

## Appendix 2.1

### Summary of Legal Authority, Public Participation Process, and Public Comments and Responses on SIP Drafts

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### **Response to Comments Received During Public Notice**

#### **Comments and Responses from First Comment Period (7/17/2008 – 8/20/2008)**

The Bureau of Air and Radiation of the Kansas Department of Health and Environment conducted a public hearing in accordance with a notice published on July 17, 2008, in the *Kansas Register*, as well as in local newspapers. This public hearing was conducted to receive public comment on the update to the State of Kansas State Implementation Plan (SIP) to address visibility impairment in federal Class I areas. This SIP update will satisfy the requirements of Section 169 of the Clean Air Act (CAA).

Following is the summary of the comments, with responses to each describing the State's response to the respective comment, including, where applicable, notation of changes made to the draft document.

*Ms. Parthenia Evans, Attorney with Stinson Morrison Hecker LLP, representing the Kansas City Board of Public Utilities submitted the following written comments on August 20, 2008.*

**Introduction:** The Kansas City Board of Public Utilities (BPU) made many specific comments on the KDHE Regional Haze State Implementation Plan (SIP) that was public noticed on July 17, 2008. KDHE has prepared specific responses to those comments that addressed the department's legal authority to implement a Regional Haze SIP and whether the contents of the SIP constituted an administrative regulation. They are addressed in the response to comment 1.

The remaining BPU comments were technical in nature and pertained to the BPU Nearman facility. The bulk of these comments will be addressed here due to the decision to remove this specific source from further BART analysis. This decision does not indicate that the agency concurs with the technical comments offered by BPU that question the process used to conduct further analysis on whether and to what extent, the Nearman facility contributes to visibility impairment at Class 1 areas. The use of photochemical models such as CAMx to make contribution determinations will be used in subsequent Regional Haze SIPs and potentially in the mid-term five year evaluation required by the federal Regional Haze regulations.

The decision to not require NO<sub>x</sub> and SO<sub>x</sub> reductions from the Nearman facility is based on several factors. The Department will require NO<sub>x</sub> reductions at the Nearman facility in a regulation that is being promulgated pursuant to the triggering of contingency measures contained in the Kansas City 8-hour ozone maintenance plan. The level of control will be similar to what would have been achieved through the BART process. The NO<sub>x</sub> controls will be required to be installed at an earlier date than through the BART process. A second factor that led to this decision is the uncertainty surrounding Regional Haze SIP

approvals for states that are in the region that were subject to the Clean Air Interstate Rule (CAIR). Prior to its' original vacatur and subsequent remanding back to EPA for revisions, states with Class 1 areas were relying upon reductions from CAIR to achieve reasonable progress. Missouri and Oklahoma fall into these categories. The Department will revisit the issue of SO<sub>x</sub> controls on the Nearman facility during the 5-year review at a time when the CAIR issue will hopefully be resolved. Should KDHE choose to pursue Regional Haze controls on BPU source(s) at a later date, the Department fully intends to use the most scientifically accurate and available tools at its disposal to ensure controls are warranted and effective. It is quite likely any further analysis will include photochemical modeling, including CAMx or other similar photochemical models.

**Comment 1:** Commenter suggests that this SIP revision constitutes a rule and regulation subject to the Kansas Statutes governing the promulgation of regulations and judicial review and civil enforcement of agency actions. Commenter asserts that as an entity regulated under the Kansas Air Quality Act and Federal Clean Air Act, BPU has standing to comment and to later challenge this proposed SIP revision.

**Response 1:** A State Implementation Plan consists of documents, prepared by states and subject to EPA approval, which identify the actions and programs the states will take to implement the control of air emissions within their boundaries. New SIP provisions initially provide for plans for implementation, maintenance and enforcement of standards for an air pollutant. This is generally followed at a later time by adoption of state statutes, regulations, or agreements which are then included in the SIP. Here, the SIP revision contemplated consists of plans the state proposes to implement. The plans cannot in themselves be considered subject to the adopted regulations because they would be self regulatory. The plans set forth what the agency will do. This SIP revision is not subject to rule making or KAPA proceedings.

**Comment 2:** Commenter suggests that KDHE failed to comply with the administrative rules and regulations required by K.S.A. 77. et seq. Commenter argues that this SIP revision constitutes a rulemaking and therefore requires KDHE to provide a sixty day public notice and comment period, and provide an economic impact statement and written approval from the attorney general.

**Response 2:** See response to comment number 1

**Comment 3:** Commenter challenges the determination of BPU as a “subject to BART” source because the State of Kansas was not determined by the State of Missouri to be a “contributing state” impacting the Hercules Glades Class I Area. Commenter asserts that because Missouri did not find Kansas to be a “contributing state” during the reasonable progress consultation process, Kansas sources cannot be required to implement SO<sub>x</sub> or NO<sub>x</sub> BART controls.

**Response 3:** Each of the facilities listed in Table 9.2 of the SIP revision submitted refined modeling results, based on CALPUFF modeling for individual source exemption provided in the modeling protocol (Appendix 9.2). Kansas City BPU – Quindaro and

Kansas City BPU – Nearman (with corrections) were able to show that the emissions from their BART-eligible units are not anticipated to cause or contribute to visibility impairment in Class I areas.

Under section 169A(b)(2)(A) of the CAA, States must require certain existing stationary sources to install BART. § 51.308(e) requires the State to submit an implementation plan containing emission limitations representing BART for each BART-eligible source that may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal area. § 51.308(e) requires these determinations of all States containing BART-eligible sources, which include Kansas. This BART determination does not nor should not rely upon the consultation with Missouri or with any other state.

One technical point we wish to address specifically is the issue of whether Missouri was relying upon reductions in Kansas to achieve their reasonable progress goals. This was raised in Comment No. 3. The reasonable progress analysis conducted by Missouri relied heavily upon the CENRAP 2018 modeling which included the expected BART controls within the State of Kansas as well as other surrounding states. These sources and their respective anticipated controls were included in the CENRAP analysis. Thus, Missouri's determination that the Uniform Rate of Progress was being met in 2018 clearly relied upon the understanding that BART controls would be implemented on all sources that Kansas determined were impacting Missouri Class I areas.

**Comment 4:** Commenter does not support the use of CALPUFF or CAMx models for evaluating impacts of the Nearman station on the Hercules Glades Class I area.

**Response 4:** KDHE is not addressing specific technical comments that are no longer applicable in light of the decision to remove BPU Nearman as a BART source. KDHE is accepting the corrected CALPUFF BART determination performed for Nearman while retaining the right to perform other types of modeling analysis, including photochemical modeling analyses. This decision has no bearing on the efficacy of the department's technical analysis to date.

**Comment 5:** Commenter does not agree with statements made by KDHE in the SIP pertaining to the predictions of the IPM model which estimate that the State of Kansas will acquire one new power plant during the next SIP planning period. The SIP states that visibility analyses will be conducted as part of the PSD permitting process for new sources. Commenter suggests that these statements are an attempt to legislate energy policy.

**Response 5:** KDHE included statements regarding new sources, in part, to address the requirement to develop a framework to address future growth in emissions from new sources. This requirement is related to the goal set forth by the Clean Air Act to not only remedy existing visibility impairment, but also to prevent any future impairment. Additionally, 40 CFR § 51.307 requires the State to perform visibility analyses in consultation with Federal Land Managers as part of new source review. Therefore, while we can remove some of the language regarding the predictions of IPM and KDHE staff

so as not to be perceived as legislating energy policy, the language regarding new source review will not be changed as a result of this comment.

**Comment 6:** Commenter suggests that the BART provisions of the SIP be changed to read that BART is not an emission limitation but instead is a set of controls that represent the “Best Available Retrofit Technology” for that source.

**Response 6:** KDHE interprets Section 169A(b)(2) of the Clean Air Act as requiring a SIP to contain an “emission limit”. The Regional Haze Rule specifies:

If the State determines in establishing BART that technological or economic limitations on the applicability of measurement methodology to a particular source would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the emission reduction to be achieved by implementation of such design, equipment, work practice or operation, and must provide for compliance by means which achieve equivalent results.<sup>1</sup>

The BART guidance provides the following:

After a State has identified the level of control representing BART (if any), it must establish an emission limit representing BART and must ensure compliance with that requirement no later than 5 years after EPA approves the SIP. States may establish design, equipment, work practice or other operational standards when limitations on measurement technologies make emission standards infeasible.<sup>2</sup>

The CAA, Regional Haze Rule, and BART guidance direct the state to establish an emissions limit or standard representing BART and this limit or standard must be enforceable.

**Comment 7:** Commenter argues that BPU Nearman should not be required to meet the presumptive limits specified in the BART guidelines because it is not a 750 MW unit.

**Response 7:** The SIP has been modified and this comment is no longer applicable.

**Comment 8:** Commenter interpreted the Clean Air Act requirements to develop a SIP containing emission limits, schedules of compliance, and other measures necessary to make reasonable progress towards addressing the national goal to only be applicable to states whose emissions are reasonably anticipated to cause or contribute to impairment of visibility of a Class I area in another state. Commenter asserts that because Missouri did not find Kansas to be a “contributing state” during the reasonable progress consultation

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<sup>1</sup> 40 C.F.R. § 51.308 (e)(iii).

<sup>2</sup> 40 C.F.R. Part 51 Appendix Y.

process, Kansas is not required by the Clean Air Act to address reasonable progress goals or establish a long-term strategy with emission reductions obligations.

**Response 8:** The CAA §169A(b)(2) requires States, including Kansas, to submit SIPs containing such emission limits, schedules of compliance, and other measures as may be necessary to make reasonable progress toward meeting the goal of prevention of any future, and the remedying of any existing impairment of visibility in mandatory Class I federal areas resulting from man-made air pollution. The Regional Haze Rule requires the following:

Where the State has emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal area located in another State or States, the State must consult with the other State(s) in order to develop coordinated emission management strategies. The State must consult with any other State having emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal area within the State.<sup>3</sup>

Kansas has the clear obligation to both determine visibility-impairing emissions from Kansas sources, and to participate in the consultation with Missouri. KDHE followed the guidelines set out by EPA in its determination of visibility impairment, and is no more stringent than required by the Federal Rule.

The following excerpts from the Preamble to the original Regional Haze Rule outline the finding of EPA that all states are reasonably anticipated to contribute to regional haze at Class I areas, and therefore must develop an implementation plan containing emission limits, schedules of compliance, and other measures as may be necessary to make reasonable progress toward meeting the goal of prevention of any future, and the remedying of any existing impairment of visibility in mandatory Class I federal areas resulting from man-made air pollution.

EPA has concluded in today's final rule that all States contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area and, therefore, must submit regional haze SIPs. The rationale for this finding is discussed in more detail below. In making this finding, EPA considered three factors: (1) The specific statutory language in the CAA; (2) the weight of evidence demonstrating long range transport of fine particulate pollution that affects visibility in Class I areas; and (3) current monitored conditions in Class I areas across the country.

EPA has concluded in today's final rule that EPA's statutory authority and scientific evidence are sufficient to require all States to develop regional haze SIPs to ensure the prevention of any future impairment of visibility, and to conduct further analyses to determine whether additional emission reduction

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<sup>3</sup> 40 C.F.R. § 51.308 (d)(3)(i).

measures are needed to ensure reasonable progress in remedying existing impairment in downwind Class I areas.<sup>4</sup>

No change was made to the SIP as a result of this comment.

**Comment 9:** Commenter points out that the long-term strategy developed by KDHE refers to emission reductions that would have been achieved under the Clean Air Interstate Rule (CAIR) in states covered under that program. Commenter notes that the reductions that would have been achieved with CAIR were incorporated into the weight of evidence analysis developed to determine apportionment of emission reduction obligations.

**Response 9:** KDHE acknowledges that the recent actions in the D.C. Circuit Court of Appeals in regards to CAIR have major ramifications for regional haze programs throughout the country. At this point, states are waiting to see how to move forward with regional haze SIPs based on which action EPA decides to make with regards to CAIR. This could mean changes in the underlying assumptions for determining source apportionment. KDHE cannot predict how these changes will affect the outcome of future consultation processes. As a result of this comment, language will be added to the SIP in Chapter 12, to explain the current status of the CAIR program.

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*Mr. Joshua Tapp, Branch Chief of Air Planning and Development, US Environmental Protection Agency Region 7 submitted the following written comments on August 20, 2008.*

**Comment 10:** As provided in Section 110(a)(2)(A) of the Clean Air Act and 40 C.F.R. Part 51, Appendix Y, Section V., emission limits must be enforceable as a practical matter, that is, contain explicit compliance verification procedures and monitoring and recordkeeping requirements to ensure compliance with the limits. The Consent Agreements do not specify the compliance verification method for the agreed upon limits. Therefore it is unclear to the utility, the public, and EPA as to what methodology will be used to ensure compliance, particularly in an enforcement context. The draft SIP discusses use of CEMs data and existing reporting and recordkeeping requirements in 40 C.F.R. Parts 60 and 75 for all but one unit; but the Consent Agreements do not specifically tie the limits to the compliance verification, reporting and recordkeeping requirements of the draft SIP. Instead, the Consent Agreements state that compliance verification procedures and recordkeeping requirements will be performed in accordance with 40 C.F.R. Part 51, Appendix Y, thereby delaying decisions with respect to these issues and preventing the SIP from being self-contained.

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<sup>4</sup> “Regional Haze Regulations; Final Rule.” Federal Register. 64:126 (1 July 1999).

EPA is concerned that the limits may not be clearly enforceable as a practical matter, due to lack of clarity on the compliance verification procedures and source of the information, i.e. recordkeeping and reporting requirements. Without this clarity, the SIP would not satisfy the obligations of the Regional Haze Rule. To address this issue, the Department could consider (1) incorporating specific compliance verification methods, recordkeeping and reporting requirements into the Consent Agreements, or incorporating the above referenced compliance verification methods, recordkeeping and reporting requirements by reference into the Consent Agreements; (2) including a demonstration showing that the SIP narrative language is enforceable; or (3) incorporating specific compliance verification methods, recordkeeping and reporting requirements for purposes of BART and Regional Haze compliance into a regulation for approval with the SIP.

**Response 10:** As a result of this comment, KDHE is amending the agreements with Westar and KCP&L to address the concerns addressed by EPA

**Comment 11:** In Sections 9.3, 9.4 and 9.5 of the draft SIP, the Department discusses its intention to secure the BART limits through Consent Agreements with Westar Energy, Kansas Power & Light, and Kansas City Board of Public Utilities (BPU), or by regulation. The Department provides Consent Agreements for Westar Energy and Kansas City Power & Light as appendices to the SIP, but explains that (1) an agreement with BPU for the Nearman 1 BART limits has not yet been achieved; (2) negotiations with the source are on-going and will be incorporated into the SIP at a future date; and (3) a regulation is being proposed which will adopt 40 C.F.R. 51.301 and 40 C.F.R. Part 51 Appendix Y by reference and outline the process by which determinations will be made and enforced for BART and Reasonable Progress sources, with a completion timeline of February 2009. EPA is unclear whether the regulation will include specific BART emission limits for particular subject-to-BART units or whether the rule will simply establish a process by which BART limits will be set.

Section 110(a)(2)(A) of the Clean Air Act requires that a SIP include enforceable emissions limitations and EPA's September 23, 1987 memorandum confirms that a state must provide for EPA (and public) review and approval, proposed changes to federally approved enforceable emission limits contained in the SIP. Without specific emission limitations and compliance timelines for the BART/Regional Haze obligations to which BPU is subject, applied through a Consent Agreement or a regulation submitted as part of the SIP, the SIP would not satisfy these minimum requirements.

Depending on how Kansas chooses to respond to comments specifically linked to the Best Available Retrofit Technology section of the SIP, Region 7 may find these issues affect the approvability of the SIP revision when Kansas submits the Regional Haze Plan for inclusion into the SIP.

**Response 11:** As a result of this comment, KDHE is amending the agreements with Westar and KCP&L to address; 1) Monitoring and record keeping; 2) Federal

enforceability; and 3) implementation schedule. BPU comments are no longer applicable in light of the decision to remove BPU Nearman as a BART source.

**Comment 12:** In Section 10 of the Kansas Regional Haze SIP, the state discusses the Reasonable Progress Goal requirement, as outlined in 40 CFR 51.308(d)(3)(iii). This requires the state to document the technical basis for the state's apportionment of emission reductions necessary to meeting reasonable progress goals. In section 10.2.1, Kansas provides a description of the light extinction at Wichita Mountains in Oklahoma, and whereas we agree with the inclusion of the discussion of this Oklahoma Class 1 area in this section, we also encourage discussion regarding other nearby Class I areas which are identified in Section 10.1 or Section 12 or an explanation of why they are not discussed.

**Response 12:** All CENRAP states relied upon the regional modeling work performed by CENRAP and their contractors for determining the impact that sources within a state might have on Class I areas in the region. For Kansas, the modeling indicated that Kansas sources were most likely to have the highest impact at the Wichita Mountains in Oklahoma with Guadalupe Mountains being the next highest impacted area by Kansas sources. KDHE chose to focus its reasonable progress analysis primarily on the Wichita Mountains because it was the location with modeling showing the highest impact from Kansas sources and was the closest Class I area where modeling indicated the linear uniform rate of progress for 2018 was unlikely to be met. KDHE chose not to perform a detailed analysis and discussion on each additional surrounding Class I area as KDHE believes that the emission reductions realized from Kansas BART sources and through the reasonable progress analysis will positively impact not only the Wichita Mountains but the remaining Class I areas. It is also important to note that CENRAP modeling indicates approximately a three percent or less light extinction from Kansas sources in the remaining Class I areas making a detailed analysis for each area a lower priority. Kansas instead chose to focus primarily on the Wichita Mountains, but did perform modeling and indicated the maximum impacted Class I area for each reasonable progress source analyzed as can be seen in Table 10.9.

**Comment 13:** The D.C. Circuit recently issued a decision regarding the Clean Air Interstate Rule (CAIR) on July 11, 2008. See *State of North Carolina v. EPA*, No. 05-1244, 2008 U.S. App. Lexis 14733. The EPA is currently evaluating the affect of the decision, and although Kansas is not considered a "CAIR" state, we wanted to mention that the EPA will provide further guidance to states should the decision ultimately impact the Regional Haze SIPs.

**Response 13:** See response to comment number 9.

## **Comments and Responses from Second Comment Period (7/16/2009 – 8/27/2009)**

In response to comments received and changes made to the Regional Haze SIP after the first public hearing, KDHE held a second comment period and public hearing. The State of Kansas provided a revised draft of the SIP and a public hearing notice to the public. The public hearing notice was published in the *Kansas Register* on July 16, 2009, and in local newspapers across the state.

A comment letter was received from the Air Planning and Development Branch of the Air and Waste Management Division of the United States Environmental Protection Agency (EPA) on August 27, 2009. A copy of this letter is included in Attachment 3 of the Hearing Officer's Report.

**Comment 1:** As explained in previously submitted comments (June 15, 2007), EPA has concern with respect to startup and shutdown language in the Agreements and page 50 of the SIP. In its current form, this language appears to be inconsistent with EPA's policy on the treatment of excess emissions (startup and shutdown). EPA understands that in the preamble to the Best Available Retrofit Technology (BART) rule, it offered guidance suggesting that states should exclude emissions attributable to such periods in modeling to determine which sources should apply BART controls. The guidance does not, however, suggest that emissions limitations for sources subsequently determined to be subject to BART should be applicable only during steady-state operation. EPA requests that the state evaluate the Agreements' and related SIP's provisions against the principles in EPA's September 20, 1999, guidance entitled, "State Implementation Plans: Policy Regarding Excess Emissions during Malfunctions, Startup and Shutdown".

**Response 1:** The Agreements between KDHE and the affected BART sources currently exclude emissions associated with startup, shutdowns, and malfunctions (SSM) in the agreed upon emission limits. As part of the five-year review, KDHE will analyze SSM events and characterize the actual emission rates including and excluding these periods for the affected BART sources. Should the actual emissions rates including the SSM periods exceed the agreed upon emission rate limits, and be found to be adversely affecting visibility at Class I areas, KDHE commits to address these emissions with a SIP modification. KDHE has modified the current SIP as a result of this comment.

**Comment 2:** EPA recommends that the State include a more robust description of portions of the five statutory factor analysis for both Kansas City Power and Light – LaCygne (KCP&L) and Westar Energy – Gordon Evans Energy Center (GEEC). Overall the BART determinations for both sources are well represented and the emission rates are at the presumptive level or better. EPA agrees that the State has "considered" each of the five statutory factors in each of the determinations. However, a more detailed description of the State's evaluation of visibility impacts from varying technically feasible control technologies (both SO<sub>2</sub> and NO<sub>x</sub> technologies) at KCP&L and a description of the State's evaluation of the cost analysis for Low NO<sub>x</sub> Burners at GEEC are warranted.

**Response 2:** KDHE has again reviewed the description of visibility impacts currently evaluated for KCP&L and the cost analysis for GEEC. At this point KDHE believes the current descriptions provide a fair representation of the analysis that has been completed. No modifications to the SIP were made as a result of this comment.

**Comment 3:** Although the State is not required to set reasonable progress goals, it is responsible for addressing its visibility impacts on Class I areas located outside the State by developing and implementing a “Long Term Strategy” (LTS). Kansas has completed a commendable analysis to determine which of its non-BART eligible point sources could be controlled to minimize the State’s impacts on Class I areas outside of the State. EPA recommends moving the analysis under the heading “Reasonable Progress” to the heading “Long Term Strategy” to be more consistent with these requirements.

**Response 3:** KDHE relied upon guidance from EPA when drafting the layout of the SIP and when preparing the agreements with Westar and KCP&L. Based upon that guidance, KDHE included the analysis under the “Reasonable Progress” section versus the “Long Term Strategy” section. In the interest of clarity and in response to EPA’s comment, KDHE has combined the “Reasonable Progress” and “Long Term Strategies” sections into Chapter 10 of the SIP.

**Comment 4:** Section 12.3 lists programs the State may not necessarily be relying on in its LTS, such as the Tier 1 program. The chapter should be revised to include only those programs that the State has relied on for its LTS.

**Response 4:** KDHE has removed the Tier 1 program from its list of programs originally in Section 12.3 of the SIP. That section has now been moved to Section 10.4.3 of the SIP.

**Comment 5:** It is recommended that the State complete general “house keeping” on the entire SIP to ensure that the SIP, including appendices, has the most up-to-date and corrected language. As an example, the SIP refers to the presumptive limits, given in Table 9.4, being already included in either an Agreement or in a regulation for each source. The State has already entered into Agreements with each of the named sources so the document should be updated to reflect that.

**Response 5:** KDHE has updated both the SIP and its appendices to ensure correct references and language.

## State of Kansas Air Quality Statutes

### Chapter 65.--PUBLIC HEALTH Article 30.--AIR QUALITY CONTROL

**65-3001. Title of act.** K.S.A. 65-3002, 65-3003, 65-3005 through 65-3013 and 65-3015 through 65-3020 and K.S.A. 65-3008a, 65-3008b and 65-3024 through 65-3028, and amendments thereto, shall be known and may be cited as the Kansas air quality act. History: L. 1967, ch. 347, § 1; L. 1970, ch. 261, § 1; L. 1993, ch. 13, § 1; March 25.

**65-3002. Definitions.** As used in this act, unless the context clearly requires otherwise:

(a) "Air contaminant" means dust, fumes, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof, but not including water vapor or steam condensate.

(b) "Air contamination" means the presence in the outdoor atmosphere of one or more air contaminants.

(c) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property, or would contribute to the formation of regional haze.

(d) "Alter" means any physical change in, or change in the method of operation of, an air contaminant emission stationary source which increases the amount of any regulated air pollutant emitted by such source or which results in the emission of any regulated air pollutant not previously emitted.

(e) "Emission" means a release into the outdoor atmosphere of air contaminants.

(f) "Deciview" means an atmospheric haze index that expresses changes in visibility conditions as defined in 40 C.F.R. 51.301 as in effect on July 1, 2005.

(g) "Facility" means any building, structure, machine, equipment, device or installation (or group of buildings, structures, machines, equipment, devices or installations), whether temporary or permanent, located on one or more contiguous or adjacent properties and under common control of the same person (or persons under common control). Such term shall not include locomotives, diesel trucks or truck tractors unless otherwise required by the federal clean air act, as amended in November 1990.

(h) "Modify" or "modification," when used in conjunction with an approval or permit action, means an amendment to an existing approval or permit initiated by the permittee. When used to describe a change in any air contaminant emission stationary source, "modify" shall have the same meaning as the term "alter."

(i) "Permittee" means the holder of an approval or the holder of a permit and includes both the owner and the operator of any approved or permitted air contaminant emission source.

(j) "Person" means any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state or federal government, trust, estate or any other legal entity.

(k) "Regional haze" means visibility impairment, measured in deciviews, occurring over a large geographic area caused by the cumulative emissions of gaseous and particulate air contaminants from numerous sources.

(l) "Reopen" means to seek an amendment to an existing approval or permit initiated by any person other than the permittee.

(m) "Secretary" means the secretary of health and environment.

(n) "Stationary source" means any building, structure, facility or installation which emits or may emit any air contaminant. History: L. 1967, ch. 347, § 2; L. 1970, ch. 261, § 2; L. 1974, ch. 352, § 135; L. 1993, ch. 13, § 2; L. 2006, ch. 84, § 1; July 1.

**65-3003. Responsibility of secretary; administration.** The responsibility for air quality conservation and control of air pollution is hereby placed with the secretary of health and environment. The secretary shall administer this act through the division of environment. History: L. 1967, ch. 347, § 3; L. 1970, ch. 261, § 3; L. 1974, ch. 352, § 136; July 1.

**65-3004.** History: L. 1967, ch. 347, § 4; L. 1970, ch. 261, § 4; L. 1974, ch. 348, § 29; Repealed, L. 1974, ch. 352, § 189; July 1.

**65-3005. Powers of the secretary.** The secretary shall have the power to:

(a) Adopt, amend and repeal rules and regulations implementing and consistent with this act.

(b) Hold hearings relating to any aspect of or matter in the administration of this act concerning air quality control, and in connection therewith, compel the attendance of witnesses and the production of evidence.

(c) Issue such orders, permits and approvals as may be necessary to effectuate the purposes of this act and enforce the same by all appropriate administrative and judicial proceedings.

(d) Require access to records relating to emissions which cause or contribute to air pollution.

(e) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution originating in Kansas that affects air quality in Kansas or in other states or both.

(f) Adopt rules and regulations governing such public notification and comment procedures as authorized by this act.

(g) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this act.

(h) (1) Encourage local units of government to handle air pollution problems within their respective jurisdictions and on a cooperative basis; (2) provide technical and consultative assistance therefor; and (3) enter into agreements with local units of government to administer all or part of the provisions of the Kansas air quality act in the units' respective jurisdictions.

(i) Encourage and conduct studies, investigations and research relating to air contamination and air pollution and their causes, effects, prevention, abatement and control.

(j) Encourage air contaminant emission sources to voluntarily implement strategies, including the development and use of innovative technologies, market-based principles and other private initiatives to reduce or prevent pollution.

(k) Determine by means of field studies and sampling the degree of air contamination and air pollution in the state and the several parts thereof.

(l) Establish ambient air quality standards for the state as a whole or for any part thereof.

(m) Collect and disseminate information and conduct educational and training programs relating to air contamination and air pollution.

(n) Advise, consult and cooperate with other agencies of the state, local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups.

(o) Accept, receive and administer grants or other funds or gifts from public and private entities, including the federal government, for the purpose of carrying out any of the functions

of this act. Such funds received by the secretary pursuant to this section shall be deposited in the state treasury to the account of the department of health and environment.

(p) Enter into contracts and agreements with other state agencies or subdivisions, local governments, other states, interstate agencies, the federal government or its agencies or private entities as is necessary to accomplish the purposes of the Kansas air quality act.

(q) Conduct or participate in intrastate or interstate emissions trading programs or other programs that demonstrate equivalent air quality benefits for the prevention, abatement and control of air pollution in Kansas or in other states or both.

(r) Prepare and adopt a regional haze plan as may be necessary to prevent, abate and control air pollution originating in Kansas that affects air quality in Kansas or in other states or both. Any regional haze plan prepared by the secretary shall be no more stringent than is required by 42 U.S.C. 7491.

(s) Participate in the activities of any visibility transport commission established under 42 U.S.C. 7492. The secretary shall report to the governor and the legislature on the activities of any such visibility transport commission annually. History: L. 1967, ch. 347, § 5; L. 1970, ch. 261, § 5; L. 1974, ch. 352, § 137; L. 1993, ch. 13, § 3; L. 2006, ch. 84, § 2; July 1.

**65-3006. Same; publication and enforcement of regulations; employment of personnel; services.** The secretary shall:

(a) Publish and enforce the rules, regulations and standards promulgated hereunder. The secretary shall furnish a copy of such rules, regulations or standards adopted hereunder to any citizen upon request.

(b) Employ such professional, technical and other staff, and provide such technical, scientific and other services as may be required, including laboratory facilities, for the purpose of effectuating the provisions of this act from funds appropriated and available for the purposes of this act. History: L. 1967, ch. 347, § 6; L. 1970, ch. 261, § 6; L. 1974, ch. 352, § 138; L. 1975, ch. 312, § 10; July 1.

**65-3007. Air contaminant sources; classification; monitoring; reporting.** (a) The secretary, by rule and regulation, shall classify air contaminant sources which, in the secretary's judgment, may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which relate to air pollution and may require reporting for any such class or classes. The classifications promulgated by the secretary shall be made to apply to the state as a whole or to any designated area of the state, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(b) The secretary shall require air contaminant emission sources to monitor emissions, operating parameters, ambient impact of any source emissions or any other parameters deemed necessary by the secretary. The secretary may require air contaminant emission sources to keep records and make reports consistent with the purposes of this act.

(c) Any person operating or responsible for the operation of air contaminant sources of any class for which the rules and regulations of the secretary require reporting shall make reports containing information as may be required by the secretary concerning location, size and height of contaminant outlets, processes employed, fuels used and the nature and time periods or duration of emissions, and such other information as is relevant to air pollution and available or reasonably capable of being assembled. History: L. 1967, ch. 347, § 7; L. 1970, ch. 261, § 7; L. 1974, ch. 352, § 139; L. 1975, ch. 312, § 11; L. 1993, ch. 13, § 4; March 25.

**65-3008. Approvals and permits for emission stationary sources.** (a) No person shall construct, own, operate, install, alter or use any air contaminant emission stationary source which, in accordance with rules and regulations, the secretary finds may cause or contribute to air pollution, unless an appropriate approval or permit has been issued for the source by the secretary under this act. Approvals or permits issued by the secretary may be subject to conditions consistent with the purposes of this act and rules and regulations promulgated under this act.

(b) The secretary shall require that applications for approvals and permits, and renewals thereof, under this act shall be accompanied by application fees and such plans, specifications, compliance plans or other information as the secretary deems necessary. Applications shall be submitted on forms provided by the secretary and shall be signed by a responsible official of the source, who shall certify the accuracy of the information submitted.

(c) The issuance or holding of an approval or permit shall not convey any property right or exclusive privilege to the holder thereof.

(d) Without any further action on the part of the secretary, an approval or a permit shall become void and without effect on its expiration date unless a completed application form and any required fee are filed with the secretary on or before the expiration date of the approval or the permit. For purposes of this subsection, the secretary may specify by rule and regulation an amount of time prior to the expiration date of an operating permit by which a complete application form and any required fee must be filed with the secretary in order to be considered timely filed. The secretary may provide for a grace period by rule and regulation.

(e) The secretary may issue by rule and regulation a general approval or permit covering numerous similar sources. Any general approval or permit shall comply with all requirements applicable to approvals or permits under this act. Any source covered by a general approval or permit must apply to the secretary and receive authority to operate under the general approval or permit.

(f) The secretary may fix, charge and collect fees for approvals and permits, and the renewal thereof, to cover all or any part of the cost of administering the provisions of Kansas air quality act, other than K.S.A. 65-3027. The secretary shall adopt rules and regulations fixing such fees. The fees shall be deposited in the state treasury and credited to the state general fund, except that if all or any portion of the regulatory services for which a fee is collected under this section is performed by a county, city-county or multicounty health department, that portion of such fee which pertains to such services, as determined by the secretary, shall be credited to the local air quality control authority regulation services fund, which is hereby created in the state treasury, and shall be paid from such fund to such local air quality control authority. History: L. 1967, ch. 347, § 8; L. 1970, ch. 261, § 8; L. 1974, ch. 352, § 140; L. 1981, ch. 250, § 1; L. 1983, ch. 286, § 3; L. 1984, ch. 313, § 126; L. 1993, ch. 13, § 5; March 25.

**65-3008a. Same; public comment and hearing; review.** (a) No permit shall be issued, modified, renewed or reopened without first providing the public an opportunity to comment and request a public hearing on the proposed permit action. The request for a public hearing on the issuance of a permit shall set forth the basis for the request and a public hearing shall be held if, in the judgment of the secretary, there is sufficient reason.

(b) The secretary shall affirm, modify or reverse the decision on such permit after the public comment period or public hearing. Any person who participated in the public comment process or the public hearing who otherwise would have standing under K.S.A. 77-611, and amendments thereto, shall have standing to obtain judicial review of the secretary's final action on the permit pursuant to the act for judicial review and civil enforcement of agency actions in the court of appeals. Any such person other than the applicant for or holder of the

permit shall not be required to have exhausted administrative remedies in order to be entitled to review. The court of appeals shall have original jurisdiction to review any such final agency action. The record before the court of appeals shall be confined to the agency record for judicial review and consist of the documentation submitted to or developed by the secretary in making the final permit decision, including the permit application and any addenda or amendments thereto, the permit summary, the draft permit, all written comments properly submitted to the secretary, all testimony presented at any public hearing held on the permit application, all responses by the applicant or permit holder to any written comments or testimony, the secretary's response to the public comments and testimony and the final permit.

(c) When determined appropriate by the secretary, the procedures set out in subsection (a) may be required prior to the issuance, modification, renewal or reopening of an approval. History: L. 1993, ch. 13, § 6; L. 2006, ch. 79, § 1; April 13.

**65-3008b. Same; suspension, revocation, denial, modification, issuance.** (a) The secretary may suspend or revoke an approval or a permit if the permittee has violated any provision of the approval or the permit, any provision of this act or any rule and regulation adopted under this act and applicable to the permitted source.

(b) As applicable to the source for which the approval or permit is sought, the secretary may deny an approval or permit, or a renewal thereof, if the applicant fails to: (1) Submit a complete application; or (2) submit an application fee.

(c) The secretary may deny a permit for any proposed new stationary source if the owner or operator of such a source fails to demonstrate to the satisfaction of the secretary that any other stationary source owned or operated by such person, or by any entity controlling, controlled by or under common control with such person, in this state is in compliance, or meeting a schedule for compliance, with all applicable emission limitations and standards under this act and the federal clean air act, and amendments thereto.

(d) The secretary may modify or reopen an approval or a permit for cause. The secretary shall reopen a permit whenever requirements under this act become applicable to a permitted source and three or more years remain on the original term of the permit. Any permit revision incorporating a requirement adopted by the secretary shall be effective as soon as practicable, but not later than 18 months after the promulgation of the requirement by the United States environmental protection agency.

(e) Within 15 days after the issuance of a notice of intent to take any action authorized by subsection (a), (b), (c) or (d), or within 15 days after the secretary's written decision to affirm, modify or reverse a permit decision pursuant to subsection (b) of K.S.A. 65-3008a, the permittee may file a request for a hearing with the secretary. Each such notice of intent shall specify the provision of this act or rule and regulation allegedly violated, the facts constituting the alleged violation and the secretary's intended action. Each notice of intent or written decision to affirm, modify or reverse a permit decision shall state the permittee's right to request a hearing. Such hearing shall be conducted in accordance with the Kansas administrative procedure act.

(f) The filing of a request by the permittee for an approval or permit modification, revocation or amendment, or the filing by the permittee of a notification of planned changes or anticipated noncompliance, does not stay any approval or permit condition.

(g) No permit shall be issued, modified, amended, revised or renewed unless the United States environmental protection agency has certified that such permit complies with the requirements of the federal clean air act, except that a permit may be issued if the United States environmental protection agency has not notified the secretary of the United States environmental protection agency's decision within 45 days after receipt of the proposed permit by such agency.

(h) The secretary shall issue or deny the permit (including requests for modification or to reopen the permit):

(1) Within three years of the date the United States environmental protection agency approves the state permitting program pursuant to the provisions of the federal clean air act, as amended in November 1990, for permit applications submitted within the first full year after such date;

(2) pursuant to the time schedule provided by title IV (acid rain) of the 1990 amendments to the federal clean air act, for air contaminant emission sources subject to that title; or

(3) within 18 months after receiving a complete application, in all other cases.

(i) Failure of the secretary to issue or deny the permit, or grant or deny a request to modify or reopen the permit, within the period stated in subsection (h) shall not result in the default issuance of a permit, permit amendment, permit modification or permit renewal nor shall such failure result in any other entity assuming jurisdiction to act on the permit or the request. History: L. 1993, ch. 13, § 7; March 25.

**65-3009. Inspections.** The secretary may designate competent representatives who may enter and inspect any property, premise or place at any reasonable time for the purpose of investigating either an actual or possible source of air pollution or of ascertaining the state of compliance with this act and regulations in force pursuant thereto. No person shall refuse entry or access to any authorized representative of the secretary who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection. If requested, the owner or operator of the premises shall receive a report setting forth levels of emissions and any other facts found which relate to compliance status. History: L. 1967, ch. 347, § 9; L. 1970, ch. 261, § 9; L. 1974, ch. 352, § 141; July 1.

**65-3010. Emission control requirements.** (a) The secretary shall establish emission control requirements, and requirements for open burning (including appropriate prohibition thereof). Such requirements may be either for such areas as a whole or may vary from area to area, as may be appropriate to facilitate accomplishment of the purposes of this act and in order to take necessary or desirable account of varying local conditions. Any emission which does not conform to a requirement in force pursuant to this subsection shall constitute a violation of this act.

(b) Every local air quality conservation program that is established pursuant to K.S.A. 65-3016, as amended, shall be in compliance with the rules and regulations set forth for that area by the secretary.

(c) Variations from the requirements of subsection (b) of this section may be included in a local air quality conservation program only after approval by the secretary, following demonstration to the satisfaction of the secretary that the proposed requirements are not less stringent than the standards and requirements established by the secretary and are otherwise consistent with the purposes of this act. Any requirement placed in force pursuant to this subsection shall be preceded by public hearing. The secretary, upon evidence that conditions have changed or that additional or other information is relevant to a decision with respect to the emission control or open burning requirements concerned may, after public hearing, withdraw any approval previously given to a local requirement pursuant to this subsection.

(d) The secretary shall establish reasonable ambient air quality standards for the state as a whole, or any part thereof, and shall require the emission control requirements of any local program to be consistent with such standards in addition to meeting any other

requirements pursuant to this section. History: L. 1967, ch. 347, § 10; L. 1970, ch. 261, § 10; L. 1974, ch. 352, § 142; July 1.

**65-3011. Enforcement; procedure.** (a) If the secretary or the director of the division of environment finds that any person has violated any provision of any approval, permit or compliance plan or any provision of this act or any rule and regulation promulgated under this act, the secretary may issue an order finding such person in violation of the act and directing the person to take such action as necessary to correct the violation. Any order issued shall specify the length of time after receipt of the order during which the person must correct the violations.

(b) Any person to whom an order is issued pursuant to subsection (a) may request a hearing within 15 days after service of the order. Hearings before the secretary shall be conducted in accordance with the Kansas administrative procedure act. History: L. 1967, ch. 347, § 11; L. 1970, ch. 261, § 11; L. 1974, ch. 352, § 143; L. 1988, ch. 356, § 201; L. 1993, ch. 13, § 9; March 25.

**65-3012. Action to protect health or environment.** (a) Notwithstanding any other provision of this act, the secretary may take such action as may be necessary to protect the health of persons or the environment: (1) Upon receipt of information that the emission of air pollution presents a substantial endangerment to the health of persons or to the environment; or (2) for an imminent or actual violation of this act, any rules and regulations adopted under this act, any orders issued under this act or any permit conditions required by this act.

(b) The action the secretary may take under subsection (a) includes but is not limited to:

(1) Issuing an order directing the owner or operator, or both, to take such steps as necessary to prevent the act or eliminate the practice. Such order may include, with respect to a facility or site, temporary cessation of operation.

(2) Commencing an action to enjoin acts or practices specified in subsection (a) or requesting the attorney general or appropriate county or district attorney to commence an action to enjoin those acts or practices. Upon a showing by the secretary that a person has engaged in those acts or practices, a permanent or temporary injunction, restraining order or other order may be granted by any court of competent jurisdiction. An action for injunction under this subsection shall have precedence over other cases in respect to order of trial.

(3) Applying to the district court in the county in which an order of the secretary under subsection (b)(1) will take effect, in whole or in part, for an order of that court directing compliance with the order of the secretary. Failure to obey the court order shall be punishable as contempt of the court issuing the order. The application under this subsection for a court order shall have precedence over other cases in respect to order of trial.

(c) In any civil action brought pursuant to this section in which a temporary restraining order or preliminary injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order or preliminary injunction not be issued or that the remedy at law is inadequate, and the temporary restraining order or preliminary injunction shall issue without such allegations and without such proof.

(d) Any order of the secretary pursuant to subsection (b)(1) is subject to hearing and review in accordance with the Kansas administrative procedure act. History: L. 1967, ch. 347, § 12; L. 1970, ch. 261, § 12; L. 1974, ch. 352, § 144; L. 1993, ch. 13, § 12; March 25.

**65-3013. Variances; hearing.** (a) Any person who owns or is in control of any plant, building, structure, process or equipment may apply to the secretary for a variance from rules and regulations governing the quality, nature, duration or extent of emissions. The

application shall be accompanied by such information and data as the secretary may reasonably require. The secretary may grant such variance if the secretary finds that:

(1) The emissions occurring or proposed to occur do not endanger or tend significantly to endanger human health or safety; and

(2) Compliance with the rules and regulations from which variance is sought would produce serious hardships without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section except after public hearing on due notice and until the secretary has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(c) Any variance or renewal thereof shall be granted within the requirements of subsection (a) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the air pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternate measures that the secretary may prescribe.

(2) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as the secretary finds is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(3) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subsections (c)(1) and (2), it shall be for not more than one year.

(d) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the secretary on account of the variance, no renewal thereof shall be granted, unless following public hearing on the complaint on due notice, the secretary finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least 60 days prior to the expiration of the variance. Immediately upon receipt of an application for renewal the secretary shall give public notice of such application in accordance with rules and regulations of the secretary.

(e) A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the secretary. Within 15 days after the secretary's written decision to grant or deny a variance or renewal thereof, the applicant or holder of a variance or renewal may file a request for a hearing with the secretary. Such hearing shall be conducted in accordance with the Kansas administrative procedure act. However, any person who participated in the public comment process or the public hearing or who otherwise would have standing under K.S.A. 77-611, and amendments thereto, and is adversely affected by any final action of the secretary pursuant to this section shall have standing to obtain judicial review of the secretary's final action on the variance or renewal in the court of appeals. Any such person other than the applicant for or holder of the permit shall not be required to have exhausted administrative remedies in order to be entitled to review. The court of appeals shall have original jurisdiction to review any such final agency action. The record before the court of appeals shall be confined to the agency record for judicial review and consist of the documentation submitted to or developed by the secretary in making the final variance or renewal decision, including the variance or renewal application and any addenda or amendments thereto, the variance or renewal summary, the draft variance or renewal, all

written comments properly submitted to the secretary, all testimony presented at any public hearing held on the variance or renewal application, all responses by the applicant or holder of a variance or renewal to any written comments or testimony, the secretary's response to the public comments and testimony and the final variance or renewal.

(f) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of K.S.A. 65-3012, and amendments thereto, to any person or any person's property. History: L. 1967, ch. 347, § 13; L. 1970, ch. 261, § 13; L. 1974, ch. 352, § 145; L. 1986, ch. 318, § 93; L. 1988, ch. 356, § 202; L. 2006, ch. 79, § 2; April 13.

**65-3014.** History: L. 1967, ch. 347, § 14; L. 1970, ch. 261, § 14; L. 1974, ch. 352, § 146; L. 1986, ch. 318, § 94; Repealed, L. 1993, ch. 13, § 18; March 25.

**65-3015. Records and information open; trade secret exception.** (a) Except as provided in subsection (b), any records, reports or information obtained pursuant to this act shall be available to the public.

(b) Upon a showing satisfactory to the secretary by any person that records, reports or information, or a particular part thereof (other than emission data), to which the secretary has access under this act, if made public, would divulge methods or processes entitled to protection as trade secrets of such person under the uniform trade secrets act (K.S.A. 60-3320 et seq. and amendments thereto), the secretary shall consider such record, report or information, or particular portion thereof, confidential, except that: (1) Such record, report or information may be disclosed to officers, employees or authorized representatives of the United States government concerned with carrying out responsibilities under the federal clean air act and amendments thereto; and (2) this subsection shall not apply to any provision in any air quality approval or permit issued by the secretary and the public shall have access to such approvals and permits in their entirety. History: L. 1967, ch. 347, § 15; L. 1970, ch. 261, § 15; L. 1973, ch. 254, § 1; L. 1974, ch. 352, § 147; L. 1993, ch. 13, § 13; L. 2005, ch. 67, § 7; July 1.

**65-3015a.** History: L. 1970, ch. 261, § 20; Repealed, L. 1973, ch. 254, § 2; July 1.

**65-3016. Local air quality conservation programs.** Any city, county, city and county, or any combination of two (2) or more cities, counties or cities and counties are authorized to conduct tests and surveys to determine the degree of purity of the air within its jurisdiction, and may request consultation, technical assistance and cooperation from the secretary in conducting such tests and surveys. If such tests and surveys indicate that unsatisfactory air quality exists, is likely to exist or is likely to occur, the governing body of said city or county shall have the authority, upon approval of the secretary, to establish a local air quality conservation authority: *Provided*, That no local air quality conservation authority shall be so approved, except after a public hearing as provided in this act. Any local air quality conservation authority which was in existence prior to May 1, 1967, may apply to the secretary for approval as a local air quality conservation authority hereunder. In approving or disapproving the formation of a local air quality conservation authority, the secretary shall determine: (1) The need for a local air quality conservation authority in the jurisdiction proposed; (2) the likely ability of the local air quality conservation authority, as proposed, to maintain satisfactory air quality in its jurisdiction; and (3) whether or not the jurisdiction of the proposed local air quality conservation authority completely contains the affected area.

Local air quality control authorities shall have authority to enforce the rules, regulations and standards adopted by the secretary and to establish such additional rules, regulations and standards as necessary to maintain satisfactory air quality within their jurisdiction:

*Provided*, That any rule, regulation or standard established by a local air quality conservation authority pertaining to health hazard shall be in compliance with the rules and regulations set forth for that area by the secretary: *Provided further*, That until the secretary shall adopt rules, regulations and standards respecting any area within the jurisdiction of a local air quality conservation authority, the rules, regulations and standards of such local authority respecting said area or areas shall have full force and effect without approval thereof by the secretary.

Upon the establishment of a local air quality conservation authority, such authority and the secretary shall have concurrent jurisdiction over the local area with power and authority to maintain adequate air quality in accordance with the rules, regulations and standards adopted by the secretary.

When two (2) or more cities, two (2) or more counties or a city and a county, or any combination thereof, are affected by a common air mass of unsatisfactory quality and the respective local air quality control authorities, if such exist, are for any reason unable to agree upon a solution or settlement to such air quality problem, the secretary shall, after review and investigation, render decisions and make findings in settlement thereof. History: L. 1967, ch. 347, § 16; L. 1970, ch. 261, § 16; L. 1974, ch. 352, § 148; July 1.

**65-3017. Motor vehicle pollution.** (a) As the state of knowledge and technology relating to the control of emissions from motor vehicles may permit or make appropriate, and in furtherance of the purposes of this act, the secretary may provide by rules and regulations for the control of emissions from motor vehicles. Such rules and regulations may prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of such equipment and of vehicles. Any rules or regulations pursuant to this section shall be consistent with provisions of federal law or regulations, if any, relating to control of emissions from the vehicles concerned. The secretary shall not require, as a condition precedent to the initial sale of a vehicle or vehicular equipment, the inspection, certification or other approval of any feature or equipment designed for the control of emissions from motor vehicles, if such feature or equipment has been certified, approved or otherwise authorized pursuant to federal law.

(b) As used in this section "motor vehicle" shall have the same meaning as in K.S.A. 8-1437. History: L. 1967, ch. 347, § 17; L. 1970, ch. 261, § 17; L. 1974, ch. 352, § 149; L. 1975, ch. 33, § 8; L. 1976, ch. 52, § 4; July 1.

**65-3018. Administrative fines.** (a) The secretary or the director of the division of environment, upon a finding that a person has violated any provision of K.S.A. 65-3025 and amendments thereto, may impose a penalty not to exceed \$10,000 which shall constitute an actual and substantial economic deterrent to the violation for which it is assessed. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) No penalty shall be imposed pursuant to this section except after notice of violation and opportunity for hearing upon the written order of the secretary or the director of the division of environment issued to the person who committed the violation. The order shall state the violation, the penalty to be imposed and the right to request a hearing thereon. The request for hearing shall be in writing, directed to the secretary and filed with the secretary within 15 days after service of the order. Hearings under this section shall be conducted in accordance with the Kansas administrative procedure act.

(c) Nothing in this act shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor. History: L. 1967, ch. 347, § 18; L. 1970, ch. 261, § 18; L. 1974, ch. 352, § 150; L. 1993, ch. 13, § 14; March 25.

**65-3019. Application of act; limitations.** Nothing in this act shall be construed to:

(a) Grant the secretary any jurisdiction or authority with respect to air contamination existing solely within commercial and industrial plants, works and shops.

(b) Affect the relations between employers and employees.

(c) Supersede or limit the applicability of any law or ordinance relating to industrial health, safety or sanitation. History: L. 1967, ch. 347, § 19; L. 1970, ch. 261, § 19; L. 1974, ch. 352, § 151; July 1.

**65-3020. Severability.** If any clause, paragraph, subsection or section of this act shall be held invalid or unconstitutional, it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such clause, paragraph, subsection or section. History: L. 1967, ch. 347, § 20; May 2.

**65-3021. Power generation facility; impact upon air quality; definitions.** As used in this act the following terms shall have the meanings ascribed to them herein: (a) "Power generation facility" means any physical plant used for the production or generation of electricity, or coal gasification facility.

(b) "Secretary" means the secretary of health and environment.

(c) "Person" means any individual, company, corporation, institution, municipality, township, county, state agency or federal agency. History: L. 1978, ch. 352, § 1; July 1.

**65-3022. Same; determining and monitoring of power generation facilities environmental impact; programs for; fees; rules and regulations.** In order to defray costs in determining and monitoring the environmental impact of power generation facilities with respect to air quality and, in the case of nuclear powered generation facilities, the overall radiological impact thereof, the secretary is authorized and directed to adopt rules and regulations to provide for the establishment of fees and for the collection thereof from each such facility. Such fees shall be determined and collected annually, and such determination shall be based upon the size and type of such facilities. In establishing programs for determining and monitoring environmental impact, the secretary shall take into consideration monitoring programs conducted by other persons and where possible avoid duplication of effort and expense. The secretary may also provide for quality review and evaluation of monitoring conducted by other persons in order to further the objectives of this act and to determine the extent and necessity of monitoring programs to be conducted by the department of health and environment. History: L. 1978, ch. 352, § 2; July 1.

**65-3023. Same; fees; disposition of moneys; power generating facility fee fund created.** The secretary shall remit all moneys received from fees under K.S.A. 65-3022, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the power generating facility fee fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary. History: L. 1978, ch. 352, § 3; L. 1983, ch. 286, § 4; L. 2001, ch. 5, § 242; July 1.

**65-3024. Emissions fees.** (a) The secretary may fix, charge and collect annual emissions fees in amounts necessary to pay the direct and indirect costs of administering the provisions of the Kansas air quality act. The secretary shall adopt rules and regulations fixing such fees and shall periodically increase or decrease such fees consistent with the need to cover the

direct and indirect costs of administering the program. To the extent possible, annual emission fees shall be based upon actual emissions determined pursuant to rules and regulations adopted by the secretary. For purposes of determining emission fees for a facility, emissions of any single regulated pollutant in excess of 4,000 tons per year shall not be included in the calculation when determining the total emissions from the facility.

(b) There is hereby established in the state treasury the air quality fee fund. Revenue from the following sources shall be deposited in the state treasury and credited to the fund:

(1) Fees collected under subsection (a);

(2) any moneys recovered by the state under the provisions of this act, including administrative expenses, civil penalties and moneys paid under any agreement, stipulation or settlement; and

(3) interest attributable to investment of moneys in the fund.

(c) Moneys deposited in the fund shall be expended only for the purpose of administering the Kansas air quality act, including funding of a technical and environmental compliance assistance program, and for no other governmental purposes.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the air quality fee fund interest earnings based on:

(1) The average daily balance of moneys in the air quality fee fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for the purposes set forth in this section. History: L. 1993, ch. 13, § 8; L. 1996, ch. 253, § 13; May 23.

**65-3025. Unlawful acts.** It shall be unlawful for any person to do any of the following:

(a) Violate any provision of an order issued under this act.

(b) Violate any provision of an approval or permit issued under this act.

(c) Violate any provision of this act or any rule and regulation promulgated under this act, unless the secretary makes a determination relating to the permittee that the specified provisions referred to in such determination are not applicable to the source and the permit includes that determination or a concise summary thereof. Compliance with the provisions of a permit shall be deemed compliance with applicable provisions of this act or any rule and regulation promulgated under this act if the permit includes the applicable requirements of such provisions. Nothing in this subsection (c) or in any permit shall alter or affect: (1) The provisions of section 303 of the federal clean air act (emergency orders), including the authority of the administrator of the United States environmental protection agency under that section; (2) the provisions of K.S.A. 65-3012 and amendments thereto; (3) the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; (4) the applicable requirements of the acid rain program consistent with section 408a of the federal clean air act; (5) the ability of the United States environmental protection agency to obtain information from a source pursuant to section 114 of the federal clean air act; or (6) the ability of the secretary to obtain information from a source pursuant to this act.

(d) Construct, modify, alter, use or operate an air contaminant emission stationary source without an approval or permit allowing such construction, modification, alteration, use or operation.

(e) At any time, refuse or hinder entry, inspection, sampling or examination or copying of records related to the purposes of this act by an agent or employee of the secretary after such agent or employee identifies and gives notice of the agent's or employee's purpose.

(f) Fail to pay any fee required by this act or rules and regulations promulgated under this act.

(g) Knowingly make any false material statement, representation or certification in any application, record, report, permit or other document filed, maintained or used for purposes of compliance with this act.

(h) Knowingly destroy, alter or conceal any record required to be maintained under rules and regulations promulgated by the secretary under this act. History: L. 1993, ch. 13, § 10; March 25.

**65-3026. Criminal penalties.** (a) Violation of any provision of subsections (a) through (f) of K.S.A. 65-3025, and amendments thereto, is a class A nonperson misdemeanor.

(b) Knowingly violating any provision of K.S.A. 65-3025 is a severity level 10, nonperson felony.

(c) In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(d) The county or district attorney of every county shall file appropriate actions for enforcement of this section upon request of the secretary or upon the county or district attorney's own motion after consultation with the secretary. History: L. 1993, ch. 13, § 11; L. 1995, ch. 251, § 19; July 1.

**65-3027. Small business assistance program; compliance advisory panel.** (a) There is hereby created the small business stationary source technical and environmental compliance assistance program, to be administered by the secretary. The program shall include each of the following:

(1) Adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources and programs to encourage lawful cooperation among such sources and other persons to further compliance with this act.

(2) Adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution.

(3) A designated office within the Kansas department of health and environment, reporting directly to the secretary, to serve as ombudsman for small business stationary sources in connection with implementation of this act.

(4) A compliance assistance program for small business stationary sources which assists small business stationary sources in determining applicable requirements and in receiving permits under this act in a timely and efficient manner.

(5) Adequate mechanisms to assure that small business stationary sources receive notice of their rights under this act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final rule and regulation or standard adopted under this act.

(6) Adequate mechanisms for informing small business stationary sources of their obligations under this act, including mechanisms for referring such sources to qualified auditors or for providing audits of the operations of such sources to determine compliance with this act.

(7) Procedures for consideration of requests from a small business stationary source for modification of: (A) Any work practice or technological method of compliance; or (B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source. No such modification may be

granted unless it is in compliance with the applicable requirement of this act and rules and regulations promulgated hereunder.

(b) "Small business stationary source" means a stationary air contaminant emission source that:

- (1) Is owned or operated by a person that employs 100 or fewer individuals;
- (2) is a small business concern as defined in the federal small business act;
- (3) is not a major stationary source;
- (4) does not emit 50 tons or more per year of any regulated air contaminant; and
- (5) emits less than 75 tons per year of all regulated air contaminants.

(c) Upon petition by a source, the secretary, after notice and opportunity for public comment, may include as a small business stationary source for purposes of this section any stationary source which does not meet the criteria of subsection (b)(3), (4) or (5) but which does not emit more than 100 tons per year of all regulated air contaminants.

(d) The secretary may exclude from the small business stationary source definition any category or subcategory of sources that the administrator of the United States environmental protection agency determines to have sufficient technical and financial capabilities to meet the requirements of the federal clean air act without the application of this program, as provided by section 507(c)(3)(A) of the 1990 amendments to the federal clean air act.

(e) The secretary, in consultation with the administrator of the United States environmental protection agency and the administrator of the United States small business administration and after providing notice and the opportunity for public hearing, may exclude from the small business stationary source definition any category or subcategory of sources that the secretary determines to have sufficient technical and financial capabilities to meet the requirements of the act without the application of this section.

(f) There is hereby created a compliance advisory panel composed of seven individuals. The compliance advisory panel shall:

(1) Render advisory opinions concerning the effectiveness of the small business stationary source technical and environmental compliance assistance program, difficulties encountered and degree and severity of enforcement;

(2) make periodic reports to the administrator of the United States environmental protection agency concerning compliance of the small business stationary source technical and environmental compliance assistance program with the requirements of the federal paperwork reduction act, the regulatory flexibility act and the equal access to justice act;

(3) review information for small business stationary sources to assure such information is understandable by the layperson; and

(4) have the small business stationary source technical and environmental compliance assistance program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

(g) The compliance advisory panel shall consist of:

(1) Two members who are not owners, or representatives of owners, of small business stationary sources, appointed by the governor to represent the general public;

(2) two members who are owners, or who represent owners, of small business stationary sources, one appointed by the speaker and one appointed by the minority leader of the Kansas house of representatives;

(3) two members who are owners, or who represent owners, of small business stationary sources, one appointed by the president and one appointed by the minority leader of the Kansas senate; and

(4) one member appointed by the secretary to represent the department of health and environment.

(h) Members of the compliance advisory panel serving on the effective date of this act by appointment by the governor, the speaker of the house of representatives or the president

of the senate shall serve for terms ending June 30, 1998; members serving on the effective date of this act by appointment by the minority leader of the house of representatives, the minority leader of the senate or the secretary of health and environment shall serve for terms ending June 30, 1997. Upon expiration of such terms, the term of each member appointed to a vacancy created by expiration of a term shall be two years commencing on July 1 immediately following expiration of the term of the member's predecessor. Any vacancy occurring on the panel shall be filled for the unexpired term by appointment by the original appointing authority.

(i) A chairperson shall be elected annually by the members of the compliance advisory panel. A vice-chairperson shall be designated by the chairperson to serve in the absence of the chairperson.

(j) The secretary may reduce any fee required by this act for any classification of small business sources to take into account the financial resources of such classification. History: L. 1993, ch. 13, § 15; L. 1997, ch. 18, § 1; Apr. 3.

**65-3028. Rules and regulations continued in effect.** All rules and regulations promulgated pursuant to K.S.A. 65-3001 *et seq.*, and amendments thereto, in existence on the effective date of this act shall continue to be effective until revised, amended, repealed or nullified pursuant to law. History: L. 1993, ch. 13, § 16; March 25.

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SENATE Substitute for HOUSE BILL No. 2369

AN ACT concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012 and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections; also repealing K.S.A. 19-101a, as amended by section 7 of 2009 Senate Bill No. 336, and 19-101m.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the renewable energy standards act.

New Sec. 2. As used in the renewable energy standards act:

(a) "Affected utility" means any electric public utility, as defined in K.S.A. 66-101a, and amendments thereto, but does not include any portion of any municipally owned or operated electric utility.

(b) "Commission" means the state corporation commission.

(c) "Net renewable generation capacity" means the gross generation capacity of the renewable energy resource over a four-hour period when not limited by ambient conditions, equipment, operating or regulatory restrictions less auxiliary power required to operate the resource, and refers to resources located in the state or resources serving ratepayers in the state.

(d) "Peak demand" means the demand imposed by the affected utility's retail load in the state.

(e) "Renewable energy credit" means a credit representing energy produced by renewable energy resources issued as part of a program that has been approved by the state corporation commission.

(f) "Renewable energy resources" means net renewable generation capacity from:

- (1) Wind;
- (2) solar thermal sources;
- (3) photovoltaic cells and panels;
- (4) dedicated crops grown for energy production;
- (5) cellulosic agricultural residues;
- (6) plant residues;
- (7) methane from landfills or from wastewater treatment;
- (8) clean and untreated wood products such as pallets;
- (9) (A) existing hydropower;
- (B) new hydropower, not including pumped storage, that has a nameplate rating of 10 megawatts or less;
- (10) fuel cells using hydrogen produced by one of the above-named renewable energy resources; and
- (11) other sources of energy, not including nuclear power, that become available after the effective date of this section, and that are certified as renewable by rules and regulations established by the commission pursuant to section 7, and amendments thereto.

New Sec. 3. (a) The commission shall establish by rules and regulations a portfolio requirement for all affected utilities to generate or purchase electricity generated from renewable energy resources or purchase renewable energy credits. For the purposes of calculating the capacity from renewable energy credit purchases, the affected utility shall use its actual capacity factor from its owned renewable generation from the immediately previous calendar year. Renewable energy credits may only be used to meet a portion of portfolio requirements for the years 2011, 2016 and 2020, unless otherwise allowed by the commission. Such portfolio requirement shall provide net renewable generation capacity that shall constitute the following portion of each affected utility's peak demand:

(1) Not less than 10% of the affected utility's peak demand for calendar years 2011 through 2015, based on the average demand of the prior three years of each year's requirement;

(2) not less than 15% of the affected utility's peak demand for calendar years 2016 through 2019, based on the average demand of the prior three years of each year's requirements; and

(3) not less than 20% of the affected utility's peak demand for each calendar year beginning in 2020, based on the average demand of the prior three years of each year's requirement.

(b) The portfolio requirements described in subsection (a) shall apply to all power sold to Kansas retail consumers whether such power is self-generated or purchased from another source in or outside of the state. The capacity of all net metering systems interconnected with the affected

utilities under the net metering and easy connection act in section 8 et seq., and amendments thereto, shall count toward compliance.

(c) Each megawatt of eligible capacity in Kansas installed after January 1, 2000, shall count as 1.10 megawatts for purposes of compliance.

(d) The commission shall establish rules and regulations required in this section within 12 months of the effective date of this act.

New Sec. 4. The commission shall allow affected utilities to recover reasonable costs incurred to meet the new renewable energy resource requirements required in the renewable energy standards act.

New Sec. 5. For each affected utility, the commission shall determine whether investment in renewable energy resources required to meet the renewable portfolio requirement, as required by section 3, and amendments thereto, causes the affected utility's total revenue requirement to increase one percent or greater. The retail rate impact shall be determined net of new nonrenewable alternative sources of electricity supply reasonably available at the time of the determination.

New Sec. 6. (a) The commission shall establish rules and regulations for the administration of the renewable energy standards act, including reporting and enforcement mechanisms necessary to ensure that each affected utility complies with this standard and other provisions governing the imposition of administrative penalties assessed after a hearing held by the commission. Administrative penalties should be set at a level that will promote compliance with the renewable energy standards act, and shall not be limited to penalties set forth in K.S.A 66-138 and 66-177, and amendments thereto.

(b) For the calendar years 2011 and 2012, the commission is not required to assess penalties if the affected utility can demonstrate it made a good faith effort to comply with the portfolio standards requirement. The commission shall exempt an affected utility from administrative penalties for an individual compliance year if the utility demonstrates that the retail rate impact described in section 5, and amendments thereto, has been reached or exceeded and the utility has not achieved full compliance with section 3, and amendments thereto. In imposing penalties, the commission shall have discretion to consider mitigating circumstances. Under no circumstances shall the costs of administrative penalties be recovered from Kansas retail customers.

(c) The commission shall establish rules and regulations required in this section within 12 months of the effective date of this act.

New Sec. 7. (a) The commission shall establish rules and regulations for the administration of a certification process for use of renewable energy resources described in subsection (f)(11) of section 2, and amendments thereto, for purposes of fulfilling the requirements of section 3, and amendments thereto. Criteria for the certification process shall be determined by factors that include, but are not limited to: Fuel type, technology and the environmental impacts of renewable energy resources described in subsection (f)(11) of section 2, and amendments thereto. Use of renewable energy resources described in subsection (f)(11) of section 2, and amendments thereto, shall not cause undue or adverse air, water or land use impacts.

(b) The commission shall establish rules and regulations required in this section within 12 months of the effective date of this act.

New Sec. 8. Sections 8 through 16, and amendments thereto, shall be known and may be cited as the net metering and easy connection act.

New Sec. 9. As used in the net metering and easy connection act:

- (a) "Commission" means the state corporation commission.
- (b) "Customer-generator" means the owner or operator of a net metered facility which:
  - (1) Is powered by a renewable energy resource;
  - (2) is located on a premises owned, operated, leased or otherwise controlled by the customer-generator;
  - (3) is interconnected and operates in parallel phase and synchronization with an affected utility and is in compliance with the standards established by the affected utility;
  - (4) is intended primarily to offset part or all of the customer-generator's own electrical energy requirements;
  - (5) contains a mechanism, approved by the utility, that automatically

disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer-generator is interrupted.

(c) "Peak demand" shall have the meaning ascribed thereto in section 2, and amendments thereto.

(d) "Renewable energy resources" shall have the meaning ascribed thereto in section 2, and amendments thereto.

(e) "Utility" means investor-owned electric utility.

New Sec. 10. Each utility shall:

(a) Make net metering available to customer-generators on a first-come, first-served basis, until the total rated generating capacity of all net metered systems equals or exceeds one percent of the utility's peak demand during the previous year. The commission may increase the total rated generating capacity of all net metered systems to an amount above one percent after conducting a hearing pursuant to K.S.A. 66-101d, and amendments thereto;

(b) offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator and shall not charge the customer-generator any additional standby, capacity, interconnection or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator;

(c) provide a residential class bidirectional meter to the customer-generator at no charge, but may charge the customer-generator for the cost of any additional metering or distribution equipment necessary to accommodate the customer-generator's facility; and

(d) disclose annually the availability of the net metering program to each of its customers with the method and manner of disclosure being at the discretion of the utility.

New Sec. 11. (a) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the utility in accordance with normal practices for customers in the same rate class.

(b) If a customer-generator generates electricity in excess of the customer-generator's monthly consumption, all such net excess energy (NEG), expressed in kilowatt-hours, shall be carried forward from month-to-month and credited at a ratio of one-to-one against the customer-generator's energy consumption, expressed in kilowatt-hours, in subsequent months.

(c) Any net excess generation credit remaining in a net-metering customer's account at the end of each calendar year shall expire.

New Sec. 12. Each utility shall allow:

(a) Residential customer-generators to generate electricity subject to net metering up to 25 kilowatts; and

(b) commercial, industrial, school, local government, state government, federal government, agricultural and institutional customer-generators to generate electricity subject to net metering up to 200 kilowatts.

Customer-generators shall appropriately size their generation to their expected load.

New Sec. 13. (a) Net metered facilities must meet all applicable safety, performance, interconnection and reliability standards established by the national electrical code, the national electrical safety code, the institute of electrical and electronics engineers, underwriters laboratories, the federal energy regulatory commission and any local governing authorities. A utility may require that a customer-generator's system contain a switch, circuit breaker, fuse or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system.

(b) A utility may not require a customer-generator whose net metering facility meets the standards in subsection (a) to comply with additional safety or performance standards or perform or pay for additional tests or purchase additional liability insurance. A utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net

metered facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

New Sec. 14. The commission shall, within 12 months from the effective date of the net metering and easy connection act, establish rules and regulations necessary for the administration of the act, which shall include rules and regulations ensuring that simple contracts are used for interconnection and net metering. For systems less than 25 kilowatts, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures and a brief set of terms and conditions.

New Sec. 15. Reasonable costs incurred by a utility under the net metering and easy connection act shall be recoverable in the utility's rate structure.

New Sec. 16. The estimated generating capacity of all net metered facilities operating under the provisions of this act shall count toward the affected utility's compliance with the renewable energy standards act in sections 1 through 7, and amendments thereto.

New Sec. 17. As used in sections 17 through 21, and amendments thereto:

(a) "ASHRAE" means American society of heating, refrigerating and air-conditioning engineers, inc. standard 90.1-2007.

(b) "Energy star" means the joint program of the United States environmental protection agency and the United States department of energy which labels certain products that meet energy efficiency standards adopted for such products.

(c) "IECC" means the 2006 international energy conservation code.

(d) "New construction" means any building or structure which is constructed by the state or any agency of the state and the construction of which commences on or after July 1, 2010.

New Sec. 18. Within 18 months after the effective date of this act, the secretary of administration shall adopt rules and regulations for state agencies for the purchase of products and equipment, including, but not limited to, appliances, lighting fixtures and bulbs, and computers, which meet energy efficiency guidelines which are not less than the guidelines adopted for such products to qualify as an energy star product if the projected cost savings for the useful life of such products and equipment is equal to or greater than the additional cost compared to functionally equivalent products and equipment of lower efficiency.

New Sec. 19. (a) The secretary of administration shall adopt rules and regulations, within 18 months of the effective date of this act, for state agencies for the conduct of an energy audit at least every five years on all state-owned real property. On or before the first day of the 2010 regular session of the legislature and on or before the first day of each ensuing regular session of the legislature, the secretary of administration shall submit a written report to the joint committee on state building construction, the house committee on energy and utilities and the senate committee on utilities, or their successors, and an electronic copy to the legislature, identifying state-owned real property locations in which an excessive amount of energy is being used in accordance with rules and regulations adopted, within 18 months after the effective date of this act, by the secretary of administration concerning energy efficiency performance standards for state-owned real property.

(b) The secretary of administration shall not approve a new lease or a renewal or extension of an existing lease of non-state owned real property unless the lessor has submitted an energy audit for such real property that is the subject of such lease. Within 18 months after the effective date of this act, the secretary of administration shall adopt rules and regulations establishing energy efficiency performance standards which shall apply to leased space and improvements which the lessor shall be required to address based on such energy audit.

New Sec. 20. Within the limitations of appropriations therefor, the energy programs division of the state corporation commission shall develop and increase the participation of school districts and local governments in the facilities conservation improvements program pursuant to K.S.A. 75-37,125, and amendments thereto.

New Sec. 21. Within 18 months after the effective date of this act, the secretary of administration shall adopt rules and regulations prescribing energy efficiency performance standards requiring that all new construction and, to the extent possible, renovated state-owned buildings, be designed and constructed to achieve energy consumption levels that meet the levels established under the ASHRAE standard or the IECC, as appropriate, if such levels of energy consumption are life-cycle cost-effective for such buildings and also recommend that new and, to the extent possible, renovated school and municipal buildings meet the same requirements.

Sec. 22. K.S.A. 2008 Supp. 66-1,184 is hereby amended to read as follows: 66-1,184. (a) Except as provided in subsection (b), every public utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, upon request of such customer, whereby such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the public utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation on such customer's monthly bill for energy supplied to the utility by such customer.

(b) (1) For purposes of this subsection:

(A) "Utility" means an electric public utility, as defined by K.S.A. 66-101a, and amendments thereto, any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or a nonstock member-owned electric cooperative corporation incorporated in this state, or a municipally owned or operated electric utility;

(B) "school" means Cloud county community college and Dodge City community college.

(2) Every utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, if such customer is a residential customer of the utility and owns a renewable generator with a capacity of 25 kilowatts or less, or is a commercial customer of the utility and owns a renewable generator with a capacity of 200 kilowatts or less or is a school and owns a renewable generator with a capacity of 1.5 megawatts or less. Such generator shall be appropriately sized for such customer's anticipated electric load. A commercial customer who uses the operation of a renewable generator in connection with irrigation pumps shall not request more than 10 irrigation pumps connected to renewable generators be attached or connected to the utility's system. At the customer's delivery point on the customer's side of the retail meter such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation for energy supplied to the utility by such customer. Such compensation shall be not less than 100% of the utility's monthly system average cost of energy per kilowatt hour except that in the case of renewable generators with a capacity of 200 kilowatts or less, such compensation shall be not less than 150% of the utility's monthly system average cost of energy per kilowatt hour. A utility may credit such compensation to the customer's account or pay such compensation to the customer at least annually or when the total compensation due equals \$25 or more.

(3) *A customer-generator of any investor owned utility shall have the option of entering into a contract pursuant to this subsection (b) or utilizing the net metering and easy connection act. The customer-generator shall exercise the option in writing, filed with the utility.*

(c) The following terms and conditions shall apply to contracts entered into under subsection (a) or (b):

(1) The utility will supply, own, and maintain all necessary meters

and associated equipment utilized for billing. In addition, and for the purposes of monitoring customer generation and load, the utility may install at its expense, load research metering. The customer shall supply, at no expense to the utility, a suitable location for meters and associated equipment used for billing and for load research;

(2) for the purposes of insuring the safety and quality of utility system power, the utility shall have the right to require the customer, at certain times and as electrical operating conditions warrant, to limit the production of electrical energy from the generating facility to an amount no greater than the load at the customer's facility of which the generating facility is a part;

(3) the customer shall furnish, install, operate, and maintain in good order and repair and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizer, and other control and protective apparatus as shall be designated by the utility as being required as suitable for the operation of the generator in parallel with the utility's system. In any case where the customer and the utility cannot agree to terms and conditions of any such contract, the state corporation commission shall establish the terms and conditions for such contract. In addition, the utility may install, own, and maintain a disconnecting device located near the electric meter or meters. Interconnection facilities between the customer's and the utility's equipment shall be accessible at all reasonable times to utility personnel. Upon notification by the customer of the customer's intent to construct and install parallel generation, the utility shall provide the customer a written estimate of all costs that will be incurred by the utility and billed to the customer to accommodate the interconnection. The customer may be required to reimburse the utility for any equipment or facilities required as a result of the installation by the customer of generation in parallel with the utility's service. The customer shall notify the utility prior to the initial energizing and start-up testing of the customer-owned generator, and the utility shall have the right to have a representative present at such test;

(4) the utility may require a special agreement for conditions related to technical and safety aspects of parallel generation; and

(5) the utility may limit the number and size of renewable generators to be connected to the utility's system due to the capacity of the distribution line to which such renewable generator would be connected, and in no case shall the utility be obligated to purchase an amount greater than 4% of such utility's peak power requirements.

(d) Service under any contract entered into under subsection (a) or (b) shall be subject to either the utility's rules and regulations on file with the state corporation commission, which shall include a standard interconnection process and requirements for such utility's system, or the current federal energy regulatory commission interconnection procedures and regulations.

(e) In any case where the owner of the renewable generator and the utility cannot agree to terms and conditions of any contract provided for by this section, the state corporation commission shall establish the terms and conditions for such contract.

(f) The governing body of any school desiring to proceed under this section shall, prior to taking any action permitted by this section, make a finding that either: (1) Net energy cost savings will accrue to the school from such renewable generation over a 20-year period; or (2) that such renewable generation is a science project being conducted for educational purposes and that such project may not recoup the expenses of the project through energy cost savings. Any school proceeding under this section may contract or enter into a finance, pledge, loan or lease-purchase agreement with the Kansas development finance authority as a means of financing the cost of such renewable generation.

(g) For the purpose of meeting the ~~governor's stated goal of producing 10% of the state's electricity by wind power by 2010 and 20% by 2020, requirements of section 3, and amendments thereto,~~ the parallel generation of electricity provided for in this section shall be included as part of the state's ~~renewable energy generation by wind power.~~

(h) *The provisions of the net metering and easy connection act shall not preclude the state corporation commission from approving net metering tariffs upon request of an electric utility for other methods of re-*

*newable generation not prescribed in subsection (b)(1) of section 9, and amendments thereto.*

Sec. 23. K.S.A. 2008 Supp. 65-3005 is hereby amended to read as follows: 65-3005. (a) The secretary shall have the power to:

~~(a)~~ (1) Adopt, amend and repeal rules and regulations implementing and consistent with this act.

~~(b)~~ (2) Hold hearings relating to any aspect of or matter in the administration of this act concerning air quality control, and in connection therewith, compel the attendance of witnesses and the production of evidence.

~~(c)~~ (3) Issue such orders, permits and approvals as may be necessary to effectuate the purposes of this act and enforce the same by all appropriate administrative and judicial proceedings.

~~(d)~~ (4) Require access to records relating to emissions which cause or contribute to air pollution.

~~(e)~~ (5) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution originating in Kansas that affects air quality in Kansas or in other states or both.

~~(f)~~ (6) Adopt rules and regulations governing such public notification and comment procedures as authorized by this act.

~~(g)~~ (7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this act.

~~(h)~~ ~~(1)~~ (8) (A) Encourage local units of government to handle air pollution problems within their respective jurisdictions and on a cooperative basis; ~~(B)~~ (B) provide technical and consultative assistance therefor; and ~~(C)~~ (C) enter into agreements with local units of government to administer all or part of the provisions of the Kansas air quality act in the units' respective jurisdictions.

~~(i)~~ (9) Encourage and conduct studies, investigations and research relating to air contamination and air pollution and their causes, effects, prevention, abatement and control.

~~(j)~~ (10) Encourage air contaminant emission sources to voluntarily implement strategies, including the development and use of innovative technologies, market-based principles and other private initiatives to reduce or prevent pollution.

~~(k)~~ (11) Determine by means of field studies and sampling the degree of air contamination and air pollution in the state and the several parts thereof.

~~(l)~~ (12) Establish ambient air quality standards for the state as a whole or for any part thereof.

~~(m)~~ (13) Collect and disseminate information and conduct educational and training programs relating to air contamination and air pollution.

~~(n)~~ (14) Advise, consult and cooperate with other agencies of the state, local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups.

~~(o)~~ (15) Accept, receive and administer grants or other funds or gifts from public and private entities, including the federal government, for the purpose of carrying out any of the functions of this act. Such funds received by the secretary pursuant to this section shall be deposited in the state treasury to the account of the department of health and environment.

~~(p)~~ (16) Enter into contracts and agreements with other state agencies or subdivisions, local governments, other states, interstate agencies, the federal government or its agencies or private entities as is necessary to accomplish the purposes of the Kansas air quality act.

~~(q)~~ (17) Conduct or participate in intrastate or interstate emissions trading programs or other programs that demonstrate equivalent air quality benefits for the prevention, abatement and control of air pollution in Kansas or in other states or both.

~~(r)~~ (18) Prepare and adopt a regional haze plan as may be necessary to prevent, abate and control air pollution originating in Kansas that affects air quality in Kansas or in other states or both. Any regional haze plan prepared by the secretary shall be no more stringent than is required by 42 U.S.C. 7491.

~~(s)~~ (19) Participate in the activities of any visibility transport com-

mission established under 42 U.S.C. 7492. The secretary shall report to the governor and the legislature on the activities of any such visibility transport commission annually.

(b) *It is a policy of the state to regulate the air quality of the state and implement laws and regulations that are applied equally and uniformly throughout the state and consistent with those of the federal government.*

(1) *The secretary shall have the authority to promulgate rules and regulations to establish standards to ensure that the state is in compliance with the provisions of the federal clean air act, as amended (42 U.S.C. section 7401 et seq.). The standards so established shall not be any more stringent, restrictive or expansive than those required under the federal clean air act, as amended, nor shall the rules and regulations be enforced in any area of the state prior to the time required by the federal clean air act. If the secretary determines that more stringent, restrictive or expansive rules and regulations are necessary, the secretary may implement the rules and regulations only after approval by an act of the legislature. The restrictions of this subsection shall not apply to the parts of the state implementation plan developed by the secretary to bring a nonattainment area into compliance when needed to have a United States environmental protection agency approved state implementation plan.*

(2) *For any application for a permit required by federal or state law, the secretary shall not deny or delay the issuance of such permit when the requirements of this act have been met.*

Sec. 24. K.S.A. 2008 Supp. 65-3008a is hereby amended to read as follows: 65-3008a. (a) No permit shall be issued, modified, renewed or reopened without first providing the public an opportunity to comment and request a public hearing on the proposed permit action. The request for a public hearing on the issuance of a permit shall set forth the basis for the request and a public hearing shall be held if, in the judgment of the secretary, there is sufficient reason.

(b) The secretary shall affirm, modify or reverse the decision on such permit after the public comment period or public hearing, *and shall affirm the issuance of any permit the terms and conditions of which comply with all requirements established by rules and regulations promulgated pursuant to the Kansas air quality act.* Any person who participated in the public comment process or the public hearing who otherwise would have standing under K.S.A. 77-611, and amendments thereto, shall have standing to obtain judicial review of the secretary's final action on the permit pursuant to the act for judicial review and civil enforcement of agency actions in the court of appeals. Any such person other than the applicant for or holder of the permit shall not be required to have exhausted administrative remedies in order to be entitled to review. The court of appeals shall have original jurisdiction to review any such final agency action. The record before the court of appeals shall be confined to the agency record for judicial review and consist of the documentation submitted to or developed by the secretary in making the final permit decision, including the permit application and any addenda or amendments thereto, the permit summary, the draft permit, all written comments properly submitted to the secretary, all testimony presented at any public hearing held on the permit application, all responses by the applicant or permit holder to any written comments or testimony, the secretary's response to the public comments and testimony and the final permit.

(c) When determined appropriate by the secretary, the procedures set out in subsection (a) may be required prior to the issuance, modification, renewal or reopening of an approval.

Sec. 25. K.S.A. 65-3012 is hereby amended to read as follows: 65-3012. (a) ~~Notwithstanding any other provision of this act, the secretary may take such action as may be necessary to protect the health of persons or the environment.~~ (1) Upon receipt of ~~information~~ *evidence that the emission of emissions from an air pollution source or combination of air pollution sources presents a* (1) *An imminent and substantial endangerment to the public health of persons or welfare or to the environment;* or (2) for an imminent or actual violation of this act, any rules and regulations adopted under this act, any orders issued under this act or any permit conditions required by this act, *the secretary may issue a tempo-*

rary order not to exceed seven days in duration, directing the owner or operator, or both, to take such steps as necessary to prevent the act or eliminate the practice.

~~(b) The action the secretary may take under subsection (a) includes but is not limited to:~~

~~(1) Issuing an order directing the owner or operator, or both, to take such steps as necessary to prevent the act or eliminate the practice. Such order may include, with respect to a facility or site, temporary cessation of operation.~~

~~(2) Commencing (b) Upon issuance of the temporary order, the secretary may commence an action in the district court to enjoin acts or practices specified in subsection (a) or requesting request the attorney general or appropriate county or district attorney to commence an action to enjoin those acts or practices. Upon a showing by the secretary that a person has engaged in those acts or practices, a permanent or temporary injunction, restraining order or other order may be granted by any court of competent jurisdiction.~~

~~(c) The secretary may bring suit in any court of competent jurisdiction to immediately restrain the acts or practices specified in subsection (a). An action for injunction under this subsection shall have precedence over other cases in respect to order of trial.~~

~~(3) Applying to the district court in the county in which an order of the secretary under subsection (b)(1) will take effect, in whole or in part, for an order of that court directing compliance with the order of the secretary. Failure to obey the court order shall be punishable as contempt of the court issuing the order. The application under this subsection for a court order shall have precedence over other cases in respect to order of trial.~~

~~(c) In any civil action brought pursuant to this section in which a temporary restraining order or preliminary injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order or preliminary injunction not be issued or that the remedy at law is inadequate, and the temporary restraining order or preliminary injunction shall issue without such allegations and without such proof.~~

~~(d) Any order of the secretary pursuant to subsection (b)(1) is subject to hearing and review in accordance with the Kansas administrative procedure act.~~

~~(d) The owner or operator, or both, aggrieved by an order of the secretary issued pursuant to this section shall be immediately entitled to judicial review of such agency action by filing a petition for judicial review in district court. The aggrieved party shall not be required to exhaust administrative remedies. A petition for review under this subsection shall have precedence over other cases in respect to order of trial.~~

Sec. 26. K.S.A. 66-104d is hereby amended to read as follows: 66-104d. (a) As used in this section, "cooperative" means any ~~cooperative~~, as defined by K.S.A. 17-4603, and amendments thereto, which has fewer than 15,000 customers and which provides power principally at retail corporation organized under the electric cooperative act, K.S.A. 17-4601 et seq., and amendments thereto, or which becomes subject to the electric cooperative act in the manner therein provided; or any limited liability company or corporation providing electric service at wholesale in the state of Kansas that is owned by four or more electric cooperatives that provide retail service in the state of Kansas; or any member-owned corporation formed prior to 2004.

(b) Except as otherwise provided in subsection (f), a cooperative may elect to be exempt from the jurisdiction, regulation, supervision and control of the state corporation commission by complying with the provisions of subsection (c).

(c) To be exempt under subsection (b), a cooperative shall poll its members as follows:

(1) An election under this subsection may be called by the board of trustees or shall be called not less than 180 days after receipt of a valid petition signed by not less than 10% of the members of the cooperative.

(2) The proposition for deregulation shall be presented to a meeting of the members, the notice of which shall set forth the proposition for deregulation and the time and place of the meeting. Notice to the mem-

bers shall be written and delivered not less than 21 nor more than 45 days before the date of the meeting.

(3) If the cooperative mails information to its members regarding the proposition for deregulation other than notice of the election and the ballot, the cooperative shall also include in such mailing any information in opposition to the proposition that is submitted by petition signed by not less than 1% of the cooperative's members. All expenses incidental to mailing the additional information, including any additional postage required to mail such additional information, must be paid by the signatories to the petition.

(4) If the proposition for deregulation is approved by the affirmative vote of not less than a majority of the members voting on the proposition, the cooperative shall notify the state corporation commission in writing of the results within 10 days after the date of the election.

(5) Voting on the proposition for deregulation shall be by mail ballot.

(d) A cooperative exempt under this section may elect to terminate its exemption in the same manner as prescribed in subsection (c).

(e) An election under subsection (c) or (d) may be held not more often than once every two years.

(f) Nothing in this section shall be construed to affect the single certified service territory of a cooperative or the authority of the state corporation commission, as otherwise provided by law, over a cooperative with regard to service territory; charges, *fees or tariffs* for transmission services; sales of power for resale, *other than sales between a cooperative, as defined in subsection (a), that does not provide retail electric service and an owner of such cooperative; and wire stringing and transmission line siting*, pursuant to K.S.A. 66-131, 66-183, 66-1,170 et seq. or 66-1,177 et seq., and amendments thereto.

(g) (1) Notwithstanding a cooperative's election to be exempt under this section, the commission shall investigate all rates, joint rates, tolls, charges and exactions, classifications and schedules of rates of such cooperative if there is filed with the commission, not more than one year after a change in such cooperative's rates, joint rates, tolls, charges and exactions, classifications or schedules of rates, a petition *in the case of a retail distribution cooperative* signed by not less than 5% of all the cooperative's customers or 3% of the cooperative's customers from any one rate class, *or, in the case of a generation and transmission cooperative, not less than 20% of the generation and transmission cooperative's members or 5% of the aggregate retail customers of such members*. If, after investigation, the commission finds that such rates, joint rates, tolls, charges or exactions, classifications or schedules of rates are unjust, unreasonable, unjustly discriminatory or unduly preferential, the commission shall have the power to fix and order substituted therefor such rates, joint rates, tolls, charges and exactions, classifications or schedules of rates as are just and reasonable.

(2) The cooperative's rates, joint rates, tolls, charges and exactions, classifications or schedules of rates complained of shall remain in effect subject to change or refund pending the state corporation commission's investigation and final order.

(3) Any customer of a cooperative wishing to petition the commission pursuant to subsection (g)(1) may request from the cooperative the names, addresses and rate classifications of all the cooperative's customers or of the cooperative's customers from any one or more rate classes. The cooperative, within 21 days after receipt of the request, shall furnish to the customer the requested names, addresses and rate classifications and may require the customer to pay the reasonable costs thereof.

(h) (1) If a cooperative is exempt under this section, not less than 10 days' notice of the time and place of any meeting of the board of trustees at which rate changes are to be discussed and voted on shall be given to all members of the cooperative and such meeting shall be open to all members.

(2) Violations of subsection (h)(1) shall be subject to civil penalties and enforcement in the same manner as provided by K.S.A. 75-4320 and 75-4320a, and amendments thereto, for violations of K.S.A. 75-4317 et seq. and amendments thereto.

(i) (1) Any cooperative exempt under this section shall maintain a schedule of rates and charges at the cooperative headquarters and shall

make copies of such schedule of rates and charges available to the general public during regular business hours.

(2) Any cooperative which fails, neglects or refuses to maintain such copies of schedule of rates and charges under this subsection shall be subject to a civil penalty of not more than \$500.

(j) *A cooperative that has elected to be exempt under the provisions of subsection (b) shall include a provision in its notice to customers, either before or after a rate change, of the customer's right to request the commission to review the rate change, as allowed in subsection (g).*

(k) *Notwithstanding any provision of law to the contrary, a cooperative, as defined in subsection (a), shall be subject to the provisions of the renewable energy standards act.*

New Sec. 27. Within 18 months after the effective date of this act, the secretary of administration shall adopt rules and regulations that require that the average fuel economy standard for state-owned motor vehicles purchased during fiscal year 2011 shall not be less than 10% higher than the average fuel economy standard of state-owned motor vehicles purchased during fiscal year 2008, if such higher average fuel economy standards are life-cycle cost effective for such motor vehicles purchased during fiscal year 2011. The head of each state agency shall provide information to and cooperate with the secretary of administration for the purposes of implementing and administering this section and the rules and regulations adopted by the secretary of administration.

New Sec. 28. (a) The joint committee on energy and environmental policy established pursuant to K.S.A. 2008 Supp. 46-3701, and amendments thereto, in addition to the provisions of subsection (j) of K.S.A. 2008 Supp. 46-3701, and amendments thereto, shall include recommendations concerning the use of moneys received by the state pursuant to the American recovery and reinvestment act of 2009, (U.S.C. 12501) for energy efficiency and conservation block grants, state energy programs, the weatherization assistance program and the alternative fueled vehicles pilot grant program in such joint committee's report to the 2010 and 2011 legislature.

(b) The provisions of this section shall expire on January 1, 2011.

Sec. 29. K.S.A. 2008 Supp. 74-99d07 is hereby amended to read as follows: 74-99d07. (a) Except as otherwise provided by this act, the authority shall have all the powers necessary to carry out the purposes and provisions of this act, including, without limitation:

(1) Having the duties, privileges, immunities, rights, liabilities and disabilities of a body corporate and a political instrumentality of the state;

(2) having perpetual existence and succession;

(3) adopting, having and using a seal and altering the same at its pleasure;

(4) suing and being sued in its own name;

(5) adopting bylaws for the regulation of its affairs and the conduct of its business;

(6) adopting such rules and regulations as the authority deems necessary for the conduct of the business of the authority;

(7) employing consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as the authority deems necessary and fixing the compensation thereof;

(8) making and executing all contracts and agreements necessary or incidental to the performance of the authority's duties and the execution of the authority's powers under this act;

(9) receiving and accepting from any federal agency grants, or any other form of assistance, for or in aid of the planning, financing, construction, development, acquisition or ownership of any property, structures, equipment, facilities and works of public improvement necessary or useful for the accomplishment of the purposes for which the authority was created and receiving and accepting aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(10) borrowing funds to carry out the purposes of the authority and mortgaging and pledging any lease or leases granted, assigned or subleased by the authority;

(11) purchasing, leasing, trading, exchanging or otherwise acquiring, maintaining, holding, improving, mortgaging, selling, leasing and disposing of personal property, whether tangible or intangible, and any interest therein; and purchasing, leasing, trading, exchanging or otherwise acquiring real property or any interest therein, and maintaining, holding, improving, mortgaging, leasing and otherwise transferring such real property, so long as such transactions do not conflict with the mission of the authority as specified in this act;

(12) as provided by K.S.A. 2008 Supp. 74-99d09, and amendments thereto, incurring or assuming indebtedness and entering into contracts with the Kansas development finance authority, which is authorized to borrow money, issue bonds and provide financing for: (A) The construction, upgrading or repair of transmission facilities of the Kansas electric transmission authority or the acquisition of right-of-way for such facilities, or both, and any such bonds shall be payable from and be secured by the pledge of revenues derived from the operation of such electric transmission facilities; or (B) making loans to finance the construction, upgrading or repair of transmission facilities not owned by the Kansas electric transmission authority or the acquisition of right-of-way for such facilities, or both, upon such terms and conditions as required by the authority, including a requirement that any entity receiving a loan under this act shall maintain records and accounts relating to receipt and disbursements of loan proceeds, transportation costs and information on energy sales and deliveries and make the records available to the authority for inspection, and any such bonds shall be payable from and be secured by the pledge of revenues derived from the operation of such electric transmission facilities;

(13) depositing any moneys of the authority in any banking institution within or without the state or in any depository authorized to receive such deposits, one or more persons to act as custodians of the moneys of the authority, to give surety bonds in such amounts in form and for such purposes as the board requires;

(14) recovering its costs through tariffs of the southwest power pool regional transmission organization, or its successor, and, if all costs are not recovered through such tariffs, through assessments against all electric public utilities, electric municipal utilities and electric cooperative utilities receiving benefits of the construction or upgrade and having retail customers in this state. Each such utility's assessment shall be based on the benefits the utility receives from the construction or upgrade, as determined by the state corporation commission upon application by the authority. In determining allocation of benefits and costs to utilities, the commission may take into account funding and cost recovery mechanisms developed by regional transmission organizations and shall take into account financial payments by transmission users and approved by the federal energy regulatory commission or regional transmission organization. Each electric public utility shall recover any such assessed costs from the utility's customers in a manner approved by the commission and each electric municipal or cooperative utility shall recover such assessed costs from the utility's customers in a manner approved by the utility's governing body;

(15) participating in and coordinating with the planning activities of the southwest power pool regional transmission organization, or its successor, and adjoining regional transmission organizations, or their successors; ~~and~~

(16) participating in and coordinating with the planning activities of the southwest power pool regional reliability organization, or its successor, and adjoining regional reliability organizations, or their successors; *and*

*(17) establish and charge reasonable fees, rates, tariffs or other charges, unless costs are recoverable under paragraph (14), for the use of all facilities owned, financed or administered by it and for all services rendered by it, and, if all costs are not recovered under paragraph (14), such costs shall be recovered through assessments against any entity or entities requesting use of facilities owned, financed or administered by the authority or for all requested services provided by the authority, or both.*

(b) On or before the first day of the regular legislative session each year, the authority shall submit to the governor and to the legislature a written report of the authority's activities for the preceding fiscal year.

Such report shall include the report of any audit conducted pursuant to K.S.A. 2008 Supp. 74-99d10, and amendments thereto, of the preceding fiscal year.

(c) The authority shall continue until terminated by law. No such law terminating the authority shall take effect while the authority has bonds, debts or obligations outstanding unless adequate provision has been made for the payment or retirement of such bonds, debts or obligations. Upon dissolution of the authority, all property, funds and assets thereof shall be disposed of as provided by law.

Sec. 30. K.S.A. 2008 Supp. 74-99d14 is hereby amended to read as follows: 74-99d14. (a) Subject to the provisions of this act, the authority shall have the power to:

(1) Plan, finance, construct, develop, acquire, own, dispose of, contract for maintenance of and contract with electric public utilities, electric cooperative utilities or electric municipal utilities for operation of transmission facilities of the authority and any real or personal property, structures, equipment or facilities necessary or useful for the accomplishment of the purposes for which the authority was created, including the obtaining of permits and the acquisition of rights of way; and

(2) participate in partnerships or joint ventures with individuals, corporations, governmental bodies or agencies, partnerships, associations or other entities to facilitate any activities or programs consistent with the public purpose and intent of this act, including partnerships or joint ventures for the purpose of financing all or any portion of a project pursuant to subsection (a)(2) of K.S.A. 2008 Supp. 74-99d09, and amendments thereto.

(b) (1) Except as otherwise provided in this act, the authority shall not exercise any of the rights or powers granted to it in this section, if private entities are performing the acts, are constructing or have constructed the facilities or are providing the services contemplated by the authority and such private entities are willing to finance and own new infrastructure to meet an identified need and market.

(2) Prior to exercising any rights or powers granted to it in this section, the authority shall publish once in the Kansas register, and once in a newspaper and trade magazine in the area where the facilities or services are contemplated, a notice describing the acts, facilities or services contemplated by the authority and stating that private entities willing and able to perform the acts, finance and own and construct the facilities or provide the services described in the notice shall have a period of 90 days after the date of publication of the notice in the Kansas register within which to notify the authority of intention and ability to perform the acts, finance and construct the facilities or provide the services described in the notice. In the absence of notification by a private entity, the authority may proceed to perform the acts, construct the facilities or provide the services originally contemplated. If a private entity has given notice of intention to perform the acts, finance and construct the facilities or provide the services contemplated by the authority, the authority may proceed to perform the acts, construct the facilities or provide the services originally contemplated if the private entity fails to commence performance within 180 days after the date of notification of the authority of its intention. Actions deemed to constitute commencement of performance of the acts, construction of the facilities or provision of the services within the required time shall include, but not be limited to, holding of public meetings on siting of facilities, acquisition of land or commencement of proceedings for condemnation of land, application to acquire any federal, state, local or private permits, certificates or other authorizations or approvals necessary to perform the acts, construct the facilities or provide the services.

(3) Notwithstanding commencement of performance of the acts, construction of the facilities or provision of the services by a private entity, if the authority is not satisfied with subsequent progress in performance of the acts, construction of the facilities or provision of the services, the authority may again give notice as provided in subsection (b)(2) with respect to completion of performance of the acts, construction of the facilities or provision of the services. In the absence of notification by a private entity willing and able to complete performance of the acts, construction of the facilities or provision of the services, the authority may proceed to

complete performance. If a private entity has given notice of intention to complete performance, the authority may proceed to perform the acts, construct the facilities or provide the services if the private entity fails to complete performance within 180 days after the date of notice by the entity.

(c) The authority shall not operate or maintain transmission facilities.

(d) The authority shall exercise the rights and powers granted to it in this act only with respect to transmission facilities which the southwest power pool regional transmission organization, or its successor, has determined are compatible with plans adopted by such organization and, *for electric transmission lines with an operating voltage of 60 kilovolts or more*, which have been approved by such organization.

New Sec. 31. (a) Any new coal-fired electricity generating facility in Kansas, construction of which commences on or after the effective date of this act, shall purchase Kansas coal for at least 5% of its coal requirements. For the purposes of this section, “Kansas coal” shall have the meaning ascribed thereto in K.S.A. 2008 Supp. 79-32,228, and amendments thereto.

(b) The provisions of this section shall apply if the cost of the Kansas coal, including costs of transportation and handling at the new coal-fired electricity generating facility, is:

(1) Competitive to the cost of the out-of-state coal supply the owner or operator of the new coal-fired electricity generating facility is using to meet its remaining coal supply requirements;

(2) sold on comparable contractual terms and specification; and

(3) of an acceptable quality for use in the new coal-fired electricity generating facility.

This section shall not apply if the use or purchase of Kansas coal will result in the owner or operator of the new coal-fired electricity generating facility violating its air permit or a contractual obligation to which the owner or operator is subject.

New Sec. 32. Sections 32 through 39, and amendments thereto, shall be known and may be cited as the compressed air energy storage act.

New Sec. 33. As used in the compressed air energy storage act:

(a) “Commission” means the state corporation commission.

(b) “Department” means the department of health and environment.

New Sec. 34. (a) Within 18 months after the effective date of this act, the commission shall establish rules and regulations establishing requirements, procedures and standards for the safe and secure injection of compressed air into storage wells, which shall include maintenance of underground storage of compressed air. Such rules and regulations shall include, but not be limited to:

(1) Site selection criteria;

(2) design and development criteria;

(3) operation criteria;

(4) casing requirements;

(5) monitoring and measurement requirements;

(6) safety requirements, including public notification;

(7) closure and abandonment requirements, including the financial requirements of subsection (d); and

(8) long-term monitoring.

(b) The commission may adopt rules and regulations establishing fees for permitting, monitoring and inspecting operators of compressed air energy storage wells and underground storage. Fees collected by the commission under this section shall be remitted by the commission to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the compressed air energy storage fund.

(c) The commission or the commission’s duly authorized representative may impose on any holder of a permit issued pursuant to this section such requirements relating to inspecting, monitoring, investigating, recording and reporting as the commission or representative deems necessary to administer the provisions of this section and rules and regulations adopted hereunder.

(d) Any company or operator receiving a permit under the provisions of the compressed air energy storage act shall demonstrate annually to

the commission evidence, satisfactory to the commission, that the permit holder has financial ability to cover the cost of closure of the permitted facility as required by the commission.

(e) The commission may enter into contracts for services from consultants and other experts for the purposes of assisting in the drafting of rules and regulations pursuant to this section.

(f) Rules and regulations adopted under the compressed air energy storage act shall apply to any compressed air energy storage well, whether in existence on the effective date of this act or thereafter.

New Sec. 35. Within 18 months after the effective date of this act, the department shall establish rules and regulations establishing requirements, procedures and standards for the monitoring of air emissions coming from compressed air energy storage wells and storage facilities to ensure the wells and facilities comply with the Kansas air quality act.

New Sec. 36. The commission and the department may enter into a memorandum of understanding concerning implementation of the requirements and responsibilities under the compressed air energy storage act.

New Sec. 37. (a) The commission, upon a finding that a person has violated any provision of section 34, and amendments thereto, or rules and regulations adopted thereunder, may impose a penalty not to exceed \$10,000 per violation which shall constitute an economic deterrent to the violation for which it is assessed and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) No penalty shall be imposed pursuant to this section except after an opportunity for hearing upon the written order of the commission to the person who committed the violation. The order shall state the violation and the penalty to be imposed.

(c) Whenever the commission or the commission's duly authorized representative find that the soil or waters of the state are not being protected from pollution resulting from the storage of compressed air, the commission or the commission's duly authorized representative shall issue an order prohibiting such storage. Any person aggrieved by such order may request in writing, within 15 days after service of the order, a hearing on the order. Upon receipt of a timely request, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) Any action of the commission pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

New Sec. 38. (a) In performing investigations or administrative functions relating to prevention of pollution of the soil or waters of the state, the commission or the commission's duly authorized representative may enter any property or facility which is subject to the provisions of section 34, and amendments thereto, for the purpose of observing, monitoring, collecting samples, examining records and facilities to determine compliance or noncompliance with state laws and rules and regulations relating to air pollution, water pollution, soil pollution or public health or safety.

(b) The representatives of the commission shall have the right of ingress and egress upon any lands to clean up pollution from the storage of compressed air over which the commission has jurisdiction pursuant to section 34, and amendments thereto. Such representatives shall have the power to occupy such land if necessary to investigate and clean up such pollution or to investigate and plug any such compressed air energy storage well. Any representative entering upon any land to investigate and clean up such pollution or to investigate and plug any such compressed air energy storage well shall not be liable for any damages necessarily resulting therefrom, except damages to growing crops, livestock or improvements on the land. Upon completion of activities on such land, such representative shall restore the premises to the original contour and condition as nearly as practicable.

New Sec. 39. (a) (1) There is hereby established in the state treasury the compressed air energy storage fund. Such fund shall be administered by the commission in accordance with the provisions of this section for the purpose of administering the provisions of the compressed air energy storage act.

(2) The commission shall remit to the state treasurer in accordance

with the provisions of K.S.A. 75-4215, and amendments thereto, all moneys received by the commission for the purposes of the compressed air energy storage act. Upon receipt of the remittance the state treasurer shall deposit the entire amount in the state treasury and credit it to the fund. The commission is authorized to receive from any private or governmental source any funds made available for the purposes of the compressed air energy storage act.

(3) All expenditures from the compressed air energy storage fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or a person designated by the chairperson.

(b) The commission is authorized to use moneys from the compressed air energy storage fund to pay the cost of:

(1) All activities related to permitting activities, including, but not limited to, development and issuance of permits, compliance monitoring, inspections, well closures, underground storage closure, long-term monitoring and enforcement actions;

(2) review and witnessing of test procedures;

(3) review and witnessing of routine workover or repair procedures;

(4) investigation of violations, complaints, pollution and events affecting public health;

(5) design and review of remedial action plans;

(6) contracting for services needed to supplement the commission's staff expertise in facility investigations;

(7) consultation needed concerning remedial action at a permitted facility;

(8) mitigation of adverse environmental impacts;

(9) emergency or long-term remedial activities;

(10) legal costs, including expert witnesses, incurred in administration of the provisions of the compressed air energy storage act; and

(11) costs of program administration.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the compressed air energy storage fund interest earnings based on:

(1) The average daily balance of moneys in the compressed air energy storage fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding months.

Sec. 40. K.S.A. 55-1,117 is hereby amended to read as follows: 55-1,117. (a) As used in this section, K.S.A. 65-171d and K.S.A. 55-1,118 through 55-1,122, and amendments thereto:

(1) "Company or operator" means any form of legal entity including, but not limited to, a corporation, limited liability company and limited or general partnerships.

(2) "Secretary" means the secretary of health and environment.

~~(2)~~ (3) "Underground porosity storage" means the storage of hydrocarbons in underground, porous and permeable geological strata which have been converted to hydrocarbon storage.

(b) For the purposes of protecting the health, safety and property of the people of the state, and preventing surface and subsurface water pollution and soil pollution detrimental to public health or to the plant, animal and aquatic life of the state, the secretary of health and environment shall adopt separate and specific rules and regulations establishing requirements, procedures and standards for the following:

(1) Salt solution mining;

(2) the safe and secure underground storage of liquid petroleum gas and hydrocarbons, other than natural gas in underground porosity storage; and

(3) the safe and secure underground storage of natural gas in bedded salt.

(c) Such rules and regulations shall include, but not be limited to:

(1) Site selection criteria;

(2) design and development criteria;

(3) operation criteria;

(4) casing requirements;

(5) monitoring and measurement requirements;

- (6) safety requirements, including public notification;
  - (7) closure and abandonment requirements, including the financial requirements of subsection (f); and
  - (8) long term monitoring.
- (d) (1) The secretary may adopt rules and regulations establishing fees for the following services:
- (A) Permitting, monitoring and inspecting salt solution mining operators;
  - (B) permitting, monitoring and inspecting underground storage of liquid petroleum gas and hydrocarbons, other than natural gas in underground porosity storage; and
  - (C) permitting, monitoring and inspecting underground storage of natural gas in bedded salt.
- (2) The fees collected under this section by the secretary shall be remitted by the secretary to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the subsurface hydrocarbon storage fund.
- (e) The secretary or the secretary's duly authorized representative may impose on any holder of a permit issued pursuant to this section such requirements relating to inspecting, monitoring, investigating, recording and reporting as the secretary or representative deems necessary to administer the provisions of this section and rules and regulations adopted hereunder.
- (f) Any company or operator receiving a permit under the provisions of this act shall demonstrate annually to the department of health and environment evidence, satisfactory to the department, that such permit holders have financial ability to cover the cost of closure of such permitted facility as required by the department.
- (g) The secretary may enter into contracts for services from consultants and other experts for the purposes of assisting in the drafting of rules and regulations pursuant to this section.
- (h) (1) For a period of two years from July 1, 2001, or until the rules and regulations provided for in ~~paragraph (3) of subsection (a)~~ (b)(3) are adopted, the injection of working natural gas into underground storage in bedded salt is prohibited, except that cushion gas may be injected into existing underground storage in bedded salt. Natural gas currently stored in such underground storage may be extracted.
- (2) Any existing underground storage of natural gas in bedded salt shall comply with the rules and regulations adopted under this section prior to the commencement of injection of working natural gas into such underground storage.
- (3) Rules and regulations adopted under ~~paragraph (3) of subsection (a)~~ (b)(3) shall be adopted on or before July 1, 2003.
- (i) No hydrocarbon storage shall be allowed in any underground formation if water within the formation contains less than 5,000 milligrams per liter chlorides.

Sec. 41. K.S.A. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

- (1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.
- (2) Counties may not affect the courts located therein.
- (3) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.
- (4) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.
- (5) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.
- (6) Counties shall be subject to all acts of the legislature concerning

elections, election commissioners and officers and their duties as such officers and the election of county officers.

(7) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(8) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(9) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(10) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(12) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(13) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(16) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(17) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(18) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(19) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(20) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(21) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(22) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(23) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(24) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.

(25) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(26) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(27) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-

1,178 through 65-1,199, 65-3001 through 65-3028, and amendments thereto.

(28) Counties may not exempt from or effect changes in K.S.A. 2008 Supp. 80-121, and amendments thereto.

(29) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(30) Counties may not exempt from or effect changes in the wireless enhanced 911 act, in the VoIP enhanced 911 act or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.

(31) Counties may not exempt from or effect changes in K.S.A. 2008 Supp. 26-601, and amendments thereto.

(32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas liquor control act.

(33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.

(34) Counties may not exempt from or effect changes in the Kansas lottery act.

(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.

(36) *Counties may neither exempt from nor effect changes to the eminent domain procedure act.*

(37) *Any county granted authority pursuant to the provisions of K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be subject to the limitations and prohibitions imposed under K.S.A. 19-5001 through 19-5005, and amendments thereto.*

(38) *Except as otherwise specifically authorized by K.S.A. 19-5001 through 19-5005, and amendments thereto, counties may not exercise any authority granted pursuant to K.S.A. 19-5001 through 19-5005, and amendments thereto, including the imposition or levy of any retailers' sales tax.*

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

New Sec. 42. (a) The secretary shall timely approve a prevention of significant deterioration permit (PSD) to sunflower electric power corporation to be issued consistent with the settlement agreement executed May 4, 2009, by sunflower electric power corporation and the governor of the state of Kansas to resolve all claims or causes of action, or both, pending before various courts and administrative agencies consistent with article V of the settlement agreement.

(b) This section shall be part of and supplemental to the Kansas air quality act.

New Sec. 43. The provisions of this act are declared to be severable and if any provision, word, phrase or clause of the act or the application thereof to any person shall be held invalid, such invalidity shall not affect the validity of the remaining portions of this act.

Sec. 44. K.S.A. 19-101a, 19-101m, 55-1,117, 65-3012 and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 are hereby repealed.

Sec. 45. On and after July 1, 2009, K.S.A. 19-101a, as amended by section 7 of 2009 Senate Bill No. 336, is hereby repealed.

Sec. 46. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

\_\_\_\_\_

HOUSE concurred in  
SENATE amendments \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

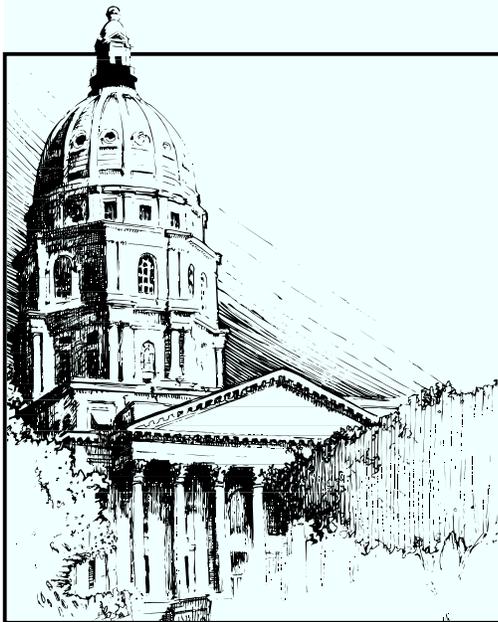
Passed the SENATE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 27, No. 29 July 17, 2008 Pages 1073-1104

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

**Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, July 25, at the Timmerman Administration Building, Kansas Veterans' Home, 1220 WWII Memorial Drive, Winfield. The public is invited to attend. For more information, call (785) 296-3976.

George S. Webb  
Executive Director

Doc. No. 035998

**State of Kansas  
State Banking Board**

**Notice of Change of Meeting Date**

The State Banking Board meeting date for July has been changed from July 21 to July 28. The Banking Board will meet at 9 a.m. in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 et seq., and amendments thereto, and carries out its function of serving in an advisory capacity to the Office of the State Bank Commissioner, pursuant to K.S.A. 74-3006, and amendments thereto. All interested individuals and organizations are invited to attend. For more information, contact the Office of the State Bank Commissioner at (785) 296-2266.

J. Thomas Thull  
State Bank Commissioner

Doc. No. 035989

**State of Kansas  
Kansas State University—Salina**

**Notice to Bidders**

Kansas State University at Salina is selling by sealed bid miscellaneous aircraft parts to include C-150 and Sun-downer parts. For details, bid sheet, bid deadline and contact information see K-State at Salina's Web site, <http://www.sal.ksu.edu/campusoffices/business/bid-items/index.html>.

Rhonda Riffel  
Fiscal Affairs

Doc. No. 035675

**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 7-14-08 through 7-20-08**

Term	Rate
1-89 days	1.98%
3 months	1.70%
6 months	2.00%
1 year	2.33%
18 months	2.52%
2 years	2.56%

Daniel J. Nackley  
Director of Investments

Doc. No. 035980

**State of Kansas**

**Legislature**

**Interim Committee Schedule**

The following committee meetings have been scheduled during the period of July 18-23. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
July 18	Docking 783	9:00 a.m.	Joint Committee on Home- and Community-Based Services Oversight	Agenda not available.
July 18	136-N	10:00 a.m.	Kansas Performance Measurement Commission	Organization of committee; staff background; discussion of commission goals
July 22	431-N	9:30 a.m.	Kansas Criminal Code Recodification Commission Subcommittee	Agenda not available.
July 23	Docking 784	9:30 a.m.	Kansas Criminal Code Recodification Commission	Agenda not available.

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

Doc. No. 036001

## State of Kansas

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

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

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

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

**70-89 KA-1266-01  
Shawnee County**

The scope of services is to develop highway concepts that provide improvements on I-70 in the area of the I-70 Polk-Quincy viaduct and select a preferred alternative. Review project area issues, regional development in the area (riverfront and downtown Topeka), railroad impacts, adjacent projects and perform environmental studies. Regional traffic studies and analysis will be required. Public involvement will be needed for this project. The study estimated cost is \$650,000 and is scheduled to be completed in two years.

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

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

Deb Miller  
Secretary of Transportation

Doc. No. 035970

## State of Kansas

**University of Kansas****Notice to Bidders**

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

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 035978

## State of Kansas

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

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. A response may be submitted by e-mail to neil@ksdot.org or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages and must be received by noon August 14 for the consulting engineering firm to be considered.

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

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

**56-106 KA-1496-01  
US-56 Corridor Management Plan  
(US-59 to I-35)**

The Kansas Department of Transportation, in partnership with Johnson County, Douglas County, Mid-America Regional Council (MARC), Lawrence-Douglas County Metropolitan Planning Organization, and the cities of Gardner, Edgerton and Baldwin City, is requesting

proposals from qualified engineering and planning firms for a study that will result in a plan for corridor management, access management, circulation and land use in the U.S. Highway 56 Corridor for an approximate distance of 22 miles from US-59 on the west to I-35 on the east, and for approximately 1 mile north and south of the US-56 centerline.

KDOT desires to hire a corridor management consultant (CMC) to manage the development of an access management plan, traffic circulation plan, growth and development plan, infrastructure extension plan and land use management plan. The managing consultant will develop a plan in a collaborative way among KDOT and the other entities affected, plus landowners, commercial stakeholders and the general public. The plan shall lay out recommendations for future access management and signalization. The plans will show how the future development anticipated along this corridor and the access to the highway and other nearby roads can be managed to accommodate this development and protect the operational integrity of this highway in southwest Johnson County and southeast Douglas County. The plan will identify short- and long-term improvements needed to be considered for both US-56 and other nearby roads.

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

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

Deb Miller  
Secretary of Transportation

Doc. No. 036004

**State of Kansas**

**Secretary of State**

**Notice of Corporations Forfeited**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of June 2008 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

**Domestic Corporations**

- Action Society for Kids, Olathe, KS.
- Caywood Farm, Inc., Raymond, KS.
- Cherokee Strip Land Rush Museum Inc., Arkansas City, KS.
- H & L Incorporated, Liberal, KS.
- Hershey Enterprises, Inc., Overland Park, KS.
- Kansas Alliance of Black School Educators, Inc., Wichita, KS.
- Kansas City Worker Justice Center, Inc., Kansas City, KS.
- Kansas Properties, L.L.C., Lenexa, KS.
- Kids With Dreams, Inc., McPherson, KS.
- Krannawitter Farms, Inc., Hoxie, KS.
- L. & L. Cycle Shop, Inc., Gaylord, KS.
- Lambda Chi Building Association, St. George, KS.
- Lucas Medical Foundation, Lucas, KS.

- Lutheran Social Service of Kansas and Oklahoma, Inc., Wichita, KS.
- M.C.E.A. of Kansas Corporation, Wichita, KS.
- MacPhillips, L.L.C., Olathe, KS.
- Maren Nelson Logan Memorial Fund, Mission, KS.
- Metropolitan Car Wash, Inc., Kansas City, MO.
- Monticello Ranch, Inc., Shawnee, KS.
- Nighthawks' Coffeehouse, Inc., Overland Park, KS.
- Noon Optimist Club of Kansas City, Kansas, Incorporated, Kansas City, KS.
- O. K. Real Estate & Auction Co., Inc., Wellington, KS.
- Opera House Foundation, Inc., Junction City, KS.
- Optimist Club of Wichita, Wichita, KS.
- Parkside Homes, Inc., Hillsboro, KS.
- Peerless Conveyor and Manufacturing Corporation, Kansas City, KS.
- PJ Enterprise Inc., Topeka, KS.
- Premium Beef Network, LLC, Ashland, KS.
- Roberson Construction Company, Inc., Silver Lake, KS.
- Rocking Leven, Inc., Belleville, KS.
- Roger Pavkov Associates, Inc., Salina, KS.
- Seabury Development Society, Winfield, KS.
- Second Story, Inc., Wichita, KS.
- Shawn Sign Service Inc., Wichita, KS.
- State Security Services, Wichita, KS.
- Stoneman Enterprises Inc., Overland Park, KS.
- Substance Abuse Assessment Center of Kansas, Inc., Wichita, KS.
- The Optimist Club of Northeast Wichita, Inc., Wichita, KS.
- Tower Plaza Investment, LLC, Bala Cynwyd, PA.
- Trend Properties, Inc., Olathe, KS.
- United Way of Dickinson County, Inc., Abilene, KS.
- USA Athletes International, Inc., Olathe, KS.
- Veterans of Modern Warfare Chapter 1, Inc., Kansas City, MO.
- Wichita Black Arts Festival Association, Wichita, KS.
- YOM7 Inc., Spring Hill, KS.

**Foreign Corporations**

- Brady & Horne Company, Jackson, TN.
- Camelot Cove, Inc., Larned, KS.
- Global Net Access Inc., Pearl River, NY.
- Heart of America, Minneapolis, MN
- Levi Strauss Global Fulfillment Services, Inc., San Francisco, CA
- Morgan Stanley & Co. Incorporated, New York, NY.
- National Marrow Donor Program, Minneapolis, MN.
- National Sunroom Association, Topeka, KS.
- NLC, Houston, TX.
- Robert & Williams Inc., York, NE.
- Sloan Acquisition Corporation, Kansas City, MO.
- Southstar Funding, LLC, Atlanta, GA.
- Sterling Textile & Drapery, Inc., Sikeston, MO.
- Sunset Direct Lending, LLC, Lake Oswego, OR.
- Terry Land Development, Inc., Paducah, KY.
- The Dunlap Company - Texas, Fort Worth, TX.
- Tremor, LLC, Provo, UT.
- Trump Mortgage, LLC, New York, NY.

Ron Thornburgh  
Secretary of State

Doc. No. 035991

## State of Kansas

**Secretary of State****Executive Appointments**

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

**Dickinson County Register of Deeds**

**Jill Freeman**, 1301 Meadowlane, Abilene, 67410. Succeeds Linda Jones, resigned.

**State Board of Accountancy**

**Paul S. Allen**, 2740 N. North Shore, Wichita, 67205. Term expires July 31, 2011. Reappointed.

**Kent Smoll**, 1306 Evans Place, Dodge City, 67801. Term expires July 31, 2011. Reappointed.

**Kansas Agricultural Remediation Board**

**Larry S. Shivers, Chair**, 636 D E. Shipton Road, Salina, 67401. Term expires March 15, 2012. Reappointed.

**Athletic Commission**

**Dan Pratt**, 16561 Meadowlark, Bonner Springs, 66012. Term expires June 30, 2012. Reappointed.

**State Banking Board**

**Michael R. Downing**, 1503 Lakeview St., Ellis, 67637. Term expires March 15, 2011. Succeeds Michael D. Stevens.

**Melvin Minor**, 1338 N.E. 10th St., Stafford, 67578. Term expires March 15, 2011. Reappointed.

**Winton A. Winter, Jr.**, 737 Indiana, Lawrence, 66044. Term expires March 15, 2011. Reappointed.

**Kansas Bioscience Authority**

**John W. Carlin**, 1208 Wyndham Heights Drive, Manhattan, 66503. Term expires March 15, 2012. Reappointment.

**Sandra Lawrence**, 2809 W. 117th St., Leawood, 66211. Term expires March 15, 2012. Reappointment.

**Central Interstate Low-Level Radioactive Waste Commission**

**Shari Feist-Albrecht**, 3121 S.W. Tutbury Town Road, Topeka, 66614. Serves at the pleasure of the Governor. Succeeds Joseph Harkins.

**State Civil Service Board**

**Correne K. Greene**, 7707 E. Central, #1, Wichita, 67206. Term expires March 15, 2010. Succeeds Glen Fisher.

**Robert B. Van Cleave**, 13327 W. 113th St., Overland Park, 66210. Term expires March 15, 2010. Succeeds William Dean.

**Kansas Dental Board**

**Denise A. Maus**, 1334 N. Coach House, Wichita, 67235. Term expires April 30, 2012. Reappointed.

**Dr. Richelle Jane Roy**, 1561 S.W. Lakeside Drive, Topeka, 66604. Term expires April 30, 2012. Reappointed.

**Coordinating Council on Early Childhood Developmental Services**

**Dr. Linda M. Mitchell, Chairperson**, 1741 N. Bryon, Wichita 67212. Term expires June 30, 2009. Reappointed.

**State Board of Indigents' Defense Services**

**Lawrence P. Daniels**, 1501 Ave. A, Dodge City, 67801. Term expires January 15, 2009. Reappointment.

**Information Technology Executive Council**

**Mark M. Biswell**, 8010 S.W. 23rd Terr., Topeka, 66614. Term expires October 10, 2008. Succeeds Carol McCoy.

**John E. Fitzgerald**, 4125 S.W. Woodbury Court North, Topeka, 66606. Term expires October 10, 2008. Reappointed.

**Dan Strom**, 3201 W. 69th Ave., Manhattan, 66503. Term expires October 10, 2008. Reappointed.

**Richard L. Vogt**, 524 Meadowlark Lane, Newton, 67114. Term expires October 10, 2008. Reappointed.

**State Board of Nursing**

**Janice S. McCart**, 1818 Harvey Court, Colby, 67701. Term expires June 30, 2012. Reappointed.

**Dr. Mary Carol Pomatto**, 309 W. Craig, Pittsburg, 66762. Term expires June 30, 2012. Succeeds Jean Sheverbush.

**Serena Stutzman**, 12045 S. Homestead Lane, Olathe, 66061. Term expires June 30, 2012. Succeeds Judith Hiner.

**Pooled Money Investment Board**

**Norman B. Dawson**, 2100 Cedar Ridge Drive, Leavenworth, 66048. Term expires March 15, 2012. Reappointed.

**Public Employee Relations Board**

**Kenneth W. Gorman**, 1142 S.W. Kent Place, Topeka, 66604. Term expires March 15, 2011. Reappointed.

**Respiratory Care Council**

**Mavis Glenn**, 5616 S.W. 19th St., Topeka, 66604. Term expires February 28, 2010. Succeeds Lloyd Culbertson.

**Grace A. Marion**, 1367 E. 2076 Road, Eudora, 66025. Term expires February 28, 2010. Reappointed.

**State Employee Pay Plan Oversight Committee**

**Jane Carter**, 1301 S.W. Topeka Blvd., Topeka, 66612. Serves at the pleasure of the Governor.

**Kathy J. Greenlee**, Secretary of Aging, 503 S. Kansas Ave., Topeka, 66603. Serves at the pleasure of the Governor.

**Kansas State Fair Board**

**Charles Craig**, 5812 132nd Road, Winfield, 67156. Term expires March 15, 2011. Reappointed.

**Jeff H. Deeds**, 1416 Arcade, Goodland, 67735. Term expires March 15, 2011. Reappointed.

**Michael Gaskill**, 1505 Tulane Ct., Liberal, 67905. Term expires March 15, 2011. Reappointed.

**State Board of Technical Professions**

**George P. Barbee**, 83 Pepper Tree Lane, Topeka, 66611. Term expires June 30, 2012. Reappointed.

**Steven Brosemer**, 1512 W. 6th Ave., Suite 1, Emporia, 66801. Term expires June 30, 2012.

**George R. Dean**, 2646 Exchange Place, Wichita, 67217. Term expires June 30, 2012. Reappointed.

**Richard L. Moberly**, 32324 W. 91st St., De Soto, 66018. Term expires June 30, 2012. Reappointed.

**Thomas E. Mulinazzi**, 4010 Learned Hall, University of Kansas, Lawrence, 66045. Term expires June 30, 2012. Reappointed.

**Wendy Ornelas**, 2809 Marque Hill Road, Manhattan, 66502. Term expires June 30, 2012.

**Timothy R. Sloan**, 208 West St., Riley, 66531. Term expires June 30, 2012. Reappointed.

**University of Kansas Hospital Authority**

**Robert W. Honse**, 1533 Fountain Drive, Lawrence, 66047. Term expires March 15, 2010. Reappointed.

Ron Thornburgh  
Secretary of State

Doc. No. 035992

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

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, August 16, in classrooms A and B in the Kansas Museum of History on the grounds of the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider the following properties for listing in the National Register of Historic Places and/or the Register of Historic Kansas Places:

**National Register of Historic Places**

- Northeast Junior High School — 400 Troup Ave., Kansas City, Wyandotte County  
Nominated as part of the "Historic Public Schools of Kansas" MPS
- Persons Barn & Granary — 2103 Highway 18 (Zeandale Road), Manhattan vicinity, Riley County  
Nominated as part of the "Historic Agriculture-Related Resources of Kansas" MPS
- Teske Farmstead — 20795 Major Jenkins Road, Onaga vicinity, Pottawatomie County  
Nominated as part of the "Historic Agriculture-Related Resources of Kansas" MPS
- Elliason Barn — 147 Highway 4, Gypsum vicinity, Dickinson County  
Nominated as part of the "Historic Agriculture-Related Resources of Kansas" MPS
- Thornburg Farm — County Road A .5 mile west of D Road, Utica vicinity, Ness County  
Nominated as part of the "Historic Agriculture-Related Resources of Kansas" MPS
- Shafer Barn — .25 mile north of CR 80E & 50S, Hoxie vicinity, Sheridan County

Nominated as part of the "Historic Agriculture-Related Resources of Kansas" MPS

- Brown Barn — 5879 CR4300, Independence vicinity, Montgomery County  
Nominated as part of the "Historic Agriculture-Related Resources of Kansas" MPS
- St. Joseph's Church and Parochial School — 210 & 217 W. 13th St., Hays, Ellis County
- Ranson Hotel — 4918 E. Main, Medora, Reno County
- Farmers State Bank — 101 S. Main, Lindsborg, McPherson County
- Elizabeth McLean Residence - 2359 N. McLean, Wichita, Sedgwick County  
Nominated as part of the "Residential Resources of Wichita, Sedgwick County, KS" MPS
- St. John African Methodist Episcopal Church — 701 S.W. Topeka Blvd., Topeka, Shawnee County
- Graham, Seward, House — 115 Miami St., Hiawatha, Brown County
- Lion Block — 216 W. Main, Ness City, Ness County
- Shimanek Barn — 1806 220 Road, Munden, Republic County  
Nominated as part of the "Historic Agriculture-Related Resources of Kansas" MPS
- Hanway, Judge James, House — Lane vicinity, Franklin County
- First Congregational Church — 700 Poyntz Ave., Manhattan, Riley County
- Beckett, Charles K., House — 210 W. Main St., Sterling, Rice County, KS
- Kiowa County Courthouse — 211 E. Florida, Greensburg, Kiowa County
- Robinette Building — 148 S. Main, Greensburg, Kiowa County

**Proposed Relocation of National Register-listed Structure**

- Sand Creek Truss Leg Bedstead Bridge — Road Y, .5 mile west of intersection with Route 283, Lenora vicinity, Norton County

**Register of Historic Kansas Places**

- Paola Free Library — 101 E. Peoria, Paola, Miami County
- Paola City Hall - 19 E. Peoria, Paola, Miami County

Persons needing special accommodations should contact the Cultural Resources Division of the Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext., 240, at least two weeks prior to the meeting to discuss how the board can ensure participation.

Jennie Chinn  
Executive Director

Doc. No. 035990

## State of Kansas

**Department of Health  
and Environment**

**Notice of Hearing**

The Kansas Department of Health and Environment is proposing to revise the State of Kansas Implementation Plan for the Attainment and Maintenance of National-Ambient Air Quality Standards. The hearing for this action will be at 10 a.m. Wednesday, August 20, in Room 530, Curtis State Office Building, 1000 S.W. Jackson, Topeka. Specifically, KDHE is proposing to adopt the Kansas Regional Haze Plan. This SIP revision fulfills the requirements of Section 169A (b)(2) of the Clean Air Act, which requires states to address the impacts of regional haze in mandatory federal Class I areas. The SIP revision contains the requirements for best available retrofit technology (BART) and outlines the reasonable progress goals and long-term emissions reduction strategy to reduce visibility impairment in Class I areas of neighboring states.

This proposed SIP revision does not include any rule-making action. Details concerning this revision can be obtained by contacting Erika Stanley, KDHE, Bureau of Air and Radiation, at (785) 296-1994. Copies of the proposed plan also may be viewed at the following locations: Department of Air Quality, Unified Government of Wyandotte County - Kansas City, Kansas Health Department, 619 Ann Ave., Kansas City, Kansas; Johnson County Environmental Department, 11811 S. Sunset Drive, Suite 2700, Olathe; KDHE Northwest District Office, 2301 E. 13th, Hays; KDHE North Central District Office, 2501 Market Place, Suite D, Salina; KDHE Northeast District Office, 800 W. 24th, Lawrence; KDHE Southeast District Office, 1500 W. 7th, Chanute; Wichita-Sedgwick County Dept. of Community Health, 1900 E. 9th, Wichita; KDHE Southwest District Office, 302 W. McArtor Road, Dodge City; and Curtis State Office Building, 1000 S.W. Jackson, Suite 310, Topeka. The plan also is posted on the Bureau of Air and Radiation's Web site at <http://www.kdheks.gov/bar/index.html>.

Comments from the interested public should be addressed to the Kansas Department of Health and Environment, Bureau of Air and Radiation, Attention: Erika Stanley, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Comments must be received by the Bureau of Air and Radiation not later than the close of business August 20 to assure full consideration of this proposed revision to the SIP.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed plan in accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Erika Stanley at (785) 296-1994.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 036003

## State of Kansas

**Department of Health  
and Environment**

**Notice of Hearings**

The Kansas Department of Health and Environment has prepared eight Total Maximum Daily Loads (TMDLs) for lakes in the Neosho, Verdigris and Walnut River Basins that are impaired by not meeting state water quality standards. These TMDLs address impairment issues that KDHE has identified with the help of the Basin Advisory Committees and represent the second round of TMDLs for waters in the Verdigris and Walnut basins since 2002 and the third round of TMDLs for waters in the Neosho basin since 2002 and 2005.

The TMDLs subject to public review are:

**Neosho Basin**

1. Council Grove Lake — Eutrophication revision
2. Marion Lake — Eutrophication revision

**Verdigris Basin**

3. Big Hill Lake — Eutrophication
4. Elk City Lake — Eutrophication bundled with siltation
5. Eureka Lake — Eutrophication bundled with siltation
6. Fall River Lake — Eutrophication bundled with siltation and dissolved oxygen
7. Toronto Lake — Eutrophication bundled with siltation and dissolved oxygen

**Walnut Basin**

8. Winfield City Lake — Eutrophication

Public hearings to take testimony from interested parties will be conducted as follows:

**Tuesday, July 22 — Walnut Basin**

5 to 5:30 p.m. at the Ridge Restaurant, Winfield

**Wednesday, July 23 — Verdigris Basin**

Noon to 1 p.m. at the Housing Authority Building, Neodesha

**Thursday, July 24 — Neosho Basin**

Noon to 1 p.m. at the Coffey County Courthouse, Burlington

The first portion of the hearing will be a briefing by the Watershed Planning Section, outlining each of the TMDLs. Public comments and queries regarding these TMDLs will be taken by KDHE until August 22. After reviewing the public comments, KDHE will make any appropriate revisions to the TMDLs and will submit them to Region VII of the U.S. Environmental Protection Agency.

These TMDLs are available for review at the Kansas Department of Health and Environment TMDL Web site at <http://www.kdheks.gov/tmdl/index.htm>. Additionally, copies of the TMDLs can be obtained by contacting the Bureau of Water, Watershed Planning Section, at (785) 296-6170.

Requests or questions should be directed to Tom Stiles, KDHE, Watershed Planning Section, 1000 S.W. Jackson,

Suite 420, Topeka, 66612-1367, (785) 296-6170, fax (785) 291-3266, or e-mail at [tstiles@kdhe.state.ks.us](mailto:tstiles@kdhe.state.ks.us).

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 035600

## State of Kansas

### Department of Health and Environment

#### Annual Program Report for the Voluntary Cleanup and Property Redevelopment Program

Activities from January 1, 2007 to December 31, 2007

#### Background

The Voluntary Cleanup and Property Redevelopment Act was enacted by the Kansas Legislature on July 1, 1997 (Kansas Statutes Annotated 65-34,161 through 65-34,174). The purpose of the Act is to allow voluntary cleanups of contaminated properties with oversight by the Kansas Department of Health and Environment to promote the transfer, redevelopment, and reuse of contaminated properties and protect public health and the environment. Article 71 of Kansas Administrative Regulations, specifically K.A.R. 28-71-1 through 28-71-12, was promulgated on June 26, 1998, officially establishing the Voluntary Cleanup and Property Redevelopment Program (VCPRP). The law and program are administered by the Kansas Department of Health and Environment (the "Department").

Under the VCPRP, voluntary parties with properties meeting the statutory criteria of low to medium priority and minimal risk can receive a "no further action" (NFA) determination from the Department. An NFA provides some protection from potential environmental liability. Properties that are adjacent to contaminated sites but did not contribute to the contamination may also receive a no further action determination. The VCPRP uses a streamlined approach to investigate and cleanup properties in an expeditious manner, thereby encouraging the redevelopment or enhancement of such properties. Clearly defined cleanup standards identifying the extent of cleanup have been developed and are provided to the voluntary party early in the program so that time and costs involved in cleanup can be determined. The VCPRP is truly voluntary and is designed for industries and businesses to properly address contamination on their properties through a private/state partnership. There are no additional burdens or requirements on voluntary parties participating in the program.

A Memorandum of Agreement (MOA) between KDHE and Region VII of the United States Environmental Protection Agency became effective March 2, 2001. The MOA provides USEPA's acknowledgment of the adequacy of Kansas' VCPRP program and also provides assurances to voluntary parties that there will be no federal involvement at properties properly addressed within the VCPRP. The additional assurance from USEPA enhances the De-

partment's actions in issuing an NFA determination letter in terms of relieving environmental liability.

#### Report Summary

In accordance with K.S.A. 65-34,173, the Department shall publish annually in the Kansas Register a summary of the number of applicants, the general categories of those applicants and the number of cleanups completed pursuant to this act. This annual report describes the activities accomplished by the Department in the VCPRP for the period of January 1, 2007 to December 31, 2007.

Since the inception of the Voluntary Cleanup Program on July 1, 1997, the Department has received a total of 491 completed application packages of which 481 properties have been determined eligible to participate in the program. A total of 469 voluntary agreements have been signed. Investigations have been initiated and/or completed at 408 properties. Currently, 169 properties are in one of three cleanup phases: the preliminary proposal stage, planning stage, or the active cleanup stage. Cleanups have been successfully completed at 48 properties. To date, the Department has issued a total of 152 NFA letters, achieving cleanup of 1,671.54 acres.

A total of 62 applications have been received by the VCPRP during calendar year 2007. The monthly average of new applications received by the Department during 2007 was 5 applications per month, which is an increase over the 42 applications received in 2006 (3.5 per month). The number of applications received by the VCPRP each year has generally shown a slight increase except for 2005. Although it is difficult to predict future trends, there is no apparent reason to expect the number of applications submitted per year to change significantly.

NFAs are issued for properties at various points in the VCPRP process, including: 1) following cleanup of contamination; 2) following investigation that indicates no, or insignificant, contamination present; and 3) when a property is impacted but the contamination is determined to have originated from an off-property source. Since the inception of the VCPRP, approximately 15 NFAs have been issued per year. The number of NFAs issued by the Department for the 2007 calendar year was 13, which is a slight decrease relative to the overall average.

Approximately 76% of the properties participating in the VCPRP are from three industrial categories, including the oil and gas industry (29% of the total), manufacturing (21%) and agri-business (26%). Participation by other categories includes commercial (12%), railroad (7%), government (2%) and private citizen (3%). Approximately 80% of all properties participating in the VCPRP involve groundwater contamination, which typically requires years to complete cleanups.

Tables 1 and 2 below summarize the number of applicants, the general categories of those applicants and the number of voluntary actions completed pursuant to K.S.A. 65-34,161 through 65-34,174. Figure 1 depicts the cumulative voluntary actions within the VCPRP, and Figure 2 depicts the percentage of applications received relative to applicant category.

(continued)

**TABLE 1  
SUMMARY OF VOLUNTARY APPLICATIONS**

Applicant Category	Contaminant Class Category*				Total Applications
	Class I	Class II	Class III	Class IV	
Agri-Business	0	14	46	66	126
Industry	12	12	48	29	101
Commercial	23	7	23	6	59
Oil/Gas Related	1	22	71	51	145
Governmental Entity	1	5	4	1	11
Private Citizen	7	4	2	1	14
Railroad Related	0	1	19	15	35
<b>Class Category Total</b>	<b>44</b>	<b>65</b>	<b>212</b>	<b>170</b>	<b>491</b>

**TOTAL APPLICATIONS: 491**

**\*Definition of Classes:**

*Class I* - means suspected or confirmed contamination is determined to exist on the eligible property, and the eligible property is not a source of contamination or is located adjacent to a property with a known source of contamination.

*Class II* - means suspected or confirmed soil contamination is determined to exist on the eligible property, there is no known or suspected soil contamination emanating off the eligible property and there is no known or suspected ground water contamination.

*Class III* - means suspected or confirmed soil or ground water contamination, or both, is determined to exist on the eligible property, and there is no known or suspected soil or ground water contamination that has migrated off the eligible property.

*Class IV* - means suspected or confirmed soil or ground water contamination, or both, and the contamination exists on and off the eligible property.

**TABLE 2  
SUMMARY OF VOLUNTARY ACTIONS**

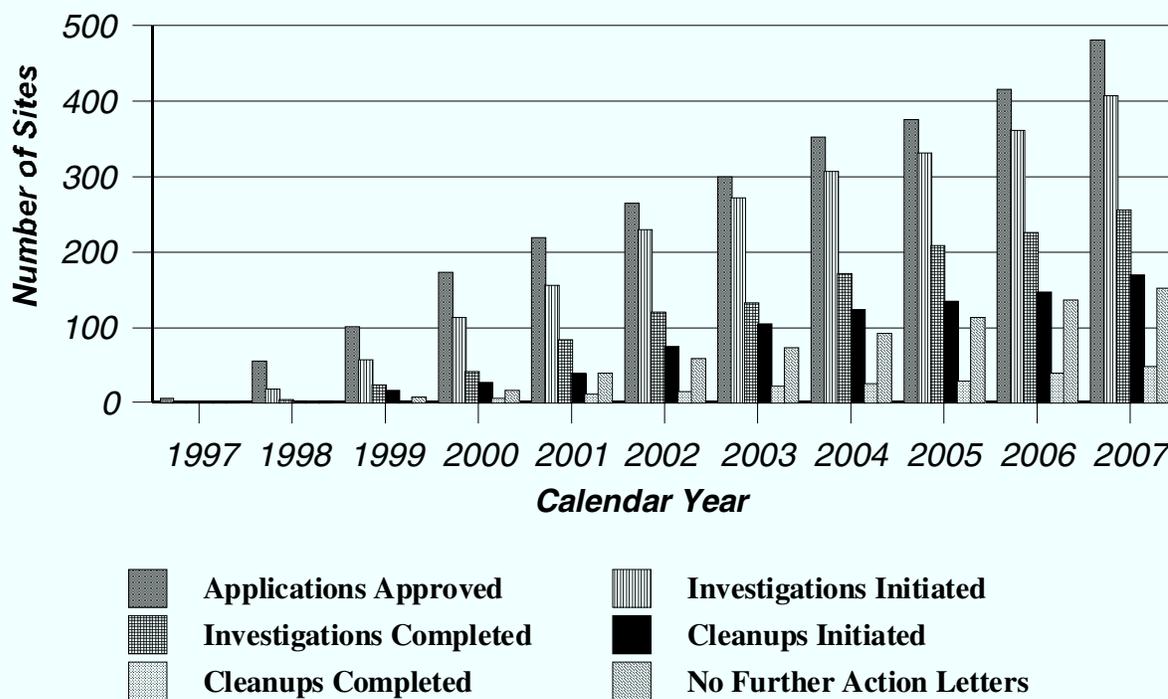
Cumulative Voluntary Action Totals

Type of Voluntary Action	2007	2006*	2005*	2004*	2003*	2002*	2001*	2000*	1999*	1998*	1997*
Applications Denied/Withdrawn	24	13	10	10	9	5	4	2	1	1	0
Applications in Review	0	9	4	0	2	0	4	0	3	0	0
Applications Approved	481	416	376	353	300	265	219	173	100	56	6
Voluntary Agreements Signed	469	409	372	341	298	259	206	162	96	46	3
Vol. Investigations Initiated	408	362	331	306	271	230	156	114	57	19	0
Vol. Investigations Completed	255	226	208	171	133	121	83	41	23	5	0
Voluntary Cleanups Initiated	169	147	135	124	104	74	39	27	17	3	0
Voluntary Cleanups Completed	48	40	29	25	21	15	11	6	2	0	0
<b>No Further Actions Issued **</b>	<b>152</b>	139	113	92	69	58	38	16	7	3	0

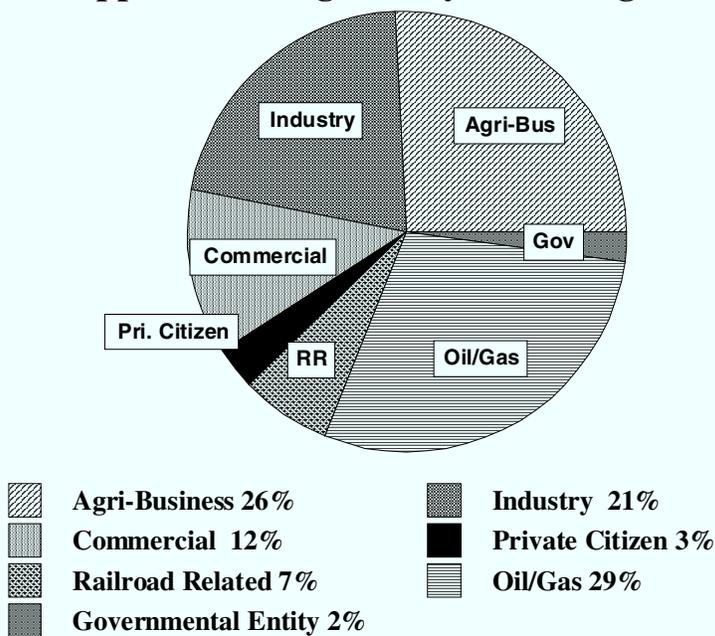
\* From Annual Report to Legislature for respective year.

\*\* Cumulative Totals Revised as of 12-31-07.

**Figure 1 - Voluntary Actions**



**Figure 2 - Applicant Categories by Percentage of Participation**



Roderick L. Bremby  
Secretary of Health  
and Environment

State of Kansas

Department of Health and Environment

Annual Program Report for the Environmental Use Control Program

Activities from January 1, 2007 to December 31, 2007

Background

On April 21, 2003, Governor Sebelius signed House Bill 2247. This bill established the use of Environmental Use Controls (EUCs) for property with environmental contamination above unrestricted use standards. The Kansas Department of Health and Environment (KDHE) worked with a stakeholder committee in the fall of 2002 in developing the bill. This committee consisted of the following stakeholders: Kansas Association of Counties, Sierra Club, Kansas Agricultural Remediation Board, Westar Energy, Kansas Agribusiness Retailers Association, Department of the Army, Kansas Natural Resource Council, Kansas Farm Bureau, Kansas Livestock Association, City of Wichita, Petroleum Marketers Association, Kansas Petroleum Council and KDHE. The bill was introduced during the 2003 Legislature and was subsequently passed by the House 111 to 12 and the Senate 34 to 0. House Bill 2247 became law on July 1, 2003. New Sections of HB 2247 are now referred to as Kansas Statutes Annotated 65-1,221 through 65-1,235.

Subsequently, as required by K.S.A. 65-1,232, the secretary of KDHE adopted rules and regulations to implement the provisions of the act. KDHE presented draft regulations (K.A.R. 28-73-1 through K.A.R. 28-73-7), including the financial assurance guidance document entitled *Procedures for Demonstrating Financial Assurance at Property with Environmental Use Controls* to the Legislative Joint Committee on Administrative Rules and Regulations on January 9, 2006. In response to comments received, K.A.R. 28-73-7 was modified slightly and resubmitted to the Department of Administration and the Attorney General's office for approval. The revised regulations were published in the March 23, 2006 edition of the Kansas Register and went into effect on April 7, 2006.

EUCs are commonly known as institutional controls to be used in conjunction with environmental cleanup to restrict or prohibit human activities and property use in such a way as to prevent or reduce exposures to contamination. Some examples of environmental use controls include preventing disturbance of soil caps, covers, berms, etc.; prohibiting the drilling of water wells for domestic or other purposes; restricting and providing notification during utility excavation of an area; restricting use of a property for residential purposes; and, restricting access to the property.

The law provides a mechanism for a landowner with contaminated property to voluntarily restrict certain activities to mitigate the risk posed to human health and the environment from contamination at their property. The landowner would apply to KDHE for such restrictions. The EUC Program is managed within the KDHE's Bureau of Environmental Remediation (BER).

Report Summary

This annual report describes the activities accomplished by the EUC Program for the period of January 1, 2007 to December 31, 2007. In addition, as required by K.S.A. 65-1,233, KDHE will publish an annual summary in the Kansas Register of the number of approved EUC Agreements (EUCAs).

During the reporting period, KDHE staff focused on further development and implementation of the EUC Program utilizing federal grant funding. Program staff routinely responded to inquiries from the industry and consultants regarding the program. In addition, program staff routinely provided support to other KDHE programs to foster understanding of the EUC program and encourage integration of EUCs, where applicable, in the corrective or remedial action process. Program staff attended the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Long-Term Stewardship Roundtable and Training in early April 2007. In addition, program staff gave a presentation regarding the EUC program at the 2007 Kansas Environmental Conference in August 2007. During the reporting period, the application and companion fact sheet were updated and posted on the KDHE web site, plus a newsletter article and a program brochure were developed and distributed to educate the general public about the program. Notably, this was a year of staffing transition with a key program staff person retiring in June 2007 and the position eventually filled in October 2007.

Twenty-two EUC applications were received by KDHE from landowners of environmentally contaminated property in 2007 and processed in accordance with the statutes and regulations. Landowners formally recorded EUCAs with the appropriate county Register of Deeds on thirteen properties. Of the remaining EUC applications received in 2007, either final EUCAs have been sent to landowners for signature/recording; draft EUCAs have been prepared and are in concurrence routing; or the EUC application is in various stages of the application review/completion process before drafting an EUCA. KDHE anticipates formal recording of many of the 2007 EUCAs in the near future. In general, the agency anticipates a continued increase in EUC applications in 2008 as awareness of program benefit and utility increases.

Term	Number of Applications Received
*July 1, 2003, to December 31, 2003	2
January 1, 2004, to December 31, 2004	4
January 1, 2005, to December 31, 2005	16
January 1, 2006, to December 31, 2006	20
January 1, 2007, to December 31, 2007	22 (as of December 28, 2007)

\* Inception of the program.

Roderick L. Bremby  
Secretary of Health and Environment

Doc. No. 035996

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-08-249/255  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Kansas Dairies I, LLC dba Frontier Dairy Eric Goedhart, Managing Partner 11501 S.W. County Road 31 Syracuse, KS 67878	E/2 of Section 31 & SW/4 of Section 31, T25S, R42W, Hamilton County	Cimarron River Basin
Kansas Permit No. A-CIHM-D002 Federal Permit No. KS0094366		

This is an expansion for an existing dairy facility. The permittee is proposing to construct an area of open lots with runoff controls to the west of the existing dairy units and an additional commodities storage area to the east of the existing dairy units. The permittee is required to construct a collection system for the equipment wash pad. The modifications increase the current animal unit capacity of 7,150 head (9,110 animal units) to a new capacity of 16,050 head (16,440 animal units) of dairy cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Prairie Valley Farms, LLC Theodore H. Frederick P.O. Box 208 Hugoton, KS 67951	E/2 of Section 28 & W/2 of Section 33, T34S, R40W, Morton County	Cimarron River Basin
Kansas Permit No. A-CIMT-H005 Federal Permit No. KS0093181		

This is a renewal permit for an existing facility for 43,200 head (17,280 animal units) of swine weighing more than 55 pounds. The swine are divided equally among the facility's four locations - Site 208, Site 210, Site 214 and Site 216. Each location has 10 enclosed buildings. Site 208 and Site 210 share a retention control structure (RCS) and Site 214 and Site 216 share a RCS.

Name and Address of Applicant	Legal Description	Receiving Water
Rolling Hills Pork LLC Pete Sherlock, DVM 312 N. B St. Washington, KS 66968	SW/4 of Section 25, T01S, R03E, Washington County	Big Blue River Basin
Kansas Permit No. A-BBWS-H008 Federal Permit No. KS0096784		

This permit is being reissued to an existing swine facility with a capacity for 3,005 head (1,202 animal units) of swine more than 55 pounds

and 4,050 head (405 animal units) of swine 55 pounds or less, for a total of 1,607 animal units. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Kenneth N. Gasper Box 131 Tipton, KS 67485	NE/4 of Section 35, T08S, R11W, Osborne County	Solomon River Basin
Kansas Permit No. A-SOQB-B011		

This permit is being reissued for an existing facility with a maximum capacity of 250 head (125 animal units) of cattle less than 700 pounds. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Joseph F. Wetter 1308 Pony Express Hwy. Marysville, KS 66508	SW/4 of Section 30, T02S, R08E, Marshall County	Big Blue River Basin
Kansas Permit No. A-BBMS-S050		

This is a reissuance of a permit for an existing facility for 520 head (208 animal units) of swine weighing greater than 55 pound and 250 head (25 animal units) of swine weighing 55 pounds or less, for a total of 233 animal units of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Cooper Farms Dwight Cooper 743 1000 Road Edna, KS 67342	SW/4 of Section 11, T35S, R18E, Labette County	Verdigris River Basin
Kansas Permit No. A-VELB-S001		

This is a reissuance of a permit for an existing facility for 500 head (200 animal units) of swine weighing greater than 55 pounds and 200 head (20 animal units) of swine weighing 55 pounds or less, for a total of 220 animal units of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Goertzen Farms, LLC Steven B. Goertzen, member 1040 Falcon Newton, KS 67114	SW/4 of Section 18, T21S, R02E, Marion County	Neosho River Basin
Kansas Permit No. A-NEMN-S021		

This is a reissuance of a permit for an existing facility for 738 head (295.2 animal units) of swine weighing greater than 55 pounds, 480 head (48 animal units) of swine weighing 55 pounds or less, 230 head (230 animal units) of cattle weighing greater than 700 pounds and 120 head (60 animal units) of cattle weighing less than 700 pounds, for a total of 633.2 animal units of swine and cattle.

Public Notice No. KS-Q-08-141/146

Name and Address of Applicant	Receiving Stream	Type of Discharge
APAC - Kansas, Inc. - Shears Division P.O. Box 1605 Hutchinson, KS 67504	Neosho River via Eagle Creek via Fourmile Creek	Pit Dewatering & Stormwater Runoff
Kansas Permit No. I-NE33-PO01 Federal Permit No. KS0086657		

Legal Description: NE¼, S3, T21S, R13E, Lyon County

Facility Name: Hartford/Nelson Quarry  
Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry operation with some washing. All wash-water is recycled via settling ponds and does not discharge. Outfalls 001 and 002 consist of stormwater runoff only. The proposed permit includes generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan (SWP2 Plan) within one year of the effective date of the permit. The permit requirements are pursuant to the

(continued)

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
Ash Grove Aggregates, Inc. P.O. Box 70 Butler, MO 64730	Marais des Cygnes River via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC18-PO05 Federal Permit No. KS0089141

Facility Name: Amsterdam/LaCygne Quarry

Legal Description: NE¼, S23, T19S, R25E, Linn County

Facility Description: The proposed action is to modify an existing permit for the discharge of wastewater during quarry operation. The modification consists of eliminating Section 34, Township 19S, Range 25E, from quarry activities. All other terms, conditions and provisions of the original permit shall remain in effect.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Herzog Contracting Corporation P.O. Box 1089 St. Joseph, MO 64507	Missouri River via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MO23-PO01 Federal Permit No. KS0002780

Legal Description: NW¼, S15, T3S, R22E, Doniphan County

Facility Name: Wathena Quarry

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarrying and crushing operation that occasionally washes rock. Washwater is treated by two ponds in series. However, these ponds do not discharge and the washwater is recycled. This facility also has four outfalls that consist of treated stormwater runoff. The proposed permit includes 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
Mulberry Limestone Company 325 N. 260th St. Mulberry, KS 66756	Neosho River via Lightning Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-NE12-PO03 Federal Permit No. KS0093084

Legal Description: NW¼, S30, T30S, R24E, Crawford County

Facility Name: Pittsburg Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is a limestone quarrying operation with no washing. Outfall 001 consists of pit dewatering and stormwater runoff. The proposed permit includes 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
Wade Quarries P.O. Box 38 LaCygne, KS 66080	Marais des Cygnes River via Elm Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC18-PO10 Federal Permit No. KS0097322

Legal Description: S32, T19S, R23E, Linn County

Facility Name: Cadmus Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is a limestone quarrying operation with some washing. Outfall 001 consists of treated washwater from three settling ponds in series that receive washwater and stormwater runoff from the plant area. The proposed permit contains limits for total suspended solids and pH. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan (SWP2 Plan) within one year of the effective

date of the permit. The 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
Department of Army Headquarters Directorate of Environment & Safety 407 Pershing Court Fort Riley, KS 66442-6121	Kansas River Basin	Process Wastewater

Kansas Permit No. F-KS97-PO02 Federal Permit No. KS0096598

Receiving Stream: Outfall 001X1: Three Mile Creek via Forsythe Creek  
Outfall 004: Three Mile Creek via Unnamed Tributary  
Outfall 005: Three Mile Creek via Unnamed Tributary

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. A rock borrow area (quarry) is being added to the permit, in addition to continuation of the permit for: (1) an existing Advanced Waste Water Treatment Plant (AWWTP) that treats wastewater from the Custer Hill, Main Post and Camp Forsyth areas; (2) a Central Vehicle Wash Facility (CVWF) discharging lagoon system; (3) a Multipurpose Range Complex nondischarging domestic lagoon system; and (4) industrial stormwater discharges at various locations within the base boundary. Fort Riley is a military installation consisting of activities and facilities for housing, training, and supporting trained and ready forces to meet Joint Force requirements. The AWWTP influent, consisting of domestic wastewater, vehicle maintenance area wastewater, aircraft maintenance area wastewater, silver recovery effluent from spent photo fixer, medical facility wastewater, and cooling tower heat exchanger wastewater is treated in bar screens, an oxidation ditch, two secondary clarifiers, two UV channels through two flow meters and a cascade aeration system. Sludge is directed to an aerated holding tank, a gravity belt thickener, three aerobic digesters, a digested sludge holding tank and a belt filter press. Design flow is about 2.35 mgd. Outfall 004A Custer Hill Wash Facility - Central Vehicle Wash Facility (CVWF) consists of three stages: a pre-wash assembly area, a bird-bath, and a post-wash area. The bird-bath is connected to a two-cell concrete basin and an oil water separator. Post wash is connected to a separate concrete sediment basin. Overflow from the bird-bath and postwash basins discharges into cell #1 of the 4-cell lagoon system. The Tactical Equipment Shop (TES) wash rack systems are connected concrete basins each with an oil/water separator discharging into the old wash rack reservoir that discharges into cell #2 of the four-cell lagoon system. Outfall 005 consists of stormwater runoff from the quarry.

Multipurpose Range Complex wastewater lagoon - this is a nondischarging wastewater stabilization lagoon system that treats domestic wastes from units associated with the Multipurpose Range Complex.

The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, oil and grease, and pH. Monitoring of total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, sulfate, chloride, TPH-diesel range organics, total recoverable heavy metals, volatile organic chemicals and effluent flow also will be required. The permittee will be required to perform a chronic whole effluent toxicity test 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.

**Public Notice No. KS-NQ-08-029**

Name and Address of Applicant	Legal Description	Type of Discharge
Ellinwood Packing Plant, Inc. P.O. Box 425 Ellinwood, KS 67526	E½, S36, T19S, R23W, Barton County	Nonoverflowing

Kansas Permit No. I-AR32-NP01 Federal Tracking No. KSJ000519

Facility Description: The proposed action is to reissue an existing permit for an existing nonoverflowing wastewater system. This facility is a

slaughterhouse and meat packing plant. A weekly average of 150 hogs and 35 cattle are slaughtered. No curing of hides is done on site. Livestock holding pens drain through an underground holding tank into a bentonite lined waste stabilization lagoon No.1. Plant process wastewater and domestic waste are directed through a settling tank and a lift station and also flow into lagoon No.1. Overflow from lagoon No. 1 flows into (old) lagoon No. 2. Effluent from lagoon No. 2 is pumped out to irrigate the permittee's 10 acres of crop land. The average wastewater flow into the lagoon system is about 12,000 gpd. Permittee will be required to submit an annual land irrigation/application report. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

**Public Notice No. KS-PT-08-010**

Name and Address of Applicant	Receiving Facility	Type of Discharge
Elevator Solutions International Inc. Strother Field Industrial Park Arkansas City, KS 67005-0987	Strother Field WWTP	Process Wastewater

Kansas Permit No. P-WA17-IO03 Federal Tracking No. KSP000021  
 Facility Description: The proposed action is to reissue an existing pretreatment permit for this facility. This facility manufactures elevator cabs, doors, frames and fixtures, and mechanical door equipment. The facility operates a two-stage parts cleaning line, using a phosphating (conversion coating) process to prepare steel for paint. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH, as well as monitoring of effluent flow. The permit limits are pursuant to state and federal pretreatment requirements.

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

All comments regarding the draft documents or application notices received on or before August 16 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-08-249/255, KS-Q-08-141/146, KS-NQ-08-029, KS-PT-08-010) 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. 035999

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

**City of Kingman, Kansas**

**Notice of Intent to Seek Private Placement General Obligation Tax Increment Bond, Series 2008**

Notice is hereby given that the city of Kingman, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$425,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bond and the execution of various documents necessary to deliver the bonds.

Dated July 10, 2008.

Cindy Conrardy  
 City Clerk

Doc. No. 036002

**State of Kansas**

**Kansas State University**

**Request for Proposals**

Kansas State University is seeking proposals from cellular service providers or their representatives desiring to locate cellular antenna facilities on the K-State Manhattan campus at the corner of Marlatt Avenue and Denison Avenue. The intent of the university is to enter into individual site license agreements with qualified carriers that will enable the carriers to enhance their cellular coverage on the K-State Manhattan campus and surrounding area.

Qualified carriers should express interest to Carla Bishop at the K-State Purchasing Office by calling (785) 532-6214 or e-mail to [cbishop@ksu.edu](mailto:cbishop@ksu.edu) not later than noon August 15. Interested parties will be invited to a meeting (approximately August 22) on the K-State Manhattan campus to discuss specific details of the agreement with the university.

Carla K. Bishop  
 Director of Purchasing

Doc. No. 035993

State of Kansas

**State Conservation Commission**

**Notice of Meeting**

The State Conservation Commission will conduct a joint meeting with the Kansas Association of Conservation Districts August 4 at the Dodge House Hotel & Convention Center, 2408 W. Wyatt Earp Blvd., Dodge City. The regular business meeting of the commission will begin at approximately 8 a.m. and the joint meeting will follow. Persons requiring special accommodations should contact the commission at least three business days prior to the meeting at (785) 296-3600.

Greg A. Foley  
Executive Director

Doc. No. 035979

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

**Summary Notice of Bond Sale  
City of Marquette, Kansas  
\$465,000  
General Obligation Bonds, Series 2008  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated July 1, 2008, written and electronic bids will be received on behalf of the clerk of the city of Marquette, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 4 p.m. August 5, 2008, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated August 15, 2008, and will become due on October 1 in the years as follows:

Year	Principal Amount
2015	\$20,000
2016	20,000
2017	25,000
2018	25,000
2019	25,000
2020	30,000
2021	30,000
2022	35,000
2023	30,000
2024	35,000
2025	35,000
2026	40,000
2027	55,000
2028	60,000

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

**Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$9,300 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about August 15, 2008, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2007 is \$3,214,570. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$925,000, of which \$166,000 is exempt from the computation of the legal limitation of bonded indebtedness.

**Approval of Bonds**

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

**Additional Information**

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

**Written and Facsimile Bid and Good Faith Deposit**

**Delivery Address:**

Fred Peterson, Clerk  
113 Washington  
Marquette, KS 67464  
(785) 546-2205  
Fax (785) 546-2205  
E-mail: marquette@ks-usa.net

**Financial Advisor -Facsimile Bid and Good Faith**

**Deposit Delivery Address:**

Stifel, Nicholas and Company, Incorporated  
301 N. Main, Suite 800  
Wichita, KS 67202  
Attn: Patricia A. Hinojos  
(316) 337-8498  
Fax (316) 337-8492  
E-mail: hinojosp@stifel.com

Dated July 1, 2008.

City of Marquette, Kansas

Doc. No. 036007

**State of Kansas  
Board of Emergency Medical Services**

**Notice of Meetings**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, August 1, in the fourth floor auditorium in the Eisenhower State Office Building, 700 S.W. Harrison, Topeka. The committee meetings for the Planning and Operations Committee, the Education, Examination, Certification and Training Committee, and the Executive Committee will be at 9 a.m. Thursday, July 31, at the same location. The Investigations Committee will meet at 11 a.m. August 1 following the full board meeting.

Items on the agenda for the board meeting can be found on the board's Web site at <http://www.ksbems.org>.

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

Robert Waller  
Administrator

Doc. No. 036005

**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 June 2008. Copies can be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy and Research at (785) 296-3081.

**Private Letter Rulings**

No new publications

**Opinion Letters**

No new publications

**Final Written Determinations**

No new publications

**Revenue Rulings**

No new publications

**Notices**

No new publications

**Memorandums**

No new publications

**Property Valuation Division Directives**

No new publications

**Q&A's**

How are telephone answering services taxed in Kansas?

**Information Guides**

No new publications

Joan Wagnon  
Secretary of Revenue

Doc. No. 035988

**State of Kansas  
Board of Emergency Medical Services**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Monday, September 15, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed new rule and regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to manager of technician services, Room 1031, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Ann Stevenson at (785) 296-7296. Handicapped parking is located at the south end of Landon State Office Building, directly across the street from the building's north entrance, and on Ninth Street. The north entrance to the building is accessible to individuals with disabilities.

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

**K.A.R. 109-5-5. Retroactive approval of continuing education course.** This is a new regulation that clarifies the approval process for those emergency medical services attendants who have completed a continuing education course, whether in Kansas or another jurisdiction, that had not received prior approval to be used as a continuing education offering for emergency medical services attendants in the state of Kansas.

This new regulation benefits both those individuals wishing to attain continuing education credit for courses that were not approved for such at the time the course was conducted and the Kansas Board of Emergency Medical Services by providing guidelines for approval of such offerings.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Board of Emergency Medical Services, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-7296.

Robert Waller  
Administrator

Doc. No. 036008

## State of Kansas

## Board of Pharmacy

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, September 24, at the Topeka and Shawnee County Public Library, Room 101B, 1515 S.W. 10th Ave., Topeka, to consider amendments to K.A.R. 68-11-2 and K.A.R. 68-7-12b of the Kansas Pharmacy Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendments of K.A.R. 68-11-2 and K.A.R. 68-7-12b. All parties may submit written comments prior to the hearing to Debra Billingsley, executive secretary of the Kansas Pharmacy Board, Room 560, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231, [pharmacy@pharmacy.ks.gov](mailto:pharmacy@pharmacy.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the amendment of the regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the 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 Pharmacy Board at the address above, (785) 296-4056. Handicapped parking is located at the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

A summary of the proposed regulations follows:

**K.A.R. 68-11-2. Fees for premises registrations and permits.** This regulation identifies various registration and permit fees. A new registration fee of \$300 is proposed for each place of business that sells durable medical equipment.

**K.A.R. 68-7-12b. Incident reports.** This regulation identifies the information that shall be included in an incident report when a pharmacist becomes aware of a reportable incident. The regulation also specifies what constitutes a reportable incident and the recordkeeping requirements regarding an incident report.

Copies of the regulations and the economic impact statements may be obtained from the Kansas Pharmacy Board at the contact information above or by accessing the board's Web site at <http://www.accesskansas.org/pharmacy/leg.html>.

Debra Billingsley  
Executive Secretary

Doc. No. 035995

## 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:

07/29/2008	11499	Raze Dormitory Buildings
07/30/2008	11503	Maintenance of Highway Lighting
07/30/2008	11507	Ice and Snow Removal Chemicals
07/30/2008	11510	Physical Therapy Services
07/30/2008	11512	Physical Therapy and Occupational Services
07/30/2008	11513	Aggregate

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

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

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

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

Chris Howe  
Director of Purchases

Doc. No. 036006

## State of Kansas

## Real Estate Commission

Temporary Administrative  
Regulations

## Article 3.—PERSONS HOLDING LICENSES; DUTIES

**86-3-19. Disclosure of interest in property purchased, sold, leased, or exchanged.** (a) A licensee shall not buy, sell, lease, or exchange real estate in which the licensee, an immediate family member of the licensee, or both the licensee and an immediate family member of the licensee have an interest without disclosing the following in the real estate contract or lease:

- (1) The licensee's licensure status;
- (2) specification of whether the licensee has an interest in the property or transaction; and
- (3) specification of whether the licensee's immediate family member has an interest in the property or transaction.

(b) For purposes of subsection (a), "interest" shall have the meaning specified in K.S.A. 58-3035, and amendments thereto.

(c) For purposes of subsection (a), "exchange" shall have the meaning specified in K.S.A. 58-3035, and amendments thereto.

(d) For purposes of subsection (a), "immediate family member" shall mean spouse, parent, child, or sibling. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 2007 Supp. 58-3035, as amended by 2008 HB 2746, Sec. 1, and K.S.A. 2007 Supp. 58-3062, as amended by 2008 HB 2746, Sec. 5; effective May 1, 1982; amended, T-86-6-25-08, July 1, 2008.)

**86-3-30. Advertising.** For purposes of determining whether the supervising broker's business name or trade name is prominently and conspicuously displayed or announced in a readable and identifiable manner regardless of the type of media used, the following shall be considered by the commission:

(a) The terms being used, including the style, size, contrast, and color of the type or font used; and

(b) the location or audibility of the supervising broker's trade name or business name as the name appears or is represented in the advertisement. (Authorized by K.S.A. 74-4202(b); implementing 2008 HB 2746, Sec. 6, effective, T-86-6-25-08, July 1, 2008.)

Sherry C. Diel  
Executive Director

Doc. No. 035982

## State of Kansas

### Kansas State Treasurer

#### Temporary Administrative Regulations

#### Article 3.—LINKED DEPOSIT LOAN PROGRAMS

**3-3-1. Agricultural production loans.** For each agricultural production loan authorized by K.S.A. 75-4270 et seq. and amendments thereto, the "eligible agricultural borrower" shall be a resident of the state of Kansas, and a majority of the farm for which the proceeds of the loan are expended shall be located within the state of Kansas. A limited liability agricultural company, limited agricultural partnership, or family farm corporation shall be considered a resident if it meets the requirements of K.S.A. 17-5903, and amendments thereto. (Authorized by K.S.A. 2007 Supp. 75-4270; implementing K.S.A. 2007 Supp. 75-4270, 75-4271, and 75-4272; effective, T-3-7-3-00, July 3, 2000; effective Oct. 27, 2000; amended, T-3-6-25-08, July 1, 2008.)

**3-3-2. Kansas housing loans.** The proceeds of all housing loans authorized by 2008 SB 387, and amendments thereto, shall be used only for building houses that initially sell or are appraised for less than 350% of the Kansas median household income, based on the most recent data available from the United States census bureau on July 1 and January 1 each year. The loans shall be awarded on a first-come, first-served basis, reserving at least 50% of the funds available for houses located within one mile of the city limits of any of the following Kansas cities: Chanute, Coffeyville, Erie, Fredonia, Greensburg, Independence, Iola, Neodesha, or Osawatimie. A house shall be considered to be located within one mile of the city limits if the majority of the tract of real estate upon which the house is placed is within one mile of the city limits. (Authorized by 2008 SB 387, sec. 4(a); implementing 2008 SB 387, sec. 3(e) and sec. 5(g); effective, T-3-6-25-08, July 1, 2008.)

Lynn Jenkins  
State Treasurer

Doc. No. 035981

## State of Kansas

### Court of Tax Appeals

#### Temporary Administrative Regulations

(Editor's Note: The State Court of Tax Appeals was created pursuant to Substitute for House Bill 2018, which became effective July 1, 2008. The State Court of Tax Appeals is the successor in authority to the State Board of Tax Appeals, which has been abolished.)

#### Article 2.—PROCEEDINGS BEFORE THE COURT

**94-2-1. Definitions.** (a) "Chief judge" means the chief judge of the Kansas court of tax appeals, appointed as provided in K.S.A. 74-2433, and amendments thereto.

(b) "Court" means the Kansas court of tax appeals.

(c) "Counsel" means legal counsel.

(d) "Entry of appearance" means a pleading listing the following information:

(1) The name, address, and telephone number of the attorney entering an appearance;

(2) the Kansas supreme court registration number, or its equivalent, of the attorney entering an appearance; and

(3) the name of the party represented by the attorney.

The entry of appearance shall be signed by the attorney entering an appearance on behalf of the party. This signature shall constitute a certificate as prescribed in K.S.A. 60-211, and amendments thereto.

(e) "Executive director" means the individual appointed pursuant to K.S.A. 74-2433, and amendments thereto.

(f) "Party" means any of the following:

(1) Any taxpayer or applicant bringing the action, a governmental unit bringing or defending the action, or both;

(2) any intervenor permitted to intervene by the court; or

(3) any person joined as a contingently necessary party.

(g) "Pleadings" means any of the following:

(1) Notice of appeal;

(2) application;

(3) motion;

(4) brief;

(5) proposed findings of fact and conclusions of law; or

(6) any other similar document formally filed with the court.

(h) "Presiding officer" means any of the following:

(1) A panel of judges;

(2) the judge assigned pursuant to K.S.A. 77-514, and amendments thereto, to conduct the status conference, prehearing, oral arguments, hearing, or similar proceedings; or

(3) a court staff attorney in a status or prehearing conference to which a court staff attorney has been assigned according to K.A.R. 94-2-6.

(i) "Secretary" means the secretary of the court of tax appeals. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

(continued)

**94-2-2. Information, hearings, and assistance.** (a) To the extent that the Kansas administrative procedure act or other statutes or regulations do not apply, the rules of civil procedure, and particularly articles 1, 2, and 4 of chapter 60 of the Kansas statutes annotated, shall be followed by the court. However, the rules of evidence may be modified by the presiding officer in accordance with the Kansas administrative procedure act if it will be in the public interest and will aid in ascertaining the facts.

(b) Hearings before the court shall be open to the public at all times except at those proceedings specified in K.A.R. 94-2-14. Hearings may be held in the court's hearing room or at other places throughout the state of Kansas whenever the public interest may be better served. Reasonable written notice shall be given to all parties pursuant to K.S.A. 77-518, and amendments thereto.

(c) Upon request, the staff attorneys for the court shall advise any party concerning the form of the notice of appeal or other application to be filed with the court or concerning the procedure to be followed in initiating a proceeding before the court.

(d) All communications to the court shall be addressed to the offices of the court in Topeka and shall meet the procedural requirements specified in these regulations. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-3. Form of pleadings.** (a) Each pleading, except any pleading described in subsection (b), shall contain the following:

(1) The heading "BEFORE THE COURT OF TAX APPEALS OF THE STATE OF KANSAS," centered at the top of the page;

(2) the name of the case, which shall consist of a brief description of the nature of the action and shall contain a citation to the particular statute under which the appeal or application is authorized, placed immediately below the heading at the left margin of the page;

(3) the docket number, if one has been assigned, which shall appear to the right of the name at the right margin of the page;

(4) the title of the pleading, which shall identify the document being filed, shall be placed immediately below the name and centered on the page;

(5) the pertinent allegations of fact and law in simple, concise, and direct terms, which shall be in numbered paragraphs, with each paragraph containing a statement of a single set of circumstances or separate transaction or series of events;

(6) following each numbered paragraph, a concise and complete statement of all relief sought by the pleader; and

(7) the signature of the party filing the pleading or the party's attorney. The addresses and telephone numbers of the party and the party's attorney of record shall appear following the signature or elsewhere in the pleading. All pleadings shall be verified, unless the pleading is signed by either of the following:

(A) Counsel regularly admitted to practice before the supreme court of the state of Kansas; or

(B) counsel duly licensed and admitted to practice before the supreme court of another state if the counsel li-

censed from another state is associated with local counsel and the local counsel also signs the pleading, as required by Kansas supreme court rule 116 relating to district courts.

(b) Notice of appeals or applications filed pursuant to the statutory procedures enumerated in K.S.A. 74-2439, K.S.A. 79-1609, and K.S.A. 79-213, and amendments thereto, shall be prepared on forms approved by the court. Each taxpayer or applicant shall provide all information and supporting documentation requested on the forms or by the court. If any information requested is not provided, the appeal or application may be rejected by the court or may be returned to the taxpayer or applicant for correction.

(c) Each pleading, except a pleading described in subsection (b), shall be typed on 8½ × 11 inch white paper and shall be double-spaced, except that single spacing may be used for subparagraphs, legal descriptions of real estate, itemizations, quotations, and similar portions of the document. Typing shall appear on only one side of the paper, and the margins shall be at least one inch at the top of the page and ¾ of an inch at the sides and bottom of the page. Taxpayers not represented by counsel shall not be held in strict compliance with this regulation. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-4. Filing procedure and time limits.** (a)(1) Each party filing any action with the court shall file the application or appeal and shall pay any applicable fees required by K.A.R. 94-2-21. Each document filed shall be deemed to have been filed when actually received and file-stamped by the secretary or the secretary's designee, and the action shall commence on that date if the document is in the form prescribed by these regulations or by statute.

(2) Each application and appeal shall be accompanied or followed by any applicable filing fees, as specified in K.A.R. 94-2-21.

(b) In computing any period of time prescribed by statute or these regulations for any appeal or application, the computation shall be made pursuant to K.S.A. 60-206, and amendments thereto, unless the method of computation is otherwise specified in these regulations or by statute. A legal holiday shall be each day designated in K.A.R. 1-9-2.

(c) When by these regulations or by notice given by the court, an act is required to be completed within a specified time, the time for completing the act may be extended by the court, if a motion is filed by a party before the expiration of the specified time. A motion for extension of time filed after the time limit has expired may be granted by the court only if the failure to act within the time limit was the result of excusable neglect.

(d) Any individual or entity may file documents at the court office between the hours of 8:00 a.m. and 5:00 p.m. on any business day. Each document, whether mailed, hand-delivered, or sent by facsimile machine or as electronic mail, shall be received by 5:00 p.m. to be file-stamped and considered filed on that date. The time of

receipt shall be that time shown by the court's time clock, the time printed by the court's facsimile machine on the final page of the facsimile-received document, or the time shown as received by the court's electronic mail system. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1987; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-8-28-03, Aug. 28, 2003; amended Dec. 5, 2003; amended, T-94-6-25-08, July 1, 2008.)

**94-2-5. Service.** (a) Each party filing any pleading or other document with the court shall serve the pleading or other document on all other parties in person or by mail, facsimile, or electronic mail, except when a statute requires a specific manner of service. Postage or costs of service shall be paid by the person serving the pleading.

(b) Service on an attorney of record shall be deemed to be service upon the party represented by that attorney, although nothing in these regulations shall prohibit service on the interested party also. Service by mail shall be considered to be complete upon mailing.

(c) The party responsible for effecting service shall endorse a certificate of mailing or service, or both, upon the pleading showing compliance with these regulations. In the absence of this proof of service or the equivalent, any pleading may be disregarded and deemed null and void. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-8. Discovery procedure.** (a) Any party before the court may use the discovery procedures provided under the code of civil procedure of this state, the procedures authorized under the provisions of the Kansas administrative procedures act, K.S.A. 77-522 and amendments thereto, or both. Unless otherwise expressly approved by the court or presiding officer, a party shall have completed all discovery procedures by 20 calendar days before the date set for the hearing.

(b) The admissibility of any evidence obtained during this discovery process shall be governed by one or more of the following:

(1) The code of civil procedure, K.S.A. 60-101 et seq., and amendments thereto;

(2) the Kansas administrative procedures act, K.S.A. 77-501 et seq., and amendments thereto; or

(3) case law of this state.

(c) Each motion for summary judgment shall be filed with the court in accordance with K.S.A. 60-256, and amendments thereto, and Kansas supreme court rule 141 relating to district courts. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-9. Subpoenas.** (a) Any party may request that the court issue a subpoena or subpoena duces tecum by filing a request for the same with the court at least 10 business days before the date on which the hearing commences or the deposition is scheduled. The request shall state the following information:

(1) The name of the witness;

(2) the address, including street address, city, and county where the witness can be served;

(3) the date, time, and location the witness is expected to appear;

(4) the matter in which the witness is expected to testify; and

(5) if a subpoena duces tecum, the material, listed in detail, to be brought by the witness to the hearing or deposition.

(b) A request for a subpoena or subpoena duces tecum shall not be granted by the court if filed fewer than 10 business days before the date on which the hearing commences or the deposition is scheduled, except by approval of the court upon a showing of good cause.

(c) Except as provided in subsection (b), upon receipt of a properly filed request, the appropriate subpoena shall be issued by the court or the court's designee, who shall also arrange for its service pursuant to K.S.A. 77-522, and amendments thereto.

(d) Witness fees and mileage shall be allowed pursuant to K.S.A. 28-125, and amendments thereto. (Authorized by K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13, and 74-2437a, as amended by 2008 HB 2018, sec. 14; effective May 1, 1981; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-10. Hearing procedure.** (a) Any party may appear at any hearing or other proceeding before the court and be heard in person or may be represented by an attorney who is regularly admitted to practice before the supreme court of the state of Kansas and who has filed an entry of appearance in the proceeding with the court. Any party may be represented by out-of-state counsel if that counsel has complied with Kansas supreme court rule 116 relating to the admission of an attorney from another state. An elected or appointed official or the official's designee of a county, city, or other taxing district or a corporation's officer or employee may appear and testify on behalf of the county, city, taxing district, or corporation and, except as otherwise provided in these regulations, may fully participate as a party.

(1) The county, city, or other taxing district or corporation may be required by the court to be represented by an attorney regularly admitted to practice before the supreme court of the state of Kansas. As provided in this subsection, only the party or an attorney regularly admitted to practice before the supreme court of the state of Kansas may perform any of the following:

(A) Make a legal argument;

(B) object to the admission of evidence;

(C) conduct direct examination or cross-examination of witnesses;

(D) introduce evidence;

(E) sign any pleading as defined in K.A.R. 94-2-1; or

(F) perform any other activity construed as the practice of law by the Kansas supreme court.

(2) Each individual who is not a party or an attorney authorized to practice in the supreme court of the state

(continued)

of Kansas shall be limited to one or both of the following types of participation in a hearing:

- (A) Testifying; or
- (B) providing nonlegal advice to a party or an attorney.

(b) On the date and at the place and time stated in the notice of hearing, the docket shall be made to be called by the chief judge or the presiding officer. A statement may be made by the chief judge or presiding officer as to the scope and purpose of the hearing at the opening of the hearing. Each party or witness who is to testify shall be sworn by the reporter or any judge of the court.

(c) If a party does not appear for the scheduled hearing, either or both of the following may occur:

(1) The opposing party or parties may go on the record to introduce evidence.

(2) A default order may be issued by the court in favor of the opposing party or parties.

(d) If a party or attorney objects to the admissibility of any evidence or to the validity of any proceeding before the court, the presiding officer may rule upon the objection immediately or may admit the evidence or permit the procedure subject to a later ruling by the court. The presiding officer may rule upon the admissibility of any evidence and may order the discontinuation of the presentation of cumulative evidence.

(e) Each party shall examine each witness orally and under oath, in the order determined by that party. Each opposing party may cross-examine each witness.

(f) To facilitate the orderly and expeditious conduct of hearings, one of the court's staff attorneys may be assigned by the presiding officer to assist procedurally any individual taxpayer not represented by counsel. Assistance shall not extend to assisting the taxpayer in presenting the taxpayer's case or advising the taxpayer about the substantive nature of the case, but shall be confined to procedural assistance.

(g) (1) Each hearing shall be recorded by either of the following means:

(A) A certified shorthand reporter retained by the court for that purpose; or

(B) any other recording device.

This record shall be the only official record of any proceeding before the court.

(2) A person may obtain a transcript of any tape-recorded hearing before the court by making a request to the court and advancing the costs of providing the transcript. A person may obtain a transcript of any hearing recorded by a certified shorthand reporter by making a request to the reporter and advancing to the reporter the costs of providing the transcript.

(h) The use of recording, photographic, or television devices during any hearing before the court shall be authorized, pursuant to K.S.A. 75-4318, and amendments thereto. To insure orderly hearings before the court, cameras, photographic lights, and recording devices shall be permitted during the sworn testimony of witnesses only if the use of these devices is not disruptive to the witnesses and the hearing.

(i) Official notice shall be taken in accordance with K.S.A. 77-524, and amendments thereto.

(j) The submission of briefs and proposed findings of fact and conclusions of law may be required by the court

at the conclusion of any hearing, and any party desiring to submit the same may do so upon approval by the court. The deadline for filing these documents and any reply briefs shall be set by the court in a prehearing order or by the presiding officer at the hearing. The filing party shall file the originals of these documents with the court and shall serve copies on each party. Proof of service shall be filed as required in these regulations. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1987; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-11. Petitions for reconsideration; deadline for responses.** Each petition for reconsideration of a final order of the court shall be made pursuant to K.S.A. 77-529, and amendments thereto. Each response to a petition for reconsideration shall be filed with the court within 11 calendar days after the petition for reconsideration is filed with the court. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-12. Orders of the court.** (a) Each order of the court shall be sent by U.S. mail or, for state agencies located in Topeka, by building mail or hand delivery, unless otherwise prescribed by law. The order shall be mailed or hand-delivered to each party and the party's attorney at the addresses of record set forth in the pleadings.

(b) If clear evidence of the date of receipt of any court order is not available, it shall be presumed that a party received the order on the third day following the date the court mailed the order to that party at the party's address of record as set forth in the pleadings filed by the party or the party's attorney. (Authorized by K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; implementing K.S.A. 74-2426, as amended by 2008 HB 2018, sec. 1, and K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1981; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-13. Exchange of evidence and witness lists.**

(a) At least 10 calendar days before a scheduled hearing involving single-family residential property, each party shall have exchanged copies of each document, photograph, or other evidence that the party intends to present to the court at the hearing.

(b) At least 20 calendar days before a scheduled hearing, except a single-family residential property hearing as specified in subsection (a), each party shall have exchanged copies of each document, photograph, or other evidence that the party intends to present to the court at the hearing and a list of witnesses to be called at the hearing. At least 10 calendar days before the scheduled hearing, each party shall have exchanged copies of any evidence developed in response to the evidence that was exchanged 20 calendar days before the scheduled hearing.

(c) Each attorney who is representing a party at any proceeding before the court shall file an entry of appearance with the court and shall serve copies on each party.

(d) In computing any time periods specified in subsections (a) and (b) the day of the scheduled hearing shall not be included. If the 10th or 20th calendar day before the hearing falls on a Saturday, Sunday, or legal holiday, the last business day before the Saturday, Sunday, or legal holiday shall be the deadline for the exchange of evidence.

(e) If the parties fail to exchange evidence and witness lists in compliance with this regulation, the evidence may be excluded from the proceedings, and the witnesses not listed may be excluded from testifying. The time periods specified in subsections (a) and (b) may be shortened or extended by the court or presiding officer upon a showing of good cause. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-14. Procedure to keep business records confidential.** (a)(1) Each party who has confidential financial or trade secret records that are to be admitted into evidence in a court proceeding but who desires to keep the records confidential shall file a motion for a protective order with the court and serve the motion on each party. The party may make the motion orally at the hearing. This motion shall address the following:

(A) Identification of the record to be kept confidential;  
(B) the extent to which the information is known outside the business;

(C) the extent to which the information is known to those inside the business, including the employees;

(D) the precautions taken by the holder of the trade secret or confidential commercial information to guard the secrecy of the information;

(E) the savings effected and the value to the holder in keeping the information from competitors;

(F) the amount of effort or money expended in obtaining and developing the information; and

(G) the amount of time and expense it would take for others to acquire and duplicate the information.

(2) In ruling on the motion, the following criteria shall be considered by the court:

(A) What risk of financial or competitive harm the party seeking to prevent disclosure faces;

(B) whether or not disclosure will aid the court in its duties;

(C) whether or not disclosure serves or might harm the public interests; and

(D) whether or not alternatives to full disclosure exist.

(b) If the court grants the motion for protective order, the following procedure shall be followed by the court at the hearing in which the records are considered and admitted:

(1) A formal motion shall be made by a judge to move into executive session to consider either of the following:

(A) Confidential data relating to financial affairs; or

(B) confidential trade secrets of corporations, partnerships, trusts, or individual proprietorships.

(2) The motion shall contain a statement of justification for closure, the subject to be discussed, and the time and the place the court will resume its open meeting.

(3) The motion shall be made, seconded, and carried by a majority of the judges present and hearing the case.

(c) Other procedures to keep business records confidential may be implemented in court proceedings if those procedures are agreed to by all parties, are approved by the court, and are not inconsistent with or contrary to current Kansas law. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-15. Continuances.** (a) A request for a continuance may be made by motion or in the form specified by the court or presiding officer.

(b) Each party filing a motion for continuance shall file the motion in writing with the court, with service of this motion on each party in accordance with K.A.R. 94-2-5. The motion shall be filed no fewer than 30 days before the date of the scheduled hearing. The motion shall set forth the reason or reasons for the motion.

(c) The 30-day time period may be shortened by the court, upon a showing of good cause. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-16. Dismissals.** Any action pending before the court may be dismissed by the party that filed the action at any time before or during the hearing and, at the court's discretion, at any time after the hearing, but before the court issues the order. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-2-19. Facsimile filing.** (a)(1) The court's facsimile machine shall be available on a 24-hour basis, seven days per week. However, this provision shall not prevent the court from sending documents by fax or providing for normal repairs and maintenance of the facsimile machine.

(2) Each complete facsimile filing received in the court's office at or before 5:00 p.m. on a regular workday shall be deemed filed on that day. Each filing received after 5:00 p.m. shall be filed as if received on the next regular court workday. The time of receipt shall be the time printed by the court's facsimile machine on the final page of the facsimile-received document. Each filing received on a Saturday, Sunday, or legal holiday shall be filed as if received on the next regular court workday.

(3) Each application and appeal filed by facsimile shall be followed by any applicable filing fees as specified in K.A.R. 94-2-21.

(b) Each pleading or other paper filed by facsimile transmission shall have the same effect as that of any document filed with the court by any other means. A facsimile signature shall have the same effect as that of an original signature. Only one copy of the pleading or other paper shall be transmitted.

(c) Each certificate of service shall state the date of service and the facsimile telephone numbers of both the sender and the receiver.

*(continued)*

(d) The sender may petition the court for an order filing the document *nunc pro tunc* if a facsimile filing is not filed with the court because of either of the following:

- (1) An error in the transmission of the document, the occurrence of which was unknown to the sender; or
- (2) a failure to process the facsimile filing when received by the court.

The motion shall be accompanied by the transmission record, a copy of the document transmitted, and an affidavit of transmission by fax as set forth in Kansas supreme court rule 119 relating to district courts, appendix B. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 24, 2002; amended, T-94-8-28-03, Aug. 28, 2003; amended Dec. 5, 2003; amended, T-94-6-25-08, July 1, 2008.)

**94-2-20. Electronic mail filing.** (a)(1) Electronic mail shall be sent to the court's central electronic mail address in order to be considered filed with the court. The format for documents shall be as specified in K.A.R. 94-2-3. Electronic mail sent to any individual judge's or to any court staff's personal electronic mail address shall not be considered to be filed with the court.

(2) Each application and appeal filed by electronic mail shall be followed by any applicable filing fees as specified in K.A.R. 94-2-21.

(b) Electronic mail shall have a return electronic mail address along with the name of the individual sending the electronic mail and a telephone number by which that individual can be contacted.

(c) Each pleading or other document filed by electronic mail shall have the same effect as that of any document filed with the court by any other means. Only one copy of the pleading or document shall be transmitted. An electronic signature or the symbol "/s/" on the signature line in place of a signature shall have the same effect as that of an original signature.

(d) Electronic mail received in the court's office at the central electronic mail address on or before 5:00 p.m. shall be deemed filed on that day. Electronic mail received after 5:00 p.m. shall be deemed to be filed as if received on the next regular workday of the court. The time of receipt shall be the time shown by the court's electronic mail system. Electronic mail received on a Saturday, Sunday, or legal holiday shall be deemed to be filed as if received on the next regular workday of the court.

(e) Electronic mail shall be printed by the court and a copy placed in the appropriate file or files. A copy of any associated transmission acknowledgment shall also be placed in the file or files.

(f) If an electronic mail message indicates that there is an attachment but the attachment is not sent or the attachment cannot be opened, the party that sent the message shall be apprised of this fact by the court. If the attachment is then sent and the court is able to open the attachment, the file date and time shall be the date and time the opened attachment was actually received by the court. Each attachment shall be sent in a format specified by the court.

(g) The sender may petition the court for an order filing the document *nunc pro tunc* if an electronic mail document is not filed with the court because of either of the following:

(1) An error in the transmission of the document, the occurrence of which was unknown to the sender; or

(2) a failure to process the electronic mail document when received by the court.

The motion shall be accompanied by the transmission record, a copy of the document transmitted, and an affidavit of transmission by electronic mail in the form as set forth in Kansas supreme court rule 119, appendix B relating to facsimile filings.

(h) Each party who files a document by electronic mail shall retain a copy of that document in the party's possession or control during the pendency of the action and shall produce the document upon request pursuant to K.S.A. 60-234, and amendments thereto, by the court or any party to the action. Failure to produce the document may result in the document being stricken from the record and may result in sanctions pursuant to K.S.A. 60-211, and amendments thereto.

(i) Each party utilizing electronic mail shall comply with K.S.A. 77-525, and amendments thereto, regarding *ex parte* communications and with K.A.R. 94-2-5, which requires that a copy of any correspondence with the court be exchanged with all parties. A certificate of service shall be included on pleadings. For letters, there shall be an indication on the letter that a copy was sent to all parties. (Authorized by and implementing K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 24, 2002; amended, T-94-8-28-03, Aug. 28, 2003; amended Dec. 5, 2003; amended, T-94-6-25-08, July 1, 2008.)

**94-2-21. Filing fees.** (a) The following fees shall be in effect for applications and appeals filed with the regular division of the court, except as specified in subsection (f):

- (1) Economic development exemption applications filed pursuant to Kansas constitution article 11, § 13 ..... \$250.00
- (2) Industrial revenue bond exemption applications filed pursuant to K.S.A. 79-201a *Second*, and amendments thereto ..... \$250.00
- (3) Tax exemption applications not included in paragraphs (a)(1), (2), and (6) of this regulation ..... \$50.00
- (4) Tax grievance applications filed pursuant to K.S.A. 79-332a, 79-1422, 79-1427a, or 79-1702, and amendments thereto ..... \$15.00
- (5) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving real estate, excluding appeals of the valuation or classification of single-family residential properties and farmsteads and excluding appeals by not-for-profit organizations specified in paragraph (a)(6) of this regulation, for the following valuations:
  - \$250,000 or less ..... \$50.00 per parcel
  - more than \$250,000 but not more than \$1,000,000 ..... \$75.00 per parcel
  - more than \$1,000,000 but not more than \$5,000,000 ..... \$125.00 per parcel
  - more than \$5,000,000 but not more than \$10,000,000 ..... \$175.00 per parcel
  - more than \$10,000,000 ..... \$200.00 per parcel
- (6) Applications and appeals filed by not-for-profit organizations if the valuation of the property at issue is less than \$100,000 ..... \$10.00

(7) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving the assessment of personal property ..... \$50.00

(8) Appeals of mortgage registration fees filed pursuant to K.S.A. 79-3107c, and amendments thereto ..... \$15.00

(9) Appeals from final decisions of the director, or the director's designee, of the Kansas department of revenue, division of property valuation, for the following amounts in controversy:

\$500 or less .....	\$25.00
More than \$500 but not more than \$1,000 ..	\$50.00
More than \$1,000 but not more than \$5,000	\$100.00
More than \$5,000 but not more than \$10,000	\$175.00
More than \$10,000 .....	\$250.00

(10) Appeals from final decisions of the secretary, or the secretary's designee, of the Kansas department of revenue, division of taxation, excluding homestead property tax refund appeals under K.S.A. 79-4501 *et seq.*, and amendments thereto, and excluding food sales tax refund appeals under K.S.A. 79-3632 *et seq.*, and amendments thereto, for the following amounts in controversy:

\$500 or less .....	\$25.00
More than \$500 but not more than \$1,000 ..	\$50.00
More than \$1,000 but not more than \$5,000	\$100.00
More than \$5,000 but not more than \$10,000	\$175.00
More than \$10,000 .....	\$250.00

(11) No-fund warrants, temporary notes or bond applications, requests to exceed the adopted budget, and mill levy disagreements filed pursuant to K.S.A. 79-2938, 79-2939, 79-2951, 79-5023, 12-110a, 12-1662 *et seq.*, or 19-2752a, and amendments thereto, or any other related statute ..... \$50.00

(12) Applications by school districts to levy an ad valorem tax as provided in K.S.A. 72-6441, and amendments thereto ..... no filing fee

(13) Requests for reappraisal and complaints filed pursuant to K.S.A. 79-1413a, 79-1479, or 79-1481, and amendments thereto ..... \$50.00

(b) The following fees shall be in effect for applications and appeals filed with the small claims division of the court, except as specified in subsection (f):

(1) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving real estate, excluding appeals of the valuation or classification of single-family residential properties and farmsteads and excluding appeals by not-for-profit organizations specified in paragraph (b)(2) of this regulation ..... \$20.00 per parcel

(2) Applications and appeals filed by not-for-profit organizations if the valuation of the property at issue is less than \$100,000 ..... \$10.00

(3) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving the assessment of personal property ..... \$20.00

(4) Appeals from final decisions of the secretary, or the secretary's designee, of the Kansas department of revenue,

division of taxation, excluding homestead property tax refund appeals under K.S.A. 79-4501 *et seq.*, and amendments thereto, and excluding food sales tax refund appeals under K.S.A. 79-3632 *et seq.*, and amendments thereto, and appeals from final decisions of the director, or the director's designee, of the Kansas department of revenue, division of property valuation ..... \$20.00

(c) For purposes of this regulation, "valuation" shall mean the valuation shown on the county notice of valuation or the valuation at the time of the filing of the appeal with the regular division of the court if the valuation has been reduced by the county appraiser at the informal hearing, by the hearing officer panel, or by the small claims division. The filing fee on multiple, contiguous parcels that comprise one economic unit and are owned by the same person or entity shall require one filing fee for the highest-valued parcel, as specified in paragraphs (a)(5) and (b)(1) of this regulation, and \$15.00 for each additional parcel.

(d) Except as specified in this subsection, each application and appeal listed in subsections (a) and (b) shall be accompanied by the applicable filing fee in the form of a check or money order made payable to the court of tax appeals or shall be paid by credit card. If the fee does not accompany the filed application or appeal, the fee shall be received by the court within seven business days of the receipt of the application or appeal. If the fee is not received within this time period, the application or appeal shall be considered not appropriately filed with the court, and the application or appeal shall be dismissed.

(e)(1) If an applicant or taxpayer by reason of poverty is unable to pay a filing fee and files an affidavit that states this reason and is accompanied by supporting documentation, the filing fee may be waived by the court.

(2) If an applicant or taxpayer asserts that multiple applications or appeals should be filed as one application or appeal, upon written request and demonstration that the matters should be filed as one application or appeal, all fees or a portion of the fees may be waived by the court. If the fees have already been paid, all fees paid or a portion of the fees paid may be refunded by the court.

(f) Public school districts shall be exempt from paying filing fees. (Authorized by and implementing K.S.A. 2007 Supp. 74-2438a, as amended by 2008 HB 2018, sec. 17; effective, T-94-8-28-03, Aug. 28, 2003; effective Dec. 5, 2003; amended, T-94-5-27-04, May 27, 2004; amended Oct. 1, 2004; amended, T-94-6-25-08, July 1, 2008.)

**Article 3.—ECONOMIC DEVELOPMENT REVENUE BONDS**

**94-3-1. Definition of terms.** As used in this article, the following meanings shall apply, to the extent that they are not inconsistent with K.S.A. 12-1744a through K.S.A. 12-1744d, and amendments thereto, or unless the context clearly indicates otherwise.

(a) "The act" means K.S.A. 12-1740 *et seq.*, and amendments thereto, which relate to the issuance of certain revenue bonds for the promotion of economic development by cities or counties and prescribe certain powers and impose certain duties upon the chief judge of the court of tax appeals.

*(continued)*

(b) "Bonds" means economic development revenue bonds issued by any city, county, or qualified improvement district under the authority of K.S.A. 12-1740 *et seq.*, and amendments thereto.

(c) "Chief judge" means the chief judge of the court of tax appeals appointed pursuant to K.S.A. 74-2433, and amendments thereto.

(d) "Informational statement" means the form, including all amendments, papers, documents, and exhibits incidental to the form, prescribed by the chief judge for the filing of notice pursuant to the act. (Authorized by K.S.A. 74-2437, as amended by 2008 HB 2018, sec. 13; effective May 1, 1983; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-3-2. Filing, fees, and form.** Each informational statement required to be filed pursuant to the act shall be governed by the following procedures:

(a) Filing procedures.

(1) The informational statement, together with the fees required in paragraph (b)(1) of this regulation, shall be deemed filed and the requisite seven-day filing period shall commence upon the date the informational statement and fees are received in the office of the court. Each applicant shall address or deliver all communications, documents, information, and inquiries to the office of the secretary, court of tax appeals.

(2) Each applicant shall file one informational statement for each proposed issuance of bonds.

(3) If the informational statement is not complete as originally filed, the applicant shall be notified of the incomplete filing. The applicant shall correct the deficiency in writing.

(4) If the chief judge finds, following a review of the informational statement, that all information and documents required to be filed are complete and, based upon the proposed date of issuance of the bonds, that the statement has been filed in a timely manner, an order or letter indicating that finding shall be rendered by the chief judge to the appropriate government officials and bond counsel.

(5) The following disclaimer shall appear in boldface type upon the second page of each preliminary offering document:

"THE CHIEF JUDGE OF THE KANSAS COURT OF TAX APPEALS HAS NOT REVIEWED ANY INFORMATION OR DOCUMENT FILED PURSUANT TO THIS INFORMATIONAL FILING FOR THE ADEQUACY OR ACCURACY OF THE DISCLOSURE THEREIN. THIS INFORMATIONAL FILING DOES NOT CONSTITUTE A RECOMMENDATION OR AN ENDORSEMENT BY THE CHIEF JUDGE OR THE COURT."

Evidence that this disclaimer appears in boldface type upon the second page of each preliminary offering document shall be filed contemporaneously with the certificate of issuance required by K.S.A. 12-1744c, and amendments thereto.

(6) The certificate of issuance required to be filed by K.S.A. 12-1744c, and amendments thereto, shall include the court of tax appeals' filing number.

(b) Fees.

(1) Each informational statement shall be accompanied by a filing fee of \$250.00. All fees shall accompany the application and shall be paid by check or money order made payable to the court of tax appeals. A cash remittance shall not be accepted. If the chief judge receives notice of refusal of payment of the check or money order presented in payment of these fees, the application shall be deemed to be incomplete and not timely filed as required by the act.

(2) Copies of documents filed and recorded in the office of the court of tax appeals shall be available upon request. Postage and copy fees shall be paid in advance and in conformity with K.S.A. 45-204, and amendments thereto.

(c) Forms. The informational statement shall be submitted on forms approved by the chief judge. (Authorized by K.S.A. 12-1744a, as amended by 2008 HB 2018, sec. 29, and K.S.A. 12-1744b, as amended by 2008 HB 2018, sec. 30; implementing K.S.A. 12-1744a, as amended by 2008 HB 2018, sec. 29; effective May 1, 1983; amended, T-85-38, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended Aug. 15, 1997; amended May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

#### Article 4.—COURT MEMBER CONTINUED EDUCATION

**94-4-1. Court judge continued education.** (a) Each judge of the court shall complete the education and training courses required by K.S.A. 74-2433, and amendments thereto, within either of the following, whichever is shorter:

(1) 24 months immediately following the date of the judge's confirmation of appointment to the court; or

(2) the term to which the judge is appointed.

(b) The time period specified in paragraph (a)(1) may be extended by the executive director depending on the availability of the required courses and the workload of the court. (Authorized by and implementing K.S.A. 2007 Supp. 74-2433, as amended by 2008 HB 2018, sec. 2; effective May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

**94-4-2. Administration of judge continued education.** The judge education and training program shall be administered by the executive director. All records of completed courses shall be maintained in the personnel office of the court of tax appeals and shall be open for inspection at any time during normal business hours. (Authorized by and implementing K.S.A. 2007 Supp. 74-2433, as amended by 2008 HB 2018, sec. 2; effective May 24, 2002; amended, T-94-6-25-08, July 1, 2008.)

Rebecca W. Crotty  
Chief Judge

Doc. No. 035983

State of Kansas

Department of Credit Unions

Permanent Administrative Regulations

Article 10.—CREDIT UNION ANNUAL AUDIT REQUIREMENTS

**121-10-1. Definitions.** For purposes of this article, the following definitions shall apply:

(a) "Agreed-upon procedures engagement" means an engagement to report on findings based on specific agreed-upon procedures performed by an independent certified public accountant. The nature and extent of the procedures to be performed shall be agreed to and specified in a written agreement between the supervisory committee and the independent certified public accountant.

(b) "Audit" means a review of a credit union's receipts, disbursements, income, assets, and liabilities.

(c) "Financial statement audit" and "opinion audit" mean the examination of a credit union's financial statements performed by an independent certified public accountant for the purpose of expressing an opinion as to whether those financial statements of the credit union present fairly, in all material respects, the financial position and results of operations of the credit union.

(d) "Independent certified public accountant" means a certified public accountant who meets the following requirements:

(1) Holds a permit to practice issued by the Kansas board of accountancy. The independent certified public accountant's firm shall be registered with the Kansas board of accountancy; and

(2) is independent of the credit union as defined by the code of professional conduct issued by the American institute of certified public accountants.

(e) "Supervisory committee annual audit and internal control checklist" means the audit and list of a credit union's work procedures that a credit union submits to the Kansas department of credit unions on a form supplied by the department. (Authorized by and implementing K.S.A. 17-2211; effective Aug. 1, 2008.)

**121-10-2. Credit union audit reporting requirements.** (a) The supervisory committee of each new credit union shall be required to obtain an audit of that credit union as specified in subsection (b) at least once during the first year of operation.

(b) The supervisory committee of each established credit union shall be required to obtain, at least once during each calendar year, an audit of that credit union that covers the entire period of time that has elapsed since the previous audit. The type of audit required shall be one of the following, as applicable:

(1) For a credit union with total prior year-end assets of \$10 million or less, a supervisory committee annual audit and internal control checklist, an agreed-upon procedures engagement, or a financial statement audit;

(2) for a credit union with total prior year-end assets greater than \$10 million but less than \$250 million, an agreed-upon procedures engagement or a financial statement audit; or

(3) for a credit union with total prior year-end assets of \$250 million or greater, a financial statement audit. (Authorized by and implementing K.S.A. 17-2211; effective Aug. 1, 2008.)

John P. Smith  
Administrator

Doc. No. 035994

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes and the 2007 Supplement of the *Kansas Administrative Regulations*.

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1-64-1	New	V. 26, p. 1393

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

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4-2-20	Amended	V. 27, p. 16

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4-3-51	Amended	V. 27, p. 16	4-13-60	Amended	V. 27, p. 1023
4-7-900	Amended	V. 27, p. 1022	4-13-61	Revoked	V. 27, p. 1023
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4-7-902	Amended	V. 27, p. 1022	4-13-65	Amended	V. 27, p. 1024
4-7-903	Amended	V. 27, p. 1023	4-15-9	Amended	V. 26, p. 81
4-7-904	Amended	V. 27, p. 1023	4-15-11	Amended	V. 27, p. 1024
4-8-14a	Amended	V. 26, p. 489	4-15-12	Revoked	V. 27, p. 1024
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4-8-33	Amended	V. 26, p. 489	4-16-302	Amended	V. 27, p. 1025
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4-8-35	Amended	V. 26, p. 489	4-16-304	Amended	V. 27, p. 1025
4-8-39	Amended	V. 26, p. 490	4-16-305	Amended	V. 27, p. 1025
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4-11-15	New	V. 26, p. 101	4-17-303	Amended	V. 27, p. 1026
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4-13-9	Amended	V. 27, p. 188	4-19-1	Amended	V. 26, p. 173
4-13-11	Revoked	V. 27, p. 188	4-20-11	Amended	V. 27, p. 1027
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**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

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5-40-2b	New	V. 26, p. 647
5-40-3	Amended	V. 26, p. 647
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5-40-5	Amended	V. 26, p. 648
5-40-5a	New	V. 26, p. 648
5-40-8	Amended	V. 26, p. 648
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5-40-10	Revoked	V. 26, p. 648
5-40-11	Revoked	V. 26, p. 648
5-40-12	Amended	V. 26, p. 648
5-40-13	Revoked	V. 26, p. 649
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5-40-77	New	V. 26, p. 662
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5-40-105	New	V. 26, p. 664
5-40-106	New	V. 26, p. 664
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5-44-7	New	V. 26, p. 666

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7-21-1	Amended	V. 27, p. 967
7-21-2	Amended	V. 27, p. 967
7-21-3	Revoked	V. 27, p. 967
7-21-4	New	V. 27, p. 967
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7-37-2	Revoked	V. 27, p. 968
7-38-2	Revoked	V. 27, p. 968

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11-8-4	Amended	V. 26, p. 1543
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14-24-1 through 14-24-6	New	V. 26, p. 1907

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17-25-1	New	V. 27, p. 356

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28-4-120	Amended	V. 27, p. 990
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28-4-825	New	V. 27, p. 318-334
28-15-35	Amended	V. 26, p. 825
28-15-36	Amended	V. 26, p. 829
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28-18a-9	Amended	V. 26, p. 300
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28-18a-21	Amended	V. 26, p. 302
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28-19-720	Amended	V. 26, p. 951
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28-19-750	Amended	V. 26, p. 953
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28-24-16	Revoked	V. 26, p. 1514
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28-29-2101	Amended	V. 26, p. 1615
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28-35-135d	Amended	V. 26, p. 1144
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28-35-184a	Amended	V. 26, p. 1156
28-35-201	Amended	V. 26, p. 1156
28-35-202	Revoked	V. 26, p. 1158
28-35-203	Amended	V. 26, p. 1158
28-35-216a	Amended	V. 26, p. 1159
28-35-230g	New	V. 26, p. 1159
28-35-289	Amended	V. 26, p. 1160
28-35-292	Amended	V. 26, p. 1162
28-35-308	Amended	V. 26, p. 1162
28-35-349	Amended	V. 26, p. 1162
28-35-450	Amended	V. 26, p. 1162
28-36-33		
28-36-49	Revoked (T)	V. 26, p. 1682
28-36-33		
28-36-49	Revoked	V. 27, p. 73
28-36-70		
28-36-70		
28-36-89	New (T)	V. 26, p. 1682-1696
28-36-70		
28-36-89		
28-36-89	New	V. 27, p. 73-87

28-36-101		
through		
28-36-108	Amended	V. 26, p. 1776-1779
28-36-109	New	V. 26, p. 1780
28-46-2	Revoked	V. 26, p. 214
28-46-2a	New	V. 26, p. 215
28-46-25	Amended	V. 26, p. 215
28-46-26	Revoked	V. 26, p. 215
28-46-26a	New	V. 26, p. 215
28-46-34a	New	V. 26, p. 215
28-46-38	Amended	V. 26, p. 216
28-54-1		
through		
28-54-7	New	V. 26, p. 1640-1642
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-98	Amended	V. 26, p. 1905
30-5-65	Revoked	V. 26, p. 1091
30-5-78	Revoked	V. 27, p. 1022
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-37	Amended	V. 26, p. 1393
40-1-51	Revoked	V. 26, p. 1364
40-2-20	Amended	V. 26, p. 101
40-2-29	New	V. 27, p. 15
40-2-30	New	V. 26, p. 1545
40-3-25	Amended	V. 27, p. 15
40-3-34	Revoked	V. 26, p. 1423
40-3-52	New	V. 27, p. 133
40-4-41	Amended	V. 27, p. 434
40-4-41a		
through		
40-4-41j	Revoked	V. 27, p. 434, 435
40-7-19	Amended	V. 26, p. 881
40-7-20a	Amended	V. 26, p. 103
40-7-25	Amended	V. 26, p. 488

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-6-101	Amended	V. 26, p. 817
44-6-125	Amended	V. 26, p. 818
44-6-136	Amended	V. 26, p. 819
44-11-111	Amended	V. 26, p. 819
44-11-113	Amended	V. 26, p. 820
44-11-123	Amended	V. 26, p. 820
44-12-103	Amended	V. 26, p. 1074
44-12-105	Amended	V. 26, p. 1075
44-12-106	Amended	V. 26, p. 1075
44-12-107	Amended	V. 26, p. 1075
44-12-208	Amended	V. 26, p. 1075
44-12-210	Amended	V. 26, p. 1075
44-12-211	New	V. 26, p. 1075
44-12-212	New	V. 26, p. 1075
44-12-304	Amended	V. 26, p. 1075
44-12-306	Amended	V. 26, p. 1076
44-12-308	Amended	V. 26, p. 1076
44-12-312	Amended	V. 26, p. 1076
44-12-315	Amended	V. 26, p. 1076
44-12-320a	New	V. 26, p. 1076
44-12-325	Amended	V. 26, p. 1076
44-12-601	Amended	V. 26, p. 1077
44-12-901	Amended	V. 26, p. 1079
44-12-902	Amended	V. 26, p. 1079
44-12-903	New	V. 26, p. 1079
44-12-1101	Amended	V. 26, p. 1080
44-12-1201	Amended	V. 26, p. 1080
44-12-1301	Amended	V. 26, p. 1080
44-12-1302	Amended	V. 26, p. 1081
44-12-1303	Amended	V. 26, p. 1081
44-12-1306	Amended	V. 26, p. 1081
44-12-1308	Amended	V. 26, p. 1081
44-13-101a	Amended	V. 26, p. 1082
44-13-106	Amended	V. 26, p. 1082
44-13-201	Amended	V. 26, p. 1082
44-13-201a	New	V. 26, p. 1083

44-13-201b	Amended	V. 26, p. 1084
44-13-202	Amended	V. 26, p. 1084
44-13-307	Amended	V. 26, p. 1085
44-13-402	Amended	V. 26, p. 1085
44-13-403	Amended	V. 26, p. 1085
44-13-404	Amended	V. 26, p. 1087
44-13-405a	Amended	V. 26, p. 1088
44-13-406	Amended	V. 26, p. 1089
44-13-408	Amended	V. 26, p. 1089
44-13-603	Amended	V. 26, p. 1089
44-13-610	Amended	V. 26, p. 1089
44-13-701	Amended	V. 26, p. 1090
44-13-703	Amended	V. 26, p. 1090
44-13-704	Amended	V. 26, p. 1090
44-15-101a	Amended	V. 26, p. 820
44-15-102	Amended	V. 26, p. 821
44-15-104	Amended	V. 26, p. 822
44-16-104a	New	V. 26, p. 822

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-36	New	V. 26, p. 1647
49-50-6	Amended	V. 26, p. 1647
49-50-20	Amended	V. 26, p. 1647

**AGENCY 50: DEPARTMENT OF LABOR— DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-3-2	Amended	V. 26, p. 1642

**AGENCY 51: DEPARTMENT OF LABOR— DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-7	Amended	V. 26, p. 1639

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 26, p. 446
60-7-106	Amended	V. 26, p. 447
60-8-101	Amended	V. 26, p. 448
60-9-106	Amended	V. 26, p. 1112
60-11-119	Amended	V. 26, p. 448
60-17-102	Amended	V. 26, p. 448
60-17-103	Amended	V. 26, p. 449
60-17-104	Amended	V. 26, p. 449
60-17-105	Amended	V. 26, p. 450
60-17-107	Amended	V. 26, p. 450
60-17-108	Amended	V. 26, p. 451
60-17-110	Amended	V. 26, p. 451

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-1	Amended	V. 26, p. 126
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108
63-5-1	Amended	V. 26, p. 126

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-9-5	Amended	V. 26, p. 1024
66-10-1	Amended	V. 27, p. 317
66-10-10a	Amended	V. 26, p. 1024
66-11-5	Amended	V. 26, p. 1025

**AGENCY 67: BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS**

Reg. No.	Action	Register
67-5-3	Revoked	V. 26, p. 692
67-5-4	Amended	V. 26, p. 692
67-5-5	New	V. 26, p. 692

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-5-16	Amended	V. 26, p. 488
68-7-11	Amended	V. 26, p. 1112
68-7-12	Amended	V. 26, p. 1114
68-7-20	Amended	V. 27, p. 435
68-20-17	Amended	V. 26, p. 488

**AGENCY 69: BOARD OF COSMETOLOGY (by Dept. of Health and Environment)**

Reg. No.	Action	Register
69-12-6	Revoked	V. 26, p. 1515
69-12-13	Revoked	V. 26, p. 1515

**AGENCY 70: BOARD OF VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-5-1	Amended	V. 26, p. 1863

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-2	Amended	V. 26, p. 1954
74-1-3	Amended	V. 26, p. 1954
74-1-6	Amended	V. 26, p. 1955
74-1-8	Amended	V. 26, p. 1955
74-2-7	Amended	V. 26, p. 1955
74-4-1a	Amended	V. 26, p. 126
74-4-7	Amended	V. 27, p. 626
74-4-8	Amended	V. 27, p. 626
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 26, p. 1956
74-5-101	Amended	V. 26, p. 1957
74-5-105	Revoked	V. 26, p. 127
74-5-201	Amended	V. 26, p. 1957
74-5-202	Amended	V. 26, p. 1957
74-5-204	Revoked	V. 26, p. 1957
74-5-403	Amended	V. 26, p. 128
74-5-405a	New	V. 26, p. 1957
74-5-406	Amended	V. 26, p. 1958
74-5-408	New	V. 26, p. 128
74-6-1	Amended	V. 26, p. 1958
74-7-2	Amended	V. 26, p. 1958
74-11-6	Amended	V. 26, p. 128

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-103	Amended	V. 26, p. 1609
82-3-119	Revoked	V. 26, p. 1643
82-3-123	Amended	V. 26, p. 1643
82-3-123a	Amended	V. 26, p. 1644
82-3-124	Amended	V. 26, p. 1644
82-3-131	Amended	V. 26, p. 1645
82-3-140	Amended	V. 26, p. 1645
82-3-300	Amended	V. 26, p. 1645
82-3-303	Amended	V. 26, p. 823
82-3-304	Amended	V. 26, p. 824
82-3-408	Amended	V. 26, p. 1646
82-3-603a	New	V. 26, p. 1610
82-4-30a	Amended (T)	V. 26, p. 1930
82-4-30a	Amended	V. 27, p. 1020
82-11-1	Amended	V. 27, p. 43
82-11-3	Amended	V. 27, p. 43
82-11-4	Amended	V. 27, p. 44
82-11-7	Amended	V. 27, p. 49
82-11-8	Amended	V. 27, p. 49

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-2	Amended	V. 26, p. 1728
86-1-5	Amended	V. 26, p. 1728
86-1-10	Amended	V. 26, p. 1729
86-1-11	Amended	V. 26, p. 1730
86-1-13	Amended	V. 26, p. 1731
86-1-15	Amended	V. 26, p. 1732
86-1-17	Amended	V. 26, p. 1732
86-1-18	Amended	V. 26, p. 1733
86-1-19	Amended	V. 26, p. 1733
86-1-20	New	V. 26, p. 1734
86-2-3	Revoked	V. 26, p. 1734
86-2-5	Revoked	V. 26, p. 1734
86-2-7	Revoked	V. 26, p. 1734
86-3-3	Revoked	V. 26, p. 1734
86-3-8	Amended	V. 26, p. 1734
86-3-9	Amended	V. 26, p. 1734
86-3-15	Amended	V. 26, p. 1734
86-3-21	Amended	V. 26, p. 1735
86-3-22	Amended	V. 26, p. 1735
86-3-26a	New	V. 26, p. 1736

(continued)

**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
91-1-200	Amended	V. 27, p. 1027
91-1-201	Amended	V. 27, p. 1028
91-1-202	Amended	V. 26, p. 1218
91-1-203	Amended	V. 27, p. 1030
91-1-204	Amended	V. 27, p. 1034
91-1-205	Amended	V. 27, p. 1036
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-1-234	New	V. 26, p. 1226
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7 through 91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26 through 91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-114	New	V. 27, p. 865
92-12-140 through 92-12-145	New	V. 27, p. 866, 867
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-55a	Revoked	V. 26, p. 409
92-19-70	Revoked	V. 27, p. 868
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
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

**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
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New (T)	V. 26, p. 1929
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended	V. 26, p. 1753
100-29-7	Amended	V. 27, p. 209
100-49-4	Amended	V. 26, p. 1258
100-49-10	New	V. 26, p. 1367
100-54-4	Amended	V. 27, p. 209
100-54-7	Amended	V. 26, p. 1043
100-54-8	Amended	V. 26, p. 1044
100-55-4	Amended	V. 27, p. 209
100-73-1	Amended	V. 26, p. 1258
100-73-9	Amended	V. 27, p. 315

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-7	Revoked	V. 26, p. 881
102-1-12	Amended	V. 27, p. 407
102-1-13	Amended	V. 26, p. 1774
102-2-3	Amended	V. 26, p. 1775
102-2-10	Revoked	V. 26, p. 881
102-3-2	Amended	V. 26, p. 1775
102-3-8a	Revoked	V. 26, p. 881
102-4-2	Amended	V. 26, p. 1775
102-4-8a	Revoked	V. 26, p. 881
102-5-2	Amended	V. 26, p. 1776
102-5-8	Revoked	V. 26, p. 881
102-6-8	Amended	V. 26, p. 881

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-11-1	Amended	V. 26, p. 1752

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-13-10	Amended	V. 26, p. 1752
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
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

110-19-1 through 110-19-4	New	V. 27, p. 1064, 1065
110-20-1 through 110-20-4	New	V. 27, p. 1065, 1066

**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. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-2-211	New	V. 27, p. 992
111-4-2614	Amended	V. 27, p. 964
111-4-2645 through 111-4-2656	New	V. 27, p. 436-442
111-4-2657 through 111-4-2662	New	V. 27, p. 992-996
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443

**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. 27, p. 570
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 26, p. 1725
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 27, p. 572
115-8-7	Amended	V. 26, p. 1364
115-8-13	Amended	V. 27, p. 112
115-9-9	Amended	V. 26, p. 641
115-18-7	Amended	V. 27, p. 406
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. 27, p. 357
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
128-1-1	New	V. 27, p. 358
128-2-1	New	V. 27, p. 360

128-2-3 through 128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1 through 128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368
128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 27, p. 628
129-5-65	New	V. 26, p. 1091
129-5-78	New	V. 27, p.1022

**Kansas Register  
Secretary of State  
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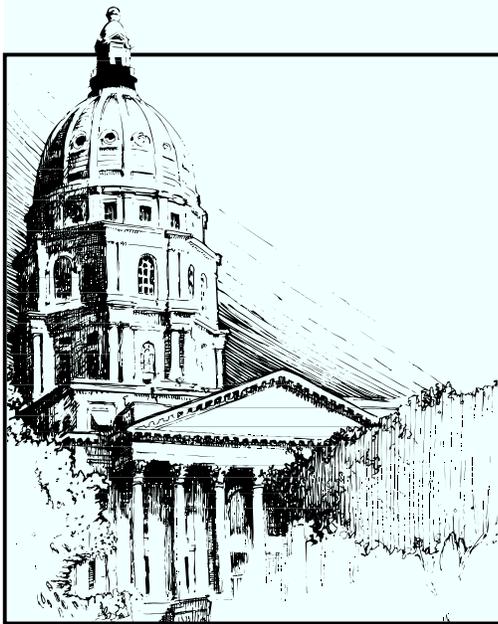


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# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 28, No. 29 July 16, 2009 Pages 1087-1122

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of July 28-29. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at http://kslegislature.org/klrd. Interim committee memberships can be found on the Legislative Research Department's Web site at http://skyways.lib.ks.us/ksleg/KLRD/Committees.htm.

Date	Room	Time	Committee	Agenda
July 28	545-N	10:00 a.m.	Joint Committee on	Budget updates from K-12 and higher education, and review a variety of K-12 issues.
July 29	545-N	9:00 a.m.	Legislative Educational Planning	
July 29	535-N	10:00 a.m.	Kansas Electric Transmission Authority	Possible matters of discussion: ITC/Great Plains docket before the KCC; Southwest Power Pool Regional State Committee and Board meetings; plans for a meeting of state infrastructure authorities; and other KETA business.

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

Doc. No. 037278

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State of Kansas

**Facilities Closure and  
Realignment Commission**

**Notice of Hearings**

The Facilities Closure and Realignment Commission will be hosting public hearings in Topeka. The first hearing will be to discuss the Kansas State School for the Deaf and will begin at 1 p.m. Monday, July 27, in Room 143-N, State Capitol, 300 S.W. 10th Ave. The second hearing will be at 10:30 a.m. Tuesday, July 28, at the Rehabilitation Center for the Blind and Visually Impaired located at 2601 S.W. East Circle Drive North (1st and MacVicar, Kanza Business and Technology Park). For more information, contact the commission at Closure.Commission@ks.gov.

Rochelle Chronister  
Chair

Doc. No. 037286

State of Kansas

**Department of Transportation**

**Request for Comments**

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2009-2012 by adding the following American Recovery Reform Act projects:

**Project KA-1810-01**, Track and Bridge Rehabilitation, Nebraska Kansas Colorado Railway, Inc. at or near St. Francis in Cheyenne, Decatur, and Rawlins counties

**Project KA-1811-01**, Extend 10-Car Siding to 25-Car Capacity, Kansas and Oklahoma Railroad at Sawyer Farmers Coop, Pratt County

**Project KA-1812-01**, Construct 2,000 ft. of Siding and a New Switch, Kyle Railroad Company — Nesika Sidetrack, Republic County

**Project KA-1813-01**, Expand Siding from 4 Railcars to 15 Railcars, Kansas and Oklahoma Railroad at Alexander Mid-States Farmers Coop, Rush County

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude August 17.

Deb Miller  
Secretary of Transportation

Doc. No. 037283

State of Kansas

**Department of Transportation**

**Request for Bids**

The Kansas Department of Transportation's Office of Public Transportation announces that the Kansas Coordinated Transit District Council is now accepting courtesy bids for Kansas' transit vehicles.

These courtesy bids will cover six types of 2010 model-year transit vehicles, including minivans, ramp minivans, and 13- and 20-passenger small transit buses with optional wheelchair lifts. The transit vehicles will be funded by the Federal Transit Administration and the state of Kansas, and must comply with all applicable federal laws (including FMVSS and ADA requirements) and state laws for passenger vehicles of this type. These vehicles will be used in the KDOT Public Transportation Program to transport the elderly, disabled, and the general public.

The bid opening is scheduled for 9 a.m. Monday, August 31, in Wichita. Inquiries or requests for a bid package (on CD-ROM) should be made directly to Sarah Krom, Chairperson, Kansas Coordinated Transit District Council, P.O. Box 838, Great Bend, 67530, (620) 792-1321.

Deb Miller  
Secretary of Transportation

Doc. No. 037274

State of Kansas

**Department of Transportation**

**Request for Comments**

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2009-2012 by adding the following intercity passenger rail study:

- The development of a Service Development Plan to prepare rationale (including purpose and need), service/operating plan and prioritized capital plan, and implementation plan (including project management approach, stakeholder agreements and financial plan) for potential expanded passenger rail service between Kansas City, Missouri, and Oklahoma City, Oklahoma, via Newton, Kansas.

The amendment of the STIP requires a 30-day public comment period. To receive more information on this project or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Transportation Planning, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3228, fax (785) 296-0963.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude August 17.

Deb Miller  
Secretary of Transportation

Doc. No. 037281

## State of Kansas

## State Conservation Commission

## Notice of Meetings

The State Conservation Commission will have a joint meeting with the Kansas Association of Conservation Districts Monday, August 3, at the Bank of America Community Building, 118 N. Main., Lindsborg. The regular business meeting of the commission will begin at approximately 10 a.m. and the joint meeting will begin at 8 a.m. If special accommodations are needed, individuals should contact the State Conservation Commission at least three business days prior to the meeting at (785) 296-3600.

Greg A. Foley  
Executive Director

Doc. No. 037276

## State of Kansas

## Secretary of State

## Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of June 2009 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

## Domestic Corporations

Access to Services, Inc., Lawrence, KS.  
AccountData Staffing, Inc., Littleton, CO.  
Angel De La Guarda Inc., Overland Park, KS.  
Armour Insulation, L.L.C., Lenexa, KS.  
Better Business Bureau of Kansas Incorporated, Wichita, KS.  
Caney Valley Iron & Supply, Inc., Caney, KS.  
Coffelt Corp., Roeland Park, KS.  
COS, Incorporated, Mulvane, KS.  
Deer Creek Court Homes Association, Inc.,  
Overland Park, KS.  
Fencecorp, LLC, Valley Center, KS.  
Georgetown Village Home Health Agency, Inc., Wichita, KS.  
H. Wayne Palmer & Associates, Inc., Overland Park, KS.  
Hatcher Farms, Inc., Goodland, KS.  
Hughes Livestock, Inc., Syracuse, KS.  
Jet Connect, Inc., Oberlin, KS.  
Kansas Communication Systems, Inc., Chanute, KS.  
Keith's Irrigation, Inc., Kinsley, KS.  
KJF Enterprises, Inc., Ottawa, KS.  
L. J. Thompson, Inc., Newton, KS.  
McPherson Multi-List Service, Inc., McPherson, KS.  
Phazetwo, Inc., Leawood, KS.  
Pride Investments, Inc., Wichita, KS.  
Primus Healthcare Corporation, Overland Park, KS.  
Project Concern of Atchison, Atchison, KS.  
Reeves Services, Inc., Atwood, KS.  
RLB Management Company, Inc., Leawood, KS.  
Rosedale Optimist Club, Inc., Shawnee, KS.  
Se Lah Family Restaurant and Entertainment Center Inc.,  
Wichita, KS.  
Shawnee County Amateur Baseball Association, Inc.,  
Topeka, KS.  
Smiling Face Ministries, Inc., Lenexa, KS.

Spear's Food Service Company, Wichita, KS.  
Tech Build Company, Inc., Topeka, KS.  
The Blue Sky R/C IMAA Chapter #291, Inc., Topeka KS.  
The Kiwanis Club, Inc., Larned, Kansas, Larned, KS.  
Topeka, Kansas Chapter No.142 of the National Association of  
Women in Construction, Topeka, KS.  
United Fund of Hoisington, Hoisington, KS.  
Unruh Automotive Service, Inc., Wichita, KS.

## Foreign Corporations

Access Cash International L.L.C., Portland, OR.  
Advanced Delivery Systems, Inc., Westport, CT.  
Air Race Classic, Inc., Cheney, KS.  
Amata Oil Company, Inc., Council Bluffs, IA.  
Coleridge Design & Imaging, Inc., Kansas City, MO.  
EMC Residential Mortgage Corporation,  
Lewisville, TX.  
GMG Investments LLC, Thousand Oaks, CA.  
K & W Well Service, Inc., Cushing, OK.  
Lippert Mechanical Service Corp., Kansas City, MO.  
Oriental Culture Association, Farmington Hills, MI.  
Plymouth Park Tax Services LLC, Whippany, NJ.  
Points of Light Foundation, Washington, DC.  
Red Echo Group, Olathe, KS.  
Sharon, Inc., Tekamah, NE.  
Sloan Acquisition Corporation, Kansas City, MO.  
World Web Access, Inc., Pearl River, NY.

Ron Thornburgh  
Secretary of State

Doc. No. 037269

## 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:

07/27/2009	12398	Site Work Jardine D
07/29/2009	12391	Abandoned Well Plugging
07/29/2009	12395	Digital Microwave Video Downlink System
07/30/2009	12393	Aggregate (AIC, MRA, AB, Riprap, Ditch Lining, Cover Material)
07/30/2009	12394	The University of Kansas Medical Center ASL Interpreting Service
07/30/2009	12399	Elevator Modernization
08/07/2009	12387	Technical Environment Software AG (SAG) Products Assessment
08/11/2009	12390	Independent Audits of Disproportionate Share Hospital (DSH) Payments

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

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

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

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

Chris Howe  
Director of Purchases

Doc. No. 037282

(Published in the Kansas Register July 16, 2009.)

## Federal Emergency Management Agency

### Public Notice

The Department of Homeland Security, Federal Emergency Management Agency (FEMA), hereby gives notice to the public of its intent to reimburse state and local governments and agencies, and eligible private nonprofit organizations, for eligible costs incurred to repair and/or replace facilities damaged by severe winter storm and record and near record snowfall. This notice applies to the Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC §§ 5121-5206, as amended.

Under a major disaster declaration (FEMA-1848-DR-KS) signed by the President on June 24, 2009, the following counties in the state of Kansas have been designated for PA: Butler, Chase, Chautauqua, Coffey, Cowley, Dickinson, Elk, Grant, Greenwood, Harvey, Lyon, Marion, Sumner and Woodson.

This public notice concerns public assistance activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-Year Floodplain (areas determined to have a 1 percent probability of flooding in any given year), and critical actions within the 500-Year Floodplain. Such activities may adversely affect the historic property, floodplain or wetland, or may result in continuing vulnerability to flood damage.

Such activities may include restoring facilities located in a floodplain with eligible damage to pre-disaster condition. Examples of such activities include, but are not limited to, the following:

1. Non-emergency debris removal and disposal;
2. Non-emergency protective measures;
3. Repair/replacement of roads, including streets, culverts, and bridges;
4. Repair/replacement of public dams, reservoirs and channels;
5. Repair/replacement of public buildings and related equipment;
6. Repair/replacement of public water control facilities, pipes and distribution systems;
7. Repair/replacement of public utilities, including sewage treatment plants, sewers and electrical power distribution systems; and
8. Repair/replacement of eligible private, nonprofit facilities (hospitals, educational centers, emergency and custodial care services, etc.).

The President's Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands, requires that all federal actions in or affecting the 100-Year floodplain or wetland areas be reviewed for opportunities to move the facility out of the floodplain or wetland and to reduce the risk of future damage or loss from flooding and minimize harms to wetlands. However, FEMA has determined that in certain situations, there are no alternatives to restoring an eligible facility located in the floodplain to its pre-disaster condition. These situations meet all of the following criteria:

1. The FEMA estimated cost of repairs is less than 50 percent of the estimated cost to replace the facility and the replacement cost of the facility is less than \$100,000.
2. The facility is not located in a floodway or coastal high hazard area.
3. The facility has not sustained structural damage in a previous presidentially declared flood disaster or emergency.
4. The facility is not defined as critical (e.g., hospital, generating plant, contains dangerous materials, emergency operation center, etc.).

FEMA will provide assistance to restore the facilities described above to their pre-disaster condition except when measures to mitigate the effects of future flooding may be incorporated into the restoration work. For example, insufficient waterway openings under culverts and bridges may cause water backup to wash out the structures. The water backup could wash out the facility and could damage other facilities in the area. Increasing the size of the waterway opening would mitigate, or lessen, the potential for this damage. Additional examples of mitigation measures include providing erosion protection at bridge abutments or levees, and extending entrance tubes on sewage lift stations.

Disaster assistance projects to restore facilities, which do not meet the criteria listed above, must undergo a detailed review. The review will include a study to determine if the facility can be moved out of the floodplain. The public is invited to participate in the review. The public may identify alternatives for restoring the facility and may participate in analyzing the impact of the alternatives on the facility and the floodplain. An address and phone number for obtaining information about specific assistance projects is provided at the end of this notice. The final determination regarding the restoration of these facilities in a floodplain will be announced in future public notices.

Due to the urgent need for and/or use of the certain facilities in a floodplain, actions to restore the facility may have started before the federal inspector visits the site. Some of these facilities may meet the criteria for a detailed review to determine if they should be relocated. Generally, facilities may be restored in their original location where at least one of the following conditions applies:

1. The facility, such as a flood control device or bridge, is functionally dependent on its floodplain location.
2. The facilities, such as a park or other open-use space, already represent sound floodplain management and, therefore, there is no need to change it.
3. The facility, such as a road or a utility, is an integral part of a larger network that could not be relocated economically.
4. Emergency action is needed to address a threat to public health and safety.

The effects of not relocating the facilities will be examined. In each case, the examination must show an overriding public need for the facility at its original location that clearly outweighed the requirements in the Executive Order to relocate the facility out of the flood-

(continued)

plain. FEMA will also consult state and local officials to make certain that no actions taken will violate either state or local floodplain protection standards. The restoration of these facilities may also incorporate certain measures designed to mitigate the effects of future flooding. This will be the only notice to the public concerning these facilities.

FEMA also intends to provide Hazard Mitigation Grant Program (HMPG) funding under Section 404 of the Stafford Act to the state of Missouri for the purposes of mitigating future disaster damages. Hazard mitigation projects may involve the construction of a new facility (e.g., retention pond or debris dam), modification of an existing undamaged facility (e.g., improving waterway openings of bridges or culverts), and the relocation of facilities out of the floodplain. Subsequent notices will provide more specific information as project proposals are developed.

Information about assistance projects may be obtained by submitting a written request to the Regional Director, DHS-FEMA Region VII, 9221 Ward Parkway, Suite 300, Kansas City, MO 64114-3372. The information may also be obtained by calling (816) 283-7060 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Comments should be sent in writing to the Regional Director, at the above address, within 15 days of the date of publication of this notice.

Scott Sanders  
Public Information Officer  
FEMA External Affairs

Doc. No. 037284

(Published in the Kansas Register July 16, 2009.)

## Federal Emergency Management Agency

### Public Notice

The Department of Homeland Security, Federal Emergency Management Agency (FEMA), hereby gives notice to the public of its intent to reimburse state and local governments and agencies, and eligible private nonprofit organizations, for eligible costs incurred to repair and/or replace facilities damaged by severe storms, flooding, straight-line winds and tornados. This notice applies to the Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC §§ 5121-5206, as amended.

Under a major disaster declaration (FEMA-1849-DR-KS) signed by the President on June 25, 2009, the following counties in the state of Kansas have been designated for PA: Anderson, Barber, Bourbon, Butler, Chase, Cherokee, Coffey, Cowley, Crawford, Elk, Finney, Greenwood, Harper, Harvey, Kingman, Labette, Linn, Lyon, Marion, Marshall, Montgomery, Morris, Neosho, Reno, Rice, Sumner, Wabaunsee and Wilson.

This public notice concerns public assistance activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-Year Floodplain (areas determined to have a 1 percent probability of flooding in any given year), and critical actions within

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3. The facility, such as a road or a utility, is an integral part of a larger network that could not be relocated economically.
4. Emergency action is needed to address a threat to public health and safety.

The effects of not relocating the facilities will be examined. In each case, the examination must show an overriding public need for the facility at its original location that clearly outweighed the requirements in the Executive Order to relocate the facility out of the floodplain. FEMA will also consult state and local officials to make certain that no actions taken will violate either state or local floodplain protection standards. The restoration of these facilities may also incorporate certain measures designed to mitigate the effects of future flooding. This will be the only notice to the public concerning these facilities.

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at the above address, within 15 days of the date of publication of this notice.

Scott Sanders  
Public Information Officer  
FEMA External Affairs

Doc. No. 037285

## 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 June 2009. Copies can be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy and Research at (785) 296-3081.

#### Private Letter Rulings

- P-2009-004 Sales Tax Application to Electricity, Gas, and Water Used In Nursing Homes and in Other Assisted Living Units.  
P-2009-005 Monthly Fees to Access and Use a Pre-Written Computer Software Program.

#### Opinion Letters

- O-2009-010 Wholesale diesel and gasoline fuel supplies.

#### Final Written Determinations

No new publications

#### Revenue Rulings

- 19-2009-01 Tax Treatment of Computer Software Maintenance Agreements in Kansas.  
19-2009-02 Application of Senate Substitute for House Bill 2365 Statute of Limitations for Sales and Use Tax Refunds During Field Audits.

#### Notices

- 09-05 Manufacturer's Rebate on the Purchase or Lease of New Motor Vehicles.  
09-06 Sales Tax Base on Motor Fuel Purchases Includes Federal Excise Taxes.  
09-07 Sales and Use Tax Refund Statute of Limitations Reduced to One Year.  
09-08 Kansas Discount Rates for Colorado Retailers.  
09-09 Reduction of Tax Credits by 2009 House Bill 2365.

#### Memorandums

2009 Legislative Enactments & Changes

#### Property Valuation Division Directives

No new publications

#### Q&A's

No new publications

#### Information Guides

No new publications

Joan Wagon  
Secretary of Revenue

Doc. No. 037270

## State of Kansas

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

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, August 15, in classrooms A and B in the Kansas Museum of History, 6425 S.W. 6th Ave., Topeka. The board will consider the following items concerning the National Register of Historic Places and the Register of Historic Kansas Places:

**Nominations to the National Register of Historic Places**

**Fort Scott Downtown Historic District** — Oak to 3rd St., Scott Ave. to National Ave., Fort Scott, Bourbon County

**Helmert Manufacturing Company Building** — 300 Santa Fe St. / 2500 S. 2nd St., Leavenworth, Leavenworth County

**Garfield Elementary School** — 300 N.W. 7th St., Abilene, Dickinson County (Nominated as part of the "Historic Public Schools of Kansas" MPS)

**Old Gray County Courthouse** — 117 S. Main St., Cimarron, Gray County

**Penley House** — 3400 Penley Drive, Wichita, Sedgwick County (Nominated as part of the "Residential Resources of Wichita" MPS)

**Wichita High School** — 324 N. Emporia, Wichita, Sedgwick County (Nominated as part of the "Historic Public Schools of Kansas" MPS)

**G.W. Norris House** — 301 E 12th Ave., Hutchinson, Reno County

**Cuba Blacksmith Shop** — ½ block west of Baird St. on Lynn St., Cuba, Republic County

**Wathena Fruit Growers Association Building** — 104 3rd St., Wathena, Doniphan County

**Nominations to the Register of Historic Kansas Places**

**St. Joseph's Catholic Church & Cemetery** — 13497 Lower McDowell Creek Road, Geary County

**Request for Removal from National Register of Historic Places**

**Shedd & Marshall Store** — 243 Whiting, Whiting, Jackson County

**Request for Removal from the Register of Historic Kansas Places**

**Nelson Building** — 106-108 E. Wall St., Fort Scott, Bourbon County

**Miller Block** — 1-5 S Main, Fort Scott, Bourbon County

Anyone requiring special accommodations to attend the meeting should contact the Cultural Resources Division of the Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext., 240, at least two weeks prior to the meeting to discuss how the board can ensure participation.

Jennie Chinn  
Executive Director

Doc. No. 037280

## State of Kansas

**Department of Labor  
Division of Workers Compensation****Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 1 p.m. Friday, September 18, in Hearing Room 2 in the lower level of the US Bank Building, 800 S.W. Jackson, Topeka, to consider the adoption of an amendment to a permanent regulation of the Division of Workers Compensation.

The 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the director of the Division of Workers Compensation, 800 S.W. Jackson, Suite 600, Topeka, 66612-1227, or by e-mail to Dr. Terry Tracy [terry.tracy@dol.ks.gov](mailto:terry.tracy@dol.ks.gov) or Anne Haught at [anne.haught@dol.ks.gov](mailto:anne.haught@dol.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentation to 10 minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Request for accommodation should be made at least five working days in advance of the hearing by contacting Dr. Terry A. Tracy at (785) 296-0846 or [terry.tracy@dol.ks.gov](mailto:terry.tracy@dol.ks.gov). Parking for individuals with disabilities is located on the second level of the US Bank Building's enclosed parking. Also, the west entrance of the US Bank Building is accessible to individuals with disabilities.

A complete copy of the regulation and the economic impact statement may be obtained by contacting the division. The following is a brief summary of the proposed regulation:

**K.A.R. 51-9-7, Fees for medical and hospital services.** The proposed change to this regulation is made in accordance with K.S.A. 44-510i(c)(2), which requires the schedule of maximum fees to be revised as necessary at least every two years by the director of Workers Compensation to assure that the schedule is current, reasonable and fair. The fee schedule establishes the maximum fees for medical, surgical, hospital, dental, nursing, vocational rehabilitation or any other treatment or services provided or ordered by health care providers and rendered to employees under the Workers Compensation Act.

Copies of the regulation and its economic impact statement may be obtained from the Division of Workers Compensation at the address above or through e-mail request to Dr. Terry Tracy at [terry.tracy@dol.ks.gov](mailto:terry.tracy@dol.ks.gov) or Anne Haught at [anne.haught@dol.ks.gov](mailto:anne.haught@dol.ks.gov).

Paula Greathouse, Director  
Division of Workers Compensation

Doc. No. 037268

State of Kansas

**Kansas Sentencing Commission**

**Notice of Committee Meetings**

The Kansas Sentencing Commission’s Proportionality of Sentencing Subcommittee will meet from 9:30 a.m. to noon July 23 and August 27 in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. Requests for accommodation to attend the meetings should be made at least five working days in advance of the meeting by contacting Brenda Harmon at (785) 296-0923.

Helen Pedigo  
Executive Director

Doc. No. 037273

(Published in the Kansas Register July 16, 2009.)

**Summary Notice of Bond Sale  
City of Chanute, Kansas**

**\$3,575,000\***

**General Obligation Sales Tax Bonds  
Series 2009-C**

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

**Bids**

Subject to the notice of bond sale dated July 15, 2009, written and electronic bids will be received on behalf of the director of finance of the city of Chanute, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 11 a.m. July 27, 2009, for the purchase of the above-referenced bonds. No bid of less than 99.15 percent of the principal amount of the bonds and any accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated August 11, 2009, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2010	\$295,000
2011	310,000
2012	320,000
2013	330,000
2014	345,000
2015	360,000
2016	375,000
2017	395,000
2018	415,000
2019	430,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2010.

**Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier’s or certified check drawn on a bank located in the United States, or a qualified financial surety bond or a wire transfer in Federal Reserve funds, immediately available for use by the issuer in the amount of \$71,500.

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about August 11, 2009, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2008 is \$51,935,046. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$22,905,000\*.

**Approval of Bonds**

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

**Additional Information**

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

**Written Bid and Good Faith Deposit**

**Delivery Address:**

City Hall  
101 S. Lincoln, P.O. Box 907  
Chanute, KS 66720-0907  
(620) 431-5200  
Fax (620) 431-5225  
E-mail: jmcewen@chanute.org

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

UMB Bank, N.A.  
1010 Grand Blvd.  
2nd Floor – Investment Banking  
Kansas City, MO 64106  
Attn: Philip B. Richter or S. Michael Drum  
(816) 860-1526  
Fax (816) 860-4829  
E-mail: philip.richter@umb.com  
michael.drum@umb.com

Dated July 15, 2009.

City of Chanute, Kansas  
By: James McEwen  
Director of Finance

\*Subject to change.

Doc. No. 037275

(Published in the Kansas Register July 16, 2009.)

**Corrected Summary Notice of Sale  
City of Wichita, Kansas  
\$27,350,000\*  
Aggregate Principal Amount  
General Obligation Bonds  
Series 797, 798 and 798A**

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

**Bids**

Subject to the official notice of sale dated July 7, 2009, bids will be received by the director of finance on behalf of the city of Wichita, Kansas, at the office of the Department of Finance, 12th Floor, City Hall, 455 N. Main, Wichita, KS 67202-1697, via PARITY electronic bid submission system until 10 a.m. Tuesday, July 21, 2009, for the purchase of the city's \$11,240,000\* principal amount of General Obligation Bonds, Series 797; \$8,460,000\* principal amount of General Obligation Bonds, Series 798; and \$7,650,000\* principal amount of General Obligation Bonds, Series 798A. The Series 797, the Series 798 and the Series 798A Bonds are herein collectively referred to as the bonds. All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and each series of bonds will be awarded by the City Council in the Council Chamber at City Hall at its earliest convenience following the bid opening.

No oral or auction bid for the bonds shall be considered, and no bid of less than the entire principal amount of each series of bonds, plus accrued interest to the date of delivery, will be considered.

Bids may be submitted electronically through PARITY. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the notice of sale. To the extent any instructions or directions set forth in PARITY conflict with the notice of sale, the terms of the notice of sale shall control. The city shall not be responsible for any failure, misdirection or error in the transmission of a bid through PARITY. For further information about the electronic bidding services of PARITY, potential bidders may contact Ipreo, 1359 Broadway, 2nd Floor, New York, NY 10018, (212) 849-5021.

**Bond Details**

The bonds will be in book-entry-only form. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof, will be dated August 1, 2009 (the dated date), and will become due in the years as follows:

**Maturity Schedule - Series 797 Bonds**

<b>Maturing December 1</b>	<b>Principal Amount*</b>
2010	\$ 870,000
2011	905,000
2012	940,000
2013	975,000
2014	1,015,000
2015	1,055,000
2016	1,100,000
2017	1,145,000

2018	1,190,000
2019	1,235,000
2020	150,000
2021	155,000
2022	160,000
2023	170,000
2024	175,000

**Maturity Schedule - Series 798 Bonds**

<b>Maturing December 1</b>	<b>Principal Amount*</b>
2010	\$455,000
2011	470,000
2012	480,000
2013	495,000
2014	510,000
2015	525,000
2016	545,000
2017	560,000
2018	575,000
2019	595,000
2020	610,000
2021	630,000
2022	650,000
2023	670,000
2024	690,000

**Maturity Schedule - Series 798A Bonds**

<b>Maturing December 1</b>	<b>Principal Amount*</b>
2010	\$255,000
2011	265,000
2012	280,000
2013	290,000
2014	300,000
2015	315,000
2016	325,000
2017	340,000
2018	350,000
2019	365,000
2020	380,000
2021	395,000
2022	410,000
2023	430,000
2024	445,000
2025	465,000
2026	480,000
2027	500,000
2028	520,000
2029	540,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold as provided in the notice of sale. Interest on the Series 797, 798 and 798A Bonds will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2010.

**Principal Amounts Subject to Change**

The city reserves the right to decrease the total principal amount of each series of bonds and the principal amount of any maturity in order to properly size a bond issue including adjustments based on net bond proceeds received by the city as a result of any premium bid. Ad-

justments, if required, will be made proportionately to each maturity as permitted by the authorized denominations of such series of bonds. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of a series of bonds as described. If there is an adjustment in the final aggregate principal amount of a series of bonds or the schedule of principal payments as described above, any premium bid on such series of bonds will be proportionately adjusted. At the request of the city, each successful bidder agrees to resize the applicable bond issue, adjust the premium and provide a revised maturity schedule to the city promptly after receipt of notification of such a request by the city.

#### **Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

#### **Good Faith Deposit**

Each bid for each series of bonds shall be accompanied by a cashier's or certified check drawn on a bank located in the United States, or a financial surety bond in a form that complies with the requirements set forth in the notice of sale, in an amount equal to 2 percent of the principal amount of the series of bonds for which the bid is submitted.

#### **Delivery**

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about August 20, 2009, at the offices of the Depository Trust Company, New York, New York.

#### **Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations is \$3,547,637,000. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds, is \$696,213,385.

#### **Approval of Bonds**

The bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of each series of bonds will be furnished and paid for by the city and delivered to the successful bidder(s) when the bonds are delivered.

#### **Additional Information**

Additional information regarding the bonds may be obtained from the city's Department of Finance, City Hall, 12th Floor, 455 N. Main, Wichita, KS 67202-1679 (Catherine Gilley, Debt Coordinator), (316) 268-4143; or from bond counsel, Kutak Rock LLP, 1010 Grand Blvd., Suite 500, Kansas City, MO 64106-2220, (816) 960-0090, Attention: Dorothea Riley.

Dated July 9, 2009.

City of Wichita, Kansas  
By Karen Sublett, City Clerk  
City Hall, 13th Floor  
455 N. Main  
Wichita, KS 67202-1679  
(316) 268-4529

**\*Subject to change.**

Doc. No. 037277

(Published in the Kansas Register July 16, 2009.)

### **City of Andale, Kansas**

#### **Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2009**

Notice is hereby given that the city of Andale, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$410,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated June 22, 2009.

Virigina Edwards  
City Clerk

Doc. No. 037267

### **State of Kansas**

#### **Department of Revenue Division of Motor Vehicles**

#### **Notice of Intent to Establish a New Line-Make for an Existing New Motor Vehicle Dealer**

Notice has been received from Chrysler Group, LLC, a manufacturer of Bud Brown Chrysler Inc., Kansas D719, that the existing Chrysler line-make will be awarded to Overland Park Jeep Inc., D237, 8775 Metcalf, Overland Park, Kansas, 66212, and terminating the Chrysler line-make located at Bud Brown Chrysler, Inc., 9101 Metcalf, Overland Park, Kansas, 66212.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new-line make at Overland Park Jeep, Inc., if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicles as that which is to be sold or offered for sale by Overland Park Jeep, Inc., at 8775 Metcalf, Overland Park, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Chrysler dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Michael J. McLin, Bureau Manager  
Titles and Registration/  
Dealer Licensing Bureau

Doc. No. 037272

State of Kansas

Kansas State University

Notice to Bidders

Kansas State University encourages interested vendors to visit the Kansas State University Controllor's Office/Purchasing Web site at http://www.ksu.edu/purchasing/rfq for a complete listing of all transactions for which Kansas State University Purchasing, or one of the consortia commonly utilized by K-State, is seeking competitive bids. Paper postings of Kansas State University Purchasing's bid transactions may be viewed at the Purchasing Office, 21 Anderson Hall, Manhattan, or persons may contact Purchasing at (785) 532-6214, by fax at (785) 532-5577, or by e-mail at cbishop@ksu.edu to request a copy of a current bid.

Carla Bishop
Director of Purchasing

Doc. No. 037264

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, is 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. 037265

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-09-183/189

Pending Permits for Confined Feeding Facilities

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Raymond J. Muetting, NW/4 of Section 18, T02S, R11E, Nemaha County, Big Blue River Basin.

Kansas Permit No. A-BBNM-S003

This is a reissuance of a permit with a modification for an existing facility for 481 head (192.4 animal units) of swine weighing greater than 55 pounds, 160 head (16 animal units) of swine weighing 55 pounds or less and 25 head (12.5 animal units) of cattle weighing less than 700 pounds, for a total of 220.9 animal units of swine and cattle. The modification is due to the listing of cattle confined on site but not included in previous permits.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Iwig Family Dairy, LLC, SE/4 of Section 13, T12S, R16E, Shawnee County, Kansas River Basin.

Kansas Permit No. A-KSSN-M003

This is a reissuance of a permit for an existing facility for 100 head (140 animal units) of mature dairy cows, 40 head (40 animal units) of dairy heifers weighing more than 700 pounds and 40 head (20 animal units) of dairy calves weighing less than 700 pounds, for a total of 180 head (200 animal units). The facility consists of a milk parlor, milk bottling plant, 0.3 acre of concrete lots, concrete manure storage pad, sediment basin, 3 retention control structures, 2.1 acres of dirt lots, and various locations for calf hutches.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Dewey Feedyard, N/2 of Section 24, T26S, R27W, Gray County, Upper Arkansas River Basin.

Kansas Permit No. A-UAGY-C012 Federal Permit No. KS0093483

This is a reissuance of a permit for an existing facility for 5,000 head (5,000 animal units) of cattle weighing greater than 700 pounds.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: J-Bar Farms, Inc., NE/4 of Section 05, T23S, R03E, Butler County, Walnut River Basin.

Kansas Permit No. A-WABU-B005

This is a reissuance of a permit for an existing facility for 975 head (975 animal units) of cattle weighing greater than 700 pounds.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Kroupa Feedlot, N/2 of Section 34, T18S, R04E, Marion County, Neosho River Basin.

Kansas Permit No.: A-NEMN-B012

This permit is being reissued for an existing facility with 950 head (950 animal units) of beef cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Fanshier Pork Randy Fanshier 2008 N.W. 10th Ave. Great Bend, KS 67530	W/2 of Section 04, T21S, R13W, Stafford County	Upper Arkansas River Basin

Kansas Permit No. A-UASF-H001      Federal Permit No. KS0095281  
 This is a reissuance of a permit for an existing facility for 3,600 head (1,440 animal units) of swine weighing greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Keast Feedlot Scott T. Keast 1744 Q Road Larned, KS 67550	SW/4 of Section 29, T21S, R17W, Pawnee County	Upper Arkansas River Basin

Kansas Permit No. A-UAPN-B009  
 This is a reissuance of a permit for an existing facility for 900 head (900 animal units) of cattle weighing greater than 700 pounds.

**Public Notice No. KS-Q-09-096/100**

Name and Address of Applicant	Receiving Stream	Type of Discharge
Department of the Army, Fort Riley Directorate of Environment and Safety 407 Pershing Court Fort Riley, KS 66442-6121	Funston Lake via Unnamed Tributary	Groundwater Remediation

Kansas Permit No. F-KS97-PO03      Federal Permit No. KS0099881  
 Legal Description: NW¼, S13, T11S, R6E, Riley County  
 Facility Name: Fort Riley Groundwater Remediation - Camp Funston  
 Facility Description: The proposed action consists of issuance of a new Kansas Water Pollution Control Permit/NPDES permit for a new facility. Groundwater contaminated with petroleum hydrocarbon compounds is treated before discharge into Funston Lake, an oxbow lake in the Kansas River Basin. The daily discharge is about 14,400 gallons per day. The proposed permit contains limits for benzene, TPH-diesel range organics and TPH-gasoline range organics, and pH, as well as monitoring for lead, BTEX and effluent flow. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Department of the Army, Fort Riley Directorate of Environment and Safety 407 Pershing Court Fort Riley, KS 66442-6121	Kansas River via Three Mile Creek	Process and Treated Domestic Wastewater

Kansas Permit No. F-KS51-OO01      Federal Permit No. KS0099759  
 Facility Name: Fort Riley Military Base Camp Funston  
 Facility Location: Lat. 39° 05' 29", Long. 96° 44' 32"  
 Facility Description: The proposed action consists of issuance of a new Kansas Water Pollution Control/NPDES permit for a new facility. Fort Riley is a government-owned, government-operated military installation. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, total nitrogen, whole effluent toxicity and pH, as well as monitoring for total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, sulfate, chlorides, total recoverable heavy metals and effluent flow. The permittee shall also provide an annual engineering report summarizing the previous calendar year operations and evaluating if the facility can meet the effluent levels of Total N of 5.0 mg/l and Total P of 0.5 mg/l on a 12-month running average basis. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Whitaker Companies, Inc. 121 - 2600 Road Savonburg, KS 66772	Marais des Cygnes River via Sugar Creek	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC64-PO01      Federal Permit No. KS0092975  
 Legal Description: NE¼, NW¼, NE¼, S20, T21S, R22E, Linn County  
 Facility Name: Centerville Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarrying operations. This facility is a limestone quarrying and crushing operation with some washing. Outfall 001 consists of treated washwater, pit dewatering and stormwater runoff. The proposed permit contains limits for total suspended solids and pH. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Whitaker Companies, Inc. 121 - 2600 Road Savonburg, KS 66772	Marais des Cygnes River via Pottawatomie Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC13-PO02      Federal Permit No. KS0080420  
 Legal Description: SW¼, NW¼, NW¼, S1, T20S, R19E, Anderson County

Facility Name: Garnett Quarry  
 Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarrying operations. This facility is engaged in the quarrying, crushing and washing of limestone rock. The proposed permit contains limits for total suspended solids and pH. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Whitaker Companies, Inc. 121 - 2600 Road Savonburg, KS 66772	Neosho River via Canville Creek via Little Canville Creek	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-NE62-PO02      Federal Permit No. KS0099061  
 Legal Description: SE¼, S12, T27S, R20E, Neosho County

Facility Name: Stark Quarry  
 The proposed action consists of issuing a new permit for discharge of wastewater from a new quarrying operation. This facility is a limestone quarrying and crushing operation with no washing. Outfall 001 consists of pit dewatering and stormwater runoff. 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.

**Public Notice No. KS-EG-09-002**

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

**Name and Address of Applicant**  
 Occidental Chemical Corporation  
 P.O. Box 12283  
 Wichita, KS 67277-2283  
 Facility Location: Wichita Kansas

Well and Permit Number	Location
Harrington 4-1 KS-03-173-274	456.6 feet from south line and 4000.0 feet from east line of Section 30-29-02W, Sedgwick County, KS (SW SE SW)

(continued)

Harrington 4-2 KS-03-173-275	664.3 feet from south line and 3784.7 feet from east line of Section 30-29-02W, Sedgwick County, KS (SW SE SW)
Harrington 4-3 KS-03-173-276	240.0 feet from south line and 3791.1 feet from east line of Section 30-29-02W, Sedgwick County, KS (SW SE SW)
Harrington 4-4 KS-03-173-277	242.9 feet from south line and 4215.4 feet from east line of Section 30-29-02W, Sedgwick County, KS (SE SW SW)
Harrington 4-5 KS-03-173-278	667.1 feet from south line and 4208.9 feet from east line of Section 30-29-02W, Sedgwick County, KS (SE SW SW)

Facility Description: The proposed action is to issue five new Class III injection well permits. The injection fluids consist of fresh water and unsaturated brine. Injection is to be made into the Hutchinson Salt member of the Wellington formation. The top of the cavity shall not be shallower than 250 feet below land surface and mining shall not extend into the upper 40 feet of the salt deposit. The maximum operation injection pressure is not to exceed 130 pounds per square inch at the well head. All construction, monitoring and operation of these wells will meet the requirements that apply to Class III Injection wells under the Kansas Underground Injection Control Regulations, K.A.R. 28-43-1 through 28-43-11, and Kansas Underground Injection Control Regulations, K.A.R. 28-46-1 through 28-46-44.

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 August 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-09-183/189, KS-Q-09-096/100, KS-EG-09-002) 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.kdheks.gov/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. 037279

## State of Kansas

### Department of Health and Environment

#### Notice of Hearing

The Kansas Department of Health and Environment is proposing to revise the State of Kansas Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards. A hearing for this action will be conducted at 10 a.m. Thursday, August 27, in Room 530 of the Curtis State Office Building, 1000 S.W. Jackson, Topeka. Specifically, in response to comments received and changes made by the department to the Kansas Regional Haze Plan after the first public hearing, the department has decided to hold a second public hearing. This SIP revision fulfills the requirements of Section 169A (b)(2) of the Clean Air Act, which requires states to address the impacts of regional haze in mandatory federal Class I areas. The SIP revision contains the requirements for Best Available Retrofit Technology (BART) and outlines the reasonable progress goals and long-term emissions reduction strategy to reduce visibility impairment in Class I areas of neighboring states.

This proposed SIP revision does not include any rule-making action. Details concerning this revision can be obtained by contacting Douglas Watson, KDHE, Bureau of Air and Radiation, at (785) 296-0910. Copies of the proposed plan also may be viewed at the following locations: Department of Air Quality, Unified Government of Wyandotte County - Kansas City, Kansas Health Department, 619 Ann Ave., Kansas City, Kansas; Johnson County Environmental Department, 11811 S. Sunset Drive, Suite 2700, Olathe; KDHE Northwest District Office, 2301 E. 13th St., Hays; KDHE North Central District Office, 2501 Market Place, Suite D, Salina; KDHE Northeast District Office, 800 W. 24th St., Lawrence; KDHE Southeast District Office, 1500 W. 7th St., Chanute; City of Wichita Environmental Services, 1900 E. 9th St., Wichita; KDHE Southwest District Office, 302 W. McArtor Road, Dodge City; and Curtis State Office Building, 1000 S.W. Jackson, Suite 310, Topeka. The plan also is posted on the Bureau of Air and Radiation's Web site at [http://www.kdheks.gov/bar/public\\_notice.html](http://www.kdheks.gov/bar/public_notice.html).

Comments from the interested public should be addressed to KDHE, Bureau of Air and Radiation, Attention: Douglas Watson, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Comments must be received by the Bureau of Air and Radiation not later than the close of business August 27 to assure full consideration of this proposed revision to the SIP.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed plan in accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Douglas Watson at (785) 296-0910.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037271

**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. 2008 Supp. 12-1675(b)(c)(d) and K.S.A. 2008 Supp. 12-1675a(g).

**Effective 7-13-09 through 7-19-09**

Term	Rate
1-89 days	0.16%
3 months	0.13%
6 months	0.25%
1 year	0.42%
18 months	0.65%
2 years	0.92%

Elizabeth B.A. Miller  
Director of Investments

Doc. No. 037266

**State of Kansas  
Behavioral Sciences Regulatory Board**

**Temporary Administrative  
Regulations**

**Article 1.—CERTIFICATION OF PSYCHOLOGISTS**

**102-1-13. Fees.** (a) Each applicant for licensure as a psychologist shall pay the appropriate fee as specified in this subsection:

- (1) Application for a license, \$225;
- (2) original license, \$50;
- (3) renewal, \$200;
- (4) duplicate license, \$20;
- (5) temporary license, \$150;
- (6) temporary license renewal fee, \$150;
- (7) specialty endorsement, \$130;
- (8) temporary, 15-day permit for an out-of-state professional, \$200; or
- (9) temporary, 15-day permit for an out-of-state professional extension, \$200.

(b) Each applicant for a license renewal after its expiration date shall pay an additional fee of \$200, as well as the renewal fee of \$200.

(c) Fees paid to the board shall not be refundable. (Authorized by K.S.A. 2008 Supp. 74-5316, K.S.A. 2008 Supp. 74-5316a, K.S.A. 74-5319, K.S.A. 74-5349, and K.S.A. 2008 Supp. 74-7507; implementing K.S.A. 74-5310, as amended by 2009 HB 2162, sec. 2, K.S.A. 74-5310a, K.S.A. 2008 Supp. 74-5316, K.S.A. 2008 Supp. 74-5316a, K.S.A. 74-5319, K.S.A. 74-5320, and K.S.A. 74-5349; effective May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended, T-102-5-1-90, May 1, 1990; amended June 11, 1990; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991; amended Aug. 23, 1993; amended Aug. 4, 1995; amended Oct. 24, 1997; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30, 2007; amended, T-102-6-26-09, June 26, 2009.)

Phyllis Gilmore  
Executive Director

Doc. No. 037249

**State of Kansas  
Board of Regents  
Temporary Administrative  
Regulations**

**Article 29.—QUALIFIED ADMISSION**

**88-29-1. Definitions.** The following terms, wherever used in this article, shall have the meanings specified in this regulation: (a) "Accelerated course" means a course that meets all of the following criteria:

- (1) Is designed for students performing above their grade level as determined by standardized testing;
- (2) if the course is designed to be a ½-unit course, is completed in less than 40 clock-hours;
- (3) if the course is designed to be a one-unit course, is completed in less than 80 clock-hours; and
- (4) has been determined by the board of regents to include similar or greater content, depth, and complexity as a one-unit course completed in 120 clock-hours or a ½-unit course completed in 60 clock-hours.

(b) "Accredited high school" means one or more educational institutions that provide secondary instruction to students in grades 9, 10, 11, and 12 and that are designated accredited by a regional accrediting agency recognized by the United States department of education, by the Kansas state board of education, or by an agency with standards equivalent to those of the United States department of education or the Kansas state board of education.

(c) "Admission" means the permission given by the admission officer of a state educational institution to an applicant to enroll as a degree-seeking student in a state educational institution.

(d) "Admission category" means one of the admission categories adopted by a state educational institution pursuant to K.A.R. 88-29-3.

(e) "Complete application file" means the entire set of the following student records that have been received in the admission office of a state educational institution:

- (1) A completed application to the state educational institution;
- (2) verification that all applicable application fees have been paid;
- (3) an official copy of the final transcript from each high school attended, including a transcript documenting graduation from high school, or a GED certificate; and
- (4) any other materials required by the state educational institution for advising or placement purposes.

(f) "Degree-seeking student" means a student who has been accepted for enrollment at a state educational institution and who has formally indicated to the state educational institution the intent to complete a program of study that is designated by the United States department of education as a program that is eligible for federal financial aid.

(g) "Earned the general educational development (GED) certificate with an overall score of not less than 50 points" means one of the following:

- (1) Took the GED test on or after January 1, 2002, with an overall score of at least 2,550 points and a minimum score of 510 points on each subtest; or

(continued)

(2) took the GED test before January 1, 2002, with an overall score of at least 250 points and a minimum score of 50 points on each subtest.

(h) "Institution of higher education" means an educational institution in any state, territory or country that meets all of the following criteria:

(1) Meets one of the following requirements:

(A) Offers a course of instruction designated by the United States department of education as a program that is eligible for federal financial aid; or

(B) offers a course of instruction that is equivalent to a program designated by the United States department of education as a program that is eligible for federal financial aid;

(2) is legally authorized within the state, territory, or country that appears on the transcript to provide a program of education beyond secondary education; and

(3) meets one of the following requirements:

(A) Is accredited by an accrediting agency or association that is recognized by the United States department of education or an international accrediting agency; or

(B) has been granted preaccreditation status by an accrediting agency or association that is recognized by either the United States department of education or an international accrediting agency.

(i) "Integrated course" means a course that redistributes the content of two or more qualified admission pre-college curriculum courses into a nontraditional combination. A nontraditional combination may combine the content of qualified admission algebra I and qualified admission geometry over a period of four semesters in a sequence of courses titled integrated math I and II.

(j) "Kansas resident" means a person determined to be a resident for fee purposes pursuant to K.S.A. 76-729 and amendments thereto.

(k) "Non-accredited private secondary school" means a private secondary school, as defined in K.S.A. 72-53,100 and amendments thereto, which may include a home school.

(l) "Non-degree-seeking student" means a student who has been accepted for enrollment in a state educational institution and who has formally indicated to the state educational institution the intent to enroll for self-enrichment or other reasons, excluding the intent to complete a course of study that is designated by the United States department of education as a program that is eligible for federal financial aid.

(m) "Precollege," when used to describe a course or curriculum, means a type of course or curriculum offered at an accredited high school that meets each of the following criteria:

(1) The course or curriculum is designed for a student performing at or above the student's grade level as determined by standardized testing.

(2) The content and requirements of the course or curriculum have been determined by the board of regents or the board's designee to reflect a pace of instruction, intensity and depth of material, level of abstraction, and application of critical thinking necessary to prepare students for study at state educational institutions.

(n) "State educational institution" has the meaning specified in K.S.A. 76-711 and amendments thereto.

(o) "Ten percent exception window for resident freshman class admissions" means a method by which a Kansas resident who does not meet the applicable requirements specified in K.A.R. 88-29-4 through 88-29-6 and who is not eligible for admission pursuant to the ten percent exception window for resident transfer admissions may be admitted to a state educational institution pursuant to K.A.R. 88-29-8.

(p) "Ten percent exception window for resident transfer admissions" means a method by which a Kansas resident who has earned at least 24 credit hours of transferable coursework at an accredited community college, university, or other college but who is not eligible for admission pursuant to K.A.R. 88-29-4 may be admitted to a state educational institution pursuant to K.A.R. 88-29-8a.

(q) "Ten percent exception window for nonresident transfer admissions" means a method by which a person who is not a resident of Kansas and who has earned at least 24 credit hours of transferable coursework but who is not eligible for admission pursuant to K.A.R. 88-29-4 may be admitted to a state educational institution pursuant to K.A.R. 88-29-8b.

(r) "Unit" means a measure of secondary credit that may be awarded to a student for satisfactory completion of a particular course or subject. One unit of credit is credit that is awarded for satisfactory completion of a course or subject that is offered for and generally requires 120 clock-hours to complete. Credit may be awarded in increments based upon the amount of time a course or subject is offered and the requirements for completion.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-4. Qualifications required for the admission of an applicant with 24 or more transferable credit hours.** (a) The requirements established in this regulation shall apply to any applicant who has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution. If an applicant does not meet the requirements of this regulation, the applicant may be admitted by means of the ten percent exception window for resident transfer admissions described in K.A.R. 88-29-8a or the ten percent exception window for nonresident transfer admissions described in K.A.R. 88-29-8b.

(b) Each state educational institution shall admit any Kansas resident who meets the following criteria:

(1) Has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution; and

(2) has earned a cumulative grade point average of 2.0 or higher on a 4.0 scale in all postsecondary coursework.

(c) Any state educational institution may admit a nonresident who meets the following criteria:

(1) Has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution; and

(2) has earned a cumulative grade point average of 2.0 or higher on a 4.0 scale in all postsecondary coursework.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as

amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-5. Qualifications required for the admission of a Kansas resident who is under the age of 21.** (a) The requirements established in this regulation shall apply to any applicant who is a Kansas resident and is under the age of 21, except that the requirements shall not apply to any applicant who has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution. If an applicant to whom this regulation is applicable does not meet the requirements of this regulation, the applicant may be admitted by means of the ten percent exception window for resident freshman class admissions described in K.A.R. 88-29-8.

(b) Each state educational institution shall admit any Kansas resident under the age of 21 who meets each of the following requirements:

(1) Has graduated from an accredited high school in Kansas or, pursuant to K.S.A. 72-116 and amendments thereto, an accredited high school located out of state; and

(2) meets at least one of the following criteria:

(A) Achieved a composite score on the ACT of at least 21 points;

(B) ranked in the top third of the applicant's high school class upon completion of seven or eight semesters; or

(C) completed the qualified admission precollege curriculum described in K.A.R. 88-29-11, or its functional equivalent described in K.A.R. 88-29-18, with a minimum grade point average of 2.0 on a 4.0 scale.

(c) Each state educational institution shall admit any Kansas resident under the age of 21 who meets both of the following requirements:

(1) Has graduated from a non-accredited private secondary school, as defined in K.S.A. 72-53,100, and amendments thereto; and

(2) has achieved a composite score on the ACT of at least 21 points.

(d) Each state educational institution shall admit any Kansas resident who is under the age of 21 and who has earned the general educational development (GED) certificate with an overall score of not less than 50 points, as defined in K.A.R. 88-29-1.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-7. Qualifications required for the admission of a nonresident.** (a) The requirements established in this regulation shall apply to any applicant who is a nonresident, except that the requirements shall not apply to any applicant who has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution. If an applicant does not meet the requirements prescribed in this regulation, the applicant may be admitted into the conditional admission category adopted in the state educational institution's admission policy for conditional admission established in accordance with K.A.R. 88-29-9.

(b) Any state educational institution may admit any nonresident who meets both of the following requirements:

(1) Has graduated from an accredited high school; and

(2) meets at least one of the following criteria:

(A) Achieved a composite score on the ACT of at least 21 points;

(B) ranked in the top third of the applicant's high school class upon completion of seven or eight semesters; or

(C) completed the qualified admission precollege curriculum described in K.A.R. 88-29-11, or its functional equivalent described in K.A.R. 88-29-19, with a minimum grade point average of at least 2.5 on a 4.0 scale.

(c) Any state educational institution may admit any nonresident who meets both of the following requirements:

(1) Has graduated from a non-accredited private secondary school meeting requirements substantially equivalent to those in K.S.A. 72-53,100 through 72-53,102, and amendments thereto; and

(2) has achieved a composite score on the ACT of at least 21 points.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-8. The ten percent exception window for resident freshman class admissions.** (a) Any state educational institution may admit any Kansas resident who does not meet the applicable requirements specified in K.A.R. 88-29-5 or K.A.R. 88-29-6 and who has earned fewer than 24 credit hours from an institution of higher education that are transferable to the state educational institution by means of the ten percent exception window for resident freshman class admissions created pursuant to K.S.A. 76-717(a)(5), and amendments thereto. The maximum number of students admitted by means of this ten percent exception window shall be calculated as follows:

(1) The total number of admitted new students who have earned fewer than 24 credit hours from an institution of higher education that are transferable to the state educational institution, regardless of admission category, shall be counted on the twentieth day of the fall, spring, and summer sessions of each academic year.

(2) The maximum number of admissions calculated using the ten percent exception window shall be equal to 10 percent of the sum of the three numbers counted in paragraph (a)(1).

(b) If the state educational institution exceeds the allotted number of admissions using this ten percent exception window, the excess over the allowable total number of exceptions shall be subtracted from the subsequent year's allowable total number of exceptions for resident freshman class admissions.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-8a. The ten percent exception window for resident transfer admissions.** Any state educational in-

(continued)

stitution may admit any Kansas resident who has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution, but who does not meet the applicable requirements specified in K.A.R. 88-29-4, by means of the ten percent exception window for resident transfer admissions created pursuant to K.S.A. 76-717(a)(6), and amendments thereto.

(a) The maximum number of students admitted by means of this ten percent exception window shall be calculated as follows:

(1) The total number of admitted new resident students who have earned at least 24 transferable credit hours from an institution of higher education that are transferable to the state educational institution, regardless of admission category, shall be counted on the twentieth day of the fall, spring, and summer sessions of each academic year.

(2) The maximum number of admissions calculated using this ten percent exception window shall be equal to 10 percent of the sum of the three numbers counted in paragraph (a)(1).

(b) If the state educational institution exceeds the allotted number of admissions using the ten percent exception window, the excess over the allowable total number of exceptions shall be subtracted from the subsequent year's allowable total number of exceptions for resident transfer admissions.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective, T-88-6-26-09, July 1, 2009.)

**88-29-8b. The ten percent exception window for nonresident transfer admissions.** Any state educational institution may admit any nonresident who has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution, but who does not meet the applicable requirements specified in K.A.R. 88-29-4, by means of the ten percent exception window for nonresident transfer admissions created pursuant to K.S.A. 76-717(a)(9), and amendments thereto.

(a) The maximum number of students admitted by means of this ten percent exception window shall be calculated as follows:

(1) The total number of admitted new nonresident students who have earned at least 24 transferable credit hours from an institution of higher education that are transferable to the state educational institution, regardless of admission category, shall be counted on the twentieth day of the fall, spring, and summer sessions of each academic year.

(2) The maximum number of admissions calculated using this ten percent exception window shall be equal to 10 percent of the sum of the three numbers counted in paragraph (a)(1).

(b) If the state educational institution exceeds the allotted number of admissions using this ten percent exception window, the excess over the allowable total number of exceptions shall be subtracted from the subsequent year's allowable total number of exceptions for nonresident transfer admissions.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective, T-88-6-26-09, July 1, 2009.)

**88-29-9. Admission policies for state educational institutions.** The chancellor or president of each state educational institution or a designee shall establish admission policies that meet all of the following requirements:

(a) The policies shall not conflict with the provisions of this article.

(b) The policies shall specify the materials required for a complete application file.

(c) The policies shall address the enrollment of both degree-seeking and non-degree-seeking students as well as each student's transition from degree-seeking to non-degree-seeking status or from non-degree-seeking to degree-seeking status. Policies shall mandate that each non-degree-seeking student who applies to enroll as a degree-seeking student shall be admitted only if one of the following conditions is met:

(1) The student meets the applicable requirements specified in K.A.R. 88-29-4 through 88-29-7.

(2) The student is admitted by means of the ten percent exception window for resident freshmen class admissions described in K.A.R. 88-29-8.

(3) The student is admitted by means of the ten percent exception window for resident transfer admissions described in K.A.R. 88-29-8a.

(4) The student is admitted by means of the ten percent exception window for nonresident transfer admissions described in K.A.R. 88-29-8b.

(5) The student is admitted into the conditional admission category adopted in the state educational institution's admission policy for conditional admission established in accordance with this regulation.

(d) The policies shall include an explanation of the ten percent exception windows and the state educational institution's method to determine which applicants would be admitted if there were more applicants than the state educational institution is allowed under K.A.R. 88-29-8, K.A.R. 88-29-8a, or K.A.R. 88-29-8b.

(e) The policies may include the establishment of subcategories of non-degree-seeking students.

(f) The policies shall include a statement indicating whether the state educational institution will consider, in the admission decision, any postsecondary credit from an institution that is not accredited and has not been granted preaccreditation status by an agency recognized by the United States department of education or by an equivalent international agency. If the state educational institution considers these credits, the admission decision shall be made in accordance with K.A.R. 88-29-4.

(g) The policies shall include a statement of whether the state educational institution enrolls students in the temporary, provisional, or conditional admission category.

(1) If the state educational institution enrolls any students in the temporary admission category, the policies shall include all of the following:

(A) A description of requirements for exiting the temporary admission category and entering another admission category;

(B) a statement that a temporarily admitted student may be denied admission to a specific degree program; and

(C) a statement that each student who fails to exit from the temporary admission category within the specified period of time shall be disenrolled.

(2) If the state educational institution enrolls any students in the provisional admission category, the policies shall include all of the following:

(A) A description of requirements for exiting the provisional admission category and entering another admission category;

(B) a statement that any student admitted in the provisional admission category may be denied admission to a specific degree program; and

(C) a statement that each student who fails to exit from the provisional admission category within the period of time specified by the state educational institution shall be disenrolled.

(3) If the state educational institution enrolls any students in the conditional admission category, the policies shall include all of the following:

(A) A statement that the maximum number of students admitted in the conditional admission category shall be equal to 50 students or 10 percent of the total number of new nonresident freshman class admissions, whichever is greater. This 10 percent shall be calculated as follows:

(i) Ten percent of the total number of nonresident freshman class admissions shall be calculated as follows: the total number of admitted new students who have earned fewer than 30 credit hours from an institution of higher education and who are nonresidents shall be counted on the twentieth day of the fall, spring, and summer sessions of each academic year. Ten percent of the sum of these counts shall be calculated; and

(ii) if the state educational institution exceeds the allotted number of admissions in the conditional admission category described in paragraph (g)(3)(A), the excess over the allowable total number of admissions shall be subtracted from the subsequent year's allowable total;

(B) a statement that a student enrolled in the conditional admission category shall not be admitted to a specific degree program until the student enters the regular admission category; and

(C) a statement listing the requirements that each student admitted in the conditional admission category shall complete at the state educational institution in order to exit the conditional admission category and enter the regular admission category.

(4) The state educational institution's policy shall mandate that a student who meets the criteria for more than one of the temporary, provisional, and conditional admission categories shall not be granted regular admission until the student fulfills the requirements for exiting each of the categories in which the student is initially enrolled.

(h) The admission policy of each state educational institution shall be required to be approved in advance by the board of regents.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-11. Requirements for the qualified admission precollege curriculum.** In order to admit any applicant under the qualified admission precollege curriculum criterion, each state educational institution shall require the applicant to provide an official high school transcript documenting completion of the approved qualified admission precollege curriculum that meets the following requirements:

(a) For each student graduating from high school before 2010, the transcript shall indicate the following distribution of courses:

(1) One unit of approved qualified admission computer technology courses, with the content described in K.A.R. 88-29-13;

(2) four units of approved qualified admission English courses, with the content described in K.A.R. 88-29-14;

(3) three units of approved qualified admission mathematics courses that have the content described in K.A.R. 88-29-15 and that meet the following requirements:

(A) Are at or above the level of qualified admission algebra I; and

(B) were taken during ninth through twelfth grades;

(4) three units of approved qualified admission natural science courses that have the content described in K.A.R. 88-29-16 and that meet the following requirements:

(A) The three units shall be selected from any of the following courses, with at least one unit in each selected course:

(i) Qualified admission biology;

(ii) qualified admission advanced biology;

(iii) qualified admission chemistry;

(iv) qualified admission physics;

(v) qualified admission earth-space science; or

(vi) qualified admission principles of technology; and

(B) at least one unit shall be selected from a qualified admission chemistry course or a qualified admission physics course; and

(5) three units of approved qualified admission social science courses that have the content described in K.A.R. 88-29-17 and that are distributed according to the following requirements:

(A) A minimum of  $\frac{1}{2}$  unit shall be a qualified admission United States government course;

(B) a minimum of  $\frac{1}{2}$  unit shall be selected from any of the following courses:

(i) Qualified admission world history;

(ii) qualified admission world geography; or

(iii) qualified admission international relations;

(C) a minimum of one unit shall be a qualified admission United States history course;

(D) up to one unit shall be selected from any of the following courses:

(i) A qualified admission anthropology course;

(ii) a qualified admission current social issues course;

(iii) a qualified admission economics course;

(iv) a qualified admission race and ethnic group relations course;

(v) a qualified admission sociology course;

(vi) a qualified admission psychology course;

(vii) a qualified admission United States history course; or

(continued)

(viii) a qualified admission United States government course;

(E) a ½-unit course shall not be used to fulfill more than one requirement of this regulation for more than one discipline in the qualified admissions precollege curriculum; and

(F) a one-unit course may be used to fulfill two ½-unit requirements of this regulation.

(b) Except as otherwise stated in paragraph (b)(2)(B), for each student graduating from high school in 2010 and thereafter, the qualified admission precollege curriculum shall consist of the following distribution of courses:

(1) Four units of approved qualified admission English courses that have the content described in K.A.R. 88-29-14;

(2) three units of approved qualified admission mathematics courses that have the content described in K.A.R. 88-29-15 and that meet the following requirements:

(A) The course shall be completed in the seventh through twelfth grades;

(B) for each student graduating from high school in 2014 and thereafter, at least one of the courses shall be completed in the twelfth grade; and

(C) the course shall be selected from any of the following courses:

- (i) Qualified admission algebra I;
- (ii) qualified admission geometry;
- (iii) qualified admission algebra II; or
- (iv) any mathematics course that has qualified admission algebra II as a prerequisite;

(3) three units of approved qualified admission natural science courses that have the content described in K.A.R. 88-29-16 and that meet the following requirements:

(A) The three units shall be selected from any of the following courses:

- (i) Qualified admission biology;
- (ii) qualified admission advanced biology;
- (iii) qualified admission chemistry;
- (iv) qualified admission physics;
- (v) qualified admission earth-space science; or
- (vi) qualified admission principles of technology; and

(B) at least one unit shall be selected from a qualified admission chemistry course or a qualified admission physics course; and

(4) three units of approved qualified admission social science courses that have the content described in K.A.R. 88-29-17 and that are distributed according to the following requirements:

(A) A minimum of ½ unit shall be a qualified admission United States government course;

(B) a minimum of ½ unit shall be selected from any of the following courses:

- (i) Qualified admission world history;
  - (ii) qualified admission world geography; or
  - (iii) qualified admission international relations;
- (C) a minimum of one unit shall be a qualified admission United States history course;

(D) not more than one unit shall be selected from any of the following courses:

- (i) Qualified admission anthropology;
- (ii) qualified admission current social issues;
- (iii) qualified admission economics;

(iv) qualified admission psychology;

(v) qualified admission race and ethnic group relations;

(vi) qualified admission sociology;

(vii) qualified admission United States history; or

(viii) qualified admission United States government;

(E) a ½-unit course shall not be used to fulfill more than one requirement of this regulation for more than one discipline in the qualified admissions precollege curriculum; and

(F) a one-unit course may be used to fulfill two ½-unit requirements of this regulation.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197 §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-12. Establishment of a qualified admission precollege curriculum by an accredited high school in Kansas.**

(a) The administrator of any accredited high school in Kansas may establish a qualified admission precollege curriculum. Failure to establish a qualified admission precollege curriculum shall render the high school's graduates ineligible for admission to a state educational institution under the qualified admission precollege curriculum criterion specified in K.A.R. 88-29-5 and 88-29-7. If an administrator establishes a qualified admission precollege curriculum, the curriculum shall meet the requirements of this regulation. No exemption to these requirements shall be granted.

(b) Each course to be included in an accredited high school's qualified admission precollege curriculum shall be approved in advance by the chief executive officer of the board of regents or the chief executive officer's designee. The approval procedures shall be distributed to accredited high schools in Kansas and shall include the following:

(1) Each administrator of an accredited high school in Kansas who desires to establish and maintain a qualified admission precollege curriculum shall submit materials to the board of regents in accordance with procedures established by the board of regents or the board's designee. Failure to submit materials in a timely manner may disqualify the high school's students for admission to a state educational institution under the qualified admission precollege curriculum criterion specified in K.A.R. 88-29-5 and 88-29-7.

(2) Each administrator of an accredited high school in Kansas with an approved qualified admission precollege curriculum shall notify the board of regents about any changes in course titles, deletion of courses, changes in course content, and changes in contact information in a manner prescribed by the board of regents or the board's designee.

(c) Each course for inclusion in an accredited high school's qualified admission precollege curriculum shall be approved according to the following procedures:

(1) A course shall be approved only if the content of the course meets the applicable requirements of K.A.R. 88-29-13 through 88-29-17.

(2) Two ½-unit courses may be approved to fulfill one unit of the qualified admission precollege curriculum only if the content of the resultant combination meets the

applicable requirements of K.A.R. 88-29-13 through 88-29-17 and is equally distributed between the two ½-unit courses.

(3) Any college course offered by an eligible institution of higher education may be approved for inclusion in an accredited high school's qualified admission precollege curriculum if the course meets all of the following conditions:

(A) The content of the college course meets the applicable requirements in K.A.R. 88-29-13 through 88-29-17.

(B) The number of credit hours for the college course is three or more.

(C) The college course appears on the official high school transcript.

(4) Any integrated course that is not also an accelerated course may be approved by the chief executive officer or the chief executive officer's designee if the integrated course meets at least one of the following conditions:

(A) If all requirements for qualified admission algebra I and qualified admission geometry, as described in K.A.R. 88-29-15, are covered in an integrated course over a period of time equivalent to the time for two one-unit courses, two units of integrated mathematics may be approved to substitute for qualified admission algebra I and qualified admission geometry.

(B) If all requirements for qualified admission algebra I and II and qualified admission geometry, as described in K.A.R. 88-29-15, are covered in an integrated course over a period of time equivalent to the time for three one-unit courses, three units of integrated mathematics may be approved to substitute for qualified admission algebra I and II and qualified admission geometry.

(C) If a course meets all requirements for both a qualified admission English course and a qualified admission social studies course, as described in K.A.R. 88-29-14 and 88-29-17, and meets for a length of time equivalent to the time for two one-unit courses, the integrated course may be approved to substitute for one unit of English and one unit of social studies in the qualified admission precollege curriculum.

(D) If the content of an integrated course meets all requirements for two qualified admission natural science courses, as described in K.A.R. 88-29-16, and covers the material over a period of time equivalent to the time for two one-unit courses, the integrated course may be substituted for two units of natural science in the qualified admission precollege curriculum.

(5)(A) A one-unit integrated science course shall not be approved unless the course is also an accelerated course.

(B) Any accelerated course may be approved for inclusion in the qualified admission precollege curriculum.

(d) The list of courses that have been approved to be included in the qualified admission precollege curriculum for each accredited high school in Kansas shall be available from the board.

(e) Upon receipt of information that an approved course in the qualified admission precollege curriculum does not meet the applicable content requirements specified in these regulations, the content of that approved course may be reviewed by the chief executive officer of the board of regents or the chief executive officer's designee to verify that the course continues to meet the ap-

licable content requirements in K.A.R. 88-29-13 through 88-29-17.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-18. Functional equivalents of the qualified admission precollege curriculum; residents.** In order to admit an applicant under the criterion of successful completion of the functional equivalent of the qualified admission precollege curriculum, the admission officer of each state educational institution shall require each applicant who is a Kansas resident to meet one or more of the sets of requirements specified in subsections (a) through (d). An admission officer of a state educational institution shall not grant any exception to this regulation.

(a) To demonstrate successful completion of the functional equivalent of the qualified admission precollege English courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any three units of high school English with no grade lower than a C; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in either of the following college board advanced placement (AP) courses:

(i) Language and composition; or

(ii) literature and composition; or

(B) a grade of B or higher in a general education English course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(b) To demonstrate successful completion of the functional equivalent of the qualified admission precollege mathematics courses as described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school mathematics courses with no grade lower than a C; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

(i) Calculus AB; or

(ii) calculus BC; or

(B) a grade of C or higher in a general education mathematics course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(c) To demonstrate successful completion of the functional equivalent of the qualified admission precollege natural science courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school science courses with no grade less than a C; and

(2) official documentation of achievement of at least one of the following:

(continued)

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Biology;
- (ii) chemistry; or
- (iii) physics B; or

(B) a grade of C or higher in a general education natural science laboratory course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(d) To demonstrate successful completion of the functional equivalent of the qualified admission precollege social science courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school social science courses with no grade lower than a C; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Microeconomics;
- (ii) macroeconomics;
- (iii) comparative government and policies;
- (iv) United States government and policies;
- (v) European history;
- (vi) United States history; or
- (vii) psychology; or

(B) a grade of B or higher in a general education social science course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

**88-29-19. Functional equivalents of the qualified admission precollege curriculum; nonresidents.** In order to admit an applicant under the criterion of successful completion of the functional equivalent of the precollege curriculum, the admission officer of each state educational institution shall require each applicant who is not a resident of Kansas to meet one or more of the sets of requirements specified in subsections (a) through (e). An admission officer of a state educational institution shall not grant any exception to this regulation.

(a) To demonstrate successful completion of the functional equivalent of the qualified admission precollege English courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any three units of high school English with no grade lower than a C and at least one grade of B or higher; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in either of the following college board advanced placement (AP) courses:

- (i) Language and composition; or
- (ii) literature and composition; or

(B) a grade of B or higher in a general education English course taken before high school graduation and either of-

ferred by or accepted in transfer by a state educational institution.

(b) To demonstrate successful completion of the functional equivalent of the qualified admission precollege mathematics courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school mathematics courses with no grade lower than a C and at least one grade of B or higher; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in either of the following college board advanced placement (AP) courses:

- (i) Calculus AB; or
- (ii) calculus BC; or

(B) a grade of C or better in a general education mathematics course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(c) To demonstrate successful completion of the functional equivalent of the qualified admission precollege natural science courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school science courses with no grade less than a C and at least one grade of B or higher; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Biology;
- (ii) chemistry; or
- (iii) physics B; or

(B) a grade of C or higher in a general education natural science laboratory course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(d) To demonstrate successful completion of the functional equivalent of the qualified admission precollege social science courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school social science course with no grade lower than a C and at least one grade of B or higher; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Microeconomics;
- (ii) macroeconomics;
- (iii) comparative government and policies;
- (iv) United States government and policies;
- (v) European history;
- (vi) United States history; or
- (vii) psychology; or

(B) a grade of B or higher in a general education social science course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(e) To demonstrate successful completion of the functional equivalent of all of the courses described in K.A.R. 88-29-11, each applicant who has attended an accredited high school located outside the United States shall provide official documentation of a study in mathematics, science, literature, and composition and completion of this study at a level that exceeds the minimum graduation standards of that accredited high school.

This regulation shall be effective on and after July 1, 2009. (Authorized by and implementing K.S.A. 76-717, as amended by 2009 HB 2197, §1; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009.)

Reginald L. Robinson  
President and CEO

Doc. No. 037250

State of Kansas

**Kansas Lottery**

**Temporary Administrative Regulations**

**Article 4.—INSTANT GAMES AND DRAWINGS**

**111-4-2849. “Snowflake Bingo” instant ticket lottery game number 191.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled “Snowflake Bingo” commencing on or after July 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2849.

(b) The “play symbols” for the four bingo “CARD” play areas for this game are as follows:

01	02	03	04	05	06	07	08	09	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	FREE	SNOWFLAKE			

In the “CALLER’S CARD” play area, a letter/number combination game symbol appears in each of the 24 play spots. In the “BONUS NUMBERS” play area, a letter/combination game symbol appears in each of the six play spots. “Play symbols” for the “CALLER’S CARD,” and the “BONUS NUMBERS” play areas for this instant game are the following:

B01	I16	N31	G46	O61
B02	I17	N32	G47	O62
B03	I18	N33	G48	O63
B04	I19	N34	G49	O64
B05	I20	N35	G50	G65
B06	I21	N36	G51	O66
B07	I22	N37	G52	O67
B08	I23	N38	G53	O68
B09	I24	N39	G54	O69
B10	I25	N40	G55	O70
B11	I26	N41	G56	O71
B12	I27	N42	G57	O72
B13	I28	N43	G58	O73
B14	I29	N44	G59	O74

B15 I30 N45 G60 O75

(c) There are no “play symbol captions” for this game.  
(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
SEV	=	\$7.00
NIN	=	\$9.00
TEN	=	\$10.00
FTN	=	\$15.00
NTN	=	\$19.00
TWY	=	\$20.00
FTY	=	\$50.00
STF	=	\$75.00
HUN	=	\$100.00
HFY	=	\$150.00
THN	=	\$200.00
THY	=	\$250.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) “Snowflake Bingo” is a two-part vertically oriented game. The first part consists of the “CALLER’S CARD” and the “BONUS NUMBERS.” The “CALLER’S CARD” contains 24 draw numbers covered by opaque latex. The “BONUS NUMBERS” consist of six draw numbers covered by opaque latex.

The second part consists of four “GAME CARDS” each containing 23 numbers, a “FREE” space in the center of each card, and a “SNOWFLAKE” symbol, for a total of 25 squares. The “GAME CARDS” are each covered by translucent blue scratch-off.

A player removes the scratch-off material from the areas on the ticket indicated by the words “CALLER’S CARD” and “BONUS NUMBERS” to reveal a total of 30 “SNOWFLAKE BINGO” letter/number combinations. A player wins by matching the “CALLER’S CARD” and “BONUS NUMBERS” to the numbers on the four “GAME CARDS.” If the player finds a diagonal, vertical, or horizontal straight line, or four corners of the grid, or an “X” pattern, the player wins a prize according to the prize legend beside the respective “GAME CARD.”

A “SNOWFLAKE” symbol will appear at random in each of the four “GAME CARDS.” The “SNOWFLAKE” symbol will act as a “FREE” space, and if the “SNOWFLAKE” symbol is included in any winning pattern, the corresponding prize is doubled.

(h) Each ticket in this game may win up to four times. Only the highest prize won on each card will be awarded.

(i) Approximately 1,200,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(continued)

(j) The expected number and value of instant prizes in this game shall be as follows:

	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Line - Card 1	\$2	56,000	\$112,000
Line - Card 2	\$2	56,000	112,000
Line - Cards 1 & 2	\$4	40,000	160,000
Line - Card 1 (DBL)	\$4	32,000	128,000
Line - Card 2 (DBL)	\$4	32,000	128,000
Line - Card 3	\$5	18,000	90,000
Line - Cards 2 & 3	\$7	20,000	140,000
Line - Cards 1 & 2 & 3	\$9	6,000	54,000
Line - Card 4	\$10	4,000	40,000
Line - Card 3 (DBL)	\$10	8,000	80,000
Line - Cards 3 & 4	\$15	3,000	45,000
Line - Cards 1 & 2 & 3 & 4	\$19	2,400	45,600
4 Corners - Card 1	\$20	1,000	20,000
Line - Card 4 (DBL)	\$20	2,400	48,000
4 Corners - Card 2	\$50	400	20,000
4 Corners - Cards 1 & 2, Line - Card 3	\$75	200	15,000
X - Card 1	\$100	72	7,200
4 Corners - Card 3	\$100	108	10,800
4 Corners - Card 4	\$100	108	10,800
4 Corners - Cards 2 & 3	\$150	60	9,000
4 Corners - Cards 2 & 4	\$150	60	9,000
4 Corners - Cards 3 & 4	\$200	72	14,400
4 Corners - Cards 2 & 3 & 4	\$250	36	9,000
X - Card 2	\$500	24	12,000
X - Card 3	\$1,000	20	20,000
X - Card 4	\$10,000	12	120,000
TOTAL		<u>281,972</u>	<u>\$1,459,800</u>

(DBL) - denotes doubler feature

(k) The odds of winning a prize in this game are approximately one in 4.26. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

**111-4-2850. "Holiday Crossword" instant ticket lottery game number 192.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Holiday Crossword" commencing on or after July 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2850.

(b) The "play symbols" for this game are as follows:

**Play Symbols**

- A
- B
- C
- D
- E
- F
- G
- H
- I
- J
- K
- L
- M
- N
- O
- P
- Q
- R
- S

- T
- U
- V
- W
- X
- Y
- Z

(c) For this game, a play symbol shall appear in each of a variable number of play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) "Holiday Crossword" consists of three play areas. In the upper part of the ticket there is a crossword puzzle grid that contains 11 spaces (height) by 11 spaces (width) covered by transparent latex. In the "YOUR LETTERS" play area, located in the lower part of the ticket, there are 18 letters located under opaque latex. To the right of the "YOUR LETTERS" play area is the "BONUS" play area in which there are two letters covered by opaque latex. Imaged around each of the 18 "YOUR LETTERS" and two "BONUS" letters there will be a four-sided box composed of solid lines. A player will remove the latex from the "YOUR LETTERS" and "BONUS" play areas one letter at a time, and then for each matching letter in the crossword puzzle grid scratch off the transparent latex. Each letter revealed in the "YOUR LETTERS" and "BONUS" play areas may be used an unlimited number of times in the crossword puzzle grid. If a player reveals at least three complete words in the crossword puzzle grid, the player wins the corresponding prize in the prize legend. The prize legend on the front of the ticket indicates prizes won for number of words revealed, as is also set forth in subsection (k) hereinafter.

(h) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the "crossword" puzzle;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces;
- (5) every single letter in the unbroken string must be revealed in "YOUR LETTERS," or "BONUS" areas and be included to form a word; and

(6) the three small letters outside the squares in the "YOUR LETTERS" area are for validation purposes and cannot be used to play "Holiday Crossword."

(i) Each ticket in this game may win up to one time. Only the highest prize won on each ticket will be awarded.

(j) Approximately 1,200,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(k) The expected number and value of instant prizes in this game shall be as follows:

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	200,000	\$0
\$5	52,000	260,000
\$10	27,600	276,000
\$20	9,200	184,000
\$100	1,200	120,000
\$500	184	92,000
\$2,000	44	88,000
\$20,000	8	160,000
<b>TOTAL</b>	<b>290,236</b>	<b>\$1,180,000</b>

(l) The odds of winning a prize in this game are approximately one in 4.13. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

**111-4-2851. "Huntin' Season" instant ticket lottery game number 197.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Huntin' Season" commencing on or after July 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2851.

(b) The "play and prize symbols" and "captions" for this game are as follows:

Play Symbols	Play Symbol Captions
Symbol of an antler	ANTLR
Symbol of an ATV	ATV
Symbol of a decoy	DECOY
Symbol of a pair of binoculars	BNOCLR
Symbol of a hunting hat	HAT
Symbol of a tree	TREE
Symbol of a dog	DOG
Symbol of a whistle	WHISTL
Symbol of a knife	KNIFE
Symbol of a cross bow	BOW
Symbol of a coin	1XPRIZE
Symbol of a stack of cash	2XPRIZE

Prize Symbols	Play Symbol Captions
Free	TICKET
\$1.00	ONE\$
\$2.00	TWO\$
\$3.00	THR\$
\$4.00	FOUR\$
\$5.00	FIVE\$
\$6.00	SIX\$
10.00	TEN\$
20.00	TWENTY
25.00	TWEN-FIV

50.00	FIFTY
\$100\$	ONE-HUN
\$150\$	ONHNFTY
\$300\$	THRHUN
\$3000	THRTHOU

(c) For this game, a play symbol shall appear in each of 11 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
FOR	=	\$4.00
SIX	=	\$6.00
TEN	=	\$10.00
TWY	=	\$20.00
FTY	=	\$50.00
HUN	=	\$100.00
THH	=	\$300.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Huntin' Season" is a tic-tac-toe game. A player will remove the scratch-off material to reveal nine play symbols, one prize symbol, and one "BONUS" symbol. If a player reveals three "ANTLER" symbols in any one row, column, or diagonal, the player wins the prize shown in the prize box. If the player reveals a "STACK OF CASH" symbol in the "BONUS" box, the player wins double the prize.

(h) Each ticket in this game may win up to one time.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	40,000	\$0
\$1	40,000	40,000
\$2	16,000	32,000
\$1 DBL	16,000	32,000
\$4	7,000	28,000
\$2 DBL	7,000	28,000
\$6	4,000	24,000
\$3 DBL	4,000	24,000
\$10	1,800	18,000
\$5 DBL	1,800	18,000
\$20	500	10,000
\$10 DBL	500	10,000
\$50	220	11,000
\$25 DBL	220	11,000
\$100	36	3,600
\$50 DBL	36	3,600
\$300	16	4,800

(continued)

\$150 DBL	\$300	16	4,800
\$3,000	\$3,000	<u>8</u>	<u>24,000</u>
TOTAL		<u>139,152</u>	<u>\$326,800</u>

DBL - denotes doubler feature

(k) The odds of winning a prize in this game are approximately one in 4.31. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

**111-4-2852. "Cash Happy" instant ticket lottery game number 198.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Cash Happy" commencing on or after July 1, 2008. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2852.

(b) The "play symbols" and "captions" for this game are as follows:

Play Symbols	Play Symbol Captions
Symbol of a money bag	MNYBAG
Symbol of a pot of gold	POTGLD
Symbol of a treasure	TRSURE
Symbol of a gold bar	GLDBAR
Symbol of a stack of coins	STKCNS
Symbol of a stack of bills	BILLS
Symbol of a vault	VAULT
Symbol of a coin	COIN

(c) For this game, a play symbol shall appear in each of 10 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
TWO	=	\$2.00
FOR	=	\$4.00
TEN	=	\$10.00
TWY	=	\$20.00
FRY	=	\$40.00
HUN	=	\$100.00
FRH	=	\$400.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Cash Happy" is a key symbol match game. The ticket features a "WIN UP TO \$4,000!" game play area and a "PRIZE LEGEND." A player will remove the scratch-off material in the game play area to reveal 10 play symbols. If the player reveals a "MONEY BAG" symbol in the game play area, the player wins a prize according to the "PRIZE LEGEND" on the ticket front.

(h) Each ticket in this game may win up to one time.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Number of Money Bag Symbols	Prize	Expected Number of Prizes in Game	Expected Value in Game
1	Free Ticket	40,000	\$0
2	\$2	50,000	100,000
3	\$4	30,000	120,000
4	\$10	4,000	40,000
5	\$20	900	18,000
6	\$40	250	10,000
7	\$100	50	5,000
8	\$400	12	4,800
9	\$1,000	6	6,000
10	\$4,000	<u>6</u>	<u>24,000</u>
TOTAL		<u>125,224</u>	<u>\$327,800</u>

(k) The odds of winning a prize in this game are approximately one in 4.79. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

**111-4-2853. "Triple Tripler" instant ticket lottery game number 199.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Triple Tripler" commencing on or after July 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2853.

(b) The "play and prize symbols" and "captions" for this game are as follows:

Prize Symbols	Captions
\$1. <sup>00</sup>	ONE\$
\$2. <sup>00</sup>	TWO\$
\$3. <sup>00</sup>	THR\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
18. <sup>00</sup>	EGTEEN
30. <sup>00</sup>	THIRTY
90. <sup>00</sup>	NINETY
\$1000	ONETHOU
\$2000	TWOTHOU
\$6000	SIXTHOU

Play Symbols
SINGLE PRIZE
TRIPLE PRIZE
TRIPLE TRIPLER

(c) For this game, a play symbol shall appear in each of seven play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

ONE	=	\$1.00
THR	=	\$3.00
FIV	=	\$5.00
SIX	=	\$6.00
NIN	=	\$9.00
FTN	=	\$15.00
EGN	=	\$18.00
TRY	=	\$30.00
NTY	=	\$90.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Triple Tripler" is a match three of six game with a triple prize and a "Triple Tripler" feature. A player will remove the scratch-off material covering the game play area to reveal six prize amounts and a "YOUR PRIZE LEVEL." The "YOUR PRIZE LEVEL" will be either the words "SINGLE PRIZE," the words "TRIPLE PRIZE," or the words "TRIPLE TRIPLER." If a player matches three like prize amounts and the words "SINGLE PRIZE" are revealed, the player will win the prize amount matched. If a player matches three like prize amounts and the words "TRIPLE PRIZE" are revealed, the player will win triple the prize amount matched. If a player matches three like prize amounts and the words "TRIPLE TRIPLER" are revealed, the player will win nine times the prize matched.

(h) Each ticket in this game may win one time.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - \$1's + single prize	\$1	50,000	\$50,000
3 - \$1's + triple prize	\$3	15,000	45,000
3 - \$3's + single prize	\$3	15,200	45,600
3 - \$5's + single prize	\$5	9,000	45,000
3 - \$2's + triple prize	\$6	4,600	27,600
3 - \$1's + triple tripler	\$9	3,600	32,400
3 - \$5's + triple prize	\$15	1,500	22,500
3 - \$2's + triple tripler	\$18	600	10,800
3 - \$18's + single prize	\$18	640	11,520
3 - \$30's + single prize	\$30	240	7,200
3 - \$10's + triple prize	\$30	220	6,600
3 - \$10's + triple tripler	\$90	80	7,200
3 - \$90's + single prize	\$90	70	6,300
3 - \$1,000's + triple prize	\$3,000	2	6,000
3 - \$6,000's + single prize	\$6,000	2	12,000
3 - \$2,000's + triple prize	\$6,000	3	18,000
TOTAL		<u>100,757</u>	<u>\$353,720</u>

(k) The odds of winning a prize in this game are approximately one in 5.95. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

**111-4-2854. "Keep the Change" instant ticket lottery game number 200.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Keep the Change" commencing on or after July 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2854.

(b) The "prize and play symbols" and "captions" for this game are as follows:

Prize Symbols	Captions
FREE	TICKET
\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
25. <sup>00</sup>	TWEN-FIV
50. <sup>00</sup>	FIFTY

\$500\$	FIVE-HUN
\$5,000	FIVTHOU
<b>Play Symbols</b>	<b>Captions</b>
FREE	TICKET
01¢	PENNY
05¢	NICKEL
10¢	DIME
25¢	QUARTER
50¢	HALF

(c) For this game, a play symbol shall appear in each of six play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
FTY	=	\$50.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Keep the Change" is an add-up game. A player will remove the latex material covering the game play area to reveal five play symbols or coins and one prize symbol. If the five coins add up to \$1.00 or more, the player wins the prize in the "PRIZE" box.

(h) Each ticket in this game may win up to one time.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	60,000	\$0
\$2	38,000	76,000
\$5	19,000	95,000
\$10	6,000	60,000
\$25	1,240	31,000
\$50	360	18,000
\$500	12	6,000
\$5,000	6	30,000
TOTAL	<u>124,618</u>	<u>\$316,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.81. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

**111-4-2855. "Bonus Crossword" instant ticket lottery game number 201.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Bonus  
(continued)

Crossword” commencing on or after July 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2855.

(b) The “play symbols” for this game are as follows: A - B - C - D - E - F - G - H - I - J - K - L - M - N - O - P - Q - R - S - T - U - V - W - X - Y - Z. There are no “play symbol captions” in this game.

(c) For this game, a play symbol shall appear in each of 18 play spots within the “YOUR LETTERS” play area, in each of two play spots within the “BONUS” play area, and a variable number of times within the crossword puzzle grid.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free ticket
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) “Bonus Crossword” consists of three play areas. In the upper part of the ticket there is a crossword puzzle grid that contains 11 spaces (height) by 11 spaces (width) covered by transparent latex. In the “YOUR LETTERS” play area, located in the lower part of the ticket, there are 18 letters located under opaque latex. To the right of the “YOUR LETTERS” play area is the “BONUS” play area in which there are two letters covered by opaque latex. Imaged around each of the 18 “YOUR LETTERS” and two “BONUS” letters there will be a four-sided box composed of solid lines. A player will remove the latex from the “YOUR LETTERS” and “BONUS” play areas one letter at a time, and then for each matching letter in the crossword puzzle grid scratch off the transparent latex. Each letter revealed in the “YOUR LETTERS” and “BONUS” play areas may be used an unlimited number of times in the crossword puzzle grid. If a player reveals at least three complete words in the crossword puzzle grid, the player wins the corresponding prize in the prize legend. The prize legend on the front of the ticket indicates prizes won for number of words revealed, as is also set forth in subsection (k) hereinafter.

(h) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the “crossword” puzzle;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces;

(5) every single letter in the unbroken string must be revealed in “YOUR LETTERS,” or “BONUS” areas and be included to form a word; and

(6) the three small letters outside the squares in the “YOUR LETTERS” area are for validation purposes and cannot be used to play “Bonus Crossword.”

(i) Each ticket in this game may win up to one time. Only the highest prize won on each ticket will be awarded.

(j) Approximately 3,600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(k) The expected number and value of instant prizes in this game shall be as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - words	FREE TICKET	600,000	\$0
4 - words	\$5	156,000	780,000
5 - words	\$10	82,800	828,000
6 - words	\$20	27,600	552,000
7 - words	\$100	3,600	360,000
8 - words	\$500	552	276,000
9 - words	\$2,000	132	264,000
10 - words	\$20,000	24	480,000
TOTAL		<u>870,708</u>	<u>\$3,540,000</u>

(l) The odds of winning a prize in this game are approximately one in 4.13. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

**Article 9.—PULL-TAB GAMES**

**111-9-157. “Fire & Dice” pull tab ticket lottery game number 189.** (a) The Kansas lottery shall conduct a pull tab lottery game entitled “Fire & Dice” commencing on or after July 1, 2009. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-157.

(b) The price of pull tab tickets sold by a retailer for this game shall be \$2.00 each.

(c) Approximately 600,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 150 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 149. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of a dice
- Symbol of a 7
- Symbol of a roulette table
- Symbol of the ace of spades
- Symbol of a poker chip
- Symbol of a double bar
- Symbol of a single bar
- Symbol of a cherry

(e) For this game, three play symbols shall appear under each of eight tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along

with the corresponding prize amount for each combination, as follows: three cherry symbols equal \$2.00; three single bar symbols equal \$5.00; three double bar symbols equal \$10.00; three poker chip symbols equal \$25.00; three ace of spades symbols equal \$50.00; three roulette table symbols equal \$100.00; three "7" symbols equal \$250.00; three die symbols equal \$2,500.00.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 24 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
SEV	=	\$7.00
TEN	=	\$10.00
TWF	=	\$25.00
THF	=	\$35.00
FTY	=	\$50.00
HUN	=	\$100.00
THY	=	\$250.00

(h) The number and value of prizes in this game and winning combinations shall be as follows: (See corresponding play symbol values in subsection (e) above.)

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$2	\$2	82,000	\$164,000
\$2 + \$2	\$4	28,120	112,480
\$5	\$5	26,000	130,000
\$5 + \$2	\$7	16,000	112,000
\$10	\$10	4,000	40,000
\$5 + \$5	\$10	4,000	40,000
\$25	\$25	1,000	25,000
\$5 + \$10 + \$10	\$25	1,100	27,500
\$5 + \$5 + \$5 + \$5 + \$5	\$25	1,200	30,000
\$2 + \$2 + \$2 + \$2 + \$2 + \$5 + \$10	\$25	1,200	30,000
\$5 + \$5 + \$5 + \$5 + \$5 + \$5 + \$5	\$35	500	17,500
\$5 + \$10 + \$10 + \$10	\$35	500	17,500
\$50	\$50	250	12,500
\$5 + \$5 + \$5 + \$5 + \$25	\$50	250	12,500
\$100	\$100	100	10,000
\$250	\$250	40	10,000
\$2,500	\$2,500	10	25,000
TOTAL		<u>166,270</u>	<u>\$815,980</u>

(i) Each ticket in this game may have up to seven winning combinations.

(j) The overall odds of winning a prize in this game are approximately one in 3.61. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

**111-9-158. "Payday" pull tab ticket lottery game number 190.** (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Payday" commencing on or after July 1, 2009. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-158.

(b) The price of pull tab tickets sold by a retailer for this game shall be \$2.00 each.

(c) Approximately 600,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 150 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 149. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of a stack of bills
- Symbol of \$
- Symbol of an ATM machine
- Symbol of a credit card
- Symbol of Benjamin Franklin
- Symbol of a piggy bank
- Symbol of a stack of gold coins
- Symbol of a gold token

(e) For this game, three play symbols shall appear under each of eight tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three gold token symbols equal \$2.00; three stack of gold coins symbols equal \$5.00; three piggy bank symbols equal \$10.00; three Benjamin Franklin symbols equal \$25.00; three credit card symbols equal \$50.00; three ATM machine symbols equal \$100.00; three \$ symbols equal \$250.00; three stack of bills symbols equal \$2,500.00.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 24 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
SEV	=	\$7.00
TEN	=	\$10.00
TWF	=	\$25.00
THF	=	\$35.00
FTY	=	\$50.00
HUN	=	\$100.00
THY	=	\$250.00

(h) The number and value of prizes in this game and winning combinations shall be as follows: (See corresponding play symbol values in subsection (e) above.)

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$2	\$2	82,000	\$164,000
\$2 + \$2	\$4	28,120	112,480
\$5	\$5	26,000	130,000
\$5 + \$2	\$7	16,000	112,000

(continued)

\$10	\$10	4,000	40,000
\$5 + \$5	\$10	4,000	40,000
\$25	\$25	1,000	25,000
\$5 + \$10 + \$10	\$25	1,100	27,500
\$5 + \$5 + \$5 + \$5 + \$5	\$25	1,200	30,000
\$2 + \$2 + \$2 + \$2 + \$2 + \$5 + \$10	\$25	1,200	30,000
\$5 + \$5 + \$5 + \$5 + \$5 + \$5 + \$5	\$35	500	17,500
\$5 + \$10 + \$10 + \$10	\$35	500	17,500
\$50	\$50	250	12,500
\$5 + \$5 + \$5 + \$5 + \$25	\$50	250	12,500
\$100	\$100	100	10,000
\$250	\$250	40	10,000

\$2,500	\$2,500	10	25,000
TOTAL		166,270	\$815,980

(i) Each ticket in this game may have up to seven winning combinations.  
 (j) The overall odds of winning a prize in this game are approximately one in 3.61. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-29-09, June 17, 2009.)

Ed Van Petten  
 Executive Director

Doc. No. 037252

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes and the 2008 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-3-1	Amended (T)	V. 27, p. 1091
3-3-1	Amended	V. 27, p. 1517
3-3-2	New (T)	V. 27, p. 1091
3-3-2	New	V. 27, p. 1517

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-6-1	New	V. 27, p. 1741
4-6-2	New	V. 27, p. 1741
4-6-3	New	V. 27, p. 1741
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
4-13-1	Amended	V. 27, p. 186
4-13-3	Amended	V. 27, p. 187
4-13-9	Amended	V. 27, p. 188
4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
4-13-20	Amended	V. 27, p. 190
4-13-21	Amended	V. 27, p. 191
4-13-22	Amended	V. 27, p. 191
4-13-23	Amended	V. 27, p. 191
4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
4-13-42	Revoked	V. 27, p. 1023
4-13-60	Amended	V. 27, p. 1023
4-13-61	Revoked	V. 27, p. 1023
4-13-64	Amended	V. 27, p. 1023
4-13-65	Amended	V. 27, p. 1024
4-15-5	Amended	V. 28, p. 690
4-15-11	Amended	V. 27, p. 1024
4-15-12	Revoked	V. 27, p. 1024
4-15-13	Amended	V. 27, p. 1024
4-15-14	Amended	V. 27, p. 1024
4-16-1a	Amended	V. 27, p. 1741
4-16-1c	Amended	V. 27, p. 1742
4-16-7a	Amended	V. 27, p. 1024
4-16-300	Amended	V. 27, p. 1025
4-16-301	Revoked	V. 27, p. 1025
4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025
4-16-304	Amended	V. 27, p. 1025
4-16-305	Amended	V. 27, p. 1025

4-17-300	Amended	V. 27, p. 1026
4-17-301	Revoked	V. 27, p. 1026
4-17-302	Amended	V. 27, p. 1026
4-17-303	Amended	V. 27, p. 1026
4-17-304	Amended	V. 27, p. 1026
4-17-305	Amended	V. 27, p. 1027
4-20-11	Amended	V. 27, p. 1027
4-28-5	Amended	V. 27, p. 1742
4-28-8 through 4-28-16	New	V. 27, p. 191-195

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

Reg. No.	Action	Register
5-1-1	Amended	V. 27, p. 1549
5-1-2	Amended	V. 27, p. 1553
5-1-7	Amended	V. 27, p. 1553
5-2-4	New	V. 27, p. 1554
5-3-3	Amended	V. 27, p. 1554
5-3-4	Amended	V. 27, p. 1555
5-3-4a	Amended	V. 28, p. 241
5-3-5d	Amended	V. 27, p. 1555
5-3-16	Amended	V. 27, p. 1555
5-4-2	New	V. 27, p. 1556
5-5-6c	New	V. 27, p. 1556
5-5-13	Amended	V. 27, p. 1556
5-5-14	Amended	V. 27, p. 1557
5-6-2	Amended	V. 27, p. 1557
5-6-5	Amended	V. 27, p. 1557
5-9-1a through 5-9-1d	New	V. 27, p. 1557, 1558
5-14-3	Amended	V. 28, p. 241
5-14-3a	New	V. 28, p. 242
5-14-10	Amended	V. 27, p. 1558
5-40-24	Amended	V. 27, p. 1438
5-45-1	Amended	V. 27, p. 1439
5-45-4	Amended	V. 27, p. 1440
5-45-19 through 5-45-23	New	V. 27, p. 1441, 1442

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-16-1	Amended	V. 27, p. 1548
7-16-2	Amended	V. 27, p. 1548
7-17-1	Amended	V. 27, p. 965
7-17-4	Amended	V. 27, p. 966
7-17-11	Amended	V. 27, p. 966
7-17-19	Amended	V. 27, p. 966
7-17-21	Amended	V. 27, p. 966
7-17-22	Amended	V. 27, p. 966
7-17-24	Amended	V. 27, p. 967
7-21-1	Amended	V. 27, p. 967
7-21-2	Amended	V. 27, p. 967
7-21-3	Revoked	V. 27, p. 967
7-21-4	New	V. 27, p. 967
7-23-13	Revoked	V. 27, p. 968
7-37-2	Revoked	V. 27, p. 968
7-38-2	Revoked	V. 27, p. 968
7-41-1 through 7-41-7	Amended	V. 28, p. 193-195
7-41-8	Revoked	V. 28, p. 195
7-41-9	Revoked	V. 28, p. 195

7-41-10 through 7-41-17	Amended	V. 28, p. 195, 196
7-41-18 through 7-41-29	Revoked	V. 28, p. 196
7-41-30	Amended	V. 28, p. 196
7-41-31	Revoked	V. 28, p. 196
7-41-32	Amended	V. 28, p. 196
7-41-33	Amended	V. 28, p. 197
7-41-34	New	V. 28, p. 197
7-41-35	New	V. 28, p. 197
7-45-1	New	V. 27, p. 968
7-45-2	New	V. 27, p. 968

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-6-1 through 11-6-6	New	V. 27, p. 1633, 1634
11-12-1	Amended	V. 27, p. 1374
11-12-2	Amended	V. 27, p. 1375
11-12-3	Amended	V. 27, p. 1376
11-12-4	Amended	V. 27, p. 1377
11-12-6	Amended	V. 27, p. 1377

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

Reg. No.	Action	Register
14-8-6	Revoked	V. 27, p. 1214
14-8-7	Amended	V. 27, p. 1214
14-8-8	Revoked	V. 27, p. 1214
14-8-12	Revoked	V. 27, p. 1214
14-17-7	New	V. 27, p. 1214

**AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-25-1	New	V. 27, p. 356

**AGENCY 19: GOVERNMENTAL ETHICS COMMISSION**

Reg. No.	Action	Register
19-20-4	Amended	V. 27, p. 1020
19-20-5	New	V. 27, p. 1021
19-27-2	Amended	V. 27, p. 1021

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-6-1	Amended	V. 27, p. 1834
22-6-2	Revoked	V. 27, p. 1834
22-6-3	Revoked	V. 27, p. 1834
22-6-4	Revoked	V. 27, p. 1834
22-6-5	Amended	V. 27, p. 1834
22-6-6	Revoked	V. 27, p. 1834
22-6-7	Revoked	V. 27, p. 1835
22-6-8	Revoked	V. 27, p. 1835
22-6-9	Amended	V. 27, p. 1835
22-6-12	Amended	V. 27, p. 1835
22-6-13	Revoked	V. 27, p. 1835
22-6-14	Revoked	V. 27, p. 1835
22-6-18 through 22-6-27	New	V. 27, p. 1835-1837

AGENCY 26: DEPARTMENT ON AGING		
Reg. No.	Action	Register
26-39-100 through 26-39-105	New	V. 28, p. 615-623
26-39-144	Revoked	V. 28, p. 623
26-39-243	Revoked	V. 28, p. 649
26-39-278	Revoked	V. 28, p. 649
28-39-427	Revoked	V. 28, p. 649
26-41-101 through 26-41-106	New	V. 28, p. 649-651
26-41-200 through 26-41-207	New	V. 28, p. 652-657
26-42-101	New	V. 28, p. 657
26-42-102	New	V. 28, p. 658
26-42-104	New	V. 28, p. 659
26-42-105	New	V. 28, p. 659
26-42-200 through 26-42-207	New	V. 28, p. 659-664
26-44-101 through 26-44-106	New	V. 28, p. 664-667
26-43-200 through 26-43-207	New	V. 28, p. 667-671
AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT		
Reg. No.	Action	Register
28-1-20	Amended	V. 27, p. 989
28-4-117	Amended	V. 27, p. 990
28-4-120	Amended	V. 27, p. 990
28-4-121	New	V. 27, p. 990
28-4-122	Amended	V. 27, p. 317
28-4-311	Amended	V. 27, p. 317
28-4-312 through 28-4-317	Revoked	V. 27, p. 317, 318
28-4-430	Amended	V. 27, p. 991
28-4-800 through 28-4-825	New	V. 27, p. 318-334
28-16-28g	Amended	V. 27, p. 779
28-23-16	Revoked	V. 27, p. 191
28-32-1	Revoked	V. 27, p. 247
28-32-2	Revoked	V. 27, p. 247
28-32-4	Revoked	V. 27, p. 247
28-32-5	Revoked	V. 27, p. 247
28-32-6	Revoked	V. 27, p. 247
28-32-7	Revoked	V. 27, p. 247
28-32-8 through 28-32-14	New	V. 27, p. 247-249
28-36-33 through 28-36-49	Revoked	V. 27, p. 73
28-36-70 through 28-36-89	New	V. 27, p. 73-87
28-38-18	Amended	V. 27, p. 1742
28-38-19	Amended	V. 27, p. 1743
28-38-21	Amended	V. 27, p. 1743
28-38-22	Amended	V. 27, p. 1744
28-38-23	Amended	V. 27, p. 1744
28-38-29	Amended	V. 27, p. 1745
28-39-145a	Revoked	V. 28, p. 623
28-39-146	Revoked	V. 28, p. 623
28-39-147	Revoked	V. 28, p. 623
28-39-148	Revoked	V. 28, p. 623
28-39-164 through 28-39-168	Amended	V. 28, p. 798-800
28-39-240 through 28-39-253	Revoked	V. 28, p. 672
28-39-275 through 28-39-288	Revoked	V. 28, p. 672
28-39-425 through 28-39-436	Revoked	V. 28, p. 672

28-45b-1 through 28-45b-28	New	V. 28, p. 973-988
28-53-1 through 28-53-5	Amended	V. 28, p. 240, 241
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464
28-70-4	New	V. 28, p. 800
28-73-1	Amended	V. 28, p. 74

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-90	Amended	V. 28, p. 916
30-5-78	Revoked	V. 27, p. 1022
30-10-15a	Revoked	V. 27, p. 1345
30-10-15b	Revoked	V. 27, p. 1345
30-10-17	Revoked	V. 27, p. 1345
30-10-18	Revoked	V. 27, p. 1345
30-10-23a	Revoked	V. 27, p. 1346
30-10-23b	Revoked	V. 27, p. 1346
30-10-25	Revoked	V. 27, p. 1346
30-10-26	Revoked	V. 27, p. 1346
30-10-27	Revoked	V. 27, p. 1346
30-10-200	Revoked	V. 27, p. 1346
30-10-210	Revoked	V. 27, p. 1346
30-45-20	New	V. 28, p. 966
30-46-10	Amended	V. 28, p. 966
30-46-17	Amended	V. 28, p. 967
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-37	Amended	V. 28, p. 966
40-1-48	Amended	V. 27, p. 1709
40-2-28	New	V. 28, p. 273
40-3-30	Amended	V. 28, p. 112
40-3-52	New	V. 27, p. 133
40-4-35	Amended	V. 28, p. 915
40-4-37v	New	V. 28, p. 643
40-4-41	Amended	V. 27, p. 434
40-4-41a through 40-4-41j	Revoked	V. 27, p. 434, 435
40-7-20a	Amended	V. 28, p. 604

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-6-101	Amended	V. 27, p. 1126
44-6-114e	Amended	V. 27, p. 1128
44-6-115a	Amended	V. 27, p. 1134
44-6-125	Amended	V. 27, p. 1135
44-6-127 through 44-6-132	New	V. 27, p. 1135-1138

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-1	Amended	V. 27, p. 1466
49-45-2	Amended	V. 27, p. 1466
49-45-3	Amended	V. 27, p. 1466
49-45-4	Amended	V. 27, p. 1466
49-45-4a	Amended	V. 27, p. 1466
49-45-5	Amended	V. 27, p. 1466
49-45-6	Amended	V. 27, p. 1466
49-45-7	Amended	V. 27, p. 1467
49-45-8	Amended	V. 27, p. 1467
49-45-9	Amended	V. 27, p. 1467
49-45-20	Amended	V. 27, p. 1467
49-45-28	Amended	V. 27, p. 1467
49-45-29	Amended	V. 27, p. 1467
49-45-29b	New	V. 27, p. 1467
49-45-31	Amended	V. 27, p. 1467
49-45-34	Amended	V. 27, p. 1467
49-45-35	Amended	V. 27, p. 1467
49-45-37	Amended	V. 27, p. 1467

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-103	Amended	V. 27, p. 1603
60-1-104	Amended	V. 27, p. 1603

60-2-101	Amended	V. 27, p. 1604
60-2-102	Amended	V. 27, p. 1605, 1670
60-2-104	Amended	V. 27, p. 1606
60-2-105	Amended	V. 28, p. 197
60-2-106	Amended	V. 28, p. 197
60-2-107	Amended	V. 27, p. 1606
60-2-108	Amended	V. 27, p. 1607
60-3-106	Amended	V. 27, p. 1607
60-3-106a	Amended	V. 27, p. 1608
60-3-113	New	V. 27, p. 1608
60-3-114	New	V. 27, p. 1608
60-7-111	New	V. 27, p. 1609
60-9-105	Amended	V. 28, p. 197
60-9-107	Amended	V. 28, p. 198
60-13-103	Amended	V. 28, p. 200
60-13-104	Amended	V. 28, p. 200
60-15-101	Amended	V. 28, p. 200
60-15-102	Amended	V. 28, p. 201
60-15-104	Amended	V. 28, p. 202

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-10-1	Amended	V. 27, p. 317
66-11-5	Amended	V. 28, p. 44
66-12-1	Amended	V. 28, p. 44
66-14-1	Amended	V. 28, p. 44
66-14-2	Amended	V. 28, p. 45
66-14-3	Amended	V. 28, p. 45
66-14-4	Revoked	V. 28, p. 45
66-14-5	Amended	V. 28, p. 45
66-14-7	Amended	V. 28, p. 45

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-7-12b	Amended	V. 27, p. 1518
68-7-20	Amended	V. 27, p. 435
68-11-2	Amended	V. 27, p. 1518
68-16-3	Amended	V. 28, p. 342
68-18-1	New	V. 27, p. 1857
68-18-2	New	V. 27, p. 1857
68-18-3	New	V. 27, p. 1858
68-19-1	New	V. 28, p. 342
68-20-23	New (T)	V. 27, p. 1709
68-20-23	New	V. 28, p. 192

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-3-8	Amended (T)	V. 28, p. 923
69-11-1	Amended	V. 28, p. 298

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-9-1 through 71-9-4	New	V. 27, p. 1878
71-10-1 through 71-10-4	New	V. 27, p. 1879

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-7	Amended	V. 28, p. 643
74-4-8	Amended	V. 28, p. 644
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 28, p. 645
74-5-2a	New	V. 28, p. 646
74-5-101	Amended	V. 28, p. 646
74-5-102	Amended	V. 28, p. 646
74-5-103	Amended	V. 28, p. 646
74-5-201	Amended	V. 28, p. 646
74-5-202	Amended	V. 28, p. 646
74-5-301	Amended	V. 28, p. 647
74-5-302	Amended	V. 28, p. 647
74-5-401	Amended	V. 28, p. 647

(continued)

74-5-403	Amended	V. 28, p. 647
74-5-405a	Amended	V. 28, p. 647
74-5-406	Amended	V. 28, p. 647
74-7-4	Amended	V. 28, p. 648
74-11-6	Amended	V. 28, p. 648

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-2	Amended	V. 27, p. 1801
81-3-6	Amended	V. 28, p. 606
81-5-7	Amended	V. 27, p. 1156
81-5-14	Amended	V. 28, p. 571
81-7-2	Amended	V. 27, p. 1156
81-14-1	Amended	V. 27, p. 1157
81-14-2	Amended	V. 27, p. 1801
81-14-5	Amended	V. 28, p. 610
81-14-9	Amended	V. 27, p. 1163

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-107	Amended	V. 27, p. 1518
82-3-108	Amended	V. 27, p. 1519
82-3-111	Amended	V. 27, p. 1520
82-3-135a	Amended	V. 27, p. 1521
82-3-135b	Amended	V. 27, p. 1521
82-3-138	Amended	V. 27, p. 1521
82-3-402	Amended	V. 27, p. 1521
82-4-30a	Amended	V. 27, p. 1020
82-11-4	Amended	V. 28, p. 917
82-11-10	Amended	V. 28, p. 922
82-14-1 through 82-14-5	Amended	V. 28, p. 967-971
82-14-6	New	V. 28, p. 972

**AGENCY 84: PUBLIC EMPLOYEE RELATIONS BOARD**

Reg. No.	Action	Register
84-2-1	Amended	V. 28, p. 872

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-3-19	Amended (T)	V. 27, p. 1090
86-3-19	Amended	V. 27, p. 1517
86-3-30	New (T)	V. 27, p. 1091
86-3-30	New	V. 27, p. 1517

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-200	Amended	V. 27, p. 1027
91-1-201	Amended	V. 27, p. 1028
91-1-203	Amended	V. 27, p. 1030
91-1-204	Amended	V. 27, p. 1034
91-1-205	Amended	V. 27, p. 1036
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7 through 91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26 through 91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291

91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-114	New	V. 27, p. 865
92-12-140 through 92-12-145	New	V. 27, p. 866, 867
92-12-145	Amended	V. 28, p. 604
92-19-70	Revoked	V. 27, p. 868
92-26-1	Amended	V. 28, p. 170
92-26-4	Amended	V. 28, p. 170
92-28-1 through 92-28-4	New	V. 28, p. 113
92-52-14	New	V. 27, p. 1214
92-52-15	New	V. 27, p. 1214
92-52-16	New	V. 27, p. 1215

**AGENCY 94: COURT OF TAX APPEALS**

Reg. No.	Action	Register
94-2-1 through 94-2-5	Amended (T)	V. 27, p.1091-1093
94-2-1 through 94-2-5	Amended	V. 27, p.1522-1524
94-2-8 through 94-2-16	Amended (T)	V. 27, p. 1093-1095
94-2-8 through 94-2-16	Amended	V. 27, p. 1524-1526
94-2-19	Amended (T)	V. 27, p. 1095
94-2-19	Amended	V. 27, p. 1527
94-2-20	Amended (T)	V. 27, p. 1096
94-2-20	Amended	V. 27, p. 1527
94-2-21	Amended (T)	V. 27, p. 1096
94-2-21	Amended	V. 27, p. 1528
94-3-1	Amended (T)	V. 27, p. 1097
94-3-1	Amended	V. 27, p. 1529
94-3-2	Amended (T)	V. 27, p. 1098
94-3-2	Amended	V. 27, p. 1529
94-4-1	Amended (T)	V. 27, p. 1098
94-4-1	Amended	V. 27, p. 1530
94-4-2	Amended (T)	V. 27, p. 1098
94-4-2	Amended	V. 27, p. 1530

**Agency 97: COMMISSION ON VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-1-1	Revoked	V. 28, p. 459
97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460
97-1-2a	New	V. 28, p. 460
97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462
97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3 through 97-2-8	Revoked	V. 28, p. 462
97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4 through 97-3-9	Revoked	V. 28, p. 463

97-4-1a	New	V. 28, p. 463
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**AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES**

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-5	Amended	V. 28, p. 522
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-26-1	Amended	V. 28, p. 522
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 27, p. 1602
100-11-1	Amended	V. 28, p. 112
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended (T)	V. 27, p. 1602
100-28a-1	Amended	V. 28, p. 112
100-28a-10	Amended	V. 28, p. 572
100-29-7	Amended	V. 27, p. 209
100-29-16	Amended	V. 28, p. 1060
100-49-4	Amended (T)	V. 28, p. 923
100-54-4	Amended	V. 27, p. 209
100-55-4	Amended	V. 27, p. 209
100-55-7	Amended	V. 28, p. 1061
100-55-9	Amended	V. 28, p. 572
100-69-1	Amended	V. 27, p. 1672
100-69-2	Revoked	V. 27, p. 1672
100-69-10	Amended	V. 28, p. 572
100-72-1	Amended (T)	V. 27, p. 1602
100-72-1	Amended	V. 28, p. 112
100-72-7	Amended	V. 28, p. 273
100-73-1	Amended (T)	V. 28, p. 923
100-73-9	Amended	V. 27, p. 315

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-12	Amended	V. 27, p. 407
102-2-7	Amended	V. 27, p. 1801
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-3-12a	Amended	V. 27, p. 1117
102-4-1a	Amended	V. 27, p. 1803
102-4-6a	Amended	V. 27, p. 1805
102-4-6b	New	V. 27, p. 1806
102-4-9b	New	V. 28, p. 117
102-4-10a	Amended	V. 27, p. 1806
102-4-12	Amended	V. 27, p. 1120
102-5-9a	New	V. 28, p. 118
102-5-12	Amended	V. 27, p. 1122
102-6-9a	New	V. 28, p. 118
102-6-12	Amended	V. 27, p. 1124

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-11-1	Amended	V. 27, p. 1838
105-11-1	Amended (T)	V. 28, p. 1079

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-4	Amended	V. 28, p. 1062

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-2-9	Amended	V. 28, p. 1030
109-3-1	Amended	V. 28, p. 1030
109-5-2	Amended	V. 28, p. 574
109-5-3	Amended	V. 28, p. 574
109-5-5	New	V. 27, p. 1548
109-5-6	New	V. 28, p. 575
109-6-3	Revoked	V. 28, p. 575
109-15-1	New	V. 28, p. 575

109-15-2	New	V. 28, p. 576
<b>AGENCY 110: DEPARTMENT OF COMMERCE</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-19-1 through 110-19-4	New	V. 27, p. 1064, 1065
110-20-1 through 110-20-4	New	V. 27, p. 1065, 1066

**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. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-2-211	New	V. 27, p. 992
111-2-212	New	V. 27, p. 1559
111-2-213	New	V. 27, p. 1560
111-2-214 through 111-2-218	New	V. 28, p. 10, 11
111-2-216	Amended	V. 28, p. 383
111-2-217	Amended	V. 28, p. 383
111-2-219 through 111-2-223	New	V. 28, p. 46, 47
111-2-224	New	V. 28, p. 853
111-4-2614	Amended	V. 27, p. 964
111-4-2645 through 111-4-2656	New	V. 27, p. 436-442
111-4-2657 through 111-4-2662	New	V. 27, p. 992-996
111-4-2663	New	V. 27, p. 1489
111-4-2664 through 111-4-2683	New	V. 27, p. 1560-1570
111-4-2680	Amended	V. 28, p. 11
111-4-2684 through 111-4-2702	New	V. 27, p. 1634-1644
111-4-2695	Amended	V. 27, p. 1709
111-4-2703 through 111-4-2710	New	V. 27, p. 1672-1677
111-4-2711 through 111-4-2715	New	V. 27, p. 1677-1680
111-4-2716 through 111-4-2726	New	V. 27, p. 1709-1718
111-4-2727 through 111-4-2744	New	V. 27, p. 1746-1761
111-4-2745 through 111-4-2754	New	V. 28, p. 11-20
111-4-2755 through 111-4-2766	New	V. 28, p. 47-55
111-4-2767 through 111-4-2779	New	V. 28, p. 274-278
111-4-2781	New	V. 28, p. 278
111-4-2782	New	V. 28, p. 279
111-4-2783	New	V. 28, p. 281
111-4-2784	New	V. 28, p. 298
111-4-2785 through 111-4-2790	New	V. 28, p. 342-346

111-4-2791 through 111-4-2799	New	V. 28, p. 383-389
111-4-2800 through 111-4-2814	New	V. 28, p. 516-522
111-4-2815 through 111-4-2838	New	V. 28, p. 853-871
111-4-2840 through 111-4-2848	New	V. 28, p. 1031-1034
111-5-23 through 111-5-28	Amended	V. 28, p. 299-302
111-5-33	Amended	V. 28, p. 303
111-5-81	Amended	V. 27, p. 1490
111-5-83	Amended	V. 27, p. 1490
111-5-84	Amended	V. 27, p. 1491
111-5-90	Amended	V. 27, p. 1491
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443
111-5-165 through 111-5-169	New	V. 27, p. 1491-1493
111-5-170 through 111-5-174	New	V. 28, p. 347, 348
111-7-80a	Amended	V. 28, p. 282
111-7-223 through 111-7-232	New	V. 27, p. 1493-1495
111-7-223a	New	V. 27, p. 1762
111-7-233 through 111-7-237	New	V. 28, p. 57, 58
111-7-238 through 111-7-242	New	V. 28, p. 283, 284
111-9-152	New	V. 27, p. 1762
111-9-153	New	V. 28, p. 20
111-9-154	New	V. 28, p. 21
111-9-155	New	V. 28, p. 22
111-9-156	New	V. 28, p. 390
111-14-4	New	V. 28, p. 22
111-14-5	New	V. 28, p. 23
111-14-6	New	V. 28, p. 24

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-12-15	New	V. 28, p. 797
112-13-6	New	V. 28, p. 376
112-100-1 through 112-100-7	New	V. 27, p. 1378
112-101-1 through 112-101-16	New	V. 28, p. 376-379
112-103-1 through 112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-1 through 112-104-33	New	V. 27, p. 1378-1406
112-105-1 through 112-105-7	New	V. 27, p. 1406-1408
112-106-1 through 112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430
112-107-13 through 112-107-32	New	V. 28, p. 430-440

112-107-34	New	V. 28, p. 441
112-110-1 through 112-110-13	New	V. 28, p. 464-470
112-111-1 through 112-111-5	New	V. 28, 470-472
112-112-1 through 112-112-9	New	V. 27, p. 1411-1413
112-113-1	New	V. 28, p. 382
112-114-1 through 112-114-6	New	V. 28, p. 472
112-114-8 through 112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

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

Reg. No.	Action	Register
115-2-1	Amended	V. 27, p. 1704
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 27, p. 1705
115-2-5	Amended	V. 27, p. 1265
115-4-1	Amended	V. 28, p. 569
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 27, p. 1707
115-7-2	Amended	V. 27, p. 1708
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 28, p. 571
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112
115-15-1	Amended	V. 28, p. 1079
115-15-2	Amended	V. 28, p. 1080
115-18-7	Amended	V. 27, p. 406
115-18-21	New	V. 27, p. 1708

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 28, p. 373
117-2-2a	Amended	V. 28, p. 373
117-3-1	Amended	V. 28, p. 1027
117-3-2a	Amended	V. 28, p. 373
117-4-1	Amended	V. 28, p. 1028
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 28, p. 1029
117-7-1	Amended	V. 28, p. 375
117-10-1	New	V. 28, p. 375

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-9-1	Amended	V. 28, p. 457
121-10-1	New	V. 27, p. 1099
121-10-2	New	V. 27, p. 1099
121-11-1	New	V. 28, p. 457
121-11-2	New	V. 28, p. 457
121-12-1	New	V. 28, p. 459

**AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION**

Reg. No.	Action	Register
127-2-1	New	V. 28, p. 192
127-2-2	New	V. 28, p. 192
127-2-3	New	V. 28, p. 193

**AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION**

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-1-1	New	V. 27, p. 358
128-2-1	New	V. 27, p. 360

(continued)

128-2-3		
through		
128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1		
through		
128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368

128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374
<b>AGENCY 129: KANSAS HEALTH POLICY AUTHORITY</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
129-5-1	Amended	V. 27, p. 628
129-5-78	New	V. 27, p. 1022
129-5-108	Amended	V. 27, p. 1346

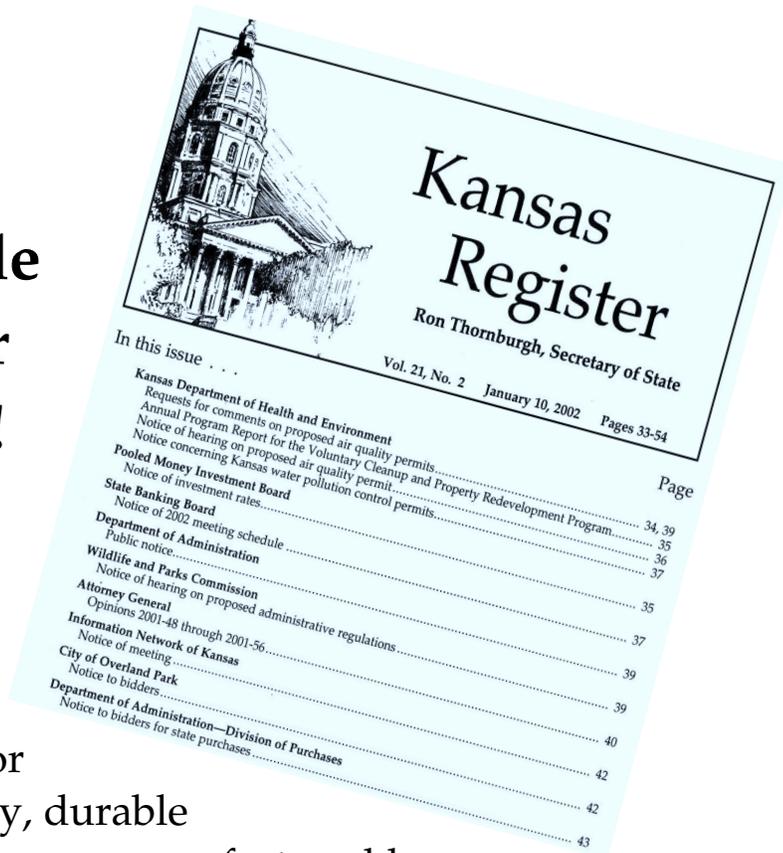
129-10-15a	New	V. 27, p. 1346
129-10-15b	New	V. 27, p. 1348
129-10-17	New	V. 27, p. 1348
129-10-18	New	V. 27, p. 1350
129-10-23a	New	V. 27, p. 1353
129-10-23b	New	V. 27, p. 1353
129-10-25	New	V. 27, p. 1354
129-10-26	New	V. 27, p. 1355
129-10-27	New	V. 27, p. 1356
129-10-200	New	V. 27, p. 1356
129-10-210	New	V. 27, p. 1358

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# THE KANSAS CITY KANSAN

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No. \_\_\_\_\_

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JUL 28 2008

Bureau of Air and Radiation

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STATE OF KANSAS, WYANDOTTE COUNTY, ss:

Rebecca J. Hardiness, of lawful age, being duly sworn, says that she is Classified Representative of The Kansas City Kansan, a daily newspaper printed and published at the City of Kansas City, Wyandotte County, State of Kansas, which newspaper has a general circulation and has been admitted to the mails as second class matter in said county, and has published therein during a period of more than one year prior to the first publication of the legal notice hereto annexed; that affiant, of her own knowledge knows that the printed notice was published in each and every issue of The Kansas City Kansan of 1 consecutive week as follows:

COPY OF NOTICE

First publication was made on the 17 day of 7 2008

Second publication was made on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Third publication was made on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Fourth publication was made on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

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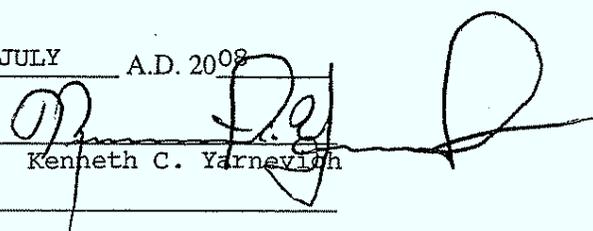
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SUBSCRIBED AND SWORN

TO before me this 17th Day OF JULY A.D. 2008



Kenneth C. Yarney

My Commission Expires July 20, 2012

(Pub. July 17, 2008)  
**PUBLIC NOTICE**  
State of Kansas  
Department of Health and  
Environment

**Notice of Public Hearing**

The Kansas Department of Health and Environment is proposing to revise the State of Kansas Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards. The hearing for this action will be held August 20, 2008 at 10:30 AM, at the Curtis State Office Building Room 530, 1000 SW Jackson, Topeka, Kansas. Specifically, the Department is proposing to adopt the Kansas Regional Haze Plan. This SIP revision fulfills the re-

quirements of section 189A (b)(2) of the Clean Air Act which requires states to address the impacts of regional haze in mandatory federal Class I areas. The SIP revision contains the requirements for Best Available Retrofit Technology (BART), and outlines the reasonable progress goals and long-term emissions reduction strategy to reduce visibility impairment in Class I areas of neighboring states.

This proposed SIP revision does not include any rulemaking action. Details concerning this revision can be obtained by contacting Erika Stanley, Kansas Department of Health and Environment, Bureau of Air and Radiation, at (785) 296-1994. Copies of the proposed Plan may also be viewed at the following locations: (1) Department of Air Quality, Unified Government of Wyandotte County - Kansas City, Kansas Health Department, 619 Ann Avenue, Kansas City, Kansas; (2) Johnson County Environmental Department, 11811 S. Sunset Drive, Suite 2700, Olathe, KS 66061; (3) KDHE Northwest District Office, 2301 E. 13th St., Hays, KS; (4) KDHE North Central District Office, 2501 Market Place Ste. D, Salina, KS; (5) KDHE Northeast District Office, 800 W. 24th St., Lawrence, KS; (6) KDHE Southeast District Office, 1500 W. 7th St., Chanute, KS; (7) Wichita-Sedgwick County Dept of Community Health, 1900 E. 9th St., Wichita, KS; (8) KDHE Southwest District Office, 302 W. McArtor Rd., Dodge City, KS; and (9) Curtis State Office Building, 1000 SW Jackson St., Ste. 310, Topeka, KS. The Plan is also posted on the Bureau of Air and Radiation's website at <http://www.kdheks.gov/bar/index.html>. Comments from the interested public should be addressed to the Kansas Department of Health and Environment, Bureau of Air and Radiation, Attention: Erika Stanley, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. Comments must be received by the Bureau of Air and Radiation no later than the close of business on August 20, 2008 to assure full consideration of this proposed revision to the SIP.

Any individual with a disability may request accommodations in order to participate in the public

hearing and may request the proposed plan in accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Erika Stanley, (785) 296-1994.

Roderick L. Bramby  
Secretary of Health and Environment



# THE TOPEKA CAPITAL-JOURNAL

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## AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, SHAWNEE COUNTY,

Karen Yost, being first duly sworn, deposes and says: That She is the Legal Clerk of the TOPEKA CAPITAL-JOURNAL, a daily newspaper printed in the State of Kansas, and published in and of general circulation in SHAWNEE County, Kansas, with a general paid circulation on a monthly basis in SHAWNEE County, Kansas, and that said newspaper is not a trade, religious Or fraternal publication.

Said newspaper is a daily published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Topeka in said County as second class matter.

That the attached notice is a true copy thereof and was published

the regular and entire issues of said newspaper for one

consecutive week, the first publication thereof being made as

aforsaid on the      July 17, 2008 with subsequent publications being made on the following dates:

*Karen Yost*

Subscribed and sworn before me this   7   day of

August, 2008.

*Amy S. Nicholson*

Notary Public

My commission expires: \_\_\_\_\_  
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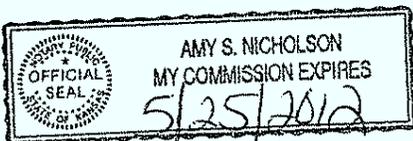
No. 482  
(Published in the Topeka Capital Journal on July 17, 2008)  
State of Kansas  
Department of Health and Environment  
Bureau of Air and Radiation  
Notice of Public Hearing

The Kansas Department of Health and Environment is proposing to revise the State of Kansas Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards. The hearing for this action will be held August 20, 2008 at 10:00 AM at the Curtis State Office Building Room 310-1000 SW Jackson, Topeka, Kansas. Specifically, the Department is proposing to adopt the Kansas Regional Haze Plan. This SIP revision fulfills the requirements of section 169A (b)(2) of the Clean Air Act which requires states to address the impacts of regional haze in mandatory federal class areas. The SIP revision contains the requirements for Best Available Retrofit Technology (BART) and outlines the reasonable progress strategy to reduce visibility impairment in Class I areas of neighboring states.

This proposed SIP revision does not include any rulemaking action. Details concerning this revision can be obtained by contacting: Erika Stanley, Kansas Department of Health and Environment, Bureau of Air and Radiation, at (785) 296-1994. Copies of the proposed Plan may also be viewed at the following locations: (1) Department of Air Quality, Unified Government of Wyandotte County, Kansas City, Kansas; (2) Johnson County Environmental Department, 11811 S. Sunset Drive, Suite 7700, Olathe, KS 66041; (3) KDHE Northwest District Office, 2301 E. 13th St., Topeka, KS; (4) KDHE North Central District Office, 2501 Market Place Ste. D, Salina, KS; (5) KDHE Northeast District Office, 800 W. 24th St., Lawrence, KS; (6) KDHE Southeast District Office, 1500 W. 7th St., Chanute, KS; (7) Wichita-Sedgewick County Dept. of Community Health, 1900 E. 9th St., Wichita, KS; (8) KDHE Southwest District Office, 302 W. McArthur Rd., Dodge City, KS; and (9) Curtis State Office Building, 1000 SW Jackson St., Ste. 310, Topeka, KS. The Plan is also posted on the Bureau of Air and Radiation's website at <http://www.kdheks.gov/bar/index.html>. Comments from the interested public should be addressed to the Kansas Department of Health and Environment, Bureau of Air and Radiation, Attention: Erika Stanley, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. Comments must be received by the Bureau of Air and Radiation no later than the close of business on August 20, 2008 to assure full consideration of this proposed revision to the SIP.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed Plan in accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting: Erika Stanley, (785) 296-1994.

Roderick L. Bremby  
Secretary of Health and Environment



# THE HAYS DAILY NEWS

P. O. Box 857 507 Main St.  
 Hays, Kansas 67601  
 Phone (785) 628-1081

**RECEIVED**  
 JUL 21 2008  
 Bureau of Air and Radiation

## PUBLIC NOTICE

Date July 17, 2008  
 Case \_\_\_\_\_  
 Number \_\_\_\_\_

Billing Name and Address Bureau of Air & Radiation  
 Attn: Sharon Burrell  
 1000 SW Jackson St, Suite 310  
 Topeka, KS 66612

1 Tearsheet(s) Required, Send To:

1 Affidavit(s) Required, Send To:  
 District Court  
 Other:

**Please Note:** Affidavit of Publication will not be furnished until this invoice is paid.

PUBLICATION SCHEDULE			DESCRIPTION OF NOTICE	Rate	Number of Inches	Number of Days	Amount
Day	Date	Appeared ✓					
Thurs	Jul 17		Notice of Public Hearing PO # V8026997	9.24	9.50	1	\$87.78
			FIE 48-0351640				

**IMPORTANT** Please Return Duplicate Invoice With Payment

Tearsheets Mailed \_\_\_\_\_  
 (Date)  
 Affidavit Prepared \_\_\_\_\_

Payment Received \_\_\_\_\_  
 (Date)  
 Ad Order No 179950 \_\_\_\_\_

**THE HAYS DAILY NEWS**  
 P. O. Box 857  
 507 Main St.  
 Hays, Kansas 67601  
 Phone (785) 628-1081

**PUBLIC NOTICE**

Date July 17, 2008  
 Case Number \_\_\_\_\_

Billing Name: Bureau of Air & Radiation  
 and Attn: Sharon Burrell  
 Address: 1000 SW Jackson St, Suite 310  
 Topeka, KS 66612

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1 Affidavit(s) Required, Send To:  
 District Court  
 Other:

**Please Note:** Affidavit of Publication will not be furnished until this invoice is paid.

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Day	Date	Appeared					
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**IMPORTANT** Please Return Duplicate Invoice With Payment

Tearsheets Mailed \_\_\_\_\_ (Date)  
 Payment Received \_\_\_\_\_ (Date)  
 Affidavit Prepared  
 Ad Order No. 179950

**State of Kansas  
Department of Health and  
Environment  
Notice of Public Hearing**

The Kansas Department of Health and Environment is proposing to revise the *State of Kansas Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards*. The hearing for this action will be held August 20, 2008 at 10:00 AM, at the Curtis State Office Building Room 530, 1000 SW Jackson, Topeka, Kansas. Specifically, the Department is proposing to adopt the Kansas Regional Haze Plan. This SIP revision fulfills the requirements of section 169A (b)(2) of the Clean Air Act which requires states to address the impacts of regional haze in mandatory federal Class I areas. The SIP revision contains the requirements for Best Available Retrofit Technology (BART), and outlines the reasonable progress goals and long-term emissions reduction strategy to reduce visibility impairment in Class I areas of neighboring states.

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Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed plan in accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Erika Stanley, (785) 296-1994.

Roderick L. Bremby  
Secretary of Health and Environment

# DAILY GLOBE

INVOICE/STATEMENT

07/01/08 - 07/31/08 KS DEPT OF HEALTH & ENVIRONME

CURRENT 30 DAYS 60 DAYS 90 DAYS

54.60

Due Upon Receipt

RECEIVED

AUG 06 7 2008

Bureau of Air and Radiation

PAGE

BILLED ACCOUNT NAME AND ADDRESS

35792

54.60

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1 07/31/08

ACCOUNT #

DIV OF ENVIRONMENT SUPPORT SVC  
KS DEPT OF HEALTH & ENVIRONMENT  
JANICE KELLY  
1000 SW JACKSON STE 570  
TOPEKA KS 66612-1367

8042

## DODGE CITY DAILY GLOBE

www.dodgeglobe.com

705 2nd Ave., P.O. Box 820 620-225-4151

Dodge City, KS 67801 Fax 620-225-4154

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

DATE	DESCRIPTION	SIZE	AMOUNT
06/30	BALANCE FORWARD		0.00
07/17 62637	bureau of air and	1x10.5I	54.60
07/17			

"Legal Publication"

-Notice-

9002525

54.60

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54.60

**005 PUBLIC NOTICES/  
LEGAL NOTICES**

**005 PUBLIC NOTICES/  
LEGAL NOTICES**

(Published in the Dodge City Daily Globe, July 17, 2008)

**State of Kansas  
Department of Health and Environment  
Notice of Public Hearing**

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This proposed SIP revision does not include any rulemaking action. Details concerning this revision can be obtained by contacting Erika Stanley, Kansas Department of Health and Environment, Bureau of Air and Radiation, at (785) 286-1984. Copies of the proposed Plan may also be viewed at the following locations: (1) Department of Air Quality, Unified Government of Wyandotte County - Kansas City, Kansas Health Department, 819 Ann Avenue, Kansas City, Kansas; (2) Johnson County Environmental Department, 11811 S Sunset

Drive, Suite 2700, Olathe, KS 66061; (3) KDHE Northwest District Office, 2801 E. 13th St., Hays, KS; (4) KDHE North Central District Office, 2501 Market Place Ste. D, Salina, KS; (5) KDHE Northeast District Office, 800 W. 24th St., Lawrence, KS; (6) KDHE Southeast District Office, 1500 W. 7th St., Chanute, KS; (7) Wichita-Sedgewick County Dept of Community Health, 1900 E. 9th St., Wichita, KS; (8) KDHE Southwest District Office, 302 W. McArthur Rd., Dodge City, KS; and (9) Curtis State Office Building, 1000 SW Jackson St., Ste. 310, Topeka, KS. The Plan is also posted on the Bureau of Air and Radiation's website at <http://www.kdheks.gov/bar/index.html>. Comments from the interested public should be addressed to the Kansas Department of Health and Environment, Bureau of Air and Radiation, Attention: Erika Stanley, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. Comments must be received by the Bureau of Air and Radiation no later than the close of business on August 20, 2008 to assure full consideration of this proposed revision to the SIP.

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Roderick L. Bremby  
Secretary of Health and Environment

11 Thurs.

*From Dodge City Daily Globe*

# Publisher's Affidavit

I, Tiffany Modlin, being duly sworn declare that I am the Major/National Accounts of THE SALINA JOURNAL, a daily newspaper published at Salina, Saline County, Kansas, and of general circulation in said county, which newspaper has been admitted to the mails as second class matter in said county, and continuously and uninterruptedly published for five consecutive years prior to first publication of attached notice, and that the

Hearing Notice

has been correctly published in the entire issues of said newspaper one time, publication being given in the issue of July 17, 2008

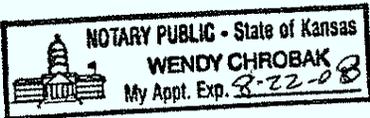
Tiffany Modlin

Subscribed and sworn to before me, this 17<sup>th</sup>

day of July A.D. 2008

Wendy Chrobak  
Notary Public

Printer's Fee \$182.70



(Published in The Salina Journal July 17, 2008)  
State of Kansas  
Department of Health and Environment  
Notice of Public Hearing  
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RECEIVED

JUL 21 2008

Bureau of Air and Radiation

Roderick L. Bremby  
Secretary of Health  
and Environment

**Affidavit of Publication**

STATE OF KANSAS, NEOSHO COUNTY, ss:

*Ann Smith*, being first duly sworn,

deposes and says: That *she* is *Classified Manager* of *THE CHANUTE TRIBUNE*, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Neosho County, Kansas, with a general paid circulation on a daily basis in Neosho County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

RECEIVED

JUL 23 2008

Bureau of Air and Radiation

Said newspaper is a daily published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Chanute, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive day, the first publication thereof being made as aforesaid on the 23<sup>rd</sup> day of July 2008, with subsequent publications being made on the following dates:

~~\_\_\_\_\_ 2008 \_\_\_\_\_ 2008~~

~~\_\_\_\_\_ 2008 \_\_\_\_\_ 2008~~

*Ann Marie Smith*

Subscribed and sworn to and before me this 24<sup>th</sup> day of July, 2008

*[Signature]*  
Notary Public

My commission expires: January 9, 2011

Printer's Fee .....\$ 118.34

Affidavit, Notary's Fee .....\$ 3.00

Additional Copies .....\$           

Total Publication Fees .....\$ 121.34

SHANNA L. GUIOT  
Notary Public - State of Kansas  
My Appt. Expires 1-9-11

State of Kansas  
Department of Health  
and Environment  
Notice of Public Hearing

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RECEIVED

JUL 23 2008

Bureau of  
Air and Radiation

**AFFIDAVIT**

STATE OF KANSAS     \  
                              - SS.  
County of Sedgwick    /

Nicole Mandina, of lawful age, being first duly sworn, deposeth and saith: That she is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for   1   issues - weeks, that the first publication of said notice was

made as aforesaid on the 21st of

July A.D. 2008, with

subsequent publications being made on the following dates:

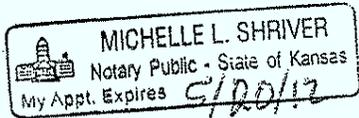
And affiant further says that she has personal knowledge of the statements above set forth and that they are true.

*Nicole Mandina*

Subscribed and sworn to before me this

21st day of July, 2008

*Michelle L. Shriver*  
Notary Public Sedgwick County, Kansas



Printer's Fee \$146.00

**RECEIVED**  
**JUL 25 2008**  
**Bureau of Air and Radiation**

Published in The Wichita Eagle  
on July 21, 2008 (2858731)  
State of Kansas  
Department of Health and  
Environment

**Notice of Public Hearing**

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Roderick L. Bremby  
Secretary of Health and Environment

**AFFIDAVIT**

STATE OF KANSAS \
- SS.
County of Sedgwick /

RECEIVED

JUL 20 2009

Bureau of Air and Radiation

Mark Fletchall, of lawful age, being first duly sworn, deposes and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for  1  issues - weeks, that the first publication of said notice was

made as aforesaid on the  16th  of

July  A.D.  2009 , with

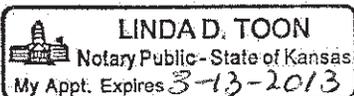
subsequent publications being made on the following dates:

And affiant further says that he has personal knowledge of the statements above set forth and that they are true.

*Mark Fletchall*

Subscribed and sworn to before me this

16th day of July, 2009

 LINDA D. TOON
Notary Public - State of Kansas
My Appt. Expires 3-13-2013

*Linda D. Toon*
Notary Public Sedgwick County, Kansas

Printer's Fee :  \$152.00

**LEGAL PUBLICATION**

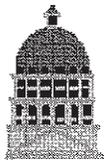
Published in the Wichita Eagle
on July 16, 2009 (2966627)
State of Kansas

Department of Health and Environment
Notice of Public Hearing

The Kansas Department of Health and Environment is proposing to revise the State of Kansas Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards. The hearing for this action will be held August 27, 2009, at 10:00 AM, at the Curtis State Office Building (Rm. 530) 1000 SW Jackson, Topeka, Kansas. Specifically, in response to comments received and changes made by the Department to the Kansas Regional Haze Plan after the first public hearing, the Department has decided to hold a second public hearing. This SIP revision fulfills the requirements of section 169A (b)(2) of the Clean Air Act which requires states to address the impacts of regional haze in mandatory federal Class I areas. The SIP revision contains the requirements for Best Available Retrofit Technology (BART), and outlines the reasonable progress goals and long-term emissions reduction strategy to reduce visibility impairment in Class I areas of neighboring states.

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Roderick L. Bremby
Secretary of Health and Environment



# THE TOPEKA CAPITAL-JOURNAL

cjonline.com

RECEIVED

JUL 23 2009

Bureau of Air and Radiation

## AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, SHAWNEE COUNTY,

Karen Yost, being first duly sworn, deposes and says: That She is the Legal Clerk of the TOPEKA CAPITAL-JOURNAL, a daily newspaper printed in the State of Kansas, and published in and of general circulation in SHAWNEE County, Kansas, with a general paid circulation on a monthly basis in SHAWNEE County, Kansas, and that said newspaper is not a trade, religious Or fraternal publication.

Said newspaper is a daily published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Topeka in said County as second class matter.

That the attached notice is a true copy thereof and was published the regular and entire issues of said newspaper for one consecutive week, the first publication thereof being made as

aforsaid on the July 16, 2009 with subsequent publications being made on the following dates:

*Karen Yost*

Subscribed and sworn before me this 22nd day of

July 2009.

*Amy S. Nicholson*  
Notary Public

My commission expires: \_\_\_\_\_

Printer's Fee\$ \_\_\_\_\_

Additional Copies: \$ \_\_\_\_\_

No.1054

(Published in the Topeka-Capital Journal on July 16, 2009)

**State of Kansas  
Department of Health and Environment  
Notice of Public Hearing**

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This proposed SIP revision does not include any rulemaking action. Details concerning this revision can be obtained by contacting Douglas Watson, Kansas Department of Health and Environment, Bureau of Air and Radiation, at (785) 296-0910. Copies of the proposed Plan may also be viewed at the following locations: (1.) Department of Air Quality, Unified Government of Wyandotte County - Kansas City, Kansas Health Department, 619 Ann Avenue, Kansas City, Kansas, (2.) Johnson County Environmental Department, 11811 S. Sunset Dr., Suite 2700, Olathe, Kansas, (3.) KDHE Northwest District Office, 2301 E. 13th St., Hays, KS, (4.) KDHE North Central District Office, 2501 Market Place Ste. D, Salina, KS, (5.) KDHE Northeast District Office, 800 W. 24th St., Lawrence, KS, (6.) KDHE Southeast District Office, 1500 W. 7th St., Chanute, KS, (7.) City of Wichita Environmental Services, 1900 E. 9th St., Wichita, KS, (8.) KDHE Southwest District Office, 302 W. McArthur Rd., Dodge City, KS, and (9.) Curtis State Office Building, 1000 SW Jackson St., Ste. 310, Topeka, KS. The Plan is also posted on the Bureau of Air and Radiation's website at [http://www.kdheks.gov/bar/public\\_notice.html](http://www.kdheks.gov/bar/public_notice.html). Comments from the interested public should be addressed to the Kansas Department of Health and Environment, Bureau of Air and Radiation, Attention: Douglas Watson, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. Comments must be received by the Bureau of Air and Radiation no later than the close of business on August 27, 2009 to assure full consideration of this proposed revision to the SIP.

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Roderick L. Bremby  
Secretary of Health and Environment



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Bureau of Air and Radiation

# Publisher's Affidavit

I, Tiffany Modlin, being duly sworn declare that I am the Legal Coordinator of THE SALINA JOURNAL, a daily newspaper published at Salina, Saline County, Kansas, and of general circulation in said county, which newspaper has been admitted to the mails as second class matter in said county, and continuously and uninterruptedly published for five consecutive years prior to first publication of attached notice, and that the

PO # V9999995 Hearing Notice has been correctly published in the entire issues of said newspaper one time, publication being given in the issue of July 16, 2009

Chellie Ann Tiffany Modlin

Subscribed and sworn to before me, this 21st

day of July A.D. 20 09

[Signature]  
Notary Public

Printer's Fee \$216.00

(Published in The Salina Journal, July 16, 2009)  
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Department of Health and Environment  
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Roderick L. Bremby  
Secretary of Health and Environment  
(1)

NOTARY PUBLIC - State of Kansas  
WENDY CHROBAK  
My Appt. Exp. 8-22-2012

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Proof of Publication  
State of Kansas, Ford County, SS.

Bureau of Air and Radiation

Dodge City Daily Globe

Attn: Linda Vandevord  
Ks Dept of Health & Environment  
Bureau of Air & Radiation  
1000 SW Jackson, Suite 310  
Topeka, Kansas 66612-1367

Reference: 14454 Account: 108042  
Notice - Revise Implementation Plan PO V9999995

Darrel Adams of lawful age, being duly sworn upon oath, states that he is the Publisher of the DODGE CITY DAILY GLOBE.

THAT said newspaper has been published at least weekly fifty (50) times a year and has been so published for at least five years prior to the first publication of the attached notice;

THAT said paper was entered as second-class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily, or weekly, or yearly basis in FORD COUNTY KANSAS, and is NOT a trade, religious or fraternal publication and has been PRINTED and published in FORD COUNTY, KANSAS.

THE ATTACHED was published on the following dates in a regular issue of said paper:

(Sign) D. Adams

PUBLISHED ON: 7/16/09  
TOTAL COST: \$ 54.60  
FILED ON: 7/16/09  
AD SPACE: 10.50 Inches

(Published in the Dodge City Daily Globe July 16, 2009)

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Roderick L. Brerr  
Secretary of Health and Environment  
11-Thur.

Witness my hand this 16 day of July 20 09

SUBSCRIBED and Sworn to Before Me This 16 day of July 20 09

Kathy Runquist  
Notary Public, Ford County, Kansas

KATHY RUNQUIST  
Notary Public - State of Kansas  
My Appt. Expires 11/23/10

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