



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 29, No. 8

February 25, 2010

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State of Kansas

## Department of Transportation

## Notice to Consulting Engineers

The Kansas Department of Transportation is seeking a qualified consulting engineering firm or team, prequalified in categories 322 (Bridge Inspection) and 323 (Underwater Bridge Inspection), for the project listed below. Eight signed copies of the response can be mailed to David Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Interest responses shall be limited to four pages and must be received by noon March 5 for the consulting engineering firm to be considered.

Please note: Category 323 (Underwater Bridge Inspection) requires commercial divers. If a consultant is not prequalified in category 323, it must retain staff or "team" with a commercial diving company. View categories at [www.ksdot.org/divengdes/prequal](http://www.ksdot.org/divengdes/prequal).

The Consultant Shortlist Committee will select three to five of the most highly qualified firms expressing interest and schedule an individual interview. The consulting firms can more thoroughly discuss their experience related to the project at the interview and will be expected to discuss their approach to this project in detail and the personnel to be assigned to this project. Firms not selected to be short-listed will be notified.

The Consultant Selection 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 of the outcome.

106 KA-1675-01  
Statewide

This project is to investigate and prepare reports for underwater bridge inspections in accordance with FHWA-DP-90-1 within calendar year 2010. The project has twenty-one (21) locations, which includes four (4) Missouri River crossings. The consultant will need to augment the underwater diving inspections with side scan radar technology. The consultant also will be an "on-call" consultant for additional underwater inspections through calendar year 2014 as warranted by flood events.

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.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data;
- capability to provide a means of measuring the reasonableness of incurred costs;
- capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger; and
- ability to provide supporting documentation of actual expenditures for each billing, based on costs.

Deb Miller  
Secretary of Transportation

Doc. No. 038036

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## State of Kansas

## Legislature

## Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced February 11-17 by the 2010 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 58-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at [www.kslegislature.org](http://www.kslegislature.org).

## House Bills

**HB 2684**, An act enacting the rural risk bank loan guarantee program, by Committee on Federal and State Affairs.

**HB 2685**, An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4218, 75-7c10 and 75-7c11 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2686**, An act concerning income taxation; relating to credits; certain expenses related to living donor organ donations, by Committee on Taxation.

**HB 2687**, An act concerning income taxation; relating to refunds; penalties; amending K.S.A. 2009 Supp. 79-3228 and repealing the existing section, by Committee on Taxation.

**HB 2688**, An act concerning the housing loan deposit program; relating to requirements for borrowers; amending K.S.A. 2009 Supp. 75-4277 and 75-4279 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2689**, An act concerning sales taxation; relating to countywide retailers' sales tax; Kingman county; amending K.S.A. 12-197 and K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

**HB 2690**, An act concerning the department of administration; concerning competitive bids; preferring bids from within the state; amending K.S.A. 2009 Supp. 75-3740 and repealing the existing section, by Committee on Appropriations.

**HB 2691**, An act concerning budget estimates of state agencies; relating to biennial estimates for certain state agencies; Kansas home inspectors registration board; amending K.S.A. 2009 Supp. 75-3717 and repealing the existing section, by Committee on Appropriations.

**HB 2692**, An act concerning the governmental ethics commission; fixing certain fees; amending K.S.A. 2009 Supp. 25-4119f, 25-4145 and 46-265 and repealing the existing sections, by Committee on Appropriations.

**HB 2693**, An act concerning the statehouse restoration capital improvement project; stopping work on such project and prohibiting certain expenditures therefor; prohibiting the issuance of bonds for such project and the use of public funds for a visitors center in the statehouse, by Committee on Appropriations.

**HB 2694**, An act concerning retirement and pensions; relating to the Kansas public employees retirement act of 2009; providing permanent annual cost-of-living adjustment for certain retirees; member contributions; amending K.S.A. 2009 Supp. 74-49,210 and repealing the existing section, by Committee on Appropriations.

**HB 2695**, An act concerning property taxation; relating to delinquent taxes and special assessments; period of redemption; certain vacant land; amending K.S.A. 2009 Supp. 79-2401a and repealing the existing section, by Committee on Taxation.

**HB 2696**, An act regulating traffic; concerning suspension of driving privileges for failure to stop or report certain accidents; amending K.S.A. 8-254 and K.S.A. 2009 Supp. 8-1602, 8-1603, 8-1605 and 8-1606 and repealing the existing sections, by Committee on Taxation.

**HB 2697**, An act concerning alcoholic beverages; relating to retailer's licenses under the Kansas liquor control act; amending K.S.A. 41-308 and 41-713 and K.S.A. 2009 Supp. 41-102, 41-311, 41-313 and 41-710 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711, by Committee on Federal and State Affairs.

**HB 2698**, An act authorizing the secretary of state to grant an easement to the city of Ogden in Riley county, Kansas, by Committee on Taxation.

**HB 2699**, An act concerning school districts; relating to teachers; amending K.S.A. 2009 Supp. 72-5445 and repealing the existing section, by Committee on Appropriations.

**HB 2700**, An act concerning schools; relating to education programs to raise awareness of sexual exploitation by electronic means, by Committee on Federal and State Affairs.

**HB 2701**, An act concerning municipalities; establishing the organized solid waste collection service act, by Committee on Federal and State Affairs.

**HB 2702**, An act concerning crimes, criminal procedure and punishment; relating to transmission of sexually explicit or nude images of minors; amending K.S.A. 21-3516 and repealing the existing section, by Committee on Federal and State Affairs.

## House Resolutions

**HR 6016**, A resolution honoring the Boy Scouts of America's Contributions to Society and Vision for the Future.

**HR 6017**, A resolution recognizing the prevalence of excess weight and obesity within the African American, Hispanic/Latino American and Native American communities, its impact on diabetes and cardiovascular disease, urging advocacy for access to innovative and improved treatment options and improved provider reimbursement rates to address the issue.

## Senate Bills

**SB 543**, An act concerning telecommunications; relating to the authorization of certain programs; amending K.S.A. 66-1,190 and repealing the existing section, by Committee on Ways and Means.

**SB 544**, An act concerning the metropolitan transit authority act; definitions; amending K.S.A. 12-2802 and repealing the existing section, by Committee on Ways and Means.

**SB 545**, An act concerning employment security law; relating to benefits and employer contributions; amending K.S.A. 2009 Supp. 44-703, 44-705 and 44-706 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 44-704c, by Committee on Ways and Means.

**SB 546**, An act providing for assessments on certain nursing facilities; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality care assessment fund; providing for implementation and administration, by Committee on Ways and Means.

**SB 547**, An act concerning workers compensation; pertaining to disability benefits; pertaining to medical benefits; pertaining to notice requirements; amending K.S.A. 44-510c, 44-510d, 44-510e, 44-510f, 44-510j and 44-520 and K.S.A. 2009 Supp. 44-510h and repealing the existing sections, by Committee on Ways and Means.

**SB 548**, An act concerning taxation; relating to technical colleges; authority of county or counties to impose and levy sales and property taxes for support thereof; procedures, by Committee on Federal and State Affairs.

**SB 549**, An act creating a private cause of action for victims of child pornography, by Committee on Federal and State Affairs.

**SB 550**, An act concerning alcoholic beverages; relating to retailer's licenses under the Kansas liquor control act; amending K.S.A. 41-308 and 41-713 and K.S.A. 2009 Supp. 41-102, 41-311, 41-313 and 41-710 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711, by Committee on Federal and State Affairs.

## Senate Resolutions

**SR 1820**, A resolution supporting current guidelines for breast cancer screening.

**SR 1822**, A resolution congratulating and commending the 2010 Horizon Award Program educators.

**SR 1823**, A resolution congratulating and commending the 2009 Kansas National Board Certified Teachers.

**SR 1824**, A resolution honoring Larry W. Magill, Jr.

Doc. No. 038048

State of Kansas

Board of Adult Care Home Administrators

Notice of Meetings

The Complaint Investigatory Committee of the Board of Adult Care Home Administrators will meet at 11 a.m. and the regular quarterly meeting of the Board of Adult Care Home Administrators will follow at 1 p.m. at the Kansas National Education Association (KNEA) Building, Room F, 715 S.W. 10th Ave., Topeka, on the following dates: March 12, June 11, September 10 and December 10.

Marla Rhoden, Director
Health Occupations Credentialing

Doc. No. 038060

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. 2009 Supp. 12-1675(b)(c)(d) and K.S.A. 2009 Supp. 12-1675a(g).

Effective 2-22-10 through 2-28-10

Table with 2 columns: Term, Rate. Rows include 1-89 days (0.13%), 3 months (0.08%), 6 months (0.18%), 1 year (0.39%), 18 months (0.63%), 2 years (0.92%).

Elizabeth B.A. Miller
Director of Investments

Doc. No. 038047

State of Kansas

Governmental Ethics Commission

Opinion No. 2010-02

Written February 17, 2010, to Senator Ty Masterson, Andover.

This opinion is in response to your letter of December 22, 2009, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state governmental ethics laws, K.S.A. 46-215 et seq. We note at the outset that the Commission's jurisdiction concerning your questions is limited to the application of K.S.A. 46-215 et seq., and whether some other statute, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement:

We understand you request this opinion in your capacity as a State Senator representing the 16th Senatorial District for the State of Kansas. You advise us you are a partner in Advanced Research and Technology Development Group, LLC (ARTDG). The company is owned by you and Anthony Speer. You are both licensed real estate agents, development and marketing professionals working in the Wichita area. The National Institute for

Aviation Research (NIAR), an unincorporated research division of Wichita State University, contacted your company, ARTDG, looking for property with specific requirements. NIAR did not retain your company or either of the partners of the company in an exclusive agency agreement.

However, your company found a property for NIAR that met the requirements and ultimately, ARTDG leased 17,500 square feet subleasing 10,000 square feet to NIAR, 7000 square feet to another company and keeping 500 square feet for ARTDG for administrative office space. The contract that was executed between your company, NIAR, and the Department of Defense (DOD) was below the rate that NIAR had stated to be acceptable. The funds for this lease came wholly from federal DOD research dollars.

Question:

You ask if you personally, your private real estate development partnership, or any entity in which you have an ownership interest, while you are serving as a State Senator, can engage in business or real estate transactions with a university or any entity that, in part or in whole receives funding from the State?

Opinion:

K.S.A. 46-233 states in pertinent part:

(b) No individual shall, while a legislator or within one year after the expiration of a term as legislator be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239, and amendments thereto.

You indicate in your letter that funds for this lease come solely from DOD research moneys, not State money. However, the money from DOD does come through the state appropriation process for Wichita State University and is considered a "no limit appropriation" for federal funds. Thus, we look to the exemption found in K.S.A. 46-239 (c).

K.S.A. 46-239 (c) reads in pertinent part:

Any agency of the state of Kansas which enters into a contract with any legislator, or any member of a firm of which such legislator is a member, under which the legislator or the member of such firm is to perform services for such agency for compensation shall make a report on a form prescribed and provided by the commission giving the name of the state agency, the purpose of the employment and the method of determining and computing the compensation for such employment. All such forms shall be filed quarterly in the office of the secretary of state.

If Wichita State University, in this case, files such a report quarterly with the office of the Kansas Secretary of State, there would not be a violation of this statute.

We draw your attention to two other statutes that would apply in your case.

K.S.A. 46-238 states:

No state officer or employee or candidate for state office or associated person shall charge to or accept from a person known to have a special interest a price, fee, compen-

sation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which other persons in the same business or profession would charge in the ordinary course of business.

If the terms of your lease agreement with NIAR/DOD do not substantially exceed the amount which other persons in the same business or profession would charge in the ordinary course of business, this statute would not be violated.

K.S.A. 46-241 states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This statute prohibits you from using any confidential knowledge obtained in your employment with the State for your financial gain or for the financial gain of any other person.

Based upon the facts you have provided to the Commission, the lease agreement with NIAR/DOD does not appear to violate the state governmental ethics laws provided the requirements of K.S.A. 46-238, K.S.A. 46-239 (c) and K.S.A. 46-241 are met.

#### Opinion No. 2010-03

Written February 17, 2010, to the Honorable Carol A. Beier, Topeka.

This opinion is in response to your letter of February 12, 2010 in which you request an opinion from the Kansas Governmental Ethics Commission concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 25-4142 *et seq.* Thus, whether some other statute, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement:

We understand that you request this opinion in your capacity as a Kansas Supreme Court Justice. You are interested in obtaining information concerning your responsibilities under the Campaign Finance Act since you will have a retention election this year.

#### Question:

Is a retention election for the position of Justice of the Kansas Supreme Court governed by the Kansas Campaign Finance Act?

#### Opinion:

K.S.A. 25-4143(m) defines "State office" to mean any state office as defined in K.S.A. 25-2505 and amendments thereto.

K.S.A. 25-2505(b) states "'State office' or 'state officer' means the state officers elected on a statewide basis, members of the house of representatives and state senators, members of the state board of education, district judges, district magistrate judges and district attorneys."

Since the position of Supreme Court Justice is not included in the definition of "state officer," the Campaign Finance Act does not govern your retention election.

Tim Emert  
Vice-Chairman

## 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 January 2010 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

#### Domestic Corporations

A. R. D., Inc., Wichita, KS.  
 Ace of Diamonds, Inc., Lenexa, KS.  
 Anderson Energy, Inc., Wichita, KS.  
 Angus Genenet, Inc., Hays, KS.  
 B & C Business Forms, Inc., Kansas City, MO.  
 Bayer Stone Quarry, Inc., Manhattan, KS.  
 Becker Management, Inc. (BMI), Olathe, KS.  
 BRE Acquisitions, LLC, Raytown, MO.  
 Briar Patch of Kansas Inc., Wichita, KS.  
 Bureau of Lectures and Concert Artists, Inc., Lawrence, KS.  
 C Jam, Inc., Lee's Summit, MO.  
 Cell Excess Inc., Buhler, KS.  
 Clock Consultants, Inc., Lenexa, KS.  
 Couch & Hepler Agency, LLC, Overland Park, KS.  
 D & J Anderson, Inc., Belleville, KS.  
 D & S Enterprises, Inc., Olathe, KS.  
 DCSS Ability, L.L.C., Wichita, KS.  
 Deer Creek Homes Association, Inc., Stilwell, KS.  
 Dentspur Corporation, Great Bend, KS.  
 Double "D" Painting, Inc., Ottawa, KS.  
 Dragon Show Culture and Arts Exchange Co., Ltd., Lawrence, KS.  
 Earl Bane Foundation, Salina, KS.  
 Earthmovers, Inc., Washington, KS.  
 Eco2friendly Inc., Wichita, KS.  
 Elite Management Corporation, Lawrence, KS.  
 Executive Real Estate Services, Inc., Shawnee, KS.  
 Fast Tek's CPS, Inc., Haysville, KS.  
 FDC, Inc., Wichita, KS.  
 Fifthstar Properties, Inc., Derby, KS.  
 Frederick's, Inc., Kansas City, KS.  
 Friends of Hospice in Ellsworth County, Inc., Ellsworth, KS.  
 G & H, Inc., St. John, KS.  
 G. E. Tolman & Co., Overland Park, KS.  
 GMD, LLC, Lenexa, KS.  
 Grant St. Interests, L.C., Phoenix, AZ.  
 H D Automotive Inc., Wichita, KS.  
 Harrington Farms, Inc., Englewood, KS.  
 Hi-Speed Precision, Inc., Cheney, KS.  
 HOK Consulting, Inc., Overland Park, KS.  
 Hough Piano & Organ, Inc., Salina, KS.  
 HSA Solutions Direct, Inc., Louisburg, KS.  
 Hutchinson Lodge No. 982 Loyal Order of Moose, Inc., Hutchinson, KS.  
 J & H Construction, Inc., Ozawkie, KS.  
 J & R Industries, Inc., Merriam, KS.  
 J S Packing, Inc., Ellsworth, KS.  
 Jackson Mortuary, Inc., Wichita, KS.  
 Jensen Oil & Gas Co., Inc., Mankato, KS.  
 Jimenez Well Service, Inc., Kingman, KS.  
 Joe Thoele Foundation, LLC, Basehor, KS.

(continued)

John's Plumbing & Heating, Inc., Topeka, KS.  
 K.W.D., Limited, Wichita, KS.  
 K-B Machine Shop, Inc., Olathe, KS.  
 Kalara Corp., Robertsdale, AL.  
 Kansas City Area Historic Trails Association,  
 Shawnee Mission, KS.  
 Kansas City Builder's Incentive Group, Inc., Lenexa, KS.  
 Kansas Health Solutions, L.L.C., Topeka, KS.  
 Kansas Neurological Consultants, P.A., Wichita, KS.  
 Kimple, Inc., Ellinwood, KS.  
 Knight Family Farms, Inc., Burr Oak, KS.  
 L.E.T. Corporation, Mission, KS.  
 Lady Baltimore Foods, Inc., Overland Park, KS.  
 Larry Westhoff Construction, Inc., Wichita, KS.  
 LLT Incorporated, Mulberry, KS.  
 London Square Partners, LLC, Overland Park, KS.  
 Lowe Enterprises Inc., Weston, MO.  
 Luka Irrigation Systems, Inc., Shawnee, KS.  
 M. H. Jaben Properties, Inc., Riverside, MO.  
 Mackie Const. Inc., Coffeyville, KS.  
 Manor of Garden City, Inc., Omaha, NE.  
 Marquee Selections LLC, Overland Park, KS.  
 McKee Pool & Landscape, Inc., Lawrence, KS.  
 Mid-America Aviation Services, Incorporated, Topeka, KS.  
 Mid-America Golf Car Transport, Inc., Lenexa, KS.  
 Midcentral Insurance Consultants, Inc., Topeka, KS.  
 Midwest Equities II, L.L.C., Overland Park, KS.  
 Midwest Equities, L.L.C., Overland Park, KS.  
 Monsour's Inc., Frontenac, KS.  
 Nall Hills Investment Corporation, Overland Park, KS.  
 Nebco, Inc., Salina, KS.  
 Newtek, Inc., San Antonio, TX.  
 Newton Anesthesia Services, P.A., Newton, KS.  
 Olathe Home Medics Inc., Olathe, KS.  
 Palmer & Cay of Kansas, LLC, Wilmington, DE.  
 Patrick Nichols, Chartered, Lawrence, KS.  
 Payer, Inc., Westphalia, KS.  
 Pendleton Construction, Inc., Topeka, KS.  
 Plaza Lane Mortgage & Investment Company, Mulvane, KS.  
 Porter & Porter, Inc., Buckner, MO.  
 Preferred Drywall, Inc., Olathe, KS.  
 Principal Management Investors I, LLP, Overland Park, KS.  
 R & R Developers, Inc., Junction City, KS.  
 R L Services, Inc., Hays, KS.  
 Rainbolt Redi-Mix, Inc., Larned, KS.  
 Rieger Medical Supply Company, Inc., Wichita, KS.  
 RTF Developers, LLC, Leawood, KS.  
 Salina Engine Supply, Inc., Salina, KS.  
 Saxon Management Services, Inc., Leawood, KS.  
 Sedgwick County Indians Club, Derby, KS.  
 Sharp Shootr, Inc., Paola, KS.  
 Smoky River Cattle Co., Cheyenne Wells, CO.  
 Solar Transportation Inc., Wakefield, KS.  
 Sparks Agency, Inc., Hermitage, MO.  
 Special Delivery International Inc., Wichita, KS.  
 Spotlight International, Ltd., Kansas City, MO.  
 Star Hair, Inc., Wichita, KS.  
 Summerfield Limited Inc., Prairie Village, KS.  
 Super Speed Printing, Inc., North Newton, KS.  
 T.L.C. Enterprises, Inc., Olathe, KS.  
 Tel-a-Friend Inc., Wichita, KS.  
 Tonga Ridge Development Corporation, Tonganoxie, KS.  
 Van Camp Enterprises Inc., Leavenworth, KS.  
 Watson Farms, Inc., Tribune, KS.  
 Western Drilling Co., Goodland, KS.

### Foreign Corporations

Accredited Home Lenders, Inc., San Diego, CA.  
 Agile Pursuits, Inc., Cincinnati, OH.  
 Alliance Shippers, Inc., Englewood Cliffs, NJ.  
 American Lending Group, Inc., St. Peters, MO.  
 American Multiline Corporation, Dallas, TX.  
 Axiom Mortgage Bankers Corporation, Tustin, CA.  
 B&W Tool, Inc., Lee's Summit, MO.  
 Bally Gaming, Inc., Las Vegas, NV.  
 BDM Enterprises, Inc., Overland Park, KS.  
 BEI US Inc., San Francisco, CA.  
 Buck Consultants, LLC, New York, NY.  
 Buxton-Kubik-Dodd, Inc., Springfield, MO.  
 Claims Services Group, Inc., San Ramon, CA.  
 Consumer Loan Services, Inc., La Crosse, WI.  
 Crossland Machinery Company, Inc., Kansas City, MO.  
 Dental Expressions, P.C., Lee's Summit, MO.  
 DH Restoration, Inc., Pleasant Hill, MO.  
 EFI-Wright Sales Inc., Riverside, MO.  
 Event Images & Entertainment, Inc., Shawnee, KS.  
 Flatiron Financial Services Inc., Centennial, CO.  
 Fred Riley Home Building Corporation, Overland Park, KS.  
 Hollander, Inc., San Ramon, CA.  
 Industrial Battery Products, Inc., St. Louis, MO.  
 Innovative Adhesives Company, Jackson, MS.  
 Inter-Industry Conference on Auto Repair,  
 Hoffman Estates, IL.  
 J & P Transportation, Inc., Hermitage, MO.  
 J. C. Hall Company, Inc., Soda Springs, ID.  
 Jones Lang Lasalle - Texas, Inc., Addison, TX.  
 Kaigon Co., Inc., Lawrence, KS.  
 Kingston Environmental Services, Inc., Kansas City, MO.  
 Lott Enterprises, Inc., Greenwood, MS.  
 Maco Construction, Inc., Clarkton, MO.  
 Martin Mechanical, Inc., Drexel, MO.  
 McGregor Interests Freeway, LLC, Omaha, NE.  
 McGregor Interests Tomahawk, LLC, Omaha, NE.  
 McGregor Interests, Inc., Omaha, NE.  
 McGregor Interests, LLC, Omaha, NE.  
 Michael's Truck Sales, Inc., Lincoln, NE.  
 Midwest Foundation Company, Inc., Lenexa, KS.  
 MLS Hawaii, Inc., Honolulu, HI.  
 NAI Global of Kansas City, Inc., Princeton, NJ.  
 NCN Institute, Los Angeles, CA.  
 Paymentone Corporation, San Jose, CA.  
 Peaker Services, Inc., Brighton, MI.  
 PMD Real Estate LLC, Kansas City, MO.  
 Pratt Properties, Inc., Conyers, GA.  
 R.L. Fauss Builders, Inc., Fremont, NE.  
 Saint Luke's Cancer Institute, L.L.C., Kansas City, MO.  
 Satair USA, Inc., Atlanta, GA.  
 Short-Elliott-Hendrickson, Incorporated, St. Paul, MN.  
 St. John's Health System, Inc., Springfield, MO.  
 The Aries Group, Inc., Beverly, MA.  
 The Samuel Group, Inc., Dallas, TX.  
 The Storytellers, Kansas City, KS.  
 Tri-State Employment Service, Inc., New York, NY.  
 Triumph Engineering, Corp., Cincinnati, OH.  
 Triumph On-Demand, Inc., Cincinnati, OH.  
 TSE-PEO, Inc., New York, NY.  
 Vansteeda Corporation, Paola, KS.  
 Velo City Express Leasing, Inc., Westport, CT.  
 Werner Construction Co., Hastings, NE.

Ron Thornburgh  
 Secretary of State

Doc. No. 038007

**State of Kansas  
Kansas Housing Resources Corporation**

**Notice of Annual Performance Report on  
the Kansas Consolidated Plan**

The Kansas Housing Resources Corporation will publish a preliminary draft of the Annual Performance Report on the Kansas Consolidated Plan for community and housing development for program year 2009. The Annual Performance Report on the 2009 Kansas Consolidated Plan will be available for public review and comment March 5-March 22. The Annual Performance Report will be available online at [www.kshousingcorp.org](http://www.kshousingcorp.org) beginning March 5. Limited hard copies of the Annual Performance Report are available through the Kansas Housing Resources Corporation, 611 S. Kansas Ave., Suite 300, Topeka, 66603, (785) 296-5865, fax (785) 296-8985, or e-mail at [info@kshousingcorp.org](mailto:info@kshousingcorp.org).

Gary Allsup  
Executive Director

Doc. No. 038066

**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:

- 03/04/2010 12858 IT Security, Penetration Test
- 03/05/2010 12824 Consulting Services—REA Profiling
- 03/08/2010 12841 Museum Mannequins
- 03/08/2010 12847 Soldier Figure Sculpture
- 03/08/2010 12848 Sweeper, Self-Propelled, N-PK
- 03/11/2010 12840 Finance/Credit/Invest Advisory
- 03/11/2010 12859 Intrusion Detection System

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

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

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

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

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

- 03/30/2010 A-011219 Kelce Hall HVAC, Elec. & Fire Safety Modifications, Pittsburg State University, Pittsburg

Chris Howe  
Director of Purchases

Doc. No. 038063

**State of Kansas  
Kansas State University**

**Notice to Bidders**

Kansas State University encourages interested vendors to visit the Kansas State University Controller'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](mailto:cbishop@ksu.edu) to request a copy of a current bid.

Carla Bishop  
Director of Purchasing

Doc. No. 037624

**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](mailto:purchasing@ku.edu) to request a copy of a current bid.

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 037757

**State of Kansas  
Wichita State University**

**Notice to Bidders**

Wichita State University encourages interested vendors to visit the Wichita State University Office of Purchasing Web site at [wichita.edu/purchasing](http://wichita.edu/purchasing) for a complete listing of all transactions for which Wichita State University, or one of the consortia commonly utilized by WSU, is seeking competitive bids. Paper postings of WSU Office of Purchasing bid transactions may be viewed at the Office of Purchasing, 1845 Fairmount, Room 021 Morrison Hall, Wichita, or persons may contact the Office of Purchasing at (316) 978-3080, by fax at (316) 978-3528, or by e-mail at [steven.white@wichita.edu](mailto:steven.white@wichita.edu) to request a copy of a current bid.

Steve White  
Director of Purchasing

Doc. No. 037745

(Published in the Kansas Register February 25, 2010.)

(Published in the Kansas Register February 25, 2010.)

**City of Leawood, Kansas****Notice to Bidders**

Sealed bids shall be received by the city of Leawood, Kansas, at the office of the city clerk until 10 a.m. Tuesday, March 30, 2010, for the construction, complete, of the **103rd Street Mill and Overlay**, said work to include: pavement milling, base repair, curb removal, sidewalk removal excavation and compaction, grading, curb replacement, concrete patching, installation of concrete sidewalk, paving, storm sewer removal and replacement, pavement markings, sodding, traffic signal/camera work, and other construction.

All bids shall be submitted in sealed envelopes addressed to the City Clerk, City of Leawood, 4800 Town Center Drive, Leawood, KS 66211, and shall be clearly marked "103rd STREET MILL AND OVERLAY" (IN CAPITAL LETTERS). At the above-stated time and place, all bids shall be publicly opened and read aloud. Bids received after the designated closing time will be returned unopened.

Copies of the contract documents are available for viewing or purchase at [www.laneblueprint.com](http://www.laneblueprint.com) and are available for viewing in their plan room at 8700 Santa Fe Drive, Overland Park, KS 66212. Contractors desiring contract documents for use in preparing bids may obtain a set of such documents from Lane Blueprint for \$79. There shall be no refunds.

Each bidder shall file with their bid proposal a cashier's check, certified check or bid proposal bond, drawn on an acceptable bank in an amount of 5 percent of the total amount of the bid.

Nonresident corporations that are not already registered with the Kansas Secretary of State and all nonresident individuals and partnerships are required by law to register with the Director of Revenue, Docking State Office Building, Topeka, Kansas, and to pay a fee of \$10 for each and every contract, as a precedent to commencing work on the contract. For contracts in excess of \$10,000, the foreign contractor shall file with the Director of Revenue an acceptable bond in amount of 10 percent of the contract.

No bid may be withdrawn within a period of 30 calendar days from and after the date fixed for opening bids.

The owner reserves the right to reject any or all bids, and to waive any informalities or irregularities therein.

In accordance with various federal and state civil rights legislation, the city of Leawood does not discriminate against individuals regardless of race, ethnicity, color, religion, gender, national origin, age, marital status, medical condition or disability.

Debra Harper, CMC, City Clerk  
City of Leawood, Kansas

Doc. No. 038067

**City of Olathe, Kansas****Notice to Bidders**

Sealed bids will be received at the office of the city clerk, City Hall, 100 E. Santa Fe, Olathe, Kansas, until 11 a.m. local time March 25, 2010, for the construction of the **Santa Fe Streetscape, Project No.30804c, KDOT PN46 TE-0273-01**.

At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud in the City of Governors Room 1310, Olathe City Hall.

A mandatory pre-bid meeting will be held at 10 a.m. March 11 in the City of Governors Room, Room 1310, first floor, Olathe City Hall. Attendance at this meeting is mandatory as key aspects of the project will be discussed, including contract provisional requirements. Any bid received by a contractor or their representative not in attendance of this meeting will be determined disqualified.

The work consists of the following: Demolition of paving and other miscellaneous items, construction of sidewalk paving, ornamental brick paving, asphalt milling and overlay, new curb and gutter median islands, new storm sewer, traffic signals, ornamental lighting, landscaping, and site furnishings on Santa Fe Avenue from Kansas Avenue to Kansas City Road.

Contract documents including drawings and specifications are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be purchased at Lane Blueprint, 1520 Main St., Kansas City, MO 64108, for a nonrefundable fee of \$120. Plans can be viewed online at [www.laneblueprint.com](http://www.laneblueprint.com) (click on Planroom and under the Planroom menu click on Public jobs). There is no charge to view the drawings. Please create an account if the Planroom will not let you view the documents. Contact Lane Blueprint at (816) 221-2500 with any questions about the Planroom.

The entire name of the project must appear on the outside of the bid envelope submitted to the city clerk's office.

A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal.

The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

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

Bids may be held by the city of Olathe for a period not to exceed 60 days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

Effective April 24, 2000, all bidders shall submit in writing to the Director of Human Relations an affirmative action program. No contract will be awarded to any company that has not been issued a Certification of Compliance by the Olathe Human Relations Commission within the past 12 months. A copy of the required form is included in the contract documents. Questions concerning



the forms and information required to complete the form should be directed to the city of Olathe Equal Opportunity Office at (913) 971-6694.

City of Olathe, Kansas  
Tracy Howell, City Clerk

Doc. No. 038049

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Kansas Ethanol, LLC has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOC), particulate matter (PM-10) and hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Kansas Ethanol, LLC, 1630 Ave. Q, Lyons, owns and operates an ethanol facility that manufactures a maximum throughput of 68.3 million gallons per year of fuel grade ethanol (ethyl alcohol), located at the same address.

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

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business March 25.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air, not later than the close of business March 25 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 038052

**State of Kansas**

**Department of Health  
and Environment**

**Request for Comments**

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

DCP Midstream, 370 17th St., Suite 2500, Denver, Colorado, owns and operates Clark County #2 compressor station located at Section 34, T32S, R21W, Clark County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Ethyl Evans, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business March 25.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air, not later than the close of business March 25 in order for the Secretary of Health and Environment to consider the request.

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

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

*(continued)*

notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 038050

## State of Kansas

### Department of Health and Environment

#### Request for Comments

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

We-Mac Manufacturing, 326 E. 14th Ave., Kansas City, Missouri, owns and operates a steel tank manufacturing facility located at 11016 U.S. Highway 59, Atchison.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Ashley Snyder, (785) 296-1713, at the KDHE central office; and to review the proposed permit only, contact Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ashley Snyder, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business March 25.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air, not later than the close of business March 25 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 038051

## State of Kansas

### Department of Health and Environment

#### Request for Comments

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

DCP Midstream, 370 17th St., Suite 2500, Denver, Colorado, owns and operates Clark County #1 compressor station located at Section 29, T34S, R24W, Clark County.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Ethyl Evans, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit

decision, written comments must be received before the close of business March 25.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air, not later than the close of business March 25 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 038054

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

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

Nex-Tech Processing, Inc., 1702 S. Knight St., Wichita, owns and operates a painting and treatment of aircraft parts facility located at 1702 S. Knight St., Wichita.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the Wichita Department of Environ-

mental Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact James Stewart, (785) 296-1556, at the KDHE central office; and to review the proposed permit only, contact Randy Owen, (316) 268-8350, at the Wichita Department of Environmental Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to James Stewart, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business March 29.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air, not later than the close of business March 29 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 038055

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

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

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requirements applicable to each source as of the effective date of permit issuance.

Pioneer Balloon Company, 5000 E. 29th St. North, Wichita, owns and operates a latex and foil balloon production company located at 2400 Pioneer Drive, El Dorado.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Ashley Snyder, (785) 296-1713, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ashley Snyder, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business March 25.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air, not later than the close of business March 25 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 038053

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-10-025/032  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Ron Heller 1921 W Road Hunter, KS 67452	SW/4 of Section 28, T09S, R09W, Mitchell County	Solomon River Basin
Kansas Permit No. A-SOMC-B018		
This is a new permit for a new facility for 999 head (999 animal units) of cattle weighing more than 700 pounds. The proposed construction includes open lot pens and working facilities with permanent grass buffers.		
Name and Address of Applicant	Legal Description	Receiving Water
Hemberger Farms Allen Hemberger, Lawrence Hemberger and Joseph Allen 163 N. Bluff Road Argonia, KS 67004	NE/4 of Section 12, T32S, R04W, Sumner County	Lower Arkansas River Basin
Kansas Permit No. A-ARSU-B001		
This is a new permit for an existing facility for 999 head (999 animal units) of cattle weighing more than 700 pounds. A new wastewater control system that will include two sedimentation basins, a new wastewater retention structure, freshwater diversions and a new grass waterway are proposed for this facility.		
Name and Address of Applicant	Legal Description	Receiving Water
KRB Pork, Inc. Robert A. Rogge 11710 Diamond Circle St. George, KS 66535	SE/4 of Section 10, T05S, R02E, Washington County	Lower Republican River Basin
Kansas Permit No. A-LRWS-H007      Federal Permit No. KS0094956		
This permit is being reissued for an existing facility with a maximum capacity of 8,000 head (3,200 animal units) of swine more than 55 pounds. There is no change in the permitted animal units from the previous permit.		

Name and Address of Applicant	Legal Description	Receiving Water
Zimmerman Brothers Joe Zimmerman 424 N.W. 90 Road Harper, KS 67058	NW/4 of Section 16, T32S, R07W, Harper County	Lower Arkansas River Basin

Kansas Permit No. A-LAHP-B001

This permit is being reissued for an existing facility with a maximum capacity of 999 head (999 animal units) 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
David Oborny 2451 Upland Marion, KS 66861	SW/4 of Section 05, T19S, R04E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B020

This permit is being reissued for an existing facility with a maximum capacity of 137 head (54.8 animal units) of swine more than 55 pounds, 220 head (22 animal units) of swine 55 pounds or less, 80 head (80 animal units) of beef cattle more than 700 pounds and 160 head (80 animal units) of beef cattle 700 pounds or less, for a total of 236.8 animal units. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lehman Farms, LLC Byron Lehman 5309 N. Meridian Newton, KS 67114	SE/4 of Section 25, T22S, R01W, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-M010

This permit is being reissued for an existing facility with a maximum capacity of 200 head (280 animal units) of mature dairy cattle and 26 head (13 animal units) of dairy heifers, for a total of 293 animal units. This represents a decrease in animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Maxwell Brothers Livestock Robert and Jerry Maxwell 14022 150 Road Smith Center, KS 66967	NE/4 of Section 08 & SE/4 of Section 05, T03S, R13W, Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-B021

This permit is being reissued for a confined animal feeding operation for 600 head (600 animal units) of beef cattle weighing more than 700 pounds and 399 head (199.5 animal units) of beef cattle weighing less than 700 pounds. This represents a decrease in the permitted animal units from the previous permit. The permit contains modifications consisting of a new liner and resizing of an existing wastewater retention structure on the north side of the facility.

Name and Address of Applicant	Legal Description	Receiving Water
Fullmer Cattle Company Kansas L.L.C. Que Fullmer P.O. Box 986 Syracuse, KS 67878	NE/4 of Section 36, T24S, R41W, Hamilton County	Upper Arkansas River Basin

Kansas Permit No. A-UAHM-C005 Federal Permit No. KS0090981

This is a reissuance of a permit for an existing confined animal feeding facility for a maximum of 5,000 head (2,500 animal units) of cattle weighing less than 700 pounds. A new runoff control system is to be constructed.

**Public Notice No. KS-Q-10-014/024**

The requirements of the draft permits public noticed below 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
Blue Rapids, City of 4 Public Square Blue Rapids, KS 66411	Big Blue River	Treated Domestic Wastewater

Kansas Permit No. M-BB04-OO01 Federal Permit No. KS0024775

Legal Description: W<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, S28, T4S, R7E, Marshall County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus, total recoverable copper and lead, and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Butler County Public Works Department 121 S. Gordy, Suite 200 El Dorado, KS 67042	Hickory Creek via North Branch of Hickory Creek	Treated Domestic Wastewater

Kansas Permit No. M-WA23-OO01 Federal Permit No. KS0082180

Legal Description: N<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, S33, T27S, R8E, Butler County

Facility Name: Butler County Sewer District No. 17 (Beaumont)

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, total recoverable copper and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Courtland, City of P.O. Box 147 Courtland, KS 66939	Beaver Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-LR09-OO01 Federal Permit No. KS0083399

Legal Description: N<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, S21, T3S, R5W, Republic County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Greenleaf, City of 507 5th St. Greenleaf, KS 66943	Little Blue River via Coon Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-BB08-OO01 Federal Permit No. KS0048411

Legal Description: NW<sup>1</sup>/<sub>4</sub>, S9, T4S, R4E, Washington County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus, total recoverable copper and lead, and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mankato, City of 217 S. High Street Mankato, KS 66956	Republican River via Middle Buffalo Creek	Treated Domestic Wastewater

Kansas Permit No. M-LR16-OO02 Federal Permit No. KS0095231

Legal Description: NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, S22, T3S, R8W, Jewell County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli and pH.

(continued)

**Name and Address of Applicant**      **Receiving Stream**      **Type of Discharge**  
 Marysville, City of      Big Blue River      Treated Domestic Wastewater  
 209 N. 8th St.  
 Marysville, KS 66508  
 Kansas Permit No. M-BB13-0002      Federal Permit No. KS0092142  
 Legal Description: SE $\frac{1}{4}$ , S31, T2S, R7E, Marshall County  
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus, nitrate, total Kjeldahl nitrogen, total nitrogen, total recoverable copper and lead, and pH.

**Name and Address of Applicant**      **Receiving Stream**      **Type of Discharge**  
 Jack Gregg      Kansas River via      Treated Domestic  
 American Eagle Investments      Little Muddy Creek      Wastewater  
 P.O. Box 11125  
 Kansas City, KS 66111  
 Kansas Permit No. C-KS72-0007      Federal Permit No. KS0119911  
 Legal Description: SE $\frac{1}{4}$ , S14, T11S, R16E, Shawnee County  
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, total residual chlorine, E. coli and pH, as well as monitoring for ammonia and pH.

**Name and Address of Applicant**      **Receiving Stream**      **Type of Discharge**  
 Unified School District #345      Soldier Creek via      Treated Domestic  
 901 N.W. Lyman Road      Halfday Creek via      Wastewater  
 Topeka, KS 66608-1900      Unnamed Tributary  
 Kansas Permit No. M-KS72-0018      Federal Permit No. KS0080098  
 Legal Description: S $\frac{1}{2}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$  and N $\frac{1}{2}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , S31, T10S, R16E, Shawnee County  
 Facility Name: Seaman Senior High School  
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus, total recoverable lead and pH.

**Name and Address of Applicant**      **Receiving Stream**      **Type of Discharge**  
 Vermillion, City of      Black Vermillion      Treated Domestic  
 P.O. Box 127      River      Wastewater  
 Vermillion, KS 66544  
 Kansas Permit No. M-BB20-0001      Federal Permit No. KS0085529  
 Legal Description: SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S12, T4S, R10E, Marshall County  
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus, total recoverable copper and lead, and pH.

**Name and Address of Applicant**      **Receiving Stream**      **Type of Discharge**  
 WaKeeney, City of      Big Creek via      Treated Domestic  
 P.O. Box 157      Unnamed Tributary      Wastewater  
 WaKeeney, KS 67672  
 Kansas Permit No. M-SH38-0002      Federal Permit No. KS0099309  
 Legal Description: SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , S16, T12S, R23W, Trego County  
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli and pH.

**Name and Address of Applicant**      **Receiving Stream**      **Type of Discharge**  
 Whiting, City of      Delaware River via      Treated Domestic  
 P.O. Box 126      Negro Creek via      Wastewater  
 Whiting, KS 66552      Unnamed Tributary  
 Kansas Permit No. M-KS81-0001      Federal Permit No. KS0083372  
 Legal Description: SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , S27, T5S, R16E, Jackson County  
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing lagoon wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia and pH.

**Public Notice No. KS-NQ-10-005**

**Name and Address of Applicant**      **Legal Location**      **Type of Discharge**  
 Louisville, City of      SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ ,      Nonoverflowing  
 P.O. Box 234      S21, T9S, R10E,      Nonoverflowing  
 Louisville, KS 66547      Pottawatomie      County  
 Kansas Permit No. M-KS37-NO01      Federal Tracking No. KSJ000404  
 Facility Description: The proposed action is to reissue an existing wastewater permit for an existing nonoverflowing wastewater retention system. Contained in the permit is a schedule of compliance requiring the permittee to complete any upgrades necessary to ensure the additional cell now in use complies with the Kansas Minimum Standards of Design. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

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

All comments regarding the draft documents or application notices received on or before March 27 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-10-025/032, KS-Q-10-014/024, KS-NQ-10-005) 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

## State of Kansas

Department of Health  
and EnvironmentNotice of Hearing on Proposed  
Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Water, will conduct a public hearing at 1:30 p.m. Thursday, May 13, at the city of Hutchinson Water Treatment Center, 803 E. 23rd Ave., Hutchinson, to consider the adoption of new and revised underground injection control (UIC) regulations regarding Class III salt solution mining wells.

A summary of the proposed regulations and the regulatory impact statement follows:

The Class III salt solution mining regulations, **K.A.R. 28-43-1 through 28-43-11**, were originally adopted in 1979, prior to the Environmental Protection Agency delegating authority to KDHE for implementation of the federal UIC Program. KDHE is proposing revocation of the existing Class III regulations and incorporation of these regulations into the existing UIC regulations under Article 46 for Class I, IV and V well types, resulting in one set of regulations for all UIC wells regulated by KDHE. The proposed new and amended UIC regulations for Class III salt solution mining wells will provide additional safety requirements to ensure stability of well caverns. Other monitoring and reporting requirements will also provide further protection of public health, safety and the environment.

**Regulatory Impact Statement — Environmental Benefit:** Subsidence of Class III salt solution mining well caverns pose a significant risk to public safety, property and the environment due to the resulting physical hazard of a sinkhole and contamination of the fresh and usable aquifer. The proposed regulations will significantly reduce health, safety and contamination threats posed by this type of injection well and failure of the well's solution cavern.

**Regulatory Impact Statement — Economic Impact Statement:** The salt solution mining industry will bear some additional costs associated with a loss of salt reserves and with increased cavern setback distances and spacing requirements. Other costs will be incurred with installation of a groundwater monitoring well network and associated sampling costs. Fees assessed to facility operators will fund the regulatory oversight for salt solution mining wells. An annual fee of \$12,000 per facility and \$175 per unplugged well will be required to meet estimated regulatory program expenses. These regulations will not increase costs to KDHE or other government agencies or units.

The time period between publication of this notice and the date of the public hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulations. At any time during the public comment period, interested parties may submit written comments to Kirk Hoeffner, Geology Section, Bureau of Water, Kansas Department of Health and Environment, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, by fax to (785) 296-5509,

or by e-mail at [khoeffner@kdheks.gov](mailto:khoeffner@kdheks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action at the hearing. In order to give each individual or entity an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit their presentation to an appropriate time frame.

A copy of the proposed regulations and the regulatory impact statements may be obtained by contacting Kirk Hoeffner at (785) 296-1843. The proposed regulations and the regulatory impact statement are located on the KDHE Web site at <http://www.kdheks.gov/uic/index.html>. Questions pertaining to the proposed regulations also should be directed to Kirk Hoeffner.

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

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 038059

## State of Kansas

## Board of Examiners in Optometry

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, April 29, in the Maner Conference Center, Room Bison A of the Capitol Plaza Hotel, 1717 S.W. Topeka Blvd., Topeka, to consider the amendment to a rule and regulation of the Kansas Board of Examiners in Optometry.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the amendment of K.A.R. 65-4-3. All parties may submit written comments prior to the hearing to Penny Bowie, Executive Officer, Kansas Board of Examiners in Optometry, 3109 W. 6th, Suite B, Lawrence, 66049, or to [kssbeo@ksmail.state.ks.us](mailto:kssbeo@ksmail.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally on the amendment to the regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation proposed for amendment in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas State Board of Examiners in Optometry at the address above, (785) 832-9986. Handicapped parking is located at the north side of the main entrance of the Maner Conference Center.

A summary of the regulation proposed for amendment follows:

**K.A.R. 65-4-3. Fees.** This amendment establishes a biennial renewal fee for optometrists to replace the previ-

(continued)

ous annual fee. K.S.A. 65-1509 was amended in the 2003 legislative session to require biennial renewal for optometrists. The regulation also establishes a fee to be paid by optometrists who wish to convert from inactive status to active status.

Copies of the regulation and the economic impact statement may be obtained by contacting the executive officer of the Kansas State Board of Examiners in Optometry at the contact information above.

Penny Bowie  
Executive Officer

Doc. No. 038068

## State of Kansas

### Department of Credit Unions

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be held by the administrator of the Kansas Department of Credit Unions at 10 a.m. Wednesday, May 5, in the Kansas Department of Credit Unions' conference room, Suite B, American Home Life Insurance Company Building, 400 S. Kansas Ave., Topeka, to consider the approval and adoption of amended administrative regulation K.A.R. 121-10-1 by the Kansas Department of Credit Unions.

**K.A.R. 121-10-1** defines terms for audit requirements required for credit unions by the Department of Credit Unions.

There will be minimal economic impact on governmental agencies, credit unions and the general public as a result of the proposed regulation.

This 60-day notice prior to the hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed administrative regulation. All interested parties may submit written comments prior to the hearing to John P. Smith, Administrator, Kansas Department of Credit Unions, 400 S. Kansas Ave., Suite B, Topeka, 66603, or by e-mail to [kdcuoffice@kdcu.ks.gov](mailto:kdcuoffice@kdcu.ks.gov).

All interested parties will be given a reasonable opportunity at the hearing to present their views. During the hearing, all written and oral comments submitted by interested parties will be considered by the administrator as a basis for approving, amending and approving, or rejecting the proposed administrative regulation. Any person requiring visual or communication aid or assistance, building access assistance or similar assistance should contact the department so appropriate arrangements can be made.

Copies of the regulation and the economic impact statement may be obtained at the address above, by calling (785) 296-3021, or by viewing the Department of Credit Unions' Web site at [www.kansas.gov/kdcu/](http://www.kansas.gov/kdcu/).

John P. Smith  
Administrator

Doc. No. 038057

## State of Kansas

### Commission on Veterans' Affairs

#### Permanent Administrative Regulations

#### Article 7.—VIETNAM WAR ERA MEDALLION PROGRAM

**97-7-1. Definitions.** As used in L. 2009, ch. 62, secs. 1 through 6 and amendments thereto and these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) (1) "Active service" and "active duty" shall include the following:

(A) For a member of an active component of the armed forces of the United States, the time served on active duty for which the member has received or is eligible to receive the Vietnam war era medallion for service related to the Vietnam war; and

(B) for a member of the armed forces of the United States, time served on active duty for the support of operations in the Vietnam war whether or not that service was in the country of Vietnam.

(2) These terms shall include any time spent in a hospital as a result of service-connected wounds, diseases, or injuries sustained on active service. Proof of this service shall be the official military records of the United States or other evidence as deemed sufficient by the director of veteran services.

(3) These terms shall not include time served on active duty for annual training or schooling, except for training and schooling in preparation for active duty in the Vietnam war.

(b) "Director of veteran services" means the designated director of the veteran services program for the Kansas commission on veterans' affairs, who is appointed by the executive director of the Kansas commission on veterans' affairs.

(c) "Parent" shall include the following:

(1) The natural or adoptive parent of a veteran; and

(2) any person who, for a period of at least one year, acted in the capacity of a foster parent to a veteran immediately before the veteran attained 18 years of age.

(d) "Program" means the Vietnam war era medallion program.

(e) "Spouse or eldest living survivor of a deceased veteran" means those individuals listed in 97-7-4. (Authorized by and implementing L. 2009, ch. 62, sec. 2; effective March 12, 2010.)

**97-7-2. Veteran status.** (a) To be considered a veteran for purposes of the program, each applicant shall establish both of the following to the satisfaction of the director of veteran services:

(1) The person for whom the application under the program is submitted is a veteran.

(2) The person for whom the application under the program is submitted meets the requirements specified in L. 2009, ch. 62, sec. 1, and amendments thereto.

(b) In addition to meeting the requirements in subsection (a), the applicant shall certify that the person for



whom the application under the program is submitted meets both of the following requirements:

(1) Was not, at any time during the Vietnam war, separated from the armed forces under other than honorable conditions, including a bad conduct discharge or dishonorable discharge, or an administrative discharge under other than honorable conditions; and

(2) has never renounced United States citizenship. (Authorized by L. 2009, ch. 62, sec. 2; implementing L. 2009, ch. 62, sec.1 and sec. 2; effective March 12, 2010.)

**97-7-3. Legal resident status.** (a) Proof of residence. In addition to establishing the veteran status of the person for whom an application under the program is submitted as specified in K.A.R. 97-7-2, the applicant shall establish to the satisfaction of the director of veteran services that the person was a legal resident of Kansas during the person's active service within the period beginning February 28, 1961 and ending May 7, 1975. The proof of residence shall be the official records of the United States or other evidence deemed sufficient by the director of veteran services.

A legal resident of Kansas shall mean an individual for whom Kansas was the state of domicile while serving in the United States armed forces or a reserve component of the United States armed forces within the period specified in this subsection and who did not claim legal residence in any other state during that period of active service, without regard to the place of enlistment, commission, or induction. A service member's legal residence shall not change by virtue of military assignment to another state.

(b) Home of record in Kansas shown in official military records. Each veteran whose home of record is listed as Kansas in official military records showing qualifying active service within the period beginning February 28, 1961 and ending May 7, 1975 shall be considered a legal resident without regard to the veteran's place of enlistment, commission, or induction.

(c) Home of record in Kansas not shown in official military records. In making a determination of legal residence if official military records do not show Kansas as the veteran's home of record for the period of active service, the director of veteran services shall apply a rebuttable presumption that the veteran was not a legal resident of Kansas. The applicant may rebut this presumption by showing facts and circumstances establishing that Kansas was the veteran's legal residence because Kansas was the veteran's permanent place of abode to which the veteran intended to return.

(d) Documentation. If an applicant is unable to document the veteran's legal residence in Kansas by means of official military records showing a home of record in Kansas during the period of active service, the director of veteran services may consider the following documentation when determining whether sufficient evidence exists to show that the veteran was a legal resident of Kansas who did not claim legal residence in any other state at that time:

(1) Voter registration records for the period beginning February 28, 1961 and ending May 7, 1975;

(2) proof of payment of state income tax as a resident for the period beginning February 28, 1961 and ending May 7, 1975;

(3) (A) Kansas driver's license or Kansas identification card; and

(B) any similar documentation for the period beginning February 28, 1961 and ending May 7, 1975;

(4) other proof of a Kansas residential address for the period beginning February 28, 1961 and ending May 7, 1975, including a high school diploma or attendance record for a Kansas high school, real estate records, utility receipts, and any other records showing residence in Kansas; and

(5) an affidavit of residence submitted by the applicant under penalty of law in which the applicant swears or affirms that the veteran on whose behalf the application under the program is submitted remained a legal resident of Kansas and did not claim legal residence in any other state for any purpose during the period of active service occurring within the period beginning February 28, 1961 and ending May 7, 1975. (Authorized by L. 2009, ch. 62, sec. 2; implementing L. 2009, ch. 62, sec. 1 and sec. 2; effective March 12, 2010.)

**97-7-4. Applicants on behalf of deceased veterans.** (a) The following individuals shall be eligible to apply under the program on behalf of eligible deceased veterans. Eligible deceased veterans shall include eligible veterans who died in performance of active service or as a result of service-connected wounds, diseases, or injuries and veterans who would, but for their death before submission of an application, be eligible to apply under the program based on active service. Applicants shall be considered in the following order:

(1) The surviving spouse of the eligible veteran, unless the surviving spouse was living separate and apart from the veteran when the veteran commenced active service. The proof of spousal status required shall be the same as the proof that would be accepted by the United States department of veterans affairs. The surviving spouse shall certify that the individual was not living separate and apart from the eligible veteran when the veteran commenced active service. If a surviving spouse qualifies under the program, the Vietnam war era medallion, medal, and certificate of appreciation shall be awarded to the surviving spouse at the time of the veteran's death;

(2) survivor, which shall mean the eldest surviving child of the eligible veteran if there is no eligible surviving spouse. The eldest surviving child shall certify that there is no eligible surviving spouse, as part of the application; and

(3) the surviving parents of the eligible veteran, if there are no eligible surviving spouse and no eligible surviving children. The surviving parents shall certify that there are no eligible surviving spouse and no eligible surviving children, as part of the application.

(b) If the eligibility of a surviving spouse, surviving child, or surviving parents is disputed, the director of veteran services shall defer awarding the Vietnam war era medallion, medal, and certificate of appreciation until the parties resolve the dispute or a court of competent jurisdiction issues an order making a determination on the issue. (Authorized by L. 2009, ch. 62, sec. 2; implementing L. 2009, ch. 62, secs. 3, 4, and 5; effective March 12, 2010.)

*(continued)*

**97-7-5. Application procedures.** (a) Forms. Each application for benefits under the program shall be submitted on a form provided by the Kansas commission on veterans' affairs.

(b) Submission. Each application shall be submitted to the address designated by the Kansas commission on veterans' affairs on the application form.

(c) Additional documentation. Each application shall be accompanied by the required number of copies, as stated on the application, of supporting documentation from official military records of the United States armed forces or its reserve components, including DD form 214 or similar documentation showing periods of active service, and documentation of the veteran's home of record. If the application is submitted on behalf of a deceased veteran, a copy of the death certificate shall be attached.

(d) Review of applications. The director of veteran services shall conduct a review of each application for completeness. If the application is deemed complete, the director shall review the application to determine eligibility.

(e) Incomplete applications. Each incomplete application shall be returned to the applicant. (Authorized by L. 2009, ch. 62, sec. 2, and implementing L. 2009, ch. 62, sec. 2 and sec. 5; effective March 12, 2010.)

**97-7-6. Reconsideration of denied applications.** Any applicant who is dissatisfied with the disposition of the application may ask the Kansas commission on veterans' affairs to reconsider the disposition. Each request for reconsideration shall meet the following requirements:

(a) Be submitted within 30 days of receipt of the initial disposition of the application;

(b) be in the form of a letter or memorandum;

(c) state why the applicant is dissatisfied with the disposition; and

(d) state the reasons, including facts and circumstances, the applicant believes the disposition should be altered. (Authorized by L. 2009, ch. 62, sec. 2; implementing L. 2009, ch. 62, sec. 5; effective March 12, 2010.)

Wayne Bollig  
Director of Veteran Services

Doc. No. 038056

## State of Kansas

### Department of Agriculture

#### Permanent Administrative Regulations

#### Article 10.—ANHYDROUS AMMONIA

**4-10-1. Definitions.** (a) "Appurtenances" means all devices that are used in connection with a container, including safety devices, liquid-level gauging devices, valves, pressure gauges, fittings, and metering or dispensing devices.

(b) "ASME" means American society of mechanical engineers.

(c) "ASME schedule 80" and "ASME schedule 40" mean pipe specifications contained in the 2007 edition of the ASME boiler and pressure vessel code, section II, part

A, SA-53/SA-53M, titled "specification for pipe, steel, black and hot-dipped, zinc-coated, welded and seamless," and the appendices, which are hereby adopted by reference.

(d) "Backflow check valve" means a device designed to prevent ammonia from flowing in the wrong direction within a pipe or tube.

(e) "Capacity" means the total volume of a container as measured in standard U.S. gallons of 231 cubic inches, unless otherwise specified.

(f) "Chemical-splash goggles" and "Splashproof goggles" mean flexible-fitting chemical-protective goggles, with a hooded, indirect ventilation system that provides protection to the eyes and eye sockets from the splash of hazardous liquids. This term shall not include direct vented goggles.

(g) "Code" means the "introduction," the relevant parts of UG-1 through UG-137 titled "part UG: general requirements for all methods of construction and all materials," and parts UF-1 through UF-125 titled "part UF: requirements for pressure vessels fabricated by forging" of section VIII, division 1, of the ASME boiler and pressure vessel code, 2007 edition, which are hereby adopted by reference.

(h) "Container" means any vessel designed to hold anhydrous ammonia that is used for the storage, transportation, or application of anhydrous ammonia. This definition shall not apply to any refrigerated vessel with a design pressure of less than 15 psig.

(i) "Data plate" means a piece of noncorroding metal permanently attached by the manufacturer to the surface of a container that has been designed and constructed in accordance with paragraph UG-116 of section VIII, division 1 of the ASME code, 2007 edition, which is adopted by reference in subsection (g).

(j) "Densely populated area" means any location with either one or more multifamily housing units or eight or more single-family dwellings located within a quarter section.

(k) "Designed pressure" means maximum allowable working pressure.

(l) "Emergency shutoff valve" means a valve that stops the flow of product by spring closure, gravity, or pressure and can be activated by an outside means including a cable pull, hose pull, air assists, electrical closure, or back pressure. The emergency shutoff valve shall be placed in the liquid line internally or externally to the container. If an external valve is used, the valve shall be after the manual shutoff valve but as close to the opening of the container as possible. The emergency shutoff valve shall work properly from a remote location or when activated at the valve.

(m) "Excess-flow valve" means a device placed in a line that is designed to close when the flow of vapor or liquid flowing through the line exceeds the amount for which the valve is rated.

(n) "Filling density" means the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60F.

(o) "Implement of husbandry" means a farm wagon-type vehicle or application unit that has an anhydrous ammonia container mounted on it and that is used for

transporting anhydrous ammonia from a source of supply to farms or fields or from one farm or field to another.

(p) "Mobile container" means any container that is not installed as a permanent storage container.

(q) "National board inspector" is a person who holds a valid national board commission from the national board of boiler and pressure vessel inspectors and has fulfilled the national board commission requirements as specified in section VIII of the ASME code, 2007 edition.

(r) "NIOSH" means the national institute for occupational safety and health.

(s) "Non-code welding" means welding that does not comply with parts UW-1 through UW-65 of the ASME boiler and pressure vessel code, section VIII, division 1, titled "part UW: requirements for pressure vessels fabricated by welding," 2007 edition, which is hereby adopted by reference.

(t) "PSIG" means pounds per square inch gauge pressure.

(u) "Permanent storage container" means a stationary container having a volume of at least 3,000 water gallons.

(v) "Permanent storage facility" means a site that includes one or more permanent storage containers and their connections and appurtenances.

(w) "Pressure-relief valve" means a device designed to open to relieve pressure above a specified value to prevent an increase in internal fluid or vapor and to close once acceptable pressure conditions have been restored.

(x) "Proof-of-inspection seal" and "current KDA-issued proof-of-inspection seal" mean the decal applied to a permanent system following a successful KDA inspection, which shall occur once per calendar year. The seal is current until it expires on December 31 of the year following the inspection.

(y) "Public assembly area" means any building or structure established to accommodate groups of people for commercial, civic, political, religious, recreational, educational, or similar purposes. This term shall include buildings or structures used for medical care, including hospitals, assisted care facilities, and prisons.

(z) "Reactor unit" means equipment that utilizes anhydrous ammonia to manufacture liquid fertilizer.

(aa) "Respirator" means an air-purifying device with a full face-piece that has been approved by NIOSH under the provisions of 30 CFR Part II, Subpart I [13], dated July 1, 2009, for use in an ammonia-contaminated atmosphere, in compliance with 29 CFR 1910.134, dated July 1, 2009.

(bb) "System" means an assembly of one or more containers, pipes, pumps, and appurtenances used for the storage, transfer, transportation, or application of anhydrous ammonia, which may be permanent or mobile. This definition shall not apply to interstate anhydrous ammonia pipelines.

(cc) "USDOT" and "D.O.T." mean United States department of transportation. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986; amended, T-87-9, May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 25, 1993; amended March 12, 2010.)

**4-10-1a. Prohibited acts.** It shall be a violation to perform any of the following: (a) Install, relocate, modify,

repair, or use any system or equipment for storing, reacting, transferring, transporting, applying, or dispersing by any other means anhydrous ammonia unless the system, permanent storage facility, or equipment is in compliance with this article 10;

(b) except as provided under K.A.R. 4-10-4b(b), transfer anhydrous ammonia into a mobile container unless the container bears a legible manufacturer's data plate or equivalent stamp;

(c) deface the manufacturer's data plate or equivalent stamp;

(d) transfer any anhydrous ammonia into a container or system having structural damage or any other defect that would prevent the containment of anhydrous ammonia;

(e) transfer anhydrous ammonia into or out of any container without the consent of the owner of each container;

(f) transfer, or permit the transfer of, anhydrous ammonia into a permanent storage container unless the permanent storage container has a current KDA-issued proof-of-inspection seal attached to the respective system;

(g) conduct non-code welding directly on a container or any parts subject to pressure;

(h) fail to report any release of 100 pounds or more of anhydrous ammonia within 48 hours of the release;

(i) conduct a transfer without an attendant present at the transfer site;

(j) transfer anhydrous ammonia into any vessel that does not comply with K.A.R. 4-10-1 through 4-10-16; or

(k) maintain anhydrous ammonia in any vessel that does not meet the requirements of K.A.R. 4-10-1 through 4-10-16. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-1b. Reportable events.** The owner or operator of each anhydrous ammonia storage facility or any equipment shall report, to the secretary or the secretary's authorized representative, each accidental or unauthorized release of 100 pounds or more of anhydrous ammonia within 48 hours after the release. Nothing in this regulation shall require the reporting of an intentional release of anhydrous ammonia into the soil during the normal course of application. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-2a through 4-10-2c.** (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; revoked March 12, 2010.)

**4-10-2d.** (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; amended May 1, 1988; amended Dec. 26, 1988; revoked March 12, 2010.)

**4-10-2e. Container valves and appurtenances.** (a) Connections to containers shall be limited to liquid-level gauges, emergency shutoff valves, pressure gauges, vapor-relief valves, liquid lines, vapor lines, and thermometers.

(b) Each vapor line and liquid line shall have a manually operated shutoff valve located as close to the container as practical.

(c) On or before July 1, 2012, each permanent storage container shall be equipped with an emergency shutoff valve that meets the requirements of K.A.R. 4-10-1 (l).

(continued)

(d) No metal part or component of a system that is normally in contact with anhydrous ammonia shall be made of a metal that is incompatible with anhydrous ammonia, including galvanized metal, cast iron, zinc, copper, and brass.

(e) Openings from the container or through fittings that are not larger than a no. 54 drill size opening shall not be required to be equipped with an excess flow valve.

(f) Each valve and appurtenance shall be suitable for use with anhydrous ammonia and designed for not less than the maximum pressure to which the valve and appurtenance will be subjected. Each valve that could be subjected to container pressures shall have a rated working pressure of at least 250 psig.

(g) (1) Each vapor or liquid line greater than a no. 54 drill size opening shall be equipped with an excess flow valve that closes automatically at the rated flows of vapor or liquid specified by the manufacturer.

(2) The connections, lines, valves, and fittings protected by one or more excess flow valves shall have a greater capacity than the rated flow of the excess flow valves so that the valves will close in case of failure at any point in the lines or fittings.

(h) Each liquid connection used to fill a permanent storage container shall be fitted with a backflow check valve.

(i) (1) All piping, tubing, and fittings subjected to container pressure shall be made of materials specified for use with anhydrous ammonia and shall be designed for a minimum working pressure of 250 psig.

(2) All piping, tubing, and metering or dispensing devices shall be securely mounted and protected against damage.

(3) Threaded joints may be used only with seamless black steel pipe that meets or exceeds ASME schedule 80 specifications. Black steel pipe that meets or exceeds ASME schedule 40 specifications with at least 800 psig minimum bursting pressure may be used if pipe joints are welded or joined by means of welding type flanges. Pipe joint compounds used shall be resistant to ammonia.

(4) Each flexible connection shall have a bursting pressure of at least 1,000 psig. (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; amended March 12, 2010.)

**4-10-2f through 4-10-2h.** (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; revoked March 12, 2010.)

**4-10-2i.** (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; amended May 1, 1988; revoked March 12, 2010.)

**4-10-2j.** (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; amended April 13, 2001; revoked March 12, 2010.)

**4-10-2k.** (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; amended May 1, 1988; amended Jan. 1, 1989; revoked March 12, 2010.)

**4-10-4.** (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986; amended, T-87-9, May 1, 1986; amended

May 1, 1987; amended May 1, 1988; revoked March 12, 2010.)

**4-10-4a. Containers.** (a) Each container shall be constructed and tested in accordance with the code and shall have a minimum design pressure of 250 psig.

(b) Subsection (a) shall not prohibit the continued use of permanent storage containers that were constructed and maintained in accordance with Kansas statutes and regulations in effect before the effective date of this regulation.

(c) Each permanent storage container shall be inspected according to K.S.A. 44-913 et seq., and amendments thereto, by the Kansas department of labor, division of industrial safety and health upon initial installation and relocation.

(d) (1) Each permanent storage container that has sustained structural damage shall be inspected and approved for use by the Kansas department of labor, division of industrial safety and health.

(2) Each mobile container that has sustained any structural damage shall be inspected and approved for use by a national board inspector.

(3) Structural damage shall include evidence of any of the following:

(A) Corrosion;

(B) any indentation or abrasion that meets any of the following conditions:

(i) Is over one-half inch deep and includes a weld;

(ii) is deeper than 1/10th of the greatest length of the dent but does not include a weld; or

(iii) is deeper than one inch;

(C) stretching;

(D) cracking;

(E) faulty welds;

(F) non-code welding;

(G) faulty couplings; or

(H) any other similar condition.

(e) All repairs and alterations of permanent and mobile containers shall meet the requirements of the code and shall be performed by a person or company that has a current certificate of authorization from the national board of boiler and pressure vessel inspections.

(f) Non-code welding shall be performed only on saddles or brackets that are not within the pressure-retaining boundaries of the container.

(g) All records of inspections and welding on the container shall meet the following requirements:

(1) Be maintained by the owner of the container;

(2) be made available to the secretary upon request; and

(3) be transferred with change of ownership of the container. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-4b. Markings on containers and systems.** (a) Except as provided by K.A.R. 4-10-4a(b) and 4-10-4b(b), each container shall have a data plate, or manufacturer's equivalent stamping, that is permanently attached to the container in a location that is both legible and readily accessible for inspection.

(b) A mobile container that does not have a legible data plate or equivalent stamping may be allowed for ammonia use only if the container is properly tested, regis-

tered, and marked under USDOT exemption # DOT-SP13554.

(c) Each shutoff valve within a system shall be identified to show whether the valve is in liquid or vapor service. The method of identification may be by color code or by use of the word "vapor" or "liquid" placed within 12 inches of the valve by means of a stencil, tag, or decal.

(d) All container surfaces shall be maintained to avoid deterioration. Surfaces that require paint shall be painted white.

(e) Each permanent storage container or group of permanent storage containers shall be marked with the following:

(1) Letters at least four inches high, on at least two sides, with the words "CAUTION AMMONIA" or "ANHYDROUS AMMONIA," in a color that contrasts with the color of the container; and

(2) a national fire protection association diamond for anhydrous ammonia placed in a location that would be readily visible to emergency responders.

(f) Each mobile container shall be marked with the following, using a color that contrasts with the color of the container and letters at least two inches high:

(1) The words "ANHYDROUS AMMONIA" or "Anhydrous Ammonia" on both sides and on the rear of the container; and

(2) the words "INHALATION HAZARD" or "Inhalation Hazard" on two opposing sides of the container.

(g) In addition to the markings required in subsection (f), the following information shall appear on each implement of husbandry:

(1) The owner's name;

(2) the address of the owner's place of business;

(3) a telephone number to be contacted in case of an emergency;

(4) an alphabetical or numerical identification symbol; and

(5) a decal containing the following information:

(A) "CAUTION ANHYDROUS AMMONIA (UNDER PRESSURE) READ CAREFULLY";

(B) "Keep away from pop-off valve marked ↑. This is a safety device and shall not be tampered with or adjusted";

(C) "Stand upwind when working around equipment";

(D) "Wear goggles and rubber gloves when transferring product and bleeding hoses";

(E) "Do not fill tank in excess of 85% full";

(F) "Never place any part of body in line with valve or hose openings. Use extreme care in handling hoses. Never lift a hose by the valve wheel";

(G) "Slowly bleed hoses after transferring product";

(H) "Close valves firmly but do not wrench";

(I) "Do not permit children near this equipment";

(J) "Park equipment away from buildings or any possible fire hazards. Never allow tanks to be subjected to extreme heat";

(K) "Do not attempt any repairs of this equipment. In event of any failure, call your dealer immediately"; and

(L) "Do not operate this equipment until you have received instructions from your dealer." (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-4e. Permanent storage facility design and permanent storage container location.** (a) Before installing or relocating a permanent storage container or permanent storage facility, the owner may submit to the secretary a detailed diagram of the permanent storage facility for review or request a preliminary site survey to ensure that the proposed site meets the requirements in subsections (c), (d), (e), and (f).

(b) The name of the permanent storage facility and the telephone number to be contacted in case of an emergency shall be posted and be legible from each facility entrance using letters at least two inches high.

(c) No permanent storage container shall be located inside an enclosed structure unless the structure is specifically constructed for this purpose.

(d) The nearest edge of the nearest permanent storage container shall be located at a distance meeting the following conditions:

(1) At least 50 feet from the edge of any property not owned or leased by the permanent storage facility;

(2) at least 50 feet from a well or other point of diversion used as a source of drinking water;

(3) at least 50 feet from storage locations of flammables or explosives;

(4) at least 1,000 feet from the area accessible to the public of any public assembly area, as defined in K.A.R. 4-10-1; and

(5) not on or less than 100 feet from the surface of a public roadway.

(e) The site of the permanent storage facility shall be located on property of sufficient size to permit traffic in and out of the area and allow adequate access for emergency personnel.

(f) Each new permanent storage container or permanent storage facility shall be located outside of a municipality or other densely populated areas, unless the location has been approved in writing by the appropriate local governing body. The owner or operator of each permanent storage container located in a municipality or densely populated area shall obtain written approval from the appropriate local governing body before relocating the permanent storage facility or installing additional permanent storage containers within the municipality or densely populated area.

(g) (1) Each permanent storage container shall be mounted on either of the following:

(A) A skid assembly with sufficient surface area to properly support the skid-mounted container; or

(B) either reinforced concrete footings and foundations or structural steel supports mounted on reinforced concrete foundations. The reinforced concrete foundations or footings shall extend below the established frost line and shall be constructed to support the total weight of the containers and their contents. If the container is equipped with bottom withdrawal, the container's foundation shall maintain the lowest point of the container at not less than 18 inches above ground level.

(2) Each container shall be mounted on its foundation in a manner that permits expansion and contraction. Each container shall be adequately supported so as to prevent the concentration of excessive loads on the supporting

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portion of the shell. Corrosion prevention measures shall be utilized on any portion of the container that is in contact with either the foundation or saddles.

(3) Each container shall be securely anchored.

(h) All appurtenances to any permanent storage container shall be protected from tampering and mechanical damage, including damage from vehicles. Each manually controlled valve that, if open, would allow ammonia to be transferred or released, shall be kept locked when unattended and during nonbusiness hours. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-4d. Pressure-relief valves.** (a) Each container or system of containers shall have liquid and vapor pressure-relief valves to prevent pressure build-up in any portion of the system. Each pressure-relief valve shall be manufactured for use with anhydrous ammonia and be installed, maintained, and replaced according to the manufacturer's instructions.

(b) Each vapor-relief valve shall be set to indicate discharge at a pressure of not less than 95 percent, and not more than 100 percent, of the design pressure of the container to which the vapor-relief valve is attached. Each vapor-relief valve shall be constructed to completely discharge before the pressure exceeds 120 percent of the design pressure of the container to which the vapor-relief valve is attached.

(c) Pressure-relief valves shall not exhaust within or beneath any building or other confined area.

(d) Each pressure-relief valve discharge opening shall have a suitable rain cap or other device that allows free discharge of the vapor and prevents the entrance of water.

(e) Each pressure-relief valve shall be replaced if the valve meets any of the following conditions:

- (1) Fails to meet applicable requirements;
- (2) shows evidence of damage, corrosion, or foreign matter; and
- (3) does not have functional weep holes that permit moisture to escape.

(f) The discharge from each pressure-relief valve shall be vented according to one of the following:

- (1) For vapor-relief valves, upward and away from where people could be located. The discharge shall flow in an unobstructed manner into the open air from a height of at least seven feet above the working area;
- (2) for liquid-relief valves, downward with the opening positioned between six and 18 inches from the ground; or
- (3) in any other manner that has been approved by the secretary or an authorized representative of the secretary.

(g) (1) Vent pipes or tubing used to channel releases from pressure-relief valves shall not be restricted or smaller in size than the pressure-relief valve outlet connection.

(2) Vent pipes may be connected and channeled into a common header if the cross-sectional area of the header is at least equal to the sum of the cross-sectional areas of each of the individual vent pipes.

(3) Unless a vent is directed toward the ground and rain will not be able to enter, each pressure-relief valve discharge opening shall have a rain cap.

(4) If moisture accumulation could occur in a vent, suitable provision shall be made to drain the moisture from the vent. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-4e. Hose specifications.** (a) Each hose with a diameter of at least ½ inch used in ammonia service and subject to container pressure shall withstand at least 350 psig and shall have the following information etched, cast, or impressed in a legible format at intervals not to exceed five feet along the hose surface:

- (1) The phrase "Anhydrous Ammonia";
- (2) the maximum working pressure of the hose; and
- (3) the date the hose is to be removed from service.

(b) Each hose shall meet or exceed ASME schedule 80 specifications and have factory-installed ends designed for use with anhydrous ammonia.

(c) Each hose shall be replaced before or upon the expiration of the manufacturer's removal date.

(d) A hose shall be removed from service if a visual examination reveals any of the following:

- (1) Illegibility of any of the markings required in subsection (a);
- (2) cuts exposing reinforcing fabric;
- (3) soft spots or bulges in the hose;
- (4) a blistering or loose outer covering;
- (5) kinking or flattening;
- (6) stretch marks;
- (7) slippage at any coupling; or
- (8) any other damage that could compromise the integrity of the safe use of the hose. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-4f. Gauging devices.** (a) Each container, except any container filled by weight, shall be equipped with a liquid-level gauging device designed for use with anhydrous ammonia and installed according to the manufacturer's instructions.

(b) Each gauging device shall be arranged so that the maximum liquid level to which the container may be filled is readily determinable.

(c) Each container shall be equipped with a fully operational pressure-indicating gauge with a dial graduated from 0-400 psig.

(d) Each gauging device shall have a design pressure at least equal to the design pressure of the container on which the device is used.

(e) Each device used to weigh or measure anhydrous ammonia shall meet all of the requirements of weighing and measuring devices in K.S.A. 83-201 et seq., and amendments thereto, and any implementing regulations adopted by the secretary. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-5a. Tank trucks and semitrailers used for transport for infield delivery.** Tank trucks and semitrailers used to transport anhydrous ammonia may be used to fill an implement of husbandry with a capacity of 20,000 pounds or more. These trucks and semitrailers shall be exempt from the requirements in K.A.R. 4-10-6b if the following requirements are met: (a) The tank truck or the semitrailer transferring the anhydrous ammonia or the implement of husbandry shall carry at least 100 gal-

lons of water for whole-person rinsing if exposure to anhydrous ammonia occurs.

(1) The water shall be clearly identified for safety use and be readily accessible.

(2) The water shall be visibly clean, free of debris, and maintained in a liquid state.

(b) When an implement of husbandry is being loaded, at least 100 gallons of water shall be present at the delivery site for the venting of anhydrous ammonia and shall be used in accordance with K.A.R. 4-10-6a(k). This water shall be separate from the water specified in subsection (a) and shall be maintained in a liquid state.

(c) Any tank truck, semitrailer, and implement of husbandry subject to this regulation may be inspected by the department of agriculture.

(d) Each tank truck, semitrailer, and implement of husbandry subject to this regulation shall meet all requirements of this regulation before loading, transporting, or off-loading anhydrous ammonia.

(e) During the transfer of anhydrous ammonia, the nearest edge of the nearest vehicle, tank, and hose involved with the transfer shall be located according to the following:

(1) At least 50 feet from the edge of any property not owned or leased by the owner or operator of the permanent storage facility;

(2) at least 50 feet from any well or other point of diversion used as a source of drinking water;

(3) at least 50 feet from storage locations of flammables or explosives;

(4) at least 500 feet from the area accessible to the public within any public assembly area as defined in K.A.R. 4-10-1; and

(5) at least 50 feet from the surface of a public roadway. (Authorized by and implementing K.S.A. 2-1212; effective April 13, 2001; amended March 12, 2010.)

**4-10-6.** (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986; revoked March 12, 2010.)

**4-10-6a. Transfers.** (a) Transfer to a permanent storage container shall be made only to a system displaying a current KDA-issued proof-of-inspection seal.

(b) Each container filled according to liquid level by any gauging method, other than a 85 percent fixed-length dip tube gauge, shall have a thermometer well and functional thermometer so that the internal liquid temperature can be easily determined and the amount of liquid in the container can be easily corrected to the volume the liquid would occupy at 60F.

(c) A transfer shall not exceed one of the following:

(1) 85 percent of the container's capacity by volume; or

(2) 56 percent filling density for permanent storage containers or 54 percent filling density for implements of husbandry.

(d) The amount of anhydrous ammonia transferred shall be measured by one of the following:

(1) Weight;

(2) a liquid-level gauging device; or

(3) a flowmeter.

(e) Flammable gases, or gases that will react with anhydrous ammonia including air, shall not be used to transfer anhydrous ammonia.

(f) At least one attendant shall be present to monitor and control each transfer of anhydrous ammonia.

(g) Loading and unloading systems shall be protected to prevent a release if the transfer hose is severed.

(h) Each transfer shall occur only in the open air unless the transfer occurs within a structure specifically constructed for that purpose.

(i) (1) Only pumps and compressors designed for use with anhydrous ammonia shall be used.

(2) Liquid pumps and vapor compressors shall be designed for 250 psig working pressure.

(3) The pressure-actuated bypass valve and return piping shall be installed in accordance with the pump manufacturer's instructions.

(4) Each vapor compressor and liquid pump shall have an operational pressure gauge graduated from 0-400 psig at the inlet and at the outlet.

(5) Shutoff valves shall be installed within three feet of the inlet of a liquid pump and within two feet of the discharge. With vapor compressors, the shutoff valves shall be located as close as is practical to the compressor connections.

(j) The piping used to transfer anhydrous ammonia from a tractor trailer or railroad tank car into a permanent storage container shall be equipped with an excess flow valve and backflow pressure valve, which shall be located as close as practical to where the piping connects with the transfer hose.

(k) (1) During the removal of anhydrous ammonia from a transfer hose, the anhydrous ammonia shall be vented into an adequate supply of water.

(2) For purposes of this regulation, an adequate supply of water shall mean at least five gallons of nonammoniated water for each gallon of liquid ammonia or fraction of a gallon that could be contained in the hose. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-6b. Transfers; tank cars and transport trucks; additional requirements.** In addition to the transfer requirements in K.A.R. 4-10-6a, each transfer from a tank car or transport truck shall meet the following requirements:

(a) Except when loading into implements of husbandry or reactor units, tank cars and transport trucks shall be unloaded only through a permanently installed loading point and into a permanent storage container.

(b) A sign reading "Stop—Tank Car Connected" shall be displayed at the active end or ends of the siding while the tank car is connected for unloading.

(c) While tank cars are on a side track for unloading, the wheels at both ends shall be blocked on the rails. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-7. Implements of husbandry.** In addition to the container requirements in K.A.R. 4-10-2e, 4-10-4a, 4-10-4b, 4-10-4d through 4-10-4f, and 4-10-6a, each system that is mounted on an implement of husbandry and is

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used for the transport of anhydrous ammonia shall meet the following requirements:

(a)(1) A stop or stops shall be attached to either the vehicle or the container to prevent the container from being dislodged from its mounting if the vehicle stops suddenly.

(2) A hold-down device shall anchor the container to the vehicle at one or more places on each side of the container.

(3) Each container mounted on a four-wheel trailer shall have the container's weight distributed evenly over both axles.

(4) If the cradle and the tank are not welded together, material shall be used between the cradle and the tank to eliminate metal-to-metal friction.

(b)(1) Each connection and appurtenance shall be protected from physical damage.

(2) A hose and connection installed in the bottom of a container shall not be lower than the lowest horizontal edge of the vehicle axle.

(3) The entire length of each hose shall be secured during transit in a manner that prevents damage to any portion of the hose or to the connections.

(4) When each hose is removed, the fittings shall be capped to prevent the accidental discharge of ammonia.

(c) Each implement of husbandry used for transportation shall meet the following requirements:

(1) Be securely attached to the pulling vehicle by use of a hitch pin or ball of proper size for the weight pulled. The hitch pin or ball shall be supplemented by two welded safety chains. Links of the safety chains shall be made of steel and shall have a breaking strength that exceeds the gross weight of the implement to which the chains are attached;

(2) be constructed, maintained, and utilized so as to follow in the path of the pulling vehicle and not swerve from side to side while being towed;

(3) be pulled at a speed not faster than is reasonable and safe under existing conditions;

(4) not be parked on any public street or other thoroughfare except in an emergency; and

(5) be equipped with at least five gallons of unfrozen and readily accessible water during the transport, transfer, or use of anhydrous ammonia, for use if exposure to anhydrous ammonia occurs.

(d) When any implement of husbandry is pulled on a public roadway, the following requirements shall be met:

(1) Each implement of husbandry with a capacity greater than 1,000 gallons shall be pulled as a single unit.

(2) When two implements of husbandry are pulled, the total capacity pulled shall be limited to not more than 2,000 gallons.

(3) No more than two implements of husbandry shall be pulled at the same time by the pulling vehicle. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986; amended March 12, 2010.)

**4-10-10. Safety.** (a) The following personal safety equipment shall be available for use at each permanent storage facility and reactor unit when anhydrous ammonia is being transferred and when maintenance is being conducted on a system:

(1) A NIOSH-approved respirator that covers the entire face and has current ammonia canisters with intact seals;

(2) one pair of protective gloves made of rubber or any other material impervious to anhydrous ammonia;

(3) one pair of protective boots made of rubber or any other material impervious to anhydrous ammonia;

(4) one protective suit made of rubber or any other material impervious to anhydrous ammonia;

(5) a shower or at least 100 gallons of clean water to be used as safety water; and

(6) a pair of chemical-splash goggles.

(b) During each transfer, the attendant shall wear the personal protective equipment specified in paragraphs (a)(2) and (a)(6), at a minimum.

(c) An area of at least 10 feet around any container or system shall be kept free of combustibles. (Authorized by and implementing K.S.A. 2-1212; effective March 12, 2010.)

**4-10-15.** (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; amended May 1, 1988; revoked March 12, 2010.)

**4-10-16. Reactor units.** (a) Each reactor unit shall operate only at a site that meets the following requirements:

(1) The nearest edge of the reactor unit shall be located at a distance in accordance with the following requirements:

(A) At least 50 feet from the edge of any property not owned or leased by the owner or operator of the permanent storage facility;

(B) at least 50 feet from any well or other point of diversion used as a source of drinking water;

(C) at least 50 feet from storage locations of flammables or explosives;

(D) at least 500 feet from any area accessible to the public as defined in K.A.R. 4-10-1; and

(E) not on or less than 50 feet from the surface of a public roadway.

(2) Each reactor unit shall be operated outside of municipalities or other densely populated areas unless the location has been approved in writing by the appropriate local governing body.

(b) During the transfer of anhydrous ammonia from railroad tank cars or transport trucks to a reactor unit for the manufacture of ammoniated solutions, the portable reactor unit shall be equipped with the following safety devices:

(1) Remote-controlled shutoff devices located on the tank car connection immediately preceding the hose attachment and on the discharge side of the pump; and

(2) a backflow check valve in the inlet line to the reactor unit.

(c) When anhydrous ammonia is transported to a stationary reactor unit in an implement of husbandry, the implement of husbandry shall be equipped with the following:

(1) A manually operated remote-controlled shutoff device on the discharge valve immediately preceding any hose attachments; and

(2) a backflow check valve installed in the rigid piping leading to the reactor unit at the point of connection for the transfer hose.



(d) The implement of husbandry shall be monitored at all times during the reacting process.

(e) The transfer hose shall be disconnected from the reactor unit when the reactor unit is not in operation.

(f) The required air-operated or manually operated remote-controlled shutoff device shall be tested before each production run of ammoniated solutions. (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1986; amended May 1, 1988; amended Jan. 1, 1989; amended March 12, 2010.)

**4-10-17.** (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1988; revoked March 12, 2010.)

Joshua Svaty  
Secretary of Agriculture

Doc. No. 038058

## State of Kansas

### Secretary of State

#### Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register February 25, 2010.)

#### HOUSE BILL No. 2414

AN ACT authorizing the state board of regents to convey certain real estate to the city of Hays, Kansas.

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

Section 1. (a) The state board of regents, on behalf of Fort Hays state university, may sell and convey to the city of Hays, Kansas all of the rights, title and interest, except any and all mineral rights, in the following tracts of real estate:

That part of the North Half of Section 5, Township 14 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows: Commencing at the southeast corner of the northwest quarter of said Section 5; thence on an assumed bearing of N. 00°44' 11" E., along the east line of said northwest quarter, a distance of 170.04 feet to the point of beginning of the land to be described, said point being on the northeast side of a tract (Tract A) owned by the city of Hays, Kansas and recorded in Deed Book 180, page 714, at the Ellis county Register of Deeds office, said point also being on the east side of another tract (Tract B), owned by the city of Hays, Kansas and recorded in Deed Book 619, page 54; thence continuing N. 00°44' 11" E., along the east line of said northwest quarter, also being the east line of said Tract B, a distance of 142.28 feet to the northeasterly corner of said Tract B; thence N. 39°47' 40" W., along the northeast side of said Tract B, a distance of 120.06 feet to the northerly corner of said Tract B; thence South 50°12' 20" W., along the northwest side of said Tract B, a distance of 92.69 feet to a point on the northeast side of said Tract A; thence N. 39° 51' 08" W., along the northeast side of said Tract A, a distance of 1,051.20 feet; thence N. 53°08' 44" E. a distance of 462.95 feet to a point on the southerly right of way line of U.S. Highway 183 Alternate; thence S. 25°39' 58" E., along said southerly right of way line, a distance of 308.99 feet; thence continuing along said southerly right of way line, on a curve to the left, an arc distance of 981.18 feet, said curve having a radius of 2,939.79 feet, a central angle of 19°07' 23", a chord length of 976.64 feet and a chord bearing of S.

35° 13' 39" E.; thence S. 39°07' 13" W., a distance of 313.64 feet to the easterly corner of said Tract A; thence N. 39°51' 08" W., along the northeast side of said Tract A, a distance of 77.83 feet to the point of beginning. This tract contains 10.037 acres.

(b) The state board of regents, on behalf of Fort Hays state university may sell and convey to the city of Hays, Kansas all of the rights, title and interest, except any and all mineral rights, in the following tracts of real estate:

That part of the north Half of Section 31, Township 13, South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas described as follows: Commencing at the northeast corner of the northeast quarter of said Section 31; thence on an assumed bearing of S. 00°36' 33" W. along the east line of said northeast quarter, a distance of 1,256.60 feet; thence N. 89°23' 27" W., a distance of 63.00 feet to the point of beginning of the land to be described; thence S. 01°54' 27" E., a distance of 500.00 feet; thence N. 89°23' 27" W., a distance of 1,400.00 feet; thence S. 00°36' 33" W., a distance of 600.00 feet; thence N. 89°23' 27" W., a distance of 1,720.82 feet; thence N. 00°17' 18" E. a distance of 2,317.01 feet to a point on the north line of the northwest quarter of said Section 31; thence N. 89°53' 44" E. along the north line of said northwest quarter, a distance of 540.86 feet to the northwest corner of the northeast quarter of said Section 31; thence N. 89°54' 15" E., along the north line of the northeast quarter of said Section 31, a distance of 650.01 feet; thence S. 56°42' 52" E., along a line that is parallel with and 260.00 feet southerly of the center of the Union Pacific Railroad, a distance of 2,282.28 feet to the point of beginning. This tract contains 120.000 acres.

(c) Conveyance of such rights, title and interest in the real estate and improvements thereon as authorized by this section shall be executed in the name of the state board of regents by its chairperson and chief executive officer. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the board in consultation with the attorney general. Any proceeds from the sale of such real estate, and any improvements thereon, shall be deposited in the state treasury and credited to the appropriate account or accounts of the restricted fees fund of Fort Hays state university for the use and benefit of Fort Hays state university.

(d) No real estate and improvements thereon shall be sold or conveyed pursuant to this section until the deeds and conveyances have been reviewed and approved by the attorney general and if a warranty deed is to be the instrument of conveyance, a title review has been performed or title insurance has been obtained and the title opinion or the certificate of title insurance, as the case may be, has been approved by the attorney general.

Sec. 2. If the state board of regents determines that the legal description of any parcel described by this act is incorrect, the board may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register February 25, 2010.)

#### SENATE Substitute for HOUSE BILL No. 2353

AN ACT concerning Chautauqua county; relating to financing of jail; retailers' sales tax; certain rate limitations; amending K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.

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

Section 1. K.S.A. 2009 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon

(continued)

submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Wabausee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of *ad valorem* tax reduction and capital outlay. The tax imposed pursuant to this para-

graph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by .75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) *The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.*

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for

the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Crawford, Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant

to this paragraph shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax

*(continued)*

at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto,

shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 2009 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of .05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount of ~~either .25%, .5%, .75% or 1% not to exceed 1% and shall be fixed in increments of .25%, and which amount shall be determined by the board of county commissioners, except that:~~

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;

(j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of subsection (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus .25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of paragraph (18) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus .5%;

(q) the board of county commissioners of Jefferson county, for the purpose of paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of paragraph (20) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county for the purposes of paragraph (21) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus .25%;

(t) the board of county commissioners of Wilson county for the purposes of paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county for the purposes of paragraph (23) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of paragraph (24) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of paragraph (3)(D) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; ~~and~~

(x) the board of county commissioners of Rawlins county, for the purposes of paragraph (3)(E) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%; ~~and~~

(y) *the board of county commissioners of Chautauqua county, for the purposes of paragraph (3)(F) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%.*

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative

rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 3. K.S.A. 2009 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) ½ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the pop-

(continued)

ulation of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city

shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23) and (25) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 4. K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

**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 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-64	New	V. 28, p. 1338
1-2-65	New	V. 28, p. 1338
1-7-3	Amended	V. 28, p. 1338
1-7-4	Amended	V. 28, p. 1338
1-7-6	Amended	V. 28, p. 1339
1-7-7	Amended	V. 28, p. 1339
1-7-10	Amended	V. 28, p. 1339
1-7-11	Amended	V. 28, p. 1340
1-7-12	Amended	V. 28, p. 1340
1-14-8	Amended	V. 28, p. 1341

**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
3-4-1	Amended	V. 28, p. 1716
3-4-2	Amended	V. 28, p. 1716
3-4-4	Amended	V. 28, p. 1716
3-4-5	Amended	V. 28, p. 1717
3-4-6	Revoked	V. 28, p. 1717
3-4-7	Amended	V. 28, p. 1717

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-6-1	Amended	V. 28, p. 1594
4-6-2	Amended	V. 28, p. 1594
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
4-13-2	Amended	V. 29, p. 69
4-13-3	Amended	V. 29, p. 69
4-13-9	Amended	V. 29, p. 71
4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
4-13-14	Amended	V. 29, p. 71
4-13-16	Amended	V. 29, p. 71
4-13-17	Amended	V. 29, p. 72
4-13-18	Amended	V. 29, p. 72
4-13-20	Amended	V. 29, p. 72
4-13-21	Amended	V. 29, p. 72
4-13-22	Revoked	V. 29, p. 72
4-13-23	Amended	V. 29, p. 72
4-13-24	Amended	V. 29, p. 72
4-13-30	Amended	V. 29, p. 72
4-13-33	Amended	V. 29, p. 73
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
4-13-62	Amended	V. 29, p. 73
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
5-7-4	Amended	V. 28, p. 1715
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
5-20-1	New	V. 28, p. 1317
5-20-2	New	V. 28, p. 1318
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
17-24-2	Amended	V. 28, p. 1371
17-24-3	Amended	V. 28, p. 1371
17-24-4	Amended	V. 28, p. 1371
17-24-5	New	V. 28, p. 1373
17-24-6	New	V. 28, p. 1373
17-25-1	New	V. 27, p. 356

**AGENCY 19: GOVERNMENTAL ETHICS COMMISSION**

Reg. No.	Action	Register
19-6-1	Amended	V. 29, p. 112
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
through		
22-6-27	New	V. 27, p. 1835-1837
22-24-3	Amended	V. 28, p. 1367

**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
28-4-1200		
through		
28-4-1218	New	V. 28, p. 1426-1437
28-16-28g	Amended	V. 29, p. 181
28-17-6	Amended	V. 28, p. 1809
28-17-12	Amended	V. 28, p. 1809
28-19-350	Amended	V. 28, p. 1490
28-23-16	Revoked	V. 27, p. 191
28-29-501	New	V. 28, p. 1809
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

(continued)





74-5-302	Amended	V. 28, p. 647
74-5-401	Amended	V. 28, p. 647
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 75: OFFICE OF THE STATE BANK COMMISSIONER—CONSUMER AND MORTGAGE LENDING DIVISION**

Reg. No.	Action	Register
75-6-1	Amended	V. 28, p. 1367
75-6-9	Amended	V. 28, p. 1367
75-6-31	Amended	V. 28, p. 1367
75-6-33	Revoked	V. 28, p. 1368
75-6-34	Revoked	V. 28, p. 1368
75-6-36	New	V. 28, p. 1368
75-6-37	New	V. 28, p. 1368
75-6-38	New	V. 28, p. 1368

**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
82-3-311a	New	V. 29, p. 181
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
82-3-1100 through 82-3-1120	New	V. 29, p. 182-190
82-4-3a through 82-4-3d	Amended	V. 28, p. 1373-1385
82-4-3e	Revoked	V. 28, p. 1386
82-4-3f through 82-4-3m	Amended	V. 28, p. 1386-1397
82-4-20	Amended	V. 28, p. 1397
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 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-29-1	Amended (T)	V. 28, p. 1101
88-29-1	Amended	V. 28, p. 1561
88-29-4	Amended (T)	V. 28, p. 1102
88-29-4	Amended	V. 28, p. 1562
88-29-5	Amended (T)	V. 28, p. 1103
88-29-5	Amended	V. 28, p. 1563

88-29-7	Amended (T)	V. 28, p. 1103
88-29-7	Amended	V. 28, p. 1563
88-29-8	Amended (T)	V. 28, p. 1103
88-29-8	Amended	V. 28, p. 1563
88-29-8a	New (T)	V. 28, p. 1103
88-29-8a	New	V. 28, p. 1563
88-29-8b	New (T)	V. 28, p. 1104
88-29-8b	New	V. 28, p. 1564
88-29-9	Amended (T)	V. 28, p. 1104
88-29-9	Amended	V. 28, p. 1564
88-29-11	Amended (T)	V. 28, p. 1105
88-29-11	Amended	V. 28, p. 1565
88-29-12	Amended (T)	V. 28, p. 1106
88-29-12	Amended	V. 28, p. 1566
88-29-18	Amended (T)	V. 28, p. 1107
88-29-18	Amended	V. 28, p. 1567
88-29-19	Amended (T)	V. 28, p. 1108
88-29-19	Amended	V. 28, p. 1568

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-200	Amended	V. 28, p. 1222
91-1-201	Amended	V. 27, p. 1028
91-1-202	Amended	V. 28, p. 1223
91-1-203	Amended	V. 28, p. 1225
91-1-204	Amended	V. 28, p. 1229
91-1-205	Amended	V. 28, p. 1232
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-216	Amended	V. 28, p. 1233
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

**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

(continued)

100-28a-1	Amended	V. 28, p. 112
100-28a-2	Amended	V. 28, p. 1736
100-28a-10	Amended	V. 28, p. 572
100-29-3a	Amended	V. 28, p. 1737
100-29-16	Amended	V. 28, p. 1060
100-49-4	Amended (T)	V. 28, p. 923
100-49-4	Amended	V. 28, p. 1281
100-54-1	Amended	V. 28, p. 1594
100-54-4	Amended	V. 27, p. 209
100-54-8	Amended	V. 28, p. 1595
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
100-73-1	Amended	V. 28, p. 1282
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
102-1-13	Amended (T)	V. 28, p. 1101
102-1-13	Amended	V. 28, p. 1426
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 (T)	V. 28, p. 1079
105-11-1	Amended	V. 28, p. 1457

**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
109-5-4	Revoked	V. 29, p. 113
109-5-5	New	V. 27, p. 1548
109-5-6	New	V. 28, p. 575
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-6-3	Revoked	V. 28, p. 575
109-10-7	New	V. 29, p. 113
109-15-1	New	V. 28, p. 575
109-15-2	New	V. 28, p. 576

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
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
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**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 from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. The following regulations were filed after December 1, 2009:

Reg. No.	Action	Register
111-2-30	Amended	V. 29, p. 215
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-4-2899 through 111-4-2907	New	V. 29, p. 9-14
111-4-2908 through 111-4-2911	New	V. 29, p. 149-152
111-4-2911a	New	V. 29, p. 152
111-4-2912 through 111-4-2923	New	V. 29, p. 153-157
111-4-2924 through 111-4-2930	New	V. 29, p. 216-222
111-5-175 through 111-5-179	New	V. 29, p. 157-159
111-5-180 through 111-5-194	New	V. 29, p. 222-228
111-9-162	New	V. 29, p. 229
111-9-163	New	V. 29, p. 229
111-9-164	New	V. 29, p. 230
111-201-1 through 111-201-17	New	V. 29, p. 73-79
111-301-1 through 111-301-6	New	V. 29, p. 79, 80
111-302-1 through 111-302-6	New	V. 29, p. 82-86
111-303-1 through 111-303-5	New	V. 29, p. 87-89
111-304-1 through 111-304-6	New	V. 29, p. 89-91

**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
112-102-1 through 112-102-13	New	V. 28, p. 1161-1163
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

112-104-34 through 112-104-41	New	V. 28, p. 1457-1459
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
112-108-1 through 112-108-57	New	V. 28, p. 1766-1788
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. 28, p. 1595
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 28, p. 1596
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
115-4-11	Amended	V. 29, p. 67
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-5-1	Amended	V. 28, p. 1250
115-5-2	Amended	V. 28, p. 1251
115-6-1	Amended	V. 28, p. 1251
115-7-1	Amended	V. 28, p. 1598
115-7-2	Amended	V. 27, p. 1708
115-7-3	Amended	V. 28, p. 1599
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-7-10	New	V. 28, p. 1600
115-8-1	Amended	V. 28, p. 571
115-8-6	Amended	V. 28, p. 1600
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
115-20-7	New	V. 28, p. 1600

**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
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
129-5-78	Amended	V. 28, p. 1464

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

**AGENCY 130: HOME INSPECTORS REGISTRATION BOARD**

Reg. No.	Action	Register
130-1-1	New	V. 28, p. 1737
130-1-2	New (T)	V. 29, p. 38
130-1-3	New (T)	V. 29, p. 38
130-1-4	New	V. 28, p. 1737
130-1-5	New	V. 28, p. 1738
130-2-1	New	V. 28, p. 1738
130-3-1	New (T)	V. 29, p. 38
130-4-1	New (T)	V. 29, p. 39
130-4-2	New (T)	V. 29, p. 39

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