Secretary of Wildlife and Parks

Doc. No. 035383

State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, April 17, at the Finnup Center, Lee Richardson Zoo, 312 Finnup Drive, Garden City, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. April 17 at the location listed above. The meeting will recess at 5:30 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at

this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. April 18 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at (800) 432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, 66612, or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-8-1. This permanent regulation establishes special provisions for hunting, furharvesting and discharge of firearms on department lands and waters. The proposed amendment would place into regulation through the use of a reference document special restrictions and provisions related to department lands and waters that are currently in place through the use of posted notice.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies or the public.

K.A.R. 115-2-3a. This permanent regulation establishes cabin camping permit fees. The proposed amendments would add two new locations within the fisheries and wildlife division for cabins.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the commission at the address above, electronically on the department's Web site at www.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston
Chairman

Doc. No. 035389

State of Kansas
 Department of Administration
 Public Notice

Under requirements of K.S.A. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$3,056,342.28 in the underground petroleum storage tank release trust fund and \$1,143,204.26 in the aboveground petroleum storage tank release trust fund at January 31, 2008.

Duane Goossen
 Secretary of Administration

Doc. No. 035379

State of Kansas
 Racing and Gaming Commission
 Notice of Hearing on Proposed
 Administrative Regulations

A public hearing will be conducted at the Kansas Racing and Gaming Commission meeting at 10 a.m. Thursday, April 17, at the Eisenhower State Office Building, Auditorium A, 700 S.W. Harrison, Topeka, to consider the adoption of proposed permanent regulations of the Kansas Racing and Gaming Commission. This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on these proposed regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Racing and Gaming Commission, Suite 420, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-5800.

A copy of the full text of the regulations and the economic impact statements may be reviewed or obtained at the commission office or by accessing the official Web site of the Kansas Racing and Gaming Commission at <http://www.accesskansas.org/krc/krcregs.htm>. The following is a summary of the proposed regulations:

Article 104.—MINIMUM INTERNAL CONTROL SYSTEM

Economic Impact of New Article 104: Under the Expanded Lottery Act, all of the costs of oversight and regulation by the Kansas Racing and Gaming Commission are required to be paid by the gaming facility managers. Therefore, there are no costs anticipated to the agency or other governmental agencies, or to the people of Kansas, as a result of this new article.

K.A.R. 112-104-1. Definitions; internal control system. This regulation defines the terms used throughout article 104 and establishes the framework and necessary elements for a gaming facility manager's internal control system. Among those necessary elements are administrative, accounting and audit protocols. The specific components of the internal control system are detailed in each separate regulation in this article.

The internal control system must be approved by the Kansas Racing and Gaming Commission at least 90 days before opening a gaming facility. The proposed internal controls must be analyzed by an independent certified public accounting firm before being submitted to the commission. This regulation also establishes requirements for a gaming facility manager that wishes to modify its internal control system.

K.A.R. 112-104-2. Gaming licensee's organization. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its organizational structure and the functioning of certain positions as a part of the manager's internal control system. The regulation also requires that gaming facility managers ensure that their personnel have appropriate training for the job function that they perform.

K.A.R. 112-104-3. Accounting records. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for accounting records as a part of the manager's internal control system. Among other requirements, the auditing controls must follow Generally Accepted Accounting Principles and must provide detailed records for all gaming activities.

K.A.R. 112-104-4. Forms, records, and documents. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its creation and completion of forms, records and documents as a part of the manager's internal control system.

K.A.R. 112-104-5. Standard financial reports. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain financial reports as a part of the manager's internal control system. Included among those reports are balance sheets, income statements and daily electronic gaming machine statements. The regulation also establishes the deadlines and format for filing the required financial reports.

K.A.R. 112-104-6. Annual audit; other reports; currency transaction reporting; suspicious transaction reporting. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its audit practices and verifications by independent auditors as a part of the manager's internal control system. The regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit to the KRGC any forms that it would submit to the Securities and Exchange Commission. The regulation also establishes that the gaming facility manager must create internal controls for reporting suspicious financial activity.

K.A.R. 112-104-7. Meter readings and related statistical reports. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its procedures for electronic gaming machine meter readings and statistical reports as a part of the manager's in-

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ternal control system. As a part of those procedures, the gaming facility manager must have detailed procedures for verifying the meter readings and for accounting for all transactions.

K.A.R. 112-104-8. Retention, storage and destruction of books, records and documents. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its document retention procedures as a part of the manager's internal control system.

K.A.R. 112-104-9. Complimentaries. This regulation establishes that, as a part of the manager's internal control system, a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its program to offer complimentary gifts or services to patrons. The regulation further requires that the gaming facility manager submit detailed information about the actual use of its complimentary program to the KRGC, and establishes minimum controls for when complimentary may be given.

K.A.R. 112-104-10. Personal check cashing. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its controls for the cashing of patron's personal checks as a part of the manager's internal control system. Further, the regulation establishes basic requirements for the acceptance of personal checks.

K.A.R. 112-104-11. Wire transfers. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its acceptance and accounting of wire transfers as a part of the manager's internal control system.

K.A.R. 112-104-12. Cash equivalents. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its acceptance and verification of "cash equivalents" as a part of the manager's internal control system. The regulation also establishes certain requirements that must be included in the manager's controls for cash equivalents.

K.A.R. 112-104-13. Patron deposits. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information and procedures about its receipt and withdrawal of patron deposits as a part of the manager's internal control system.

K.A.R. 112-104-14. Cage. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its "cage" room's function and security as a part of the manager's internal control system. The cage is the central repository within a gaming facility used for the custody of cash, cash equivalents and documentation necessary for gaming within the facility.

K.A.R. 112-104-15. Count room requirements. This regulation establishes that a gaming facility manager must have a secure count room adjacent to the cage, and that the count room have controls that assure accurate accounting of funds.

K.A.R. 112-104-16. Accounting controls for the cage. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its cage room's accounting and personnel shift procedures as a part of the manager's internal control system. The regulation also requires that the manager's accounting department must verify daily the accuracy of information coming from the cage.

K.A.R. 112-104-17. Bill validators and bill validator canisters. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for bill validators as a part of the manager's internal control system. The regulation also establishes that bill validators must satisfy the technical requirements adopted by the commission, must be secure, and that the gaming manager's management information systems department must have procedures to ensure that no tampering or alternation of bill canisters happens.

K.A.R. 112-104-18. Transportation of bill validator canister to and from bill validators; storage. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for the transportation of bill validator canisters.

K.A.R. 112-104-19. Unsecured currency, gaming tickets, and coupons. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls to account for unsecured currency, gaming tickets and coupons. The regulation also requires the gaming manager to prepare reports reconciling the unsecured items.

K.A.R. 112-104-20. Counting and recording bill validator canisters. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for the opening, counting and recording of the contents of bill validator canisters. The controls must describe the computer equipment used for the bill validator canister counting, and must require that the manager provide information about any deviations from the established count schedules to the commission. As with other regulations in this article that deal with counting of cash or other items of value, this regulation contains minimum security standards related to the counting of bill validator canisters.

K.A.R. 112-104-21. Jackpot payouts. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for the payment of jackpots that are not paid directly from an electronic gaming machine.

K.A.R. 112-104-22. Annuity jackpots. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for the payment of a jackpot over time, rather than a single cash payout.

K.A.R. 112-104-23. Merchandise jackpots. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for the payment of a "merchandise jackpot" in lieu of a cash payout.

K.A.R. 112-104-24. Internal audit standards. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal audit standards. The regulation also establishes that a gaming facility manager must have an independent auditing department that is responsible for ensuring that the manager's internal control system is being followed and that it has no weaknesses or opportunities for improvement.

K.A.R. 112-104-25. Information technology standards. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for its information technology and management information systems (MIS) department.

K.A.R. 112-104-26. Gaming facility. This regulation establishes that a gaming facility manager must ensure that certain security, surveillance, auditing, communication and physical requirements needed for internal control purposes are satisfied.

K.A.R. 112-104-27. Acceptance of tips or gratuities from patrons. This regulation prohibits Level I employees from accepting tips from patrons, and restricts other employees from soliciting tips from patrons.

K.A.R. 112-104-28. Automated teller machines. This regulation allows for the placement of ATMs within a gaming facility, but requires that the commission's executive director approve of their actual location.

K.A.R. 112-104-29. Waiver of requirements. This regulation establishes that the commission may waive specific requirements within this article if an alternate internal control meets the operational integrity requirements of the Expanded Lottery Act and this article.

K.A.R. 112-104-30. Gaming day. This regulation establishes that the Kansas Lottery will determine the "gaming day" for income reporting purposes, and that each gaming facility manager must submit its proposed hours of operation to the KRGC for approval.

K.A.R. 112-104-31. Signature. This regulation establishes a signature format for gaming manager employees.

K.A.R. 112-104-32. Unclaimed winnings. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, submit certain detailed information about its internal controls for the resolution of unclaimed winnings.

K.A.R. 112-104-33. Disputes. This regulation establishes a procedure for resolving disputes between patrons and the gaming facility managers regarding the payment of alleged winnings.

Article 105.—SECURITY

Economic Impact of New Article 105: Under the Expanded Lottery Act, all of the costs of oversight and regulation by the Kansas Racing and Gaming Commission are required to be paid by the gaming facility managers.

Therefore, there are no costs anticipated to the agency or other governmental agencies, or to the people of Kansas, as a result of this new article.

K.A.R. 112-105-1. Security department. This regulation establishes that each gaming facility manager shall have a security department to, among other things, protect people in the gaming facility, safeguard assets, prevent underage gambling, and enforce the voluntary and involuntary exclusion lists. This regulation also prohibits firearms, except in limited circumstances, from being within gaming facilities.

K.A.R. 112-105-2. Security plan. This regulation establishes that each gaming facility manager must provide the commission with a security plan with its initial license application or at least 90 days before opening a racetrack gaming facility. The regulation also specifies the items that must be detailed in the security plan.

K.A.R. 112-105-3. Emergency operations plan. This regulation establishes that each gaming facility manager must maintain an emergency operations plan to deal with possible events including fire, severe storms, explosives and unauthorized firearms.

K.A.R. 112-105-4. Security department staffing. This regulation establishes that a gaming manager's security department shall be supervised by a director of security, and that the director of security shall report directly to the general manager. Further, the regulation requires that security department staff must be employees of the gaming facility manager, and that there must be sufficient security to meet the needs of the entire article.

K.A.R. 112-105-5. Reports. This regulation establishes that the director of security is responsible for ensuring that a report of certain incidents is given to the commission's security staff within 24 hours of the incident.

K.A.R. 112-105-6. Security detention area. This regulation establishes that there be a security detention area within each gaming facility and that the detention area be staffed and surveyed when in use.

K.A.R. 112-105-7. Communications system. This regulation establishes that the gaming facility's security department has a two-way communications system and that the system be available to the commission's security personnel.

Article 106.—SURVEILLANCE

Economic Impact of New Article 106: Under the Expanded Lottery Act, all of the costs of oversight and regulation by the Kansas Racing and Gaming Commission are required to be paid by the gaming facility managers. Therefore, there are no costs anticipated to the agency or other governmental agencies, or to the people of Kansas, as a result of this new article.

K.A.R. 112-106-1. Surveillance system. This regulation establishes the requirement that there be a surveillance system in a gaming facility before gaming can begin. The regulation also details the requirements of the surveillance system, including that any camera within the facility can be recorded, that cameras cover all areas and dedicated cameras for certain areas.

K.A.R. 112-106-2. Surveillance system plan. This regulation establishes that a gaming facility manager shall

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submit a surveillance system plan with its initial application or at least 90 days before opening a racetrack gaming facility. The regulation details the items that are necessary to be in the plan, including plans for staffing the surveillance equipment, a list of employees with access to the surveillance equipment, and a detailed description of the equipment and its placement.

K.A.R. 112-106-3. Surveillance department. This regulation establishes that a gaming facility manager must have an independent surveillance department. The regulation also establishes the responsibilities for the surveillance department and its staff.

K.A.R. 112-106-4. Surveillance department staffing. This regulation establishes that the gaming facility manager's independent surveillance department be supervised by a director of surveillance, and that the surveillance personnel be trained in specific areas. The regulation also establishes that surveillance not be outsourced to third parties.

K.A.R. 112-106-5. Surveillance room. This regulation establishes the requirement that a gaming facility manager has a dedicated surveillance room, and establishes the basic necessities of that room. Further, the regulation places limitations on the access to the room.

K.A.R. 112-106-6. Monitoring. This regulation establishes that certain areas of the gaming facility be continuously recorded, and that certain events be recorded and retained.

K.A.R. 112-106-7. Retention of surveillance recordings. This regulation establishes that all recordings be retained for at least 30 days, and that certain other recordings be retained for at least 60 days.

Article 112.—RESPONSIBLE GAMING

Economic Impact of New Article 112: Under the Expanded Lottery Act, all of the costs of oversight and regulation by the Kansas Racing and Gaming Commission are required to be paid by the gaming facility managers. Therefore, there are no costs anticipated to the agency or other governmental agencies, or to the people of Kansas, as a result of this new article.

K.A.R. 112-112-1. Office of responsible gaming. This regulation requires the executive director of the KRGC to appoint a director of the office of responsible gaming. The appointed person will administer all of the KRGC's programs to assist people with gambling issues and will coordinate resources with other state agencies to prevent problem gaming and to help people with gambling problems.

K.A.R. 112-112-2. Definition. This regulation defines "licensee" within this article to be inclusive of all management licensees of the commission.

K.A.R. 112-112-3. Responsible gaming plan. This regulation establishes that each gaming manager must submit a responsible gaming plan to the commission at least 90 days before opening for gaming. The regulation also establishes the specific items that must be included in a responsible gaming plan.

K.A.R. 112-112-4. Self-exclusion list. This regulation establishes a "self-exclusion list" consisting of the names of those people who want to be excluded from licensees (as defined in K.A.R. 112-112-2). The regulation also es-

tablishes a method for informing the licensees about updates to the self-exclusion list.

K.A.R. 112-112-5. Requirements for placement on the self-exclusion list. This regulation establishes the procedure for a person to be placed on the self-exclusion list, and establishes certain provisions of the self-exclusion application.

K.A.R. 112-112-6. Mandatory surrenders to the state. This regulation provides that a self-excluded person will surrender any winnings or methods of gaming obtained after placement on the list, and that the surrendered items will be liquidated and surrendered to the problem gambling and addictions fund.

K.A.R. 112-112-7. Confidentiality of the self-exclusion list. This regulation establishes procedures to safeguard the information on the self-exclusion list.

K.A.R. 112-112-8. Licensee conduct regarding self-excluded persons. This regulation establishes procedures for dealing with people on the self-exclusion list who attempt to gamble at a licensee, including that licensees submit internal control plans regarding self-exclusion enforcement.

K.A.R. 112-112-9. Procedure for removal from the self-exclusion list. This regulation establishes the procedure for a person wishing to be removed from the self-exclusion list to follow, and establishes related internal procedures for the KRGC to effect that removal.

Stephen L. Martino
Executive Director

Doc. No. 035387

State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Field Services will conduct a public hearing to consider the proposed revisions to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28g, including revisions to the Kansas Surface Water Register. The hearing will be held via video conferencing at 2 p.m. Wednesday, April 23, at the KDHE Northwest District Office, 2301 E. 13th, Hays; the KDHE North Central District Office, 2501 Market Place, Suite D, Salina; the KDHE Northeast District Office, 800 W. 24th, Lawrence; the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City; the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita; the KDHE Southeast District Office, 1500 W. 7th, Chanute; and the Curtis State Office Building, Garden Level, Suite 010 in IS Conference Room B, 1000 S.W. Jackson, Topeka.

Following is a summary of the proposed amendments:

K.A.R. 28-16-28g is the classification and use designation section of the Kansas Surface Water Quality Standards. Designated uses of surface waters are listed in the Kansas Surface Water Register, which is adopted by reference in K.A.R. 28-16-28g. The register identifies major classified streams, lakes and wetlands and the uses that are existing or attainable. In the period of July 1 through

October 31, 2005, and April 1 through October 31, 2006, 225 stream segments and 73 lakes were evaluated by a designated use attainability analysis (UAA) to determine the appropriate use designations. Two stream segments are proposed for deletion from the Kansas Surface Water Register (removed from classification), four stream segments changed from expected aquatic life to special aquatic life, four stream segments changed from special aquatic life to expected aquatic life, four stream segments remained as special aquatic life, and 211 stream segments remained as expected aquatic life. Two hundred and twenty-three stream segments were evaluated by a UAA to determine the designated uses of food procurement, domestic water supply, industrial water supply, livestock watering, irrigation and groundwater recharge. One lake is proposed for primary contact recreation and food procurement; one lake is proposed for expected aquatic life support; and 72 lakes are proposed for irrigation, livestock watering, domestic water supply, industrial water supply and groundwater recharge.

There are no additional costs of compliance resulting from these changes in designated use designations. The department estimates an annual cost to perform 500 UAAs as required by K.S.A. 82a-2001 and K.S.A. 82a-2004 to be approximately \$300,000 per year. Currently, this cost is funded by the State Water Plan, state general fund, and state general fund (use attainability analysis special appropriation).

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. Comments should be submitted to Craig Thompson, KDHE, Bureau of Environmental Field Services, 1000 S.W. Jackson, Suite 430, Topeka, 66612-1367, or by e-mail to cthompso@kdhe.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing, as well as to submit their written comments at that time. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed amendments and the economic impact and environmental benefit statements may be obtained from the Bureau of Environmental Field Services by contacting Ricquelle Landis at (785) 296-6603. The regulation, the notice of hearing, a list of the UAAs conducted and the proposed designations may be found at <http://www.kdheks.gov/befs/>.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Ricquelle Landis.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035397

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. Southern Star Central Gas Pipeline, Inc. 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.

Southern Star Central Gas Pipeline, Inc., Owensboro, Kentucky, owns and operates Montezuma compressor station located at Sec. 25, T28S, R29W, Gray County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for 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, 225 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, 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 Michael J. Parhomek, 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 March 17.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business on March 17 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

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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. 035388

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. Southern Star Central Gas Pipeline, Inc. 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.

Southern Star Central Gas Pipeline, Inc., Owensboro, Kentucky, owns and operates Levant compressor station located at Sec. 24, T5S, R35W, Rawlins County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for 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 Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Rick 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 Michael J. Parhomek, 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 March 17.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business March 17 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. 035392

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. Southern Star Central Gas Pipeline, Inc. 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.

Southern Star Central Gas Pipeline, Inc., Owensboro, Kentucky, owns and operates St. Francis compressor station located at Sec. 32, T1S, R41W, Cheyenne County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for 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 Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Rick 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 Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, To-

peka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business March 17.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business March 17 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. 035393

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Westar Energy, Inc. (Westar) has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to initiate an emission reduction project at its Tecumseh Energy Center in Tecumseh. Emissions of oxides of nitrogen (NO_x) and carbon monoxide (CO) were evaluated during the permit review process.

The proposed permit is to be issued in accordance with the provisions of K.A.R. 28-19-350, prevention of significant deterioration (PSD), which adopt the federal standards, procedures and requirements of 40 CFR 52.21 by reference. These air quality regulations apply to major stationary emission sources located in areas designated as "attainment" under the federal Clean Air Act (CAA). Attainment areas are areas where the air quality meets or exceeds the national ambient air quality standards (NAAQS).

The PSD regulations require evaluation of emission reduction techniques to identify the best available control

technology (BACT) for each pollutant for which the emission rate exceeds the PSD significant level. The purpose of BACT is to affect the maximum degree of reduction achievable, taking into account energy, environmental and economic impacts for each pollutant under review. Evaluation of the estimated emissions for the proposed Tecumseh Energy Center project indicates that the emission rate of carbon monoxide exceeds the significance levels. Westar conducted the required BACT analysis for CO. The department has reviewed Westar's BACT analysis and concurs with its findings.

An ambient impact analysis was performed on the air emissions of CO from the Tecumseh Energy Center project. The analysis demonstrated no significant impact on ambient air quality.

An analysis of visibility was conducted for the two nearest Class II areas: Perry State Park and Clinton State Park. The VISCREEN model results indicate that visibility will be improved overall as a result of the project. No adverse impacts on soils and vegetation in the area are expected. Any federal land manager who has reason to believe they may have a Class I area adversely impacted by the emissions from the proposed project has the opportunity to present KDHE with a demonstration of the adverse impact on the air quality-related values of the federal Class I area during the comment period.

A public comment period has been established until 5 p.m. March 17 to allow citizens the opportunity to express any concerns they may have about this proposed permitting action. All comments should be submitted in writing to Rick Bolfig, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Comments also may be presented at the public hearing.

Any member of the public may request a hearing be conducted to receive comments on the proposed issuance of the draft air quality construction permit. Written requests to hold a public hearing should be sent to the attention of Christy Thurman at the address listed above or by fax to (785) 291-3953 and must be received by noon March 17. If no requests to hold the public hearing are received by this date and time, the public hearing will be cancelled. If a request is received, a public hearing is tentatively scheduled by KDHE at 6 p.m. March 18 at the Rice Community Center, 432 S.E. Norwood, Topeka.

Copies of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours, 8 a.m. to 5 p.m., 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 Shawnee County Health Agency, 1515 N.W. Saline, North Annex, Suite 101, Topeka. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office; and to review the proposed permit only, contact Tim Simons, (785) 291-2457, in the Shawnee County Health Agency. The standard departmental cost will be assessed for any copies requested.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035384

State of Kansas

Fort Hays State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Fort Hays State University Purchasing Office, Hays, until 2 p.m. local time on the date indicated. For additional information, interested bidders may call (785) 628-4251, fax (785) 628-4046, e-mail purchasing@fhsu.edu, or go to <http://www.fhsu.edu/adminfin/purchasing/bids/>.

Wednesday, February 27, 2008
#08016

Gross Coliseum Bleacher Seating Replacement

Kathy Herrman
Purchasing Director

Doc. No. 035410

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding two proposed air quality permits. Oxy USA, Inc. has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300 and a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen (NO_x), carbon monoxide (CO) and volatile organic compounds (VOC) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Oxy USA, Inc., 1701 N. Kansas, Liberal, is proposing to replace two natural gas engines, each used to drive a gas compressor at its Morton County natural gas compressor station #101 site located 3.5 miles south and 0.5 mile east of Wilburton.

A copy of the proposed permits, permit applications, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permits and supporting documentation, contact Terry Tavener, (785) 296-1581, 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 permits to Terry Tavener, 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 March 17.

A person may request a public hearing be held on the proposed permits. 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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business March 17 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035385

State of Kansas

Department of Health
and Environment

Requests for Comments

The Kansas Department of Health and Environment is soliciting comments regarding two proposed air quality permits. Oxy USA, Inc. has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300 and a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen (NO_x), carbon monoxide (CO) and volatile organic compounds (VOC) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Oxy USA, Inc., 1701 N. Kansas, Liberal, is proposing to replace two natural gas engines, each used to drive a gas compressor at its Morton County natural gas compressor station #102 site located 2.5 miles south and 3.5 miles east of Wilburton.

A copy of the proposed permits, permit applications, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permits and supporting documentation, contact Terry Tavener, (785) 296-1581, 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 permits to Terry Tavener, 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 March 17.

A person may request a public hearing be held on the proposed permits. 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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business March 17 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035386

State of Kansas

**Department of Health
and Environment**

Notice of Hearings

KDHE announces two public hearings as listed below on the 2008 Kansas 303d List of Impaired Waters. Section 303d of the Clean Water Act requires states to biennially prepare a list of waters failing to meet state water quality standards. The previously developed 2006 Kansas 303d list will be incorporated into the 2008 list at the request of EPA Region VII. Additionally, such waters are required to have total maximum daily loads (TMDLs) prepared by the state to restore their water quality. A total maximum daily load is the maximum amount of the impairing pollutant that can enter the water without causing a violation of its water quality standards.

Kansas has developed TMDLs for impaired surface waters in each of the state's 12 river basins. KDHE will be addressing a second round of TMDL development in the Smoky Hill-Saline, Solomon and Upper Republican basins in state fiscal year 2009 and the third round of TMDLs in the Kansas-Lower Republican Basin in fiscal year 2010. The draft 2008 Kansas 303d list will emphasize waters in those four basins, including an initial designation of TMDLs to be developed over the next two years. The list and its methodology are available for review on the Internet at <http://www.kdhe.state.ks.us/tmdl/>.

Additionally, the Clean Water Act requires the states to assemble and evaluate "all existing and readily available water quality related data and information" in developing the 303(d) list. Such data include information from local, state and federal agencies, members of the public and academic institutions conducting research. This notice requests any data or information on the water quality condition of waters of the state covering the period of 2000-2007. Submitted data may include chemical, physical or biological measurements and should be accompanied by information to identify the waterbody with as much geographic specificity as possible. In order to be considered for evaluation, submissions also should ensure quality control and quality assurance of the data provided to KDHE.

The hearings will open with a brief summary of the list and its methodology as it pertains to the waters of the applicable river basin. Public testimony will then be taken after the presentation. Please provide a written copy of any testimony at the hearings. Written testimony and water quality data will be accepted by KDHE any time prior to the close of business March 7. KDHE will prepare a response to all public comments and revise the draft list as necessary and will submit the list, the methodology, the public comments and the KDHE response to Region VII of the U.S. Environmental Protection Agency April 1, 2008.

The public hearings are scheduled as follows:

February 20 — 7 to 9 p.m. — Hays
Agricultural Research Center
1232 240th Ave. (Highway 183 Bypass)

February 26 — 1 to 3 p.m. — Topeka
Kansas Water Office Conference Room
901 S. Kansas Ave.

Persons requiring special accommodations should notify KDHE at least five business days before the respective hearing by contacting Thomas Stiles, KDHE, Division of Environment, 1000 S.W. Jackson, Topeka, 66612, (785) 296-6170. Other inquiries regarding this notice also should be directed to Thomas Stiles.

Ronald F. Hammerschmidt
Director of Environment

Doc. No. 035371

State of Kansas

**Department of Health
and Environment**

Request for Bids

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

February 29, 2008

264-08-16

Project Lead Safe KCK

Property #1	3014 Brown Ave. Kansas City, KS 66104
Property #2	1000 N. Washington Blvd. Kansas City, KS 66102
Property #3	924 Tenny Ave. Kansas City, KS 66101
Property #4	3025 Parkwood Blvd. Kansas City, KS 66104
Property #5	1306 Walker Ave. Kansas City, KS 66104
Property #6	743 Lafayette Ave. Kansas City, KS 66101
Property #7	1903 N. 41st Terrace Kansas City, KS 66102
Property #8	518 Thompson St. Kansas City, KS 66101

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

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035405

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-08-034/035
Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
LeRoy E. Winkler 1178 M4 Road Corning, KS 66417	LeRoy E. Winkler 1178 M4 Road Corning, KS 66417
Legal Description	Receiving Water
W/2 of Section 07, T04S, R13E, Nemaha County	Missouri River Basin
Kansas Permit No. A-MONM-S028	

This is an application for a permit for new construction and expansion at an existing swine facility for 2,400 head (960 animal units) of swine. A new or modified permit will not be issued without additional public notice.

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Dennis Niehues 1246 Q Road Goff, KS 66428	Dennis and Laurie Niehues 1246 Q Road Goff, KS 66428
Legal Description	Receiving Water
S/2 of Section 35, T03S, R13E, Nemaha County	Kansas River Basin
Kansas Permit No. A-KSNM-S036	

This is an application for a permit for new construction at a new swine facility for 2,400 head (960 animal units) of swine. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-08-036/043
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
John and Kenna Hutto 6663 SE Messer Road Galena, KS 66739	SW/4 of Section 19, T33S, R25E, Cherokee County	Neosho River Basin
Kansas Permit No. A-NECK-S006		

This is a reissuance of a permit for an existing facility for 1,500 head (600 animal units) of swine weighing greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Capron Farms Bennie W. Capron 3636 S.W. Hwy. 69 Columbus, KS 66725	SE/4 of Section 36, T33S, R23E, Cherokee County	Neosho River Basin
Kansas Permit No. A-NECK-F015		

This is a reissuance of a permit with a modification for an existing facility for 25,000 head (450 animal units) of turkeys. The modification is due to a change in operation from a brooder and finishing facility to a finishing facility only. This change in operation results in a decrease from 54,000 head to 25,000 head of turkeys.

Name and Address of Applicant	Legal Description	Receiving Water
Timberline Farm Kenneth and Bonnie Feist 3581 S.W. 110th St. Chetopa, KS 67336	SW/4 of Section 32, T33S, R22E, Cherokee County	Neosho River Basin
Kansas Permit No. A-NECK-F012		

This is a reissuance of a permit for an existing facility for 33,000 head (594 animal units) of turkeys.

Name and Address of Applicant	Legal Description	Receiving Water
KRSS Farms Raymond Williams 2020 24th Ave. Galva, KS 67443	SW/4 of Section 19, T18S, R01W, McPherson County	Smoky Hill River Basin
Kansas Permit No. A-SHMP-S007		

This permit is being reissued, with modification, to an existing swine facility for a maximum capacity of 7,000 head (700 animal units) of swine 55 pounds or less. The facility has changed to an iso-wean operation and includes an increase in animal unit capacity from the previous permit and does not include new construction.

Name and Address of Applicant	Legal Description	Receiving Water
Stone Farms Charles Stone 8529 S.W. 90th St. Chetopa, KS 67336	SW/4 of Section 27, T34S, R22E, Cherokee County	Neosho River Basin
Kansas Permit No. A-NECK-F011		

This is a reissuance of a permit for an existing facility for 33,000 head (594 animal units) of turkeys.

Name and Address of Applicant	Legal Description	Receiving Water
Cudney Farms Monty Cudney 9464 S.W. 10th St. Columbus, KS 66725	NE/4 of Section 35, T34S, R23E, Cherokee County	Neosho River Basin
Kansas Permit No. A-NECK-F013		

This is a reissuance of a permit for an existing facility for 33,000 head (594 animal units) of turkeys.

Name and Address of Applicant	Legal Description	Receiving Water
K and K Feeders Kraig Froetschner Route 1, Box 9A Garfield, KS 67529	SW/4 of Section 22, T22S, R17W, Pawnee County	Upper Arkansas River Basin
Kansas Permit No. A-UAPN-B011		

This is a new permit for an existing facility for 950 head (950 animal units) of cattle each weighing more than 700 pounds. The facility is

constructing a waste control system. A variance from the ground-water separation distance requirement of 10 feet has been requested. The runoff storage pond will be within 7 feet of groundwater. The clay liner for the storage pond is proposed to be 18 inches thick instead of the standard 12 inches. The permittee is proposing a groundwater monitoring plan.

Name and Address of Applicant	Legal Description	Receiving Water
Sextro Dairy Farm Robert Sextro 1147 224th Road Seneca, KS 66538	SW/4 of Section 11, T01S, R12E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-M024

This permit is being reissued for a confined animal feeding operation for 20 head (20 animal units) of cattle weighing more than 700 pounds, 25 head (12.5 animal units) of cattle weighing less than 700 pounds and 100 head (140 animal units) of mature dairy cattle. This represents an increase in the permitted animal units from the previous permit. The permit also contains modifications consisting of alterations to the operation of the wastewater retention system and buffer requirements.

Public Notice No. KS-08-0015/023

Name and Address of Applicant	Receiving Stream	Type of Discharge
Cargill, Inc. P.O. Box 438 Atchison, KS 66002	White Clay Creek via Drainage Ditch	Process Wastewater

Kansas Permit No. I-MO01-PO11 Federal Permit No. KS0096601

Legal Description: SE¼, S20, T6S, R20E, Atchison County

Facility Name: Cargill, Inc. - Atchison Grain Elevator

Facility Address: 15264 258th Road, Atchison, KS 66002

Facility description: The proposed action is to reissue an existing permit for discharge from an existing wastewater treatment facility. This facility is a grain storage elevator. The elevator foundation drainage is contaminated with grain fumigants and their decomposition products. The foundation drainage enters a cistern. The flow from the cistern is combined with the flow from the 100 tunnel drain sump and treated in an aeration tank. Discharge from the aeration tank combines with the discharges from the flat tunnel shed sump, and the stormwater from the flat shed and grain bin areas prior to discharge. The proposed permit contains limits for dichloromethane, carbon tetrachloride and pH, as well as monitoring of effluent flow. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Elwood, City of P.O. Box 357 Elwood, KS 66024	Missouri River	Treated Domestic Wastewater

Kansas Permit No. M-MO05-OO01 Federal Permit No. KS0048526

Legal Description: SE¼, SW¼, S1, T4S, R22E, Doniphan County

Facility Description: The proposed action is to reissue an existing permit for discharge from an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/ E. coli and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Horton, City of 205 E. 8th St. Horton, KS 66439	Grasshopper Creek via Little Lake Municipal Reservoir L-43	Cooling Water

Kansas Permit No. I-KS24-CO01 Federal Permit No. KS0092185

Legal Description: SW¼, S28, T4S, R17E, Brown County

Facility Name: Horton Municipal Power Plant

Facility Address: 602 E. 15th St., Horton, KS 66439

Facility Description: The proposed action is to reissue an existing permit for discharge from an existing facility. This facility is a standby electrical generating station used for peaking and emergency power. Untreated lake water is circulated through the single-phase heat exchanger for cooling of three diesel electric generators. The facility is normally operated about 12 hours a day for three months during summer. The proposed permit contains generic water-quality language to protect waters of the state. 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
Magellan Pipeline Company, L.P. One Williams Center, MD307 Tulsa, OK 74172	Elk River via Rajah Lake via Drainage Ditch	Groundwater Remediation Project

Kansas Permit No. I-VE23-PO05 Federal Permit No. KS0099333

Legal Description: SE¼, S13, T32S, R15E, Montgomery County

Facility Description: The proposed action consists of issuing a new permit for a discharge from a new groundwater remediation project. About 36,000 gpd of hydrocarbon contaminated groundwater from a DPVE/SVE remediation system is collected in a storage tank prior to being treated in an oil/water separator, an air stripper and a granular-activated carbon filter prior to discharged. The proposed permit contains limits for total suspended solids, total petroleum hydrocarbons (GRO), benzene and pH. Monitoring of total ammonia, MTBE and effluent flow also will be required. The permittee also will be required to sample the influent water for volatile organic compounds (VOCs) annually. 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
Partridge, City of P.O. Box 174 Partridge, KS 67556	North Fork Ninnesch River via Red Rock Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR70-OO01 Federal Permit No. KS0024619

Legal Description: SE¼, NW¼, NW¼, S15, T24S, R7W, Reno County

Facility Description: The proposed action is to modify and reissue an existing permit for the expansion of an existing wastewater treatment facility from a two-cell to a three-cell lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, fecal coliform/E. coli, chlorides and pH. Contained in the permit is a schedule of compliance requiring the permittee to complete construction of the upgrades to the facility by August 31, 2008, and to achieve compliance with the permit limits by December 31, 2008. 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
Peabody, City of 300 N. Walnut Peabody, KS 66866	Cottonwood River via Doyle Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE56-OO03 Federal Permit No. KS0097225

Legal Description: NW¼, S2, T22S, R3E, Marion County

Facility Description: The proposed action is to reissue an existing permit for discharge from an existing three-cell wastewater treatment lagoon facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli, sulfates and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

(continued)

Name and Address of Applicant	Receiving Stream	Type of Discharge
Pittsburg, City of 1920 S. Olive Pittsburg, KS 66762	Neosho River via Spring River via Cow Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE57-0001 Federal Permit No. KS0038954

Legal Description: NW¼, SE¼, S31, T30S, R25E, Crawford County

Facility Description: The proposed action is to reissue an existing permit for discharge from an existing wastewater treatment facility. The facility is a mechanical treatment plant consisting of aerated grit removal, primary clarification, trickling filters, CMASS basins, final clarification, UV disinfection and cascade reaeration. An extraneous flow basin and pump station handles overflow from peak rain events. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. Sludge is thickened and stored in an aerobic sludge digester prior to land application. The sludge also may be dewatered on a belt filter press. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia and fecal coliform/E. coli. Monitoring for total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, total recoverable selenium and effluent flow also will be required. The permittee will be required to perform a chronic whole effluent toxicity test annually and a priority pollutant scan once during the term of this permit. Contained in the permit is a schedule of compliance requiring the permittee to conduct a study to assess the cost and feasibility of nutrient removal by this facility. The report is to be completed within two years of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Wathena, City of P.O. Box 27 Wathena, KS 66090	Missouri River	Treated Domestic Wastewater

Kansas Permit No. M-MO23-0001 Federal Permit No. KS0026158

Legal Description: NW¼, SW¼, S34, T3S, R22E, Doniphan County

Facility Description: The proposed action is to reissue an existing permit for discharge from an existing three-cell wastewater treatment lagoon facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
West Mineral, City of P.O. Box 120 West Mineral, KS 66782	Cherry Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE48-0001 Federal Permit No. KS0080861

Legal Description: SW¼, S5, T32S, R23E, Cherokee County

Facility Description: The proposed action is to reissue an existing permit for discharge from an existing four-cell wastewater treatment lagoon facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology-quality based.

Public Notice No. KS-ND-08-009

Name and Address of Applicant	Legal Location	Type of Discharge
U.S. Stone Industries 107 Harvard Place Manhattan, KS 67503	SE¼, NW¼, SW¼, S31, T15S, R6E, Morris County	Nonoverflowing

Kansas Permit No. I-KS30-NP01 Federal Tracking No. KSJ000111

Facility Address: 2561 Q Ave., Herington Regional Airport

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing wastewater lagoon treatment facility system. This facility is a limestone cutting operation. Water cools saw blades used to cut limestone to a desired size. After cooling the saw blades, 150 gallons per minute (gpm) of water is directed to three earthen-lined, nondischarging wastewater settling ponds. The water is directed to the first two primary cells by way of a 12-inch gravity line. The first two ponds operate in parallel and settle the solids in the water before discharging to the final cell. The treated water from the final cell is recycled to the cutting operation after being pumped from the final cell via a six-inch force main. Domestic wastes generated on-site are treated at the Industrial Park wastewater treatment system operated by the city of Herington. The proposed permit contains a schedule of compliance requiring the permittee to provide KDHE with a notice of intent and permit fee to obtain coverage for stormwater runoff associated with industrial activities. The schedule of compliance further requires the permittee to conduct a whole pond seepage test within six months of the effective date of the permit. 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 March 15 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-08-034/043, KS-08-015/023, KS-ND-08-009) 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. 035407

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 2-11-08 through 2-17-08

Term	Rate
1-89 days	2.95%
3 months	2.17%
6 months	2.10%
1 year	1.82%
18 months	1.86%
2 years	1.93%

Daniel J. Nackley
Director of Investments

Doc. No. 035380

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 31-February 6 by the 2008 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at www.kslegislature.org.

House Bills

HB 2719, An act concerning municipalities; amending K.S.A. 12-1930 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2720, An act designating part of K-10 as the Dr. Martin Luther King, Jr. memorial highway, by Representatives Holland, Ballard, Davis and Sloan.

HB 2721, An act concerning the board of cosmetology; relating to licensing requirements; amending K.S.A. 65-1901, 65-1903, 65-1906, 65-1908, 65-1909, 65-1912, 65-1926, 65-1940, 65-1941, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1953 and 65-1954 and K.S.A. 2007 Supp. 65-1902 and repealing the existing sections, by Committee on Health and Human Services.

HB 2722, An act concerning income taxation; relating to credits; homestead which has sustained substantial damage and is located in a disaster area, by Representative King.

HB 2723, An act concerning consumer protection; regulating the sale of tickets to certain events and providing penalties for violations, by Committee on Taxation.

HB 2724, An act concerning municipalities; prohibiting certain licensing fees, by Committee on Elections and Governmental Organization.

HB 2725, An act enacting the vehicle protection product act, by Committee on Transportation.

HB 2726, An act concerning crime, criminal procedure and punishment; relating to victims; polygraph examinations, by Committee on Judiciary.

HB 2727, An act concerning sexual assault; relating to evidence; amending K.S.A. 65-448 and repealing the existing section, by Committee on Judiciary.

HB 2728, An act concerning school districts; relating to child care facilities; amending K.S.A. 65-501 and 72-8236 and repealing the existing sections, by Committee on Education.

HB 2729, An act concerning income taxation; relating to deductions; medical care expenses; amending K.S.A. 2007 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2730, An act relating to public finance; creating the Kansas taxpayer transparency act; defining terms; requiring the secretary of administration to develop and operate a specified website; enumerating information which shall be made available on such website; establishing a time period covered for information on such website; establishing the public finance transparency board and prescribing its duties; and providing for nondisclosure of certain information, by Representatives Kelley, Holland, King, Loganbill, McLachlan, McLeland, Jim Morrison, Quigley, Siegfried, Swenson and Trimmer.

HB 2731, An act concerning crimes, criminal procedure and punishment; relating to sentencing; amending K.S.A. 21-4632, 22-3439, 22-3711, 22-3717 and 22-4701 and K.S.A. 2007 Supp. 74-9101 and repealing the existing sections, by Representatives Patton, Beamer, Bowers, Carlson, Dahl, Fund, Kelley, Kelsey, Kinzer, Judy Morrison, Olson, Rhoades, Siegfried, Vickrey, Watkins and Whitham.

HB 2732, An act concerning crimes, criminal procedure and punishment; relating to sentencing; amending K.S.A. 21-4716 and 21-4719 and K.S.A. 2007 Supp. 38-2371 and repealing the existing sections, by Representatives Patton, Beamer, Bowers, Carlson, Dahl, Fund, Kelley, Kelsey, Kinzer, Mast, Judy Morrison, Olson, Rhoades and Watkins.

HB 2733, An act concerning crimes, criminal procedure and punishment; relating to sentencing; amending K.S.A. 21-4603d and K.S.A. 2007 Supp. 75-5217 and repealing the existing sections, by Representatives Patton, Beamer, Bowers, Carlson, Dahl, Fund, Kelley, Kelsey, Kinzer, Mast, Judy Morrison, Olson, Rhoades, Siegfried, Vickrey and Watkins.

HB 2734, An act concerning school districts; relating to school finance; relating to consolidation; amending K.S.A. 2007 Supp. 72-6445a and repealing the existing section, by Representative Aurand.

HB 2735, An act concerning the state corporation commission; relating to transfers to the abandoned oil and gas well fund; amending K.S.A. 2007 Supp. 55-193 and repealing the existing section, by Agriculture and Natural Resources Budget Committee.

HB 2736, An act concerning abortion; providing civil remedies, including injunctive relief; amending K.S.A. 65-445, 65-2836, 65-6703, 65-6704, 65-6705, 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713, by Representatives Kinzer, Beamer, Brown, Brunk, Burgess, Colyer, Crum, Dahl, Faber, George, Goico, Grange, Henry, Hodge, M. Holmes, Huebert, Kelley, Kelsey, Kiegerl, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, O'Neal, Olson, Otto, Pauls, Peck, Powers,.

HB 2737, An act increasing the rate of taxation imposed upon cigarettes and tobacco products; creating the health reform fund; depositing money into; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2007 Supp. 79-3310, 79-3310c, 79-3311 and 79-3312 and repealing the existing sections, by Committee on Taxation.

HB 2738, An act concerning taxation; relating to electronic filing of returns and reports; amending K.S.A. 79-3220 and K.S.A. 2007 Supp. 75-5151 and repealing the existing sections, by Committee on Taxation.

HB 2739, An act concerning sales taxation; relating to exemptions; machinery, equipment and materials used for research and development; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2740, An act concerning corrections; relating to training for corrections officer; amending K.S.A. 75-5212 and repealing the existing section, by Committee on Appropriations.

HB 2741, An act concerning county treasurers; amending K.S.A. 19-501 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2742, An act concerning crimes and criminal punishment; amending K.S.A. 21-4201 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2743, An act concerning insurance; relating to sharing of certain records and maintaining confidentiality thereof; relating to termination of agents; relating to maintenance and availability of such records; relating to disclosures and records under the viatical settlement act; amending K.S.A. 2007 Supp. 40-5001 and repealing the existing section; also repealing K.S.A. 2007 Supp. 40-5007, by Committee on Insurance and Financial Institutions.

HB 2744, An act concerning provision of architectural, engineering and land surveying services for certain projects for state agencies; fees; amending K.S.A. 75-1250, 75-1252, 75-1254, 75-1257, 75-1258, 75-1259, 75-1260, 75-1261, 75-1263, 75-1265, 75-1267, 75-1268 and 75-3784 and K.S.A. 2007 Supp. 75-1251, 75-1253, 75-1262, 75-1264 and 75-1269 and

(continued)

repealing the existing sections, by Joint Committee on State Building Construction.

HB 2745, An act concerning employment; providing for a fair share representation fee to be paid to certain labor organizations under certain circumstances; relating to procedures, rights and duties; amending K.S.A. 44-803 and repealing the existing section, by Committee on Commerce and Labor.

HB 2746, An act concerning real estate brokers and salespersons; relating to licensure, prohibited acts, advertising and definitions; amending K.S.A. 58-3067, 58-3068 and 74-4202 and K.S.A. 2007 Supp. 58-3035, 58-3043, 58-3047, 58-3050 and 58-3062 and repealing the existing sections, by Committee on Commerce and Labor.

HB 2747, An act concerning annexation of territory by cities; amending K.S.A. 12-519, 12-530, 12-531, 12-532 and 12-535 and K.S.A. 2007 Supp. 12-520 and 12-520a and repealing the existing sections; and also repealing K.S.A. 12-521 and 12-521a, by Representatives Merrick, Mah, Dahl, Donohoe, Faber, Fund, Gordon, Hayzlett, Hodge, Huebert, Kiegerl, Judy Morrison, Powell, Rhoades and Wetta.

HB 2748, An act concerning the possession of wildlife; relating to the tagging of big game and wild turkey; amending K.S.A. 2007 Supp. 32-969 and 32-1004 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2749, An act concerning townships; relating to the establishment of a township equipment reserve fund, by Committee on Elections and Governmental Organization.

HB 2750, An act concerning property taxation; relating to exemptions; certain property leased to companies for research and development purposes; amending K.S.A. 2007 Supp. 79-201a and repealing the existing section, by Committee on Taxation.

HB 2751, An act concerning income taxation; relating to deductions; expensing of investment expenditures; amending K.S.A. 2007 Supp. 79-32,117 and 79-32,138 and repealing the existing sections, by Committee on Taxation.

HB 2752, An act enacting the geriatric mental health act; establishing a geriatric mental health program administered by the department on aging, by Committee on Appropriations.

HB 2753, An act concerning school districts; relating to special education and the distribution of moneys therefor; amending K.S.A. 2007 Supp. 72-978 and repealing the existing section, by Committee on Education.

HB 2754, An act concerning school districts; relating to funding for special education, by Committee on Education.

HB 2755, An act relating to driver's licenses; concerning the classes thereof; amending K.S.A. 8-234b and repealing the existing section, by Committee on Transportation.

HB 2756, An act regulating traffic; concerning fines in road construction zones; amending K.S.A. 8-2004 and K.S.A. 2007 Supp. 8-2118 and repealing the existing sections, by Committee on Transportation.

HB 2757, An act dealing with county hospitals; amending K.S.A. 19-4610 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2758, An act concerning schools; relating to cyberbullying, school district policies; amending K.S.A. 2007 Supp. 72-8256 and repealing the existing section, by Representative Burroughs.

HB 2759, An act concerning sales taxation; relating to exemptions; flood disaster emergencies; certain construction materials and services, by Committee on Agriculture and Natural Resources.

HB 2760, An act concerning school districts; relating to low enrollment weighting; amending K.S.A. 2007 Supp. 72-6412 and repealing the existing section, by Committee on Education.

HB 2761, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, for the department on aging and the department of social and rehabilitation services; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2762, An act concerning income taxation; relating to apportionment of net income; business income; corporations, surtax; amending K.S.A. 79-3285 and K.S.A. 2007 Supp. 79-3271 and 79-32,110 and repealing the existing sections, by Special Committee on Assessment and Taxation.

HB 2763, An act concerning property taxation; relating to exemptions; trucks used for commercial and business purposes, by Committee on Taxation.

HB 2764, An act concerning sales taxation; relating to exemptions; certain sales of coins, bullion and currency; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2765, An act concerning electric energy; relating to the determination and provision of future energy requirements, by Committee on Energy and Utilities.

HB 2766, An act concerning the code for civil procedure; relating to evidence; expert and other testimony; amending K.S.A. 60-456 and 60-457 and repealing the existing sections; also repealing K.S.A. 60-458, by Committee on Judiciary.

HB 2767, An act concerning civil procedure; relating to collateral source benefits; amending K.S.A. 60-3802 and repealing the existing section, by Committee on Judiciary.

HB 2768, An act concerning public health; relating to removal of dead bodies; amending K.S.A. 2007 Supp. 65-1753 and repealing the existing section, by Committee on Judiciary.

HB 2769, An act relating to insurance; providing reimbursement for certain dietary formulas; amending K.S.A. 2007 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance and Financial Institutions.

HB 2770, An act relating to drivers' licenses and other state issued identification cards; concerning the photo fee fund; amending K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

HB 2771, An act concerning age discrimination; amending K.S.A. 44-1112 and 44-1118 and repealing the existing sections, by Committee on Commerce and Labor.

HB 2772, An act concerning real estate appraisers; relating to licensure, penalties and exceptions; amending K.S.A. 58-4103 and repealing the existing section, by Committee on Commerce and Labor.

HB 2773, An act concerning certain services; relating to limitations on service charges to counties and the state, by Committee on Federal and State Affairs.

HB 2774, An act concerning immigration; requiring the adjutant general to request certain information from the United States immigration and customs enforcement and to establish communications with certain foreign countries, by Committee on Federal and State Affairs.

HB 2775, An act concerning governmental ethics; requiring the reporting of lobbying expenses by municipalities, by Committee on Federal and State Affairs.

HB 2776, An act concerning school districts; relating to enrollment; amending K.S.A. 2007 Supp. 72-6407 and repealing the existing section, by Committee on Education.

HB 2777, An act concerning school districts; relating to school finance; amending K.S.A. 2007 Supp. 72-6448 and repealing the existing section, by Committee on Education.

HB 2778, An act concerning school districts; relating to students with dyslexia, by Committee on Education.

HB 2779, An act relating to education; concerning a bill of religious rights for students and others, by Committee on Federal and State Affairs.

HB 2780, An act concerning criminal procedure; relating to conditional release; amending K.S.A. 22-3716 and repealing the existing section, by Committee on Judiciary.

HB 2781, An act concerning dental offices; permitting an additional office in counties with low population densities; amending K.S.A. 65-1435 and repealing the existing section, by Committee on Health and Human Services.

HB 2782, An act enacting the Kansas medical liability reporting act, by Committee on Insurance and Financial Institutions.

House Resolutions

HR 6008, A resolution urging the Congress of the United States to expedite citizenship for immigrants who serve honorably in the United States Armed Forces.

HR 6009, A resolution urging the Congress of the United States to control the borders, prevent illegal immigration and alleviate the logistical and financial burden currently resting on states and private businesses.

Senate Bills

SB 521, An act concerning payment for motor vehicle registrations; amending K.S.A. 8-145a and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 522, An act concerning motor vehicles; relating to registration of certain vehicles; amending K.S.A. 2007 Supp. 8-1,152 and repealing the existing section, by Committee on Transportation.

SB 523, An act designating a portion of Kansas highway 25 as the Great Plains Indian Highway, by Senator Ostmeyer.

SB 524, An act concerning corrections; relating to fee expenditure; amending K.S.A. 75-52,139 and repealing the existing section, by Committee on Ways and Means.

SB 525, An act concerning the Kansas investments in major products and comprehensive training act (IMPACT); amending K.S.A. 2007 Supp. 74-50,103, 74-50,104, 74-50,107 and 74-50,108 and repealing the existing sections, by Committee on Commerce.

SB 526, An act concerning enhanced wireless 911 service; relating to distribution of moneys from service fees; amending K.S.A. 2007 Supp. 12-5331 and repealing the existing section, by Committee on Commerce.

SB 527, An act concerning early childhood education; relating to parent education programs and early head start; amending K.S.A. 72-3603 and repealing the existing section, by Committee on Education.

SB 528, An act concerning school districts; relating to healthy weight education programs, by Committee on Education.

SB 529, An act concerning vaccinations; relating to educational awareness of meningitis vaccines, by Committee on Public Health and Welfare.

SB 530, An act concerning sales taxation; relating to exemptions; machinery, equipment and materials used for research and development; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 531, An act concerning school districts; relating to school finance; making appropriations for the department of education for the fiscal years ending June 30, 2009, and June 30, 2010; amending K.S.A. 2007 Supp. 72-6410 and repealing the existing section, by Senators D. Schmidt, Vratil, Schodorf, Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Jordan, Kelly, Lee, Lynn, McGinn, Morris, Petersen, Pine, Reitz, V. Schmidt, Steineger, Taddiken, Teichman, Umbarger, Wagle and Wy-song.

SB 532, An act concerning school districts; relating to school finance; amending K.S.A. 2007 Supp. 72-6454 and repealing the existing section, by Committee on Education.

SB 533, An act concerning veterans; relating to assistance therefor; making and concerning appropriations for the fiscal year ending June 30, 2009, for state agencies; amending K.S.A. 39-7, 106 and K.S.A. 2007 Supp. 8-1, 146, 8-243 and 76-729 and repealing the existing sections, by Senators Umbarger and McGinn.

SB 534, An Act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Joint Committee on Special Claims Against the State.

SB 535, An act concerning credit unions; pertaining to field of membership; pertaining to mergers; pertaining to branches; amending K.S.A. 17-2205, 17-2221, 17-2223, 17-2223a and 17-2228 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 536, An act concerning the Kansas offender registration act; prohibition from adopting and enforcing residency restrictions; amending K.S.A. 22-4913 and repealing the existing section, by Committee on Judiciary.

SB 537, An act relating to civil procedure; concerning certain privileges; relating to certain costs; amending K.S.A. 60-427, 60-2003 and 60-2006 and repealing the existing sections, by Committee on Judiciary.

SB 538, An act concerning the conservation commission; relating to conservation easements; establishing the farm and ranch land protection program; amending K.S.A. 2-1904 and repealing the existing section, by Committee on Natural Resources.

SB 539, An act concerning community corrections; relating to grant determinations; amending K.S.A. 2007 Supp. 75-52,111 and 75-52,112 and repealing the existing sections, by Committee on Ways and Means.

SB 540, An act concerning health insurance; establishing a voluntary health insurance clearinghouse; authorizing policies for young adults; defining very small employers; enacting the Kansas small business health policy committee act; amending K.S.A. 40-2218 and K.S.A. 2007 Supp. 40-2118, 40-2202, 40-4701, 40-4702, 40-4704, 40-4707, 74-50,301 and 74-50,302 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 40-4703, 40-4705 and 40-4706, by Joint Committee on Health Policy Oversight (By Request of the Kansas Health Policy Authority).

SB 541, An act concerning the Kansas health policy authority; relating to powers and duties thereof regarding a medical home, and small business wellness grant program; establishing the health reform fund; amending K.S.A. 2007 Supp. 75-7401 and 75-7408 and repealing the existing sections, by Joint Committee on Health Policy Oversight (By request of the Kansas Health Policy Authority).

SB 542, An act increasing the rate of taxation imposed upon cigarettes and tobacco products; creating the health reform fund; depositing money into; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2007 Supp. 79-3310, 79-3310c, 79-3311 and 79-3312 and repealing the existing sections, by Joint Committee on Health Policy Oversight (By request of Kansas Health Policy Authority).

SB 543, An act concerning motor vehicles; relating to registration of such vehicles; residency; amending K.S.A. 8-1,138 and K.S.A. 2007 Supp. 8-129 and repealing the existing sections, by Committee on Transportation.

SB 544, An act concerning reduced ignition propensity cigarettes, by Committee on Federal and State Affairs.

SB 545, An act relating to civil procedure; concerning health insurance coverage information for children in divorce action; amending K.S.A. 2007 Supp. 60-1610 and repealing the existing section, by Committee on Judiciary.

SB 546, An act establishing a family dispute resolution fund; providing for grants; concerning docket fees; amending K.S.A. 20-367 and K.S.A. 2007 Supp. 60-1621 and repealing the existing sections, by Committee on Judiciary.

SB 547, An act enacting the oil and gas surface owner notice and compensation act, by Committee on Judiciary.

SB 548, An act relating to the department of health and environment; a school-based influenza vaccination pilot program; providing for a study, by Committee on Public Health and Welfare.

SB 549, An act relating to the board of pharmacy; concerning continuous quality improvement programs and nonresident pharmacy; amending K.S.A. 65-1657 and repealing the existing section, by Committee on Public Health and Welfare.

SB 550, An act concerning sales taxation; relating to cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2007 Supp. 79-3602 and repealing the existing section, by Committee on Assessment and Taxation.

SB 551, An act concerning drivers' licenses; driving while suspended; amending K.S.A. 2007 Supp. 8-262 and repealing the existing section, by Senator Journey.

SB 552, An act relating to firearms; prohibiting the confiscation or seizure thereof; amending K.S.A. 48-925 and repealing the existing section, by Senator Journey.

SB 553, An act concerning the environment; relating to carbon dioxide emission offset, by Committee on Ways and Means.

SB 554, An act concerning a mural in the capitol, by Senators Hensley, Betts, Haley, Kelly and V. Schmidt.

SB 555, An act concerning rate increases for certain utilities under the jurisdiction of the state corporation commission; relating to notice to customers of such utilities; concerning the citizens' utility ratepayer board, by Committee on Utilities.

SB 556, An act concerning controlled substances; establishing the medical marijuana defense act, by Committee on Health Care Strategies.

SB 557, An act concerning the Kansas department of agriculture; amending K.S.A. 36-504 and 65-689 and K.S.A. 2007 Supp. 65-688, 74-581, 74-596, 74-597 and 74-598 and repealing the existing sections, by Committee on Agriculture.

SB 558, An act concerning irrigation districts; pertaining to the conduct of elections; amending K.S.A. 42-706 and repealing the existing section, by Senator Taddiken.

SB 559, An act concerning water supply and distribution districts; relating to acquisition of grounds; amending K.S.A. 19-3502, 19-3511 and 19-3552 and repealing the existing sections, by Committee on Agriculture.

SB 560, An act establishing the property/casualty flex-rating regulatory improvement act; pertaining to personal lines insurance written on risks in this state by any insurer authorized to do business in this state, by Committee on Financial Institutions and Insurance.

SB 561, An act concerning life insurance; pertaining to coverage limits on creditor/debtor group life insurance; amending K.S.A. 2007 Supp. 40-433 and repealing the existing section, by Committee on Financial Institutions and Insurance.

(continued)

SB 562, An act concerning elections; providing a procedure for mobile polling places in nursing homes and certain related facilities, by Committee on Elections and Local Government.

SB 563, An act concerning health insurance; pertaining to utilization review; amending K.S.A. 40-22a07 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 564, An act concerning health insurance; pertaining to employer provided cafeteria plans; pertaining to health savings accounts; pertaining to high deductible health insurance plans; pertaining to tax treatment of health insurance premiums; amending K.S.A. 40-2119, 40-2209d, 40-2209h, 40-2209m and 75-6512 and K.S.A. 2007 Supp. 40-2240, 75-6501 and 79-32,117 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 565, An act relating to the state fair board; concerning background investigations for certain employees; amending K.S.A. 2-205 and repealing the existing section, by Committee on Judiciary.

SB 566, An act concerning the department of social and rehabilitation services; relating to attendant care workers who provide home and community based services; providing for a study, by Committee on Ways and Means.

SB 567, An act concerning school districts; relating to special education and the distribution of moneys therefor; amending K.S.A. 2007 Supp. 72-978 and repealing the existing section, by Committee on Education.

SB 568, An act concerning public health; relating to optometrists and Kansas nonprofit low vision rehabilitation centers; amending K.S.A. 65-1502, 65-1522 and 65-1524 and K.S.A. 2007 Supp. 65-1501a and repealing the existing sections, by Senators Schodorf and Wagle.

SB 569, An act concerning alcoholic beverages; requiring server education; requiring server permits, by Committee on Federal and State Affairs.

SB 570, An act concerning telecommunications; relating to the Kansas universal service fund; amending K.S.A. 66-127 and 66-136 and K.S.A. 2007 Supp. 66-2005 and repealing the existing sections, by Committee on Utilities.

SB 571, An act concerning income taxation; relating to deductions; expensing of investment expenditures; amending K.S.A. 2007 Supp. 79-32,117 and 79-32,138 and repealing the existing sections, by Joint Committee on Economic Development.

SB 572, An act creating the massage therapy practice act; establishing the board of licensure and regulation of the massage therapists, by Committee on Ways and Means.

SB 573, An act relating to deaf and hard of hearing children; making and concerning appropriations for the Kansas state school for the deaf for the fiscal years ending June 30, 2009; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing and authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

Senate Resolutions

SR 1805, A resolution encouraging participation in the American Heart Association's Go Red for Women campaign.

SR 1806, A resolution congratulating and commending the 2007 Independence High School girls' tennis team.

SR 1807, A resolution congratulating and commending the 2007 Independence High School boys' tennis team.

SR 1808, A resolution congratulating and commending the 2007 Independence High School boys' soccer team.

SR 1809, A resolution congratulating and commending the 2007 Kansas National Board Certified Teachers.

SR 1810, A resolution congratulating and commending the 2008 Horizon Award Program educators.

SR 1811, A resolution recognizing February 6 as Ronald Reagan Day.
Doc. No. 035382

State of Kansas

Department of Agriculture

Permanent Administrative Regulations

Article 13.—PESTICIDES

4-13-1. Definitions. For the purposes of this article, the following terms shall have the meanings specified in

this regulation: (a) "Alternative treatment" means any method of pest control service performed for the purpose of controlling termites, other than those specified in subsections (b), (c), (d), (e), (g), and (i). This term shall include nonchemical methods of control and above-ground pesticide application.

(b) "Bait treatments" and "baiting system" mean the installation, servicing, and monitoring of termite bait stations and termite monitoring stations for the purpose of controlling termites within a structure. The placement of monitoring stations without a written agreement to periodically inspect the monitoring stations and replace monitoring stakes or other materials with a pesticide shall not constitute a bait treatment or baiting system.

(c)(1) "Complete soil treatment" and "complete treatment" mean a pesticide application to soil for the control of termites and shall include both of the following:

(A) Applying pesticide at the concentration, rate, and dosage required by the product labeling in such a manner that a chemical barrier is formed at all sites of potential termite entry into the structure from the soil, including the interior and exterior foundation walls and cross walls; the area around any support piers, expansion joints, and cracks in concrete slabs; any void areas in masonry elements; and any other structural components that extend below soil grade; and

(B) removing wood scrap, paper scrap, and all other cellulose-containing debris from any accessible areas of crawl spaces under buildings being treated.

(2) Applications to wooden construction elements, the use of baits, and the use of alternative methods of control shall not be represented as complete treatments.

(d) "Limited soil treatment" and "limited treatment" mean a pesticide application that is intended to provide protection from termite infestation to the entire structure, but is not designed to provide a continuous barrier of pesticide to the soil, including treating only the exterior perimeter of a slab structure.

(e) "Partial soil treatment" and "partial treatment" mean applications of pesticide for soil treatment that are not intended to provide protection from termite infestation for the entire structure treated.

(f) "Restricted-use pesticide" means any pesticide product registered by the secretary under the provisions of the agricultural chemical act of 1947, K.S.A. 2-2204 and amendments thereto, that is either labeled as a restricted-use pesticide by the federal agency responsible for the classification or designated as a restricted-use pesticide by the secretary.

(g) "Spot treatment" means remedial applications of pesticide to control termites at a specific location within a structure that are not intended to control termites at any location beyond the treatment area.

(h) "Stump treatment" means the application of pesticide to the cut stump of any tree or other woody plant to prevent regrowth.

(i) "Wood treatment" means the application of pesticide to wooden structural components, including joints, voids, galleries, and chambers, that are present within wooden construction elements. (Authorized by and implementing K.S.A. 2-2467a; effective, E-78-26, Sept. 7,

1977; effective May 1, 1978; amended July 18, 2003; amended Feb. 29, 2008.)

4-13-3. Categories and subcategories of qualification for the licensing of pesticide businesses and certification of commercial applicators. (a) The categories and subcategories of qualification for licensing of pesticide businesses and certification of commercial applicators shall include the following:

(1) Category 1: agricultural pest control. This category shall include any commercial application of pesticide in the production of agricultural plants or animals.

(A) Subcategory 1a: agricultural plant pest control. This subcategory shall include any commercial application of pesticide on grasslands and noncrop agricultural lands, and in the production of agricultural crops, including tobacco, peanuts, cotton, feed grains, soybeans and forage, vegetables, small fruits, tree fruits, and nuts.

(B) Subcategory 1b: agricultural animal pest control. This subcategory shall include any commercial application of pesticide to places on, or in which, animals are confined and on animals, including beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock. This subcategory shall include any doctor of veterinary medicine who applies pesticides for hire, engages in the large-scale use of pesticides, or is publicly held out as a pesticide applicator.

(C) Subcategory 1c: wildlife damage control. This subcategory shall include any commercial application of pesticide for the management and control of wildlife in rangeland and agricultural areas. Wildlife shall mean nondomesticated vertebrate species that hinder agricultural and rangeland production.

(D) Subcategory 1d: stump treatment. This subcategory shall be limited to the commercial application of pesticide for the treatment of cut stumps to control resprouting in pastures, rangeland, or lands held in conservation reserve. Nothing in this subcategory shall prohibit stump treatment by pesticide businesses and commercial applicators in other categories and subcategories that include pesticide application to cut stumps.

(2) Category 2: forest pest control. This category shall include any commercial application of pesticide in forests, forest nurseries, and forest seed-producing areas.

(3) Category 3: ornamental and turf pest control. This category shall include any commercial application of pesticide in the maintenance of ornamental trees, shrubs, flowers, and turf.

(A) Subcategory 3a: ornamental pest control. This subcategory shall include any commercial application of pesticide to control pests in the maintenance and production of ornamental trees, shrubs, and flowers. This subcategory shall not include those pests included in subcategory 3c.

(B) Subcategory 3b: turf pest control. This subcategory shall include any commercial application of pesticide to control pests in the maintenance and production of turf.

(C) Subcategory 3c: interior landscape pest control. This subcategory shall include any commercial application of pesticide to control pests in the production and maintenance of houseplants and other indoor ornamental plants kept or located within structures occupied by hu-

mans, including houses, apartments, offices, shopping malls, and other places of business and dwelling places.

(4) Category 4: seed treatment. This category shall include any commercial application of pesticide on seeds.

(5) Category 5: aquatic pest control. This category shall include any commercial application of pesticide to standing or running water. Applicators engaged in public health pest control and health-related pest control activities shall be excluded.

Subcategory 5s: sewer root control. This subcategory shall be limited to any commercial application of pesticide for the control of roots in sewer lines and septic systems.

(6) Category 6: right-of-way pest control. This category shall include any commercial application of pesticide to control vegetation in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way, industrial sites, parking lots, or other similar areas.

(A) This category shall include the types of commercial pesticide application specified in subcategory 7c.

(B) This category shall not include those types of commercial pesticide application specified in paragraph (a)(9).

(7) Category 7: industrial, institutional, structural, and health-related pest control.

(A) This category shall include any commercial application of pesticide for the protection of stored, processed, or manufactured products. This category shall also include any commercial application of pesticide in, on, or around the following:

(i) Food handling establishments, human dwellings, institutions including schools and hospitals, and any other similar structures and the areas immediately adjacent to those structures; and

(ii) industrial establishments including warehouses, grain elevators, food processing plants, and any other related structures and adjacent areas.

(B) Subcategory 7a: wood-destroying pest control. This subcategory shall include any commercial application of pesticide in the control of termites, powder post beetles, wood borers, wood rot fungus, and any other wood-destroying pest.

(C) Subcategory 7b: stored products pest control. This subcategory shall include any commercial application of pesticide for the control of pests in stored grain and food products.

(D) Subcategory 7c: industrial weed control. This subcategory shall include any commercial application of pesticide for the control of pest weeds.

(E) Subcategory 7d: health-related pest control. This subcategory shall include any commercial application of pesticide in health programs for the management and control of terrestrial and aquatic pests having medical or public health significance.

(F) Subcategory 7e: structural pest control. This subcategory shall include any commercial application of pesticide in a structure for the control of any pest not covered in subcategories 7a and 7b.

(G) Subcategory 7f: wood preservation and wood products treatment. This subcategory shall include any commercial application of pesticide made to extend the life of

(continued)

wooden poles, posts, crossties, and other wood products to preserve or protect them from damage by insects, fungi, marine organisms, weather deterioration, or other wood-destroying agents.

(8) Category 8: public health pest control. This category shall apply to qualification for commercial certification of employees of government agencies, including state, federal, and other governmental agencies, who apply or supervise the application of a restricted-use pesticide for the management and control of terrestrial and aquatic pests having medical or public health significance.

(9) Category 9: regulatory pest control. This category shall apply to qualification for commercial certification of employees of government agencies, including state, federal, and other governmental agencies, who apply or supervise the application of a restricted-use pesticide in the control of federally regulated and state-regulated pests.

(A) Subcategory 9a: noxious weed control. This subcategory shall include qualification for commercial certification of employees of state, federal, and other governmental agencies who use or supervise the use of a restricted-use pesticide in the control of weed pests regulated under the Kansas noxious weed law.

(B) Subcategory 9b: regulated pest control. This subcategory shall include qualification for commercial certification of employees of state, federal, and other governmental agencies who use or supervise the use of a restricted-use pesticide in the control of federally regulated or state-regulated pests not covered in subcategory 9a.

(10)(A) Category 10: demonstration and research pest control. This category shall include the following:

(i) Those persons who demonstrate to the public the proper techniques for application and use of restricted-use pesticides or who supervise such a demonstration. These persons shall include extension specialists, county agents, commercial representatives who demonstrate pesticide products, and persons who demonstrate, in public programs, methods of pesticide use;

(ii) those persons who use or supervise the use of restricted-use pesticides in conducting field research that involves the use of pesticides. These persons shall include state, federal, and commercial employees and other persons who conduct field research regarding or utilizing restricted-use pesticides; and

(iii) qualified laboratory personnel using restricted-use pesticides while engaged in pesticide research in areas where environmental factors beyond the control of laboratory personnel, including wind, rain, and similar factors, can affect the safe use of the pesticide or can cause the pesticide to have an adverse impact on the environment.

(B) The persons listed in paragraphs (a)(10)(A)(ii) and (iii) shall not be considered exempt from certification under the provisions of K.S.A. 2-2441a(d) and amendments thereto.

(b) Each pesticide business shall be licensed in all categories in which the pesticide business makes commercial pesticide applications and shall employ one or more persons who maintain commercial certification in each subcategory in which the pesticide business makes commercial pesticide applications.

(c) Each state, federal, and other governmental agency shall be registered in all categories and subcategories in which the agency makes commercial pesticide applications. (Authorized by K.S.A. 2006 Supp. 2-2440 and K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2444a and K.S.A. 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended Feb. 29, 2008.)

4-13-9. Report of address, name, or personnel change by business. (a) Each pesticide business licensee shall provide the secretary with written notification of any modification or change to the initial application regarding the business address or business name and of any change in service personnel involved in the application of pesticides. Each notification shall be provided within 30 days of the modification or change made by the pesticide business licensee. Notification shall be required for the following:

(1) Hiring or terminating, or both, any employees involved in the application of pesticides;

(2) making any change in certification or technician status, or both; and

(3) making any change in the manager, operator, authorized representative, or resident agent.

(b) The pesticide business licensee shall submit with each such report the required \$15.00 fee for each previously unreported uncertified individual employed to apply pesticides for a total of more than 10 days or for a period of five or more consecutive days during any 30-day period. This report shall provide the full name, home address, social security number, and birth date of each certified and uncertified applicator of pesticides listed in the report. The \$15.00 fee shall revert to \$10.00 on and after July 1, 2010, unless this date is modified by statute. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2440; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008.)

4-13-11. (Authorized by K.S.A. 1987 Supp. 2-2467a; implementing K.S.A. 2-2444a and K.S.A. 1987 Supp. 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended May 1, 1985; amended, T-87-39, Nov. 19, 1986; amended May 1, 1987; amended Jan. 1, 1989; revoked Feb. 29, 2008.)

4-13-13. Commercial applicator examinations. (a) Each general core examination for commercial applicator certification shall test the applicant's knowledge in the following subjects, in addition to testing the applicant's knowledge in those subjects specified in K.S.A. 2-2443a (a) through (h), and amendments thereto:

(1) The general format and terminology of pesticide labels and labeling, the instructions, warnings, symbols and other information appearing on pesticide labels, the classification designation on pesticide labels, and the necessity of using each pesticide in a manner that is consistent with the information and instructions on its label;

(2) safety factors, including pesticide toxicity; types and causes of pesticide accidents; precautionary measures that are necessary to guard against injury to the applicator and other individuals; symptoms of pesticide poi-

soning; first aid and other procedures to follow in case of a pesticide accident; proper identification, storage, transportation of, mixing, and handling of pesticides; prevention of and cleanup of pesticide spills; and disposal of pesticide containers;

(3) the potential for damage to the environment from use and misuse of pesticides as influenced by factors including types of terrain, soil, and other substrata and drainage patterns;

(4) pest development and biology relevant to pest identification and control;

(5) the types of pesticides and pesticide formulations used, compatibility, synergism, persistence and animal and plant toxicity of pesticides, practices that cause pesticide resistance, and dilution procedures;

(6) the types of equipment used and the limitations of each and equipment use, maintenance, and calibration;

(7) proper application techniques for various pesticides and formulations of pesticide in given situations, relationship of placement of pesticides to proper use, unnecessary pesticide use and pesticide misuse, and prevention of pesticide loss into the environment through drift and other means; and

(8) requirements that must be met by a certified applicator in supervising noncertified applicators of restricted pesticides, including practical knowledge of federal and state supervisory requirements, requirements found on labeling, requirements regarding verifiable instruction of the noncertified applicator and availability of certified applicator during application, and any added restrictions that may be imposed for specific pesticides through labeling, including the required physical presence of the supervising applicator during the application.

(b) As specified in this subsection, each category or subcategory examination for commercial applicator certification shall test the applicant's practical knowledge of the category or subcategory of certification in which the applicant wishes to be certified, in addition to testing the applicant's practical knowledge in those subjects specified in K.S.A. 2-2443a and amendments thereto.

(1) Agricultural pest control.

(A) Each examination for agricultural plant pest control applicators shall test the applicant's practical knowledge of the crops grown in Kansas and the specific pests commonly associated with these crops, potential soil and water damage, preharvest intervals, reentry intervals, phytotoxicity, environmental contamination, nontarget injury, and potential adverse effects on the community that are related to the use of restricted pesticides in agricultural areas.

(B) Each examination for agricultural animal pest control applicators shall test the applicant's practical knowledge of Kansas agricultural animals and their pests, specific pesticide toxicity levels, residue potential and relative hazards associated with various pesticide formulations, application techniques, ages of animals, and the stress and extent of treatment.

(C) Each examination for wildlife damage control applicators shall test the applicant's practical knowledge of vertebrate pest species and damage associated with each species, methods useful in damage prevention, products used in damage control, the potential for direct poisoning

of nontarget species, the potential for secondary poisonings, effects upon threatened and endangered species, specific pesticide toxicity and residue levels, and methods of application necessary to minimize hazards to humans, the environment, pets, and domestic animals.

(D) Each examination for stump treatment applicators shall test the applicant's practical knowledge of stump control methods, limited area applications, and the potential adverse effects of pesticides.

(2) Forest pest control. Each examination for forest pest control applicators shall test the applicant's practical knowledge of types of forests, forest nurseries and forest seed production in Kansas and of the pests associated with them, pest cycles and population dynamics as they influence control programming, biotic agents and their relative vulnerability to pesticides, and proper use of specialized equipment as it relates to adjacent land use.

(3) Ornamental and turf pest control.

(A) Each examination for ornamental pest control applicators shall test the applicant's practical knowledge of pest and pesticide problems associated with the production and maintenance of ornamental trees, shrubs and flowers in Kansas, potential phytotoxicity problems related to the wide variety of plants in treated areas, pesticide persistence beyond the intended period of control, and application methods that minimize hazards to humans, pets, and domestic animals.

(B) Each examination for turf pest control applicators shall test the applicant's practical knowledge of pest and pesticide problems associated with the production and maintenance of turf in Kansas, potential phytotoxicity problems related to the wide variety of plants in treated areas, pesticide persistence beyond the intended period of control, and application methods that minimize hazards to humans, pets, and domestic animals.

(C) Each examination for interior landscape pest control applicators shall test the applicant's practical knowledge of pest and pesticide problems associated with the production and maintenance of houseplants and other ornamental plants kept or located within structures occupied by humans, including houses, apartments, offices, shopping malls, other places of business, and other dwelling places. The examination shall also test the applicant's practical knowledge of potential phytotoxicity problems related to treatment of plants in enclosed areas, pesticide persistence beyond the intended period of control, and application methods that minimize hazards to humans, pets, and domestic animals.

(4) Seed treatment. Each examination for seed treatment applicators shall test the applicant's practical knowledge of the types of seeds that require protection against pests, factors that could affect germination, including seed coloration, carriers and surface-active agents, hazards associated with handling, storing, mixing and misuse of treated seeds, and the proper disposal of unused treated seeds.

(5) Aquatic pest control.

(A) Each examination for aquatic pest control applicators shall test the applicant's practical knowledge of secondary effects caused by improper application rates, incorrect formulations, and faulty aquatic pesticide

(continued)

applications; knowledge of various water use situations and the potential of downstream effects; knowledge of potential effects on plants, fish, birds, beneficial insects, and other organisms in the aquatic environment; and knowledge of the principles of limited area application.

(B) Each examination for sewer root control shall test the applicant's practical knowledge of sewer control methods, limited area applications, and potential adverse effects of pesticides.

(6) Right-of-way pest control. Each examination for right-of-way pest control applicators shall test the applicant's practical knowledge of the wide variety of environments crossed by rights-of-way, problems of runoff, drift and excessive foliage destruction, the nature of herbicides, the need for containment of herbicides within the right-of-way area, and the impact of the applicator's activities on adjacent areas and communities.

(7) Industrial, institutional, structural, and health-related pest control.

(A) Each examination for wood-destroying pest control applicators shall test the applicant's practical knowledge of wood-destroying pests and their life cycles, pesticide formulations appropriate for the control of these pests, methods of application that avoid exposure of people and pets, and specific factors that can lead to hazardous conditions, including continuous exposure to the pesticide.

(B) Each examination for stored products pest control shall test the applicant's practical knowledge of pests found in stored grain and food processing areas, their life cycles, pesticide formulations appropriate for their control, methods of application that avoid contamination of food products and exposure of people, and specific factors that can lead to a hazardous condition, including continuous exposure.

(C) Each examination for industrial weed control applicators shall test the applicant's practical knowledge of weed pests found in industrial areas, pesticide formulations appropriate for the control of these pests, methods of application that avoid contamination of habitat and exposure of people and pets, and environmental conditions particularly related to this activity.

(D) Each examination for health-related pest control applicators shall test the applicant's practical knowledge of vector-disease transmission as it relates to and influences application programs, pests that adversely affect public health and their life cycles and habitats, and the variety of environments in which these pests are encountered.

(E) Each examination for structural pest control applicators shall test the applicant's practical knowledge of the wide variety of pests found in buildings, including their life cycles; types of pesticide formulations appropriate for their control and methods of application that avoid contamination of food, damage to and contamination of habitat, and exposure of people and pets; specific factors that can lead to a hazardous condition, including continuous exposure in the various situations encountered in this category; and environmental conditions particularly related to this activity.

(F) Each examination for wood preservation and wood-products treatment applicators shall test the applicant's practical knowledge of pest problems and pests associ-

ated with wood degradation, including their life cycles, types of pesticide formulations appropriate for their control, methods of application, application hazards and safety, and the proper means of container storage and container and waste disposal. The examination shall also test the applicant's practical knowledge of procedures to contain spills and to avoid contamination and exposure of the environment, including people, domestic animals, and wildlife.

(8) Public health pest control. Each examination for public health pest control applicators shall test the applicant's practical knowledge of vector-disease transmission as it relates to and influences application programs, pests that adversely affect public health, and their life cycles and habitats, the variety of environments in which these pests are encountered, and the importance of nonchemical control methods including sanitation, waste disposal, and drainage.

(9) Regulatory pest control.

(A) Each examination for noxious weed control applicators shall test the applicant's practical knowledge of pest weeds as regulated by the Kansas noxious weed law, the potential impact on the environment of restricted-use pesticides used in suppression and eradication programs, and factors influencing the introduction, spread, and population dynamics of those pest weeds.

(B) Each examination for regulated pest control applicators shall test the applicant's practical knowledge of federally regulated and state-regulated pests, applicable laws relating to quarantine and other regulations regarding pests, the potential impact on the environment of restricted-use pesticides used in suppression and eradication programs, and factors influencing the introduction, spread, and population dynamics of relevant pests.

(10) Demonstration and research pest control. Each examination for demonstration and research pest control applicators shall test the applicant's practical knowledge of the many different pest problems encountered in the course of activities associated with demonstration, field research and method improvement work, pesticide-organism interactions, and the importance of integrating pesticide use with control methods. Each applicator shall meet the examination requirements for application in the other categories that are applicable to the applicator's particular activity.

(c) A grade of at least 75% correct answers shall be required to pass each commercial applicator examination. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2443a and K.S.A. 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended May 1, 1985; amended, T-87-39, Nov. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 1, 1989; amended Feb. 29, 2008.)

4-13-20. Pesticide business license, renewal, and uncertified employee fees. The application fee for a pesticide business license or for the renewal of a pesticide business license shall be \$140.00 for each category in which the applicant applies for a pesticide business license or renewal of that license. An additional fee of \$15.00 for each uncertified individual employed by the applicant to apply pesticides shall also be paid. This reg-

ulation shall apply to all pesticide business licenses, or renewals of these licenses, that will be effective through June 30, 2010, regardless of when the application is received by the agency.

The \$140.00 pesticide business license fee shall revert to \$112.00 on and after July 1, 2010, unless this date is modified by statute. The \$15.00 uncertified employee fee shall revert to \$10.00 on and after July 1, 2010, unless this date is modified by statute. (Authorized by K.S.A. 2006 Supp. 2-2440 and K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2440; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008.)

4-13-21. Government agency registration and renewal fees. The application fee for a government agency registration shall be \$50.00. This regulation shall apply to all government agency registrations, or renewals of these registrations, effective through June 30, 2010, regardless of when the application is received by the agency. The \$50.00 government agency registration fee shall revert to \$35.00 on and after July 1, 2010, unless this date is modified by statute. (Authorized by K.S.A. 2006 Supp. 2-2440 and K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2440; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008.)

4-13-22. Application fee for commercial applicator's certificate. The application fee for a commercial applicator's certificate shall be \$50.00 for each category in which the applicant applies. This regulation shall apply to all commercial applicator certificates, or renewals of these certificates, that will be effective through June 30, 2010, regardless of when the application is received by the agency. The \$50.00 application fee for a commercial applicator's certificate shall revert to \$35.00 on and after July 1, 2010, unless this date is modified by statute. (Authorized by K.S.A. 2006 Supp. 2-2441a and K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2441a; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008.)

4-13-23. Examination fees. The examination fee for a commercial applicator's certificate shall be \$35.00 through June 30, 2010, for each category in which the applicant is to be examined. The same fee shall apply if the applicant seeks reexamination. The \$35.00 examination fee shall revert to \$25.00 on and after July 1, 2010, unless this date is modified by statute. (Authorized by K.S.A. 2006 Supp. 2-2443a and K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2443a; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008.)

4-13-24. Certified private applicator's certificate fee. The certified private applicator's certificate fee shall be \$25.00. This regulation shall apply to certified private applicator's certificates that will be effective through June 30, 2010, regardless of when the application is received by the agency. The \$25.00 certified private applicator's certificate fee shall revert to \$10.00 on and after July 1,

2010, unless this date is modified by statute. (Authorized by K.S.A. 2006 Supp. 2-2445a and K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2445a; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008.)

4-13-33. Pest control technician registration and renewal fees. The application fee for a pest control technician registration or for the renewal of a pest control technician registration shall be \$40.00. Each fee paid by the applicant pursuant to K.A.R. 4-13-9 shall be applied toward payment of the fee required by this regulation. This regulation shall apply to all pest control technician registrations, or renewals of these registrations, that will be effective through June 30, 2010, regardless of when the application is received by the agency. The \$40.00 pest control technician registration fee shall revert to \$25.00 on and after July 1, 2010, unless this date is modified by statute. (Authorized by K.S.A. 2006 Supp. 2-2440b and K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2440b; effective, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 035370

State of Kansas

Department of Agriculture

Permanent Administrative Regulations

(Editor's Note: K.A.R. 28-23-16 is being revoked by the Department of Agriculture pursuant to K.S.A. 74-581, which transferred certain powers, duties and functions from the Department of Health and Environment to the Department of Agriculture October 1, 2004.)

Article 23.—SANITATION, FOOD AND DRUG ESTABLISHMENTS

28-23-16. (Authorized by K.S.A. 65-626; effective, E-68-9, March 11, 1968; effective Jan. 1, 1969; amended Jan. 1, 1970; revoked Feb. 29, 2008.)

Article 28.—FOOD SAFETY

4-28-8. Definitions. Chapter one of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference, subject to the following additions, deletions, and substitutions: (a)(1) Wherever the word "PERMIT" appears in this chapter, the word shall be deleted and shall be replaced by "LICENSE," and wherever the phrase "PERMIT HOLDER" appears in this chapter, the phrase shall be deleted and shall be replaced by the word "LICENSEE."

(2) Wherever the parenthetical phrase "(Time/Temperature Control for Safety Food)" appears in this chapter, the phrase shall be deleted.

(3) In subpart 1-201.10(B) under "additive," the definition of "food additive" shall be deleted and shall be replaced by the definition in K.S.A. 65-656, and amendments thereto.

(continued)

(4) In subpart 1-201.10(B) under "additive," the definition of "color additive" shall be deleted and shall be replaced by the definition in K.S.A. 65-656, and amendments thereto.

(5) In subpart 1-201.10(B), the definition of "adulterated" shall be deleted and shall be replaced by the definition of "food deemed adulterated" in K.S.A. 65-664, and amendments thereto.

(6) In the definition of "a_w," the symbol "A_w" at the end of the definition shall be changed to read "a_w."

(7) The following definition of "commissary" shall be added after the definition of "comminuted":

"Commissary" means a catering establishment, restaurant, or similar place that is necessary for the safe operation of a MOBILE FOOD ESTABLISHMENT or PUSH-CART in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

(8) In subpart 1-201.10(B) in the definition of "disclosure," the words "for consumers" shall be added after the word "identifies."

(9) In subpart 1-201.10(B), the following changes shall be made:

(A) Under "food establishment" in paragraph (2)(a), the word "and" shall be deleted.

(B) Under "food establishment" in paragraph (2)(b), the period after "FOOD" shall be deleted and shall be replaced by a semicolon.

(C) Under "food establishment" in paragraph (2), the following paragraphs shall be added after paragraph (b):

"(c) A 'food service establishment' as defined in K.S.A. 36-501, and amendments thereto;

"(d) A 'food vending machine' as defined in K.S.A. 36-501, and amendments thereto; and

"(e) A 'retail food store' as defined in K.S.A. 65-688, and amendments thereto."

(D) Under "food establishment" in paragraph (3) (f), insert the word "only" after the words "offers FOOD," replace the number "6" with "4," and delete the words "the number of guests served does not exceed 18."

(10) In subpart 1-201.10(B), the definition of "food processing plant" shall be deleted and shall be replaced by the definition of "food processing plant" in K.S.A. 65-688, and amendments thereto.

(11) The following definition of "mobile food establishment" shall be added after the definition of "mg/L":

"Mobile food establishment" means a self-contained FOOD ESTABLISHMENT that is mounted on axles and wheels, is designed to be readily moveable, and remains at one physical address for not more than 17 consecutive days.

(12) In subpart 1-201.10(B), the definition of "person" shall be deleted and shall be replaced by the definition of "person" in K.S.A. 36-501(j), and amendments thereto.

(13) The following definition of "pushcart" shall be added after the definition of "public water supply system":

"Pushcart" means a manually propelled vehicle limited to serving non-potentially hazardous foods or POTENTIALLY HAZARDOUS FOODS that require only limited preparation or prepackaged food maintained at proper temperatures.

(14) In subpart 1-201.10(B), the definition of "person in charge" shall be deleted and shall be replaced by the following: "Person in charge" means at the time of inspection, any individual or employee present in a FOOD ESTABLISHMENT 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."

(15) In subpart 1-201.10(B), in the definition of "potentially hazardous food," the following changes shall be made:

(A) In paragraph (1), the parenthetical abbreviation "(TCS)" shall be deleted.

(B) In paragraph (2), the designation of paragraph (a) shall be deleted, and this paragraph shall become part of paragraph (2). The words "raw cut tomatoes" shall be added after the words "cut melons."

(C) Paragraph (b) shall be deleted, including tables A and B.

(D) The text in paragraph (3)(c) shall be deleted and replaced with the following:

"A FOOD with an a_w value of 0.85 or less;"

(E) The text in paragraph (d) and all of paragraphs (d) (i), (ii), and (iii) shall be deleted and replaced with the following: "A FOOD with a pH level of 4.6 or below when measured at 24°C (75°F)."

(16) In subpart 1-201.10(B), the definition of "public water system" shall be deleted and shall be replaced by the definition of "public water supply system" in K.S.A. 65-162a, and amendments thereto.

(17) In subpart 1-201.10(B) under "ready-to-eat food" in paragraph (2) (b), the words "that are washed as specified under § 3-302.15" shall be deleted.

(18) In subpart 1-201.10(B), the definition of "refuse" shall be deleted and shall be replaced by the definition of "solid waste" in K.S.A. 65-3402, and amendments thereto.

(19) In subpart 1-201.10(B) in the definition of "regulatory authority," the word "local" and the words "or federal" shall be deleted.

(20) In subpart 1-201.10(B), the definition of "sewage" shall be deleted and shall be replaced by the definition of "sewage" in K.S.A. 65-164, and amendments thereto.

(21) In subpart 1-201.10(B), the definition of "vending machine" shall be deleted and shall be replaced by the definition of "food vending machine" in K.S.A. 36-501, and amendments thereto.

(22) In subpart 1-201.10 in the definition of "vending machine location," the word "Food" shall be inserted before the word "Vending."

(b) As used in this article, the superscript "*" that follows the title of a section shall designate the requirements in that section as being of critical importance, unless otherwise specified within that section as follows:

(1) The superscript "N" shall designate a requirement as being of noncritical importance.

(2) The superscript "S" may designate a requirement as being of noncritical importance. The term "swing" is used to describe this type of requirement. (Authorized by and implementing K.S.A. 36-507, K.S.A. 65-626, and K.S.A. 2007 Supp. 74-582; effective Feb. 29, 2008.)

4-28-9. Management and personnel. Chapter two of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference, with the following additions, deletions, and substitutions: (a) Wherever the phrase "PERMIT HOLDER" appears in this chapter, the phrase shall be deleted and shall be replaced by the word "LICENSEE."

(b) Wherever the parenthetical phrase "(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)" appears in this chapter, the phrase shall be deleted.

(c)(1) In the first sentence of subpart 2-102.11, the words "of foodborne illness" shall be added between the words "RISKS" and "inherent."

(2) Subpart 2-102.11(A) shall be deleted.

(3) Subpart 2-102.11(B) shall be redesignated as "(A)," and the words "OR APPROVED" shall be inserted after "ACCREDITED."

(4)(A) Subpart 2-102.11 (C) shall be redesignated as "(B)."

(B) In subpart 2-102.11(C)(8)(b), the word "Bare" shall be added before the word "Hand."

(C) In subpart 2.102.11, paragraph (C)(9) shall be deleted and replaced by the following paragraph:

"Describing FOODS identified as MAJOR FOOD ALLERGENS that could cause an allergic reaction in a sensitive individual."

(d) In subpart 2-102.20 at the end of the sentence, "(B)" shall be deleted and replaced by "(A)."

(e) In subpart 2-103.11(E), the word "unADULTERED" shall be deleted and replaced by the word "unadulterated."

(f) In subpart 2-201, the title "Responsibilities of Permit Holder, Person in Charge, Food Employees, and Conditional Employees" shall be deleted and replaced by the title "Responsibilities regarding diseases or medical conditions."

(g)(1) In subpart 2-201.11(A)(4) and (A)(5), the word "CONFIRMED" shall be deleted and replaced by "FOODBORNE."

(2) In subpart 2-201.11(C)(2), the word "as" between the words "serves" and "a" shall be deleted.

(h)(1) In subpart 2-201.13(I)(4)(c), the words "immune to" shall be deleted and replaced by the words "protected against."

(2) In subpart 2-201.13(I)(4)(d) - (f), the number "30" shall be deleted and replaced by the number "50."

(i) In subpart 2-301.12(B)(3), the phrase "10 to 15 seconds" shall be deleted and replaced by "20 seconds." (Authorized by and implementing K.S.A. 36-507, K.S.A. 65-626, and K.S.A. 2007 Supp. 74-582; effective Feb. 29, 2008.)

4-28-10. Food. Chapter three of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference, with the following additions, deletions, and substitutions: (a) Wherever the phrase "PERMIT HOLDER" appears in this chapter, the phrase shall be deleted and shall be replaced by the word "LICENSEE."

(b) Wherever the parenthetical phrase "(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)" appears in this chapter, the phrase shall be deleted.

(c) Subpart 3-301.11(D) shall be deleted.

(d) (1) Subpart 3-302.11 (A)(3) through (8) shall be deleted and replaced with the following:

"(3) Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under § 6-404.11;

"(B) FOOD can be protected from cross contamination by using one or more of the following methods:

"(1) Except as specified under Subparagraph 3-501.15 (B)(2) and in ¶ (C) of this section, storing the FOOD in packages, covered containers, or wrappings;

"(2) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening;

"(3) Protecting FOOD containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened; and

"(4) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from READY-TO-EAT FOOD."

(2) In subpart 3-302.11, the existing paragraph "(B)" shall be redesignated as "(C)."

(3) In subpart 3-302.11(B), the phrase "subparagraph (A)(4)" shall be deleted and replaced with the phrase "subparagraph (B)(1)."

(e) In subpart 3-305.13, "FOOD" shall be inserted before the word "VENDING."

(f) In subpart 3-306.12(B) and 3-501.19(B), "FOOD" shall be inserted before the word "VENDING."

(g) In subpart 3-403.11(A), (B), and (C), the words "before service" shall be added at the end of each paragraph.

(h) In subpart 3-501.16(A)(2)(b)(ii), the phrase "Within 5 years of the REGULATORY AUTHORITY'S adoption of this code" shall be deleted and shall be replaced by "on or before September 1, 2009."

(i) In subpart 3-501.17(A)(2)(b), the phrase "Within 5 years of the REGULATORY AUTHORITY'S adoption of this code" shall be deleted and replaced by the phrase "On or before September 1, 2009."

(j) In subpart 3-501.19, paragraphs (C) (1) through (5) shall be deleted and replaced with the following:

"Variance shall be obtained from the REGULATORY AUTHORITY as specified in § 3-502.11 as amended by K.A.R. 4-28-10(k)."

(k) In subpart 3-502.11, the text in paragraph (F) shall be deleted and replaced with the following:

"Using time as a public health control as specified under § 3-501.19." (Authorized by and implementing K.S.A. 36-507, K.S.A. 65-626, and K.S.A. 2007 Supp. 74-582; effective Feb. 29, 2008.)

4-28-11. Equipment, utensils, and linens. Chapter four of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference, with the following additions, deletions, and substitutions: (a) Wherever the phrase "PERMIT HOLDER" appears in this chapter, the phrase shall be deleted and replaced by the word "LICENSEE."

(b) Wherever the parenthetical phrase "(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)" appears in this chapter, the phrase shall be deleted.

(c)(1) In subpart 4-204.14, the word "Food" shall be inserted before the word "Vending" in the title.

(continued)

(2) In subpart 4-204.14, the word "FOOD" shall be inserted before the word "VENDING."

(d) In subpart 4-204.16, the words "for human consumption" shall be added to the end of the sentence.

(e)(1) In subpart 4-204.19, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.19, the word "FOOD" shall be inserted before the word "VENDING."

(f) In subpart 4-204.110(B)(1), the words "as specified under § 8-103.11" shall be deleted and shall be replaced by "by the regulatory authority."

(g)(1) In subpart 4-204.111, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.111(B)(1) and (2), the word "FOOD" shall be inserted before the word "VENDING."

(h)(1) In subpart 4-204.121, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.121(A) and (B), the word "FOOD" shall be inserted before the word "VENDING."

(i)(1) In subpart 4-204.123, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.123(A) and (B), the word "FOOD" shall be inserted before the word "VENDING."

(j) In subpart 4-301.11, the symbol "*" shall be added after the word "Capacities." in the title, and an "s" shall be added after the phrase "Chapter 3."

(k)(1) In subpart 4-301.12, the title "Manual Warewashing, Sink Compartment Requirements." shall be deleted and replaced with "Warewashing Equipment Requirements.*"

(2) In subpart 4-301.12(A), the phrase "and ¶ (F)" shall be added before the words "of this section."

(3) In subpart 4-301.12(D), the words "by the regulatory authority" shall be added after the word "APPROVED."

(4) In subpart 4-301.12, the following paragraph shall be added after paragraph (E):

"(F) Manual warewashing sinks are not required if a mechanical warewashing machine is properly used, operated, and maintained and the machine is large enough for washing, rinsing and SANITIZING the largest EQUIPMENT and UTENSILS."

(l) In subpart 4-603.16(A)(1), the word "or" shall be added at the end of the paragraph. (Authorized by and implementing K.S.A. 36-507, K.S.A. 65-626, and K.S.A. 2007 Supp. 74-582; effective Feb. 29, 2008.)

4-28-12. Water, plumbing, and waste. Chapter five of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference, with the following additions, deletions, and substitutions: (a) Wherever the phrase "PUBLIC WATER SYSTEM" appears in this chapter, the word "SUPPLY" shall be inserted before the word "SYSTEM."

(b) Wherever the phrase "according to LAW" appears in this chapter, the phrase shall be deleted and shall be replaced with by "according to K.S.A. 65-161 et seq., and amendments thereto."

(c) In subpart 5-103.12, the symbol "*" shall be added after the title "Pressure."

(d) In subpart 5-202.12(C), the phrase "15 seconds" shall be deleted and shall be replaced by the phrase "20 seconds."

(e)(1) In subpart 5-203.11(A), the phrase "¶¶ (B) and (C)" shall be deleted and replaced by "¶ (B)."

(2) Subpart 5-203.11(C) shall be deleted.

(f)(1) In subpart 5-203.12, the words "and Urinals" in the title shall be deleted.

(2) In subpart 5-203.12, the two sentences shall be deleted and shall be replaced by the following: "Toilet facilities shall be installed according to applicable state and local requirements or as approved by the regulatory authority. Toilet facilities shall be conveniently located and shall be accessible to employees and patrons at all times, except that food service establishments that have no seating arrangements shall not be required to provide patron access to toilet facilities. Separate toilet facilities shall be provided for each sex in all new, newly constructed, or extensively remodeled facilities that offer food consumption arrangement for 20 or more persons on the premises."

(g) In subpart 5-401.11(A), the words "with a minimum capacity of a 20-gallon tank" shall be added after the word "tank."

(h)(1) In subpart 5-501.14, the word "Food" shall be inserted before the word "Vending Machines" in the title.

(2) In subpart 5-501.14, "FOOD" shall be inserted before the word "VENDING." (Authorized by and implementing K.S.A. 36-507, K.S.A. 65-626, and K.S.A. 2007 Supp. 74-582; effective Feb. 29, 2008.)

4-28-13. Physical facilities. Chapter six of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference, with the following additions, deletions, and substitutions: (a) Wherever the phrase "PERMIT HOLDER" appears in this chapter, the phrase shall be deleted and replaced by the word "LICENSEE."

(b)(1) In subpart 6-202.15, the symbol "*" shall be added after the word "Protected." in the title.

(2) In subpart 6-202.15, an "s" shall be added at the end of each of these paragraphs: (A)(1), (2), and (3) and (D)(1), (2), and (3).

(c) In subpart 6-302.10, the words "and urinals" shall be deleted.

(d)(1) In subpart 6-501.111, the word "minimize" shall be deleted and replaced by the word "eliminate."

(2) In subpart 6-501.111(A), (B), and (D), the "N" shall be deleted and replaced with "s."

(e) In subpart 6-501.112, the symbol "*" shall be added after the word "Pests." in the title.

(f) In subpart 6-501.115, paragraphs (B)(4)(a), (b), and (c) shall be deleted, and the designation for paragraph "(5)" shall be deleted and replaced by "(4)." (Authorized by and implementing K.S.A. 36-507, K.S.A. 65-626, and K.S.A. 2007 Supp. 74-582; effective Feb. 29, 2008.)

4-28-14. Poisonous or toxic materials. Chapter seven of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference. (Authorized by and implementing K.S.A. 36-507, K.S.A. 65-626, and K.S.A. 2007 Supp. 74-582; effective Feb. 29, 2008.)

4-28-15. Compliance and enforcement. Chapter eight of the 2005 "food code," published by the U.S. de-

partment of health and human services, is adopted by reference, with the following additions, deletions, and substitutions: (a) Wherever the phrase "PERMIT HOLDER" appears in this chapter, the phrase shall be deleted and shall be replaced by the word "LICENSEE."

(b) Wherever the parenthetical phrase "(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)" appears in this chapter, the phrase shall be deleted.

(c) Wherever the word "PERMIT" appears in this chapter, the word shall be deleted and replaced by the word "LICENSE."

(d)(1) In subpart 8-201.11(C), the phrase "as specified under ¶ 8-302.14(C)" shall be deleted, and "; or" shall replace the period after "Code."

(2) In subpart 8-201.11, the following new paragraph shall be added after paragraph (C):

"(D) Approval of plans by the regulatory authority shall not negate the liability of the applicant to comply with the requirements of these regulations."

(e) Subparts 8-203.10, 8-302.11, 8-302.14, 8-303.20, 8-401.10, 8-402.40, and 8-501.10 shall be deleted.

(f) In subpart 8-302.13(A), the phrase "or a representative thereof" shall be added after the phrase "legal ownership."

(g) In subpart 8-304.11(H), the words "and 5 years pass after the REGULATORY AUTHORITY adopts this Code" shall be deleted and shall be replaced by "or by September 1, 2009."

(h) Wherever the words "PERMIT HOLDER'S" appear in this chapter, the words shall be deleted and shall be replaced by "LICENSEE'S."

(i) In subpart 8-304.20, the paragraph shall end with a period added after the words "operation to another," and the rest of the paragraph shall be deleted.

(j) In subpart 8-401.20, the phrase "Within the parameters specified in § 8-401.10" shall be deleted.

(k) In subpart 8-402.20, paragraph (A)(3) shall be deleted.

(l) In subpart 8-403.10(A), the phrase "and mailing" shall be deleted, and the phrase "as specified under paragraph 8-302.14(C)" shall be deleted.

(m)(1) In subpart 8-501.20(A), the words "to specific areas and tasks in a FOOD ESTABLISHMENT that present no risk of transmitting the disease" shall be added after the words "CONDITIONAL EMPLOYEE."

(2) In subpart 8-501.20(B), the words "from a FOOD ESTABLISHMENT" shall be added after "CONDITIONAL EMPLOYEE."

(3) In subpart 8-501.20, paragraph (C) shall be deleted and shall be replaced by the following:

"(C) Immediate closing of the food establishment, until the regulatory authority determines that no further danger of disease transmission exists."

(n) In subpart 8-501.30, the phrase "as specified in § 8-501.10" shall be deleted. (Authorized by K.S.A. 36-507 and 65-626 and K.S.A. 2007 Supp. 65-673 and 74-582; implementing K.S.A. 36-503, 36-507, 65-626, and 65-662 and K.S.A. 2007 Supp. 65-673; effective Feb. 29, 2008.)

4-28-16. Mobile food establishments, pushcarts, and temporary food establishments.

(a) In addition to meeting the requirements of K.A.R. 4-28-8 through K.A.R. 4-28-15, each licensee of a mobile food establishment or a pushcart and each operator of a temporary food establishment in a retail food store shall meet the department's requirements in "chapter 9: mobile food establishments, pushcarts, and temporary food establishments," dated June 2007 and hereby adopted by reference.

(b) For the purpose of this regulation, "retail food store" shall include a mobile food establishment, a pushcart, and a temporary food establishment if the mobile food establishment, pushcart, or temporary food establishment is located on the premises of the retail food store. (Authorized by K.S.A. 36-507 and 65-626; implementing K.S.A. 36-507 and 65-626 and K.S.A. 2006 Supp. 74-581; effective Feb. 29, 2008.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 035391

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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
EDUCATION**

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

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109

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
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

(continued)

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
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 26, p. 1111
115-4-14	Revoked	V. 27, p. 112
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
115-8-13	Amended	V. 27, p. 112
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 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-2-12	New (T)	V. 27, p. 107

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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