

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 18, No. 42 October 21, 1999 Pages 1575-1620

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State of Kansas

Kansas Water Authority**Notice of Meeting**

The Kansas Water Authority will conduct its quarterly meeting Thursday, October 28, and Friday, October 29, in El Dorado. The Conservation and Evaluation Committee and the Education and Interagency Coordination Committee will meet at 9 a.m. October 28, followed by meetings of the Planning Committee and Public Water Supply Committee at 12:30 p.m. The Conservation and Evaluation Committee and Planning Committee meetings will be held in the Gold Room at the Butler County Community College, 901 S. Haverhill Road. The Education and Interagency Coordination Committee and Public

Water Supply Committee will meet in the Purple Room at the Butler County Community College.

The full Authority will convene at 9 a.m. October 29 in the Gold Room at the Butler County Community College to receive the Kansas Water Office director's report and conduct its regular business session, including reports from the four committees.

An agenda and other details of the meeting are available from the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, (785) 296-3185 or (888) KAN-WATER (toll free). If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at the above address at least two days prior to the meeting.

Kent Lamb
Chairman

Doc. No. 024431

State of Kansas

State Conservation Commission**Notice to Contractors**

Sealed bids for the construction of an 86,000 cubic yard detention dam, Site 9 in Wabaunsee County, will be received by the Mill Creek Watershed Joint District No. 85 at King Engineering, Inc., 307 Montana Ave., Holton, 66436-1127, (785) 364-4312, until 5 p.m. November 16, or hand carried and submitted prior to the bid opening. Bids will be opened at 7:30 p.m. November 16 at the USDA Service Center conference room, 6th and Missouri, Alma, (785) 765-3836. A copy of the invitation for bids and the plans and specifications can be reviewed at the office of King Engineering, Inc. A \$25 nonrefundable deposit will be required for each set of plans requested.

Tracy D. Streeter
Executive Director

Doc. No. 024409

State of Kansas

State Conservation Commission**Notice to Contractors**

Re-advertisement of sealed bids for the construction of a 13,500 cubic yard detention dam, Site 200 in Marshall County, and a 19,720 cubic yard detention dam, Site 226 in Nemaha County, will be received by the Upper Black Vermillion Creek Watershed Joint District No. 37 at the watershed district office, 404 Commercial St., Centralia, 66415, until 10 a.m. November 12, and then opened. A copy of the invitation for bids and the plans and specifications can be reviewed at or obtained from the watershed district office, (785) 857-3347. A \$25 fee will be required for each set of plans and specifications.

Tracy D. Streeter
Executive Director

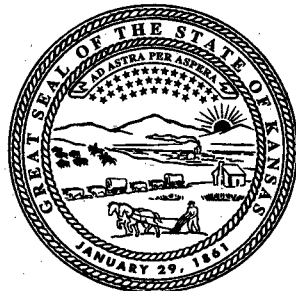
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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 25 through November 7. Any individual with a disability may request accommodation in order to participate in committee meetings. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or (785) 296-8430 (TTY).

Date	Room	Time	Committee	Agenda
October 25	531-N	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
October 26	531-N	9:00 a.m.		
October 25	On Tour		Biennial Ways and Means Tour	a.m. —Abilene: Eisenhower Center, Kansas Sports Hall of Fame. Salina: Highway Patrol Training Center. p.m. —Beloit Juvenile Correctional Facility.
October 26	On Tour		Biennial Ways and Means Tour	a.m. —Hays: Fort Hays State University, Developmental Services of NW Kansas. p.m. —Garden City: Community Juvenile Corrections Program.
October 27	On Tour		Biennial Ways and Means Tour	a.m. —Garden City: United Methodist Ministries Mexican American Health Center. Ingalls: Midwest Feeders. p.m. —Dodge City: Area Mental Health Center, Kansas Soldiers' Home. Pratt: Dept. of Wildlife and Parks Fish Hatchery.
October 28	On Tour		Biennial Ways and Means Tour	a.m. —Pratt Community College. Larned State Campus. p.m. —Great Bend: KBI Laboratory, Cheyenne Bottoms.
October 29	On Tour		Biennial Ways and Means Tour	a.m. —Hutchinson: Hutchinson Correctional Facility, State Fairgrounds, Kansas Cosmosphere. p.m. —Return to Topeka.
November 1	522-S	10:00 a.m.	Health Care Stabilization Fund Oversight Committee	Review with the Board of Governors and the fund actuary of the status of the health care stabilization fund.
November 1	531-N	10:00 a.m.	Health Care Reform Legislative Oversight Committee	Agenda not available.
November 2	531-N	9:00 a.m.		
November 2	514-S	10:00 a.m.	Joint Committee on Economic Development	2nd: Presentations and, if time permits, committee discussion and possible recommendations on 1999 SB 315 - Certified Capital Company Act. 3rd: Presentations on statutorily-required annual reports; analysis by Kansas, Inc.; committee discussion and possible recommendations on 1999 SB 308 - Tax Credits for Private Contributions to Finance Community Infrastructure Projects; committee discussion and possible recommendations on housing issues, and if needed, on 1999 SB 315.
November 3	514-S	9:00 a.m.		
November 2	123-S	10:00 a.m.	Special Committee on Judiciary	Agenda not available.
November 3	123-S	9:00 a.m.		

Jeff Russell
Director of Legislative
Administrative Services

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 38,000 cubic yard detention dam with plastic primary spillway pipe, Site B-3 in Bourbon County, will be received by the Marmaton Watershed Joint District No. 102 at the office of Agricultural Engineering Associates, 1000 Promontory Drive, Uniontown, 66779, until 7 p.m. November 2, and then opened. A copy of the invitation for bids and plans and specifications can be obtained at the Agricultural Engineering Associates office, (316) 756-1000. Prospective bidders must complete a contractor prequalification form prior to obtaining contract documents and/or bidding. A \$25 nonrefundable deposit will be required for each set of plans requested.

Tracy D. Streeter
Executive Director

Doc. No. 024430

State of Kansas

Office of the Governor

Executive Order 99-8

WHEREAS, Lawrence "Don" Brooks was last seen at his Wellsville home at about 1 p.m. Friday, September 3, 1999, and was reported as missing to the Miami County Sheriff's Department later that same day; and

WHEREAS, on the afternoon of Friday, September 10, 1999, the dismembered body of Mr. Brooks was retrieved from a large plastic trash can found floating in Walden Pond near 66th and Bradshaw Road, Shawnee, Kansas; and

WHEREAS, the investigation is concentrated on a former employee of Mr. Brooks, Elmahi Sliman Mohamed Zian, a Sudanese national. The Johnson County District Attorney's Office has filed charges of First Degree Murder against Zian; and

WHEREAS, it is believed that Zian is actively eluding the authorities and may have in fact fled the country; and

WHEREAS, the offer of a reward will enhance the efforts of the agencies and officers involved in the investigation in this heinous crime;

NOW, THEREFORE, by virtue of authority vested in me by K.S.A. 75-113, I, Bill Graves, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the murderer of Lawrence "Don" Brooks.

This document shall be filed with the Secretary of State as Executive Order 99-8, and shall become effective immediately.

Dated October 1, 1999.

Bill Graves
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 024408

State of Kansas

Attorney General

Opinion 99-47

Public Health—Maternity Centers and Child Care Facilities—Definitions Relating to Child Care Facilities; License and Regulation of Facilities Housing Children Ages 16 and 17. Representative Melvin J. Neufeld, 115th District, Ingalls, September 28, 1999.

The secretary of the Kansas Department of Health and Environment has authority to *regulate* the operation and maintenance of a child care facility that houses children ages 16 and 17, and to *license* a child care facility that houses children ages 16 and 17 if that facility also houses children under the age of 16. A licensed child care facility may be used to house children ages 16 and 17. Cited herein: K.S.A. 1998 Supp. 38-1602, as amended by L. 1999, Ch. 156, § 11; 65-501; 65-503; 65-504; 65-508; L. 1919, Ch. 210, §§ 1, 4; L. 1974, Ch. 352, §§ 85, 86; L. 1978, Ch. 236, §§ 1, 3; L. 1985, Ch. 209, §§ 1, 2; L. 1994, Ch. 279, § 4. DMV

Opinion 99-48

Public Records, Documents and Information—Records Open to Public—Inspection of Records; Certain Records Not Required to be Open; Criminal Investigation Records; Attorney-Client Privilege; Work Product. Representative Richard D. Reinhardt, 8th District, Erie, September 28, 1999.

Documents related to an investigation conducted by an attorney for his or her client in order to provide legal advice to the client may be closed under the Kansas Open Records Act because they are protected by the attorney-client privilege. Cited herein: K.S.A. 1998 Supp. 45-217; K.S.A. 1998 Supp. 45-221; 60-226; K.S.A. 60-426. SP

Opinion 99-49

Cities and Municipalities—Plats of Cities and Townsites—Parcels Reserved for Public Purposes; Use of Public Square. William L. Frost, Manhattan City Attorney, Manhattan, September 28, 1999.

Property specifically dedicated for public use is for the enjoyment of the public at large, not for one person or a limited number of persons, or for the exclusive use of restricted groups of individuals. Such public use does not include housing the offices of private organizations that provide services to only some members of the general public. However, there may be instances where a private nonprofit organization desires to use a public building located on a public square in such a manner that its use is for the general public rather than for the organization's members or some other restricted group of individuals, and such use would be permissible. Cited herein: K.S.A. 12-401; 12-406; 12-406a. MF

Opinion 99-50

Criminal Procedure; Kansas Code of Criminal Procedure—Arrest—Stopping of Suspect; Authority to Inquire Concerning Violation of Homes Association Regulation. Roy S. Bennett, Jr., Lake Quivira City Attorney,

Shawnee, September 28, 1998.

A law enforcement officer has no authority to stop a person and make inquiry concerning a possible violation of a regulation of a private homes association unless the officer suspects that such individual has violated or is about to violate a state law or a municipal ordinance. Cited herein: K.S.A. 22-2402; U.S. Const., Amend. XIV. MF

Opinion 99-51

Counties and County Officers—Sewer Districts—Resolution; Continuation or Discontinuation of Project; Cost of Project; Methods of Assessment. Delton M. Gilliland, Osage County Counselor, Lyndon, October 5, 1999.

The costs associated with the creation of a sewer district pursuant to K.S.A. 19-27a01 *et seq.* should be paid from a levy on all of the pieces of property within the district when the board of county commissioners makes a determination after the district has been created that the project is not feasible. Because the statute does not provide a method of assessment, the board of county commissioners may determine an assessment plan that is fair and equitable to collect expenses associated with the sewer district. Cited herein: K.S.A. 19-27a01; 19-27a03; 19-27a04; 19-27a06. DMV

Opinion 99-52

Elections—Recall of Elected Officials—Recall of Local Officers; Petition; Filing; When. Representative Peggy Long, 76th District, Hamilton, October 7, 1999.

Subsection (c) of K.S.A. 25-4323 states that no more than one less of a majority of a local governing body may be subject to recall at the same time. The number of members serving on a three-member board who may be subject to recall at the same time is one. A local officer is subject to recall once a petition seeking recall of the officer is properly filed. If a petition seeking recall of one member of a three-member governing body has been filed with the county election officer and the county election officer has determined the petition was properly filed, a petition seeking recall of a second member may not be approved by the county election officer until after the recall election on the first member has been conducted. While a petition seeking recall of a second member of a three-member governing body may not be approved until the recall election on the first member is conducted, the petition may still be circulated. Cited herein: K.S.A. 25-4301; 25-4302, as amended by L. 1999, Ch. 105, § 8; 25-4318; 25-4322, as amended by L. 1999, Ch. 105, § 9; 25-4323; 25-4324, as amended by L. 1999, Ch. 105, § 10; 25-4326; Kan. Const., Art. 4, § 3; L. 1987, Ch. 130, § 1; L. 1978, Ch. 147, §§ 2, 6; L. 1976, Ch. 178, § 26. RDS

Opinion 99-53

Roads and Bridges—County and Township Roads—Laying Out and Opening Roads; Petition for Laying Out, Viewing, Altering or Vacating Roads; Authority of County to Regulate Subsurface of Section Line Roads.

Roads and Bridges—County and Township Roads—Tunnels Under Roads by Landowners; Authority of County to Regulate Subsurface of Section Line Roads. R. Douglas Sebelius, Norton County Attorney, Norton, October 7 1999.

Counties have authority to deny a request for use of a section line road right-of-way to bury pipelines, cable or conduit only if the task would impair or frustrate public travel on the road. Being the easement holder itself, a county has no authority to grant an additional easement as a method of regulating the subsurface use of section line roads; thus a county may not require an application for an easement. However, counties may establish reasonable regulations to ensure that use of county easements does not interfere with public travel on county section line roads. An application for a use permit to allow the county to learn the particular details of an intended project would be a reasonable method of making this assessment. Additionally, permission to use the land for an intended project would need to be obtained from the landowner.

Any depth requirement established by a county for drilling, boring or laying of pipeline, cables, or conduits below the surface of a section line road or ditch must be reasonable in light of the circumstances.

Counties may require abutting landowners who wish to bore under the surface of a section line road to obtain a use permit before proceeding and to comply with reasonable regulations and restrictions aimed at protecting safe public travel on the roads. Regulations or limitations which unduly or unreasonably curtail or restrict the rights of an abutting landowner cannot be sustained. Statutory requirements apply in circumstances where "boring" becomes "tunneling." Cited herein: K.S.A. 68-544. CN

Opinion 99-54

State Departments; Public Officers and Employees—Kansas Tort Claims Act—Definitions; Kansas Real Estate Appraisal Board Review Appraisers. Michael Haynes, Executive Director, Kansas Real Estate Appraisal Board, Topeka, October 7, 1999.

Appraisers who contract with the Kansas Real Estate Appraisal Board to review appraisal reports in relation to licensure or certification applications and in relation to complaints against licensed or certified appraisers serve in the capacity of independent contractors and not employees of the board. Consequently, such review appraisers do not come within the protection provided to agency employees pursuant to the Tort Claims Act. Cited herein: K.S.A. 75-6101; 75-6102; 75-6103. CN

Carla J. Stovall
Attorney General

Doc. No. 024411

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, November 1, 1999

00648

Department of Administration, Division of Facilities Management— All labor and materials to install switchgear

00679

Winfield Correctional Facility — Aluminum windows

00684

Department of Health and Environment— High pressure liquid chromatography system

Tuesday, November 2, 1999

00644

Kansas State University— Bulk liquid nitrogen

00672

Emporia State University— CATV modems

Wednesday, November 3, 1999

00693

Statewide— Polaroid film

00690

Department of Transportation— Microstation PC software licenses

Monday, November 8, 1999

00669

Department of Social and Rehabilitation Services— Medical transcription services

Wednesday, November 10, 1999

A-8686

Kansas State University— Seaton Hall renovations

Tuesday, November 16, 1999

A-8665

Department of Transportation— New Highway Patrol Troop "D" Headquarters, Hays

Request for Proposals

Tuesday, November 9, 1999

00691

Retirement Plan Review for the State Board of Regents

Wednesday, November 10, 1999

00694

Statewide — Hazardous waste disposal services

John T. Houlihan
Director of Purchases

Doc. No. 024427

State of Kansas

Advisory Committee on Trauma

Notice of Meeting

The Advisory Committee on Trauma will meet from 11 a.m. to 3:30 p.m. Monday, October 25, at the Kansas Medical Society, 623 S.W. 10th Ave., Topeka. It is anticipated that a one-hour lunch break will take place beginning between 12:30 and 1 p.m. For further information, contact the KDHE Office of the Secretary at (785) 296-0461.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024428

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. 1998 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 10-18-99 through 10-24-99	
Term	Rate
1-89 days	5.24%
3 months	4.92%
6 months	5.22%
9 months	5.41%
12 months	5.59%
18 months	5.80%
24 months	5.84%

Derl S. Treff
Director of Investments

Doc. No. 024404

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. November 9 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications for Certificate of Public Service:

- Jose Acosta, dba Acosta Home**, 310 W. Grant Ave., Syracuse, KS 67878; MC ID No. 157348; Robert Gale, Jr., Attorney; Mobile homes.
- Kip Anderson, dba Seldom Hill Ranch**, 105 E. State Road 4, Utica, KS 67584; MC ID No. 157800; General commodities (except household goods, passengers and hazardous materials).
- Big R.I.G. Trucking, Inc.**, 2335 N.W. Clay, Topeka, KS 66618; MC ID No. 157354; William Barker, Attorney; General commodities (except household goods and hazardous materials).
- Trenn A. Davis, dba Cat House Express**, Route 1, Box 270, Shields, KS 67839; MC ID No. 157804; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).
- Rene Ede, dba Ede Trucking Co.**, 825 S. Missouri, Ulysses, KS 67880; MC ID No. 157341; General commodities (except household goods and hazardous materials).
- William Eugene Harper, dba Grain Transport Services**, 1511 Ave. H, Dodge City, KS 67801; MC ID No. 157343; General commodities (except household goods and hazardous materials).
- Kevin Harrison, dba Precision Mobile Home Transporting and Service**, 6045 Waterhole Drive, Garden City, KS 67846; MC ID No. 157355; Mobile homes, general commodities (except household goods and hazardous materials).
- Fred Jones, dba Fred Jones Trucking**, 10920 Hauser Drive, Lenexa, KS 66211; MC ID No. 157345; Clyde Christey, Attorney; General commodities (except explosives and household goods).
- Leland Koehn, HC 1, Box 383, Sharon Springs, KS 67758; MC ID No. 157344; William Barker, Attorney; General commodities (except household goods and hazardous materials).**
- Lancaster Harvesting LLC**, 2808 W. View, Dodge City, KS 67801; MC ID No. 157352; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).
- Jack McCreery**, Route 1, Box 250, Burlington, OK 73722; MC ID No. 101579; General commodities (except household goods and hazardous materials).
- Peter and Jacob Neufeld, dba Neufeld Trucking**, 401 S. Aztec, Montezuma, KS 67867; MC ID No. 157346; General commodities (except explosives, household goods and hazardous materials).
- Kim Rader**, 330 W. Road 270, Scott City, KS 67871; MC ID No. 157779; General commodities (except household goods and hazardous materials).
- Robert Enterprises, Inc.**, 701 11 W. 79th Pl., Shawnee, KS 66213; MC ID No. 157353; Alex Lewandowski, Attorney; General commodities (except Classes A and B explosives, household goods and hazardous materials).
- Steven W. Sneed, dba Sneed Trucking**, 315 S. Allen, Chanute, KS 66720; MC ID No. 157347; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).
- Randy C. Spencer, dba Spencer & Sons**, 5600 Eisenhower, Great Bend, KS 67530; MC ID No. 157693; General commodities (except household goods and hazardous materials).
- To-Be Investments, L.L.C., dba American Lenders Service Co.**, 602 Bridge, Clay Center, KS 67432; MC ID No. 157349; Wrecked, disabled, repossessed and replacement vehicles.
- Twila Faye Bookstore, LLC, dba Gee Oil Service**, 402 N. Main, St. John, KS 67576; MC ID No. 157350; Salt water, fresh water, paraffin-iron sulfide and basic sediment.
- Wego Services, Inc.**, 3225 Hwy. 54 North, Guymon, OK 73942; MC ID No. 156919; Clyde Christey, Attorney; General commodities (except explosives and household goods).

Application for Certificate of Convenience and Necessity:

- Herbert G. Stratton, dba J & H Moving**, 1124 W. 11th, Hutchinson, KS 67501; MC ID No. 157342; Household goods.

Application for Extension of Certificate of Public Service:

- Dan Gobin, dba Proline Ag Service**, 609 N. 8th, Hill City, KS 67642; MC ID No. 153815; William Barker, Attorney; General commodities (except explosives).

Applications for Transfer of Certificate of Public Service:

- James Burr, dba Burr's Service Co.**, 2001 W. 7th, Liberal, KS 67905-1506, MC ID No. 140107, to: Amarillo Towing, Inc., 1105 N. Mirror, Amarillo, TX 79107-6742; William Barker, Attorney; General commodities (except hazardous materials and household goods).
- B & B Transfer, Inc.**, 17390 Dillie Road, Gardner, KS 66030, MC ID No. 153817, to: B & B Transfer Enterprises, Inc., Route 3, Box 230, Rich Hill, MO 64777; Hugh Jenkins, Attorney; General commodities (except household goods and hazardous materials).
- Carl L. Jones, dba Hillside Towing**, 8170 K-39 Hwy., Chanute, KS 66720, MC ID No. 151586, to: Roy T. Fritch, dba Hillside Towing, 915 Cherokee, Humboldt, KS 66748; John Gillett, Attorney; Wrecked, disabled, repossessed and replacement vehicles.

Application for Transfer and Extension of Certificate of Public Service:

- Gene Greeson, dba Greeson Fluid Haulers**, 509 Third St., Tribune, KS 67879, MC ID No. 154120, to: Greeson Fluid Haulers, Inc., 509 Third St., Tribune, KS 67879; General commodities (except household goods and hazardous materials).

Applications for Abandonment of Certificate of Public Service:

- A & B Trucking, Inc.**, 320 Stadium, Cunningham, KS 67035; MC ID No. 155359.
- Ed Boulanger, dba Ed's Transport Service**, 1502 N. Poplar, Eureka, KS 67045; MC ID No. 153243.
- Delmar Brawner, dba Brawner Auto Salvage**, 700 E. F, Hutchinson, KS 67501-9613; MC ID No. 121043.
- Irene Church, dba Superior Transfer**, E. 3rd St., Superior, NE 68978; MC ID No. 133816.
- Kenneth L. Keen**, Route 1, Box 63A, Lewis, KS 67552; MC ID No. 156222.

Application for Abandonment of Contract Carrier Permit:

- Jerry Cross**, 1251A N.W. State Road, Albert, KS 67571-9211; MC ID No. 127376.

Jacquelyn S. Miller
Administrator
Transportation Division

Doc. No. 024422

(Published in the Kansas Register October 21, 1999.)

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, November 4, in the conference room in the offices of Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the respective project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000425, Maximum Principal Amount: \$44,000. Owner/Operator: Michael Dressman. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the Southwest Quarter of Section 4, Township 4 South, Range 12 East of the 6th P.M., Nemaha County; approximately 2 miles east of Centralia on Highway 9.

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

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Kenneth Frahm
President

Doc. No. 024429

Summary Notice of Note Sale
City of Manhattan, Kansas
\$4,152,000

Temporary Notes

Series 1999-18 through 1999-25

(General obligation notes payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of note sale dated October 26, 1999, sealed bids will be received by Springsted Incorporated (the financial advisor), on behalf of the City of Manhattan, Kansas (the issuer), at 85 E. 7th Place, Suite 100, St. Paul, MN 55101, until 11 a.m. November 2, 1999, for the purchase of \$4,152,000 principal amount of Temporary Notes, Series 1999-18 through 1999-25, of the City of Manhattan, Kansas (jointly, the notes). No bid of less than 99 percent of the principal amount of the notes and accrued interest thereon to the date of delivery will be considered.

Note Details

The notes will consist of fully registered book-entry only notes consisting of one note per series, registered under a book-entry only system administered through DTC. The notes will be dated December 15, 1999, and will become due on December 15, 2001. The notes will bear interest from the date thereof at rates to be determined when the notes are sold as hereinafter provided, which interest will be payable semiannually on June 15 and December 15 in each year, commencing June 15, 2000, or earlier redemption. The series of notes and the principal amounts thereof are as follows:

(Non-Bank Qualified)

Series	Principal Amount
1999-18	\$ 143,000
1999-19	337,000
1999-20	228,000
1999-21	475,000
1999-22	259,000
1999-23	2,463,000
1999-24	171,000
1999-25	76,000

Paying Agent and Note Registrar
Manhattan City Treasurer.

Delivery

The issuer will pay for printing the notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 15, 1999, at DTC.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$223,282,098. The total general obligation indebtedness of the issuer as of the date of delivery of the notes, including the notes and General Obligation Bonds, Series 210, being sold, but excluding temporary notes to be retired in conjunction therewith, is \$49,827,000.

Approval of Notes

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

Additional Information

Additional information regarding the notes may be obtained from Curt Wood, Director of Finance, City Hall, First Floor, 1101 Poyntz, Manhattan, KS 66502-5460, (785) 587-2465; or from the financial advisor, Springsted Incorporated, Attention: David MacGillivray, (651) 223-3000, fax (651) 223-3002.

Dated October 26, 1999.

City of Manhattan, Kansas

Doc. No. 024415

(Published in the Kansas Register October 21, 1999.)

**Summary Notice of Bond Sale
City of Manhattan, Kansas
\$314,000**

**General Obligation Bonds, Series 210
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated October 20, 1999, sealed bids will be received by the director of finance on behalf of the governing body of the City of Manhattan, Kansas (the issuer), at City Hall, First Floor, 1101 Poyntz Ave., Manhattan, KS 66502, until noon November 2, 1999, for the purchase of \$314,000 principal amount of General Obligation Bonds, Series 210. No bid of less than \$309,371 and accrued interest thereon to the date of delivery will be considered. Any bidder desiring to have the financial advisor assist in the delivery of such bidder's sealed bid should provide pertinent bidding information to the financial advisor not later than 11:30 a.m. on the date of the sale.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$9,000. The bonds will be dated December 1, 1999, and will become due on November 1 in the years as follows:

Year	Principal Amount
2000	\$ 9,000
2001	10,000
2002	10,000
2003	10,000
2004	10,000
2005	10,000
2006	15,000
2007	15,000
2008	15,000
2009	15,000
2010	15,000

2011	15,000
2012	15,000
2013	20,000
2014	20,000
2015	20,000
2016	20,000
2017	20,000
2018	25,000
2019	25,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2000.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$6,280 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 9, 1999, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$223,282,098. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds and notes being sold, but excluding temporary notes to be retired in conjunction therewith, is \$49,827,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the director of finance, (785) 587-2465, or from the financial advisor, Springsted Incorporated, 85 E. 7th Place, Suite 100, St Paul, MN 55101, Attention: David MacGillivray, (651) 223-3068.

Dated October 20, 1999.

City of Manhattan, Kansas

Doc. No. 024414

State of Kansas

Secretary of State**Executive Appointments**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's website at www.kssos.org. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

**District Judge, 3rd Judicial District,
Division 12**

David Bruns, Shawnee County Courthouse, 200 S.E. 7th, Topeka, 66603. Succeeds James P. Buchele.

Greenwood County Commissioner

Edward E. Buckle, Greenwood County Courthouse, 311 N. Main, Eureka, 67045. Term expires when a successor is elected and qualifies according to law. Succeeds Christopher R. Lance.

Russell County Sheriff

John R. Fletcher, Russell County Courthouse, 4th and Main, Russell, 67665. Term expires when a successor is elected and qualifies according to law. Succeeds Tim Holmes, resigned.

Saline County Register of Deeds

Rebecca Seeman, Saline County Courthouse, 300 W. Ash, Salina, 67401. Term expires when a successor is elected and qualifies according to law. Succeeds Marilyn Weber, resigned.

Thomas County Clerk

Theresa L. Perkins, Thomas County Courthouse, 300 N. Court, Colby, 67701. Term expires when a successor is elected and qualifies according to law. Succeeds Rosalie Seeman, resigned.

Animal Health Board

Andrew L. Murphy, Great Bend Feeding, Inc., Route 5, Box 150, Great Bend, 67530. Term expires July 1, 2002. Succeeds Larry Penka.

Dennis Rezac, Rezac Livestock Commission Co. Inc., St. Marys, 66536. Term expires July 1, 2002. Succeeds Michael Samples.

Kansas Dental Board

Dr. Estel Landreth, 850 Tera Lane, Wichita, 67206. Term expires April 30, 2003. Reappointed.

**Kansas Council on Developmental
Disabilities Services**

Dennis Rogers, Director of Rehabilitation Services, 3640 S.W. Topeka Blvd., Suite 150, Topeka, 66611. Serves at the pleasure of the Governor. Succeeds Joyce Cussimano.

Information Network of Kansas

Thomas G. Winters, 607 N. Wheatland, Wichita, 67235. Term expires September 30, 2002. Reappointed.

Midwestern Higher Education Commission

Duane A. Goossen, Director of the Budget, 1st Floor, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Gloria Timmer.

Board of Examiners in Optometry

Dr. Terry F. Hawks, 5703 W. 95th, Overland Park, 66207. Term expires June 30, 2002. Succeeds John Page.

Thomas G. Lemon, 534 S. Kansas, Suite 1035, Topeka, 66603. Term expires June 30, 2002. Reappointed.

Dr. Warren R. Thomas, 301 W. 11th, Coffeyville, 67337. Term expires June 30, 2002. Reappointed.

State Board of Technical Professions

Cecil Kingsley, 2020 Palmer Drive, Lawrence, 66047. Term expires June 30, 2003. Succeeds Charles A. Stryker.

Murray L. Rhodes, 1201 N. 22nd, Kansas City, KS 66102. Term expires June 30, 2003. Reappointed.

William P. Winslow, 3101 Stagg Hill Road, Manhattan, 66502. Term expires June 30, 2003. Reappointed.

Advisory Committee on Trauma

(Established by 1999 Session Laws of Kansas,
Chapter 127)

John Broberg, Salina Regional Health Center, 400 S. Santa Fe, Salina, 67402.

Dr. Craig A. Concannon, Beloit Medical Center, P.A., 1005 N. Lincoln, Beloit, 67420.

Dr. Paul B. Harrison, Kansas Surgical Consultants, 3243 E. Murdock, Suite 404, Wichita, 67208.

Roger John, Great Plains Health Alliance, 625 3rd St., Phillipsburg, 67661.

Kerry G. McCue, Ellis County Emergency Medical Services, 1009 Cody Ave., Hays, 67601.

William G. Robertson, Shawnee Mission Medical Center, 9100 W. 74th St., Shawnee Mission, 66204.

Dr. Scott E. Sellers, Hutchinson Hospital, 1701 E. 23rd, Hutchinson, 67502.

Kansas Commission on Veterans' Affairs

Maj. Gen. Jack Strukel, Chair, 5125 S.E. 10th, Tecumseh, 66542. Term expires June 30, 2003. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 024413

State of Kansas

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

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

Kansas Court of Appeals
Supreme Court Courtroom
Kansas Judicial Center, 3rd Floor
301 S.W. 10th Ave.
Topeka, Kansas

Before Rulon, P.J.; Timothy E. Brazil, District Judge, assigned;
and Glenn D. Schiffner, District Judge, assigned.

Thursday, November 4, 1999

9:00 p.m.

Case No.	Case Name	Attorneys	County
80,871	Stuart N. Auld, Appellant, v. Tess D. Culter, <i>et al.</i> , Appellees.	Stuart N. Auld, pro se Allan E. Coon David D. Burkhead	Johnson
80,252	In the Matter of the Care and Treatment of Michael L. Abrams.	Loren W. Moll Steven J. Obermeier, Asst. D.A.	Johnson
80,590	Janet McClellan, Appellant, v. Howard Bowman, Steve Murphy, Richard Lohr, John Thomas, Tim Galliard, and Marsha Voelker, Individually and as the City Council of Pawnee Rock, Kansas, Appellees.	Joel D. McMullen Brock R. McPherson Jeff Lee McVey Gary Lee Kaufman Steve E. Johnson	Barton
80,930	Bill E. Tucker, Jr., Appellant, v. State of Kansas, Appellee.	Kirk Redmond, Asst. A.D. Attorney General David Lowden, Asst. D.A.	Sedgwick
1:30 p.m.			
81,196	Patricia A. Phillips, Appellant, v. State of Kansas, Kansas Department of Transportation, and Dean Carlson, Secretary of Transportation, Appellees.	John M. Duma Gelene Savage	Wyandotte
80,410	State of Kansas, Appellee, v. Anthony R. Martin, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Karen Eager, Asst. A.D.	Sedgwick
80,645	State of Kansas, Appellee, v. George W. Hart, Appellant.	Attorney General Jan Satterfield, Deputy C.A. Daniel E. Monnat	Butler
79,374 79,400	State of Kansas, Appellee, v. Charles L. Holmes, Appellant.	Attorney General Terra D. Morehead, Asst. D.A. Debra J. Wilson, Asst. A.D.	Wyandotte

Friday, November 5, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,046	In the Matter of the Estate of Robert C. Dahlstrom, Deceased.	Mark A. Burghart Gerald L. Goodell	Shawnee

(continued)

82,310	Iowa Industrial Erectors Corp., Appellant, v. Henry Hotels, Inc., the Rau Construction Company, Wickes Direct, a Division of Wickes Lumber, Maple Leaf Construction Management Co., and/or Maple Leaf Management Co., a Division of RMR Industries, Inc., Riley Hotel Suites, LLC, and Valley View State Bank, Appellees.	Steven B. Moore Lewis A. Heaven, Jr. Diane L. Waters	Johnson
81,981	Brian L. Snodderly, Appellant, v. The Kansas Department of Revenue, and John LaFaver, Secretary of the Kansas Department of Revenue; the State of Kansas, and Beverley Heinrich, Appellees.	Brock R. Snyder Troy A Unruh M.J. Willoughby Michael D. Burrichter	Shawnee
81,193	State of Kansas, Appellee, v. William A. Gilkey, Appellant.	Attorney General David Lowden, Asst. D.A. Mary Curtis, Asst. A.D.	Sedgwick
1:30 p.m.			
80,734	State of Kansas, Appellee, v. Tyrone L. Adams, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Kirk Redmond, Asst. A.D.	Sedgwick
78,972	State of Kansas, Appellee, v. Anthony C. Barnhart, Appellant.	Attorney General Lannie C. Omburn, Asst. D.A. Kathryn Wall, Asst. A.D.	Johnson
80,224	State of Kansas, Appellee, v. Richard Wayne Barker, Appellant.	Attorney General Frank E. Kohl, C.A. Terri L. Harris	Leavenworth
80,853	State of Kansas, Appellee, v. Matthew James Faulkner, Appellant.	Attorney General Julie McKenna, C.A. Michael S. Holland	Saline
Summary Calendar—No Oral Argument			
81,348	State of Kansas, Appellee, v. Julius L. Orton, Appellant.	Attorney General John S. Sutherland, C.A. Bradley P. Sylvester	Linn
81,335	Robert James Sherrer, Appellant, v. State of Kansas, Appellee.	Michael S. Holland II Attorney General Julie McKenna, C.A.	Saline
81,694	State of Kansas, <i>ex rel.</i> , Clifford W. Gaines, a Minor Child, and the Secretary of SRS, Appellees, v. Clifton W. Gaines, Appellant.	Randy M. Barker Thomas C. McDowell	Sedgwick
81,830	City of Cherryvale, Appellee, v. Stanley L. Karstetter, <i>et al.</i> , Appellants.	J. Steven Pigg W.J. Fitzpatrick	Montgomery
80,810	State of Kansas, Appellee, v. Brandon Castleberry, Appellant.	Attorney General Edmond Brancart, Deputy C.A. Roger L. Falk	Ford

81,168	Tommy Betz and Tommy Betz, d/b/a West Ridge Holding Co., Appellant, v. Farm Bureau Mutual Insurance Agency of Kansas, Inc.; KFB Insurance Co., Inc.; State Farm Mutual Insurance Co.; and Christopher D. Clapham, Appellees.	John T. Bird Harry M. Bleeker Donald F. Hoffman	Ness
81,820	State of Kansas, Appellee, v. David H. Goering, Appellant.	Attorney General Keith E. Schroeder, Asst. C.A. Douglas L. Adams, Jr.	Reno
81,202	State of Kansas, Appellee, v. Anthony R. Galbraith, Appellant.	Attorney General David Lowden, Asst. D.A. Bradley P. Sylvester	Sedgwick

**Kansas Court of Appeals
Fatzner Courtroom
Kansas Judicial Center, 3rd Floor
301 S.W. 10th Ave.
Topeka, Kansas**

**Before Lewis, P.J.; James P. Buchele, District Judge, assigned;
and Charles E. Worden, District Judge, assigned.**

Thursday, November 4, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,685	In the Matter of the Marriage of Bradley A. Pistotnik, Appellee, and Candice M. Messina, Appellant.	John C. King Candice Messina, pro se	Sedgwick
81,656	State of Kansas, Board of Regents, University of Kansas Medical Center, Appellee, v. Richard Steward, Appellant.	Jason M. Sneed Eugene C. Riling Matthew H. Hoy	Wyandotte
81,675	Tamera Milner, Appellant, v. American Drug Stores, Inc., d/b/a Osco Drug and Kemper Insurance Company, Appellees.	Leah Brown Burkhead Robyn M. Butler	Work Comp
81,060	State of Kansas, Appellee, v. Milton Brown, Appellant.	Attorney General Frank E. Kohl, C.A. Karen Eager, Asst. A.D.	Leavenworth
1:30 p.m.			
80,922	Johnny Crowder, Appellant, v. State of Kansas, Appellee.	Nikki Christopher, Asst. A.D. Attorney General Jerome A. Gorman, Asst. D.A.	Wyandotte
80,589	State of Kansas, Appellee v. James Creighton French, Appellant.	Attorney General Christian Webb, Asst. D.A. Joseph L. Dioszeghy	Johnson
80,100	State of Kansas, Appellee, v. Douglas Williams, Appellant.	Attorney General Julie McKenna, C.A. Jack Focht	Saline
80,769	State of Kansas, Appellee, v. Dale L. Richterberg, Appellant.	Attorney General Julie McKenna, C.A. Nikki Christopher, Asst. A.D.	Saline

(continued)

Friday, November 5, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,888	In the Matter of the Marriage of Ronnie L. McCollum, Appellant, and Carolyn K. McCollum, Appellee.	Ronnie L. McCollum, pro se David W. Rogers	Montgomery
81,037	State Farm Fire & Casualty Co., Appellee, v. Dan Martinez, d/b/a Insurance Claims Consultants, Appellant.	J. Philip Davidson M. Duane Coyle Christopher M. Braun Dan Martinez, pro se	Sedgwick
79,794	State of Kansas, Appellee, v. Edgar I. Sherwood, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Joseph Leon, Asst. A.D.	Sedgwick
80,710	Paul L. Goseland, Appellant, v. State of Kansas, Appellee.	Geary N. Gorup Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick

1:30 p.m.

81,511	In the Matter of the Marriage of Julie Ann Bergmann (Sokol), Appellee, and Robert Alan Sokol, Appellant.	Gregory D. Kincaid Ronald W. Nelson	Johnson
81,670	In the Matter of the Marriage of Karen Hoskins, Appellee, and Robert Hoskins, (Ray E. Simmons), Appellant.	Jennifer Olsen Ray E. Simmons	Sedgwick
80,156	State of Kansas, Appellee, v. Robert L. Billbe, Jr., Appellant.	Attorney General Tamara S. Hicks, Asst. C.A. Geary N. Gorup	Finney
81,320	Derek D. Anderson, Appellant, v. State of Kansas, Appellee.	Rebecca Woodman, Asst. A.D. Attorney General Terra D. Morehead, Asst. D.A.	Wyandotte

Summary Calendar—No Oral Argument

82,216	Michael D. Jordan, and Farm Bureau Mutual Ins. Co., Appellant, v. Case Corporation, f/k/a Case Equipment Corporation, Tennaco Equipment Corporation, J.I. Case Company, Cummins Engine Company, Inc., and Farmland Industries, Inc., Appellees.	Daniel C. Metz Hal D. Meltzer Gregory N. Pottorff Heather S. Woodson	Mitchell
81,410	State of Kansas, Appellee, v. Anthony L. Creamer, Appellant.	Attorney General Eric B. Smith, C.A. Robert W. Christensen	Stevens
80,227	State of Kansas, Appellee, v. Teresa J. Hargett, Appellant.	Attorney General Thomas V. Black, C.A. Karen Eager, Asst. A.D.	Pratt
80,103	State of Kansas, Appellee, v. John L. Stevens, Appellant.	Attorney General Michelle M. Sehee, Asst. D.A. Mary D. Prewitt, Asst. A.D.	Sedgwick

81,437	Jesse L. Wallace, Sr., Appellant, v. Christopher Murphy and State Farm Mutual Automobile Insurance Company, Appellee.	James G. Chappas Michael J. Dutton	Wyandotte
81,378	State of Kansas, Appellee, v. Derrick Lamont Billoups, Appellant.	Attorney General Ty Kaufman, C.A. Bradley P. Sylvester	McPherson
82,597	State of Kansas, Appellee, v. Freddy Williams, Appellant.	Attorney General Sheryl L. Lidtke, Asst. D.A. Debra J. Wilson, Asst. A.D.	Wyandotte
82,219	Thomas P. Bird, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood Attorney General Rodney H. Symmonds, Special Prosecutor	Lyon

**Kansas Court of Appeals
Court of Appeals Courtroom
Kansas Judicial Center, 2nd Floor
301 S.W. 10th Ave.
Topeka, Kansas**

**Before Pierron, P.J.; Barry A. Bennington, District Judge, assigned;
and Philip L. Sieve, District Judge, assigned.**

Thursday, November 4, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,414	Fannie L. Copeland, Appellee, v. Johnson Group, Inc., and Travelers Insurance Company, Appellants, and Kansas Workers Compensation Fund.	Robert W. Harris Douglas M. Greenwald Frederick J. Greenbaum Carl A. Gallager	Work Comp
80,884	Arthur A. Pouncil, Deceased, Appellant, v. Martin K. Eby Construction Co., Inc., and United States Fidelity & Guaranty Co., Appellee, and Kansas Workers Compensation Fund, Appellee.	Gerard C. Scott Kim R. Martens Kendall R. Cunningham	Work Comp
80,775	Lisa A. Millan, Next Friend and Natural Guardian of Tyler D. Burns, a Minor, Appellee, v. Blake D. Burns, Defendant, and Kansas Farm Bureau Insurance Co. Inc., Intervenor, Appellant.	Lowell F. Hahn Donald F. Hoffman	Phillips
81,319	Steven C. Heiland, Appellant, v. Frankie Dunnick, Personally, and Newton Male, Commissioner of the Office of the State Bank Commissioner, Appellees.	Jeffrey A. Wietharn Christopher F. Burger, Asst. A.G.	Shawnee

(continued)

1:30 p.m.

79,383	State of Kansas, Appellee, v. Alphonso Wright, Appellant.	Attorney General Brenda Taylor-Mader, Asst. D.A. Joseph P. Leon, Asst. A.D.	Shawnee
79,652	State of Kansas, Appellee, v. Alcena M. Dawson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Janine Cox, Asst. A.D.	Sedgwick
80,782	In the Matter of the Marriage of Kimberly M. Ringer, Appellant, and Richard A. Ringer, Appellee.	Stephen V. Sickel J. Bradley Short	Johnson
80,909	State of Kansas, Appellee, v. Todd E. Ellison, Appellant.	Attorney General David Lowden, Asst. D.A. Mary Curtis, Asst. A.D.	Sedgwick
80,033	State of Kansas, Appellee, v. Jack L. Steiner, Appellant.	Attorney General David Lowden, Asst. D.A. Kirk Redmond, Asst. A.D.	Sedgwick

Friday, November 5, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,420 81,433	Lorenzo Figueroa, Appellee, v. Excel Corporation, Respondent, Self- Insured, Appellant.	Michael L. Snider Stephen M. Kerwick D. Shane Bangerter	Work Comp
82,061	Alan M. Hill, Appellee, v. The Board of County Commissioners of Wabaunsee County, Kansas; and the Board of Zoning Appeals of Wabaunsee County, Kansas, Appellants.	Arthur E. Palmer William L. Frost	Wabaunsee
81,230	Bridget C. Cozad, Claimant, v. The Boeing Co., Wichita, and Aetna Casualty & Surety, Appellees, and Kansas Workers Compensation Fund, Appellant.	Vaughn Burkholder Orvel Mason	Work Comp
79,706	State of Kansas, Appellee, v. Myron L. Ford, Appellant.	Attorney General Christian Webb, Asst. D.A. Karen Eager, Asst. A.D.	Johnson
80,623	State of Kansas, Appellee, v. Leo F. Schuyler, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Kerry J. Granger	Sedgwick
82,020	State of Kansas, Appellee, v. Michael L. Lichtenberger, Appellant.	Attorney General Mary A. McDonald, C.A. Brent Getty, Asst. A.D.	Harvey
82,621	State of Kansas, Appellee, v. Richard B. Aikman, Appellant.	Attorney General Paul S. Gregory, C.A. Keith E. Renner Mike Sheahon	Osborne
80,772	State of Kansas, Appellee, v. Daryl L. Williams, Appellant.	Attorney General Elizabeth Rogers, Asst. D.A. Steven Zinn, Deputy A.D.	Sedgwick

Summary Calendar—No Oral Argument

80,924	State of Kansas, Appellee, v. Virgil G. Green, Appellant.	Attorney General Mark Frame, C.A. Jessica R. Kunen, Chief A.D.	Edwards
81,931	State of Kansas, Appellee, v. Kevin Lee Colwell, Appellant.	Attorney General Jacqueline J. Spradling, Asst. D.A. Janine Cox, Asst. A.D.	Johnson
82,225	Vernon P. Thomas, Appellant, v. State of Kansas, Appellee.	Bradley J. Brown Attorney General Charles R. Reimer, Asst. D.A.	Sedgwick
81,601	State of Kansas, Appellee, v. Barry Craig Chatagnier, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D.	Saline
81,984	In the Matter of the Marriage of Paula K. Kirk, Appellant, and Michael D. Kirk, Appellee.	Ross D. Alexander Clifford L. Bertholf	Sedgwick
82,098	State of Kansas, Appellee, v. Christopher L. Stewart, Appellant.	Attorney General David Lowden, Asst. D.A. Jennifer C. Roth, Asst. A.D.	Sedgwick
82,288	Mickey D. Long, Appellee, v. Koch Truck Line, Inc., Appellant.	Jay C. Hinkel Steven P. Deiter	Nemaha

Kansas Court of Appeals
Disciplinary Administrator's Courtroom
701 S.W. Jackson, 1st Floor
Topeka, Kansas

Before Marquardt, P.J.; Jack Lively, District Judge, assigned;
and Stephen R. Tatum, District Judge, assigned.

Thursday, November 4, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,586	Barber County, Kansas, by and through Ralph Dick, Robert Shklar, and John Kirkbride, as the Board of Barber County Commissioners, Appellants, and Arensdorf Trucking, Inc., a Kansas Corporation, Appellee.	Richard N. Raleigh, C.A. Darrell L. Warta	Barber
81,736	Brian Wayne Miner, Deceased, by and through his Next of Kin, Angelika Miner, Appellee, v. Kendall Chemical Company, Inc., d/b/a K & K Chemical, Inc.; Amrep, Inc.; and Smith & Loveless, Inc., Defendants; (Employers Mutual Casualty Co., Proposed Intervenor), Appellant.	Clarence L. King, Jr. Larry G. Michel Thomas H. Sullivan	Phillips
79,943	State of Kansas, Appellee, v. Tracy L. Marr, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Rick Kittel, Asst. A.D.	Sedgwick
81,002	State of Kansas, Appellee, v. William A. Gilkey, Appellant.	Attorney General Michelle M. Sehee, Asst. D.A. Mary Curtis, Asst. A.D.	Sedgwick

(continued)

1:30 p.m.

82,713	Star Lumber & Supply Co., Inc., Appellee, v. Lavester M. Moore, Angela Moore, a/k/a Angela L. Moore, Board of Sedgwick County Commissioners, Appellees, Oceanmark Financial Corporation, Appellant, Mortgage Clearing Corporation, Phill Higgins, and Kansas Building Products, Appellees.	Calvin L. Wiebe Michael D. Doering	Sedgwick
82,053	Wetona M. Niesz, Appellee, v. Bill's Dollar Stores, and Lumbermen's Underwriting Alliance, Appellants.	James M. Crowl Kathleen M. Lynch Denise E. Tomasic	Work Comp
80,913	Brad Harper, d/b/a Manhattan Check Service, Appellant, v. Wendy S. Coltharp, Appellee.	Max A. Eulert Joseph A. Knopp	Riley
80,798	State of Kansas, Appellee, v. Jeffrey Cox, Appellant.	Attorney General Linda E. Monroe, Asst. D.A. Kathryn Wall, Asst. A.D.	Wyandotte
81,397	State of Kansas, Appellee, v. Robert Allen Geisler, Jr., Appellant.	Attorney General James Brown, Asst. D.A. Patrick H. Dunn, Asst. A.D.	Shawnee

Friday, November 5, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,072	Bev Lohrey, d/b/a Tri-State Reporting, Appellee, v. Friesen & Wendler, P.A., Michael J. Friesen and Phyllis F. Wendler, Appellants.	Jon R. Craig Michael J. Friesen	Finney
81,682	In the Matter of the Marriage of Janine L. Totten, Appellee, and James K. Totten, Appellant.	Randy M. Barker Allan E. Coon Scott H. Kreamer	Wyandotte
81,411	Greg Munson, d/b/a Greg Munson Trucking, Appellant, v. Tri-State Commodities, Inc., a Kansas Corporation, Appellee.	Jeffery A. Mason Jerry D. Fairbanks	Sherman
81,349	Kenneth A. Corbett, Appellee, v. Schwann's Sales Enterprises, and Liberty Mutual Insurance Company, Appellants.	Scott M. Price John W. Mize	Work Comp

1:30 p.m.

80,297	State of Kansas, Appellee, v. Gregory A. Adkins, Appellant.	Attorney General David Lowden, Asst. D.A. Daniel Estes, Asst. A.D.	Sedgwick
80,353	William Snaveley, Appellant, v. State of Kansas, Appellee.	Bruce Plenk Attorney General A.M. Willson, Asst. D.A.	Douglas
81,136	State of Kansas, Appellee, v. Torrance L. Alexander, Appellant.	Attorney General Debra Peterson, Asst. D.A. Richard Ney	Sedgwick
79,666	State of Kansas, Appellee, v. Pedro R. Martinez, a/k/a Hernandez/ Aquilar, Appellant.	Attorney General Eric W. Godderz, C.A. Patrick H. Dunn, Asst. A.D.	Osage

Summary Calendar—No Oral Argument

81,191	State of Kansas, Appellee, v. Brian Burkholder, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Karen Eager, Asst. A.D.	Sedgwick
82,122	State of Kansas, Appellee, v. Michael J. Deines, Appellant.	Attorney General Daniel W. Krug, C.A. Michael S. Holland II	Russell
81,713	Leslie Norman Walker, Appellant, v. State of Kansas, Appellee.	Elizabeth Seale Cateforis, Asst. A.D. Attorney General Timothy J. Chambers, C.A.	Reno
81,275	State of Kansas, Appellee, v. Isidro Solorzano, Appellant.	Attorney General Doyle Baker, Asst. D.A. Debra J. Wilson, Asst. A.D.	Sedgwick
81,706	State of Kansas, Appellee, v. George H. Collins, Appellant.	Attorney General Charles R. Reimer, Asst. D.A. Jennifer C. Roth, Asst. A.D.	Sedgwick
80,542	State of Kansas, Appellee, v. Danny M. Hildebrandt, Appellant.	Attorney General Frank E. Kohl, C.A. Lisa Nathanson, Asst. A.D.	Leavenworth
82,560	Billy Reid, #37550, Appellant, v. Robert Hannigan, Warden, Hutchinson Correctional Facility, et al., Appellees.	Billy Reid, pro se James W. Coder, Asst. A.G.	Reno

Kansas Court of Appeals
Court of Appeals Courtroom
Kansas Judicial Center, 2nd Floor
301 S.W. 10th Ave.
Topeka, Kansas

Before Elliott, P.J.; Gernon and Marquardt, JJ.

Wednesday, November 10, 1999

10:00 a.m.

Case No.	Case Name	Attorneys	County
82,263	Douglas A. Peck, Appellant, v. State of Kansas, and State Self-Insurance Fund, Appellees.	Gary L. Jordan Robert E. North	Work Comp

Carol G. Green
Clerk of the Appellate Courts

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. The Augusta Municipal Power Plant #1 (City of Augusta) has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-510 *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.

The Augusta Municipal Power Plant #1 (City of Augusta) owns and operates a municipal power plant located at 621 Grove St., Augusta.

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 during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Alan Brooks, (785) 296-6281, at the KDHE central office, or Dave 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 Alan Brooks, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 22.

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 Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 22 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit 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 within 60 days after the expiration of the 45-day review period to review the permit. 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 Gary Schlicht, EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th, Kansas City,

KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024423

State of Kansas

Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment has prepared a proposed Kansas Water Pollution Control Permit, A-UAKE-H003, for the Todd Graham Site #2 located near Deerfield. Todd Graham Site #2 proposes a new facility for the confined feeding of 16,200 head (6,480 animal units) of swine weighing less than 55 pounds. The proposed facility location is in the NW/4 of Section 21, Township 23S, Range 35W of Kearny County. The proposed permit was placed on Public Notice No. KS-AG-99-149 dated October 7, 1999. A public hearing has been scheduled in conformance with Kansas Administrative Regulation 28-16-61.

A public hearing on KDHE's intention to issue the proposed permit has been scheduled immediately following a hearing scheduled at 7 p.m. Tuesday, November 30, at the Kearny County Memorial Building, Lakin.

Copies of the applicant's application, draft permit and other pertinent documents may be requested by contacting Dena Endsley, Kansas Department of Health and Environment, Bureau of Water, Livestock Waste Management Section, Forbes Field, Building 283, Topeka, 66620, (785) 296-6432 or fax (785) 296-5509. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the proposed permit may do so at the public hearing or may submit written statements to the above address by November 30. It is recommended that persons wishing to present oral testimony at the public hearing supply the hearing officer with a written copy of the testimony.

Any individual with a disability may request accommodation in order to participate in the public hearing process and may request the proposed permit in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting KDHE at the above address.

The Secretary of Health and Environment will make a final permit decision after consideration of all requirements of state statutes and regulations and comments received during the public notice and public hearing process.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024426

State of Kansas

Kansas State University-Salina

Public Notice

Kansas State University-Salina is offering the following aircraft for sale: Beech, Model B58, ACTT 575.0 (L&R) ENGT 575.0, for \$500,000. For further information contact Peter Kennedy, KSU-Salina, 2310 Centennial Road, Salina, 67401, (785) 826-2972.

Peter Kennedy
Aviation Department

Doc. No. 024416

State of Kansas

**Department of Health
and Environment**

Notice of Hearing

The Kansas Department of Health and Environment has prepared proposed Kansas Water Pollution Control Permit 300 for the Maple Creek Farms, L.L.C., Coolidge Site located near Sharon Springs. Maple Creek Farms, L.L.C., Coolidge Site proposes a new facility for the confined feeding of 21,600 head (8,640 animal units) of swine weighing more than 55 pounds. The proposed facility location is in the SE/4 of Section 22, Township 15S, Range 39W of Wallace County. The proposed permit was placed on Public Notice No. KS-AG-99-161 dated October 21, 1999. A public hearing has been scheduled in conformance with Kansas Administrative Regulation 28-16-61.

A public hearing on KDHE's intention to issue the proposed permit has been scheduled at 7 p.m. Mountain Time, Wednesday, December 1, at the Township Hall, 228 N. Main St., Sharon Springs.

Copies of the applicant's application, draft permit and other pertinent documents may be requested by contacting Dena Endsley, Kansas Department of Health and Environment, Bureau of Water, Livestock Waste Management Section, Forbes Field, Building 283, Topeka, 66620, (785) 296-6432 or fax (785) 296-5509. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the proposed permit may do so at the public hearing or may submit written statements to the above address by December 1. It is recommended that persons wishing to present oral testimony at the public hearing supply the hearing officer with a written copy of the testimony.

Any individual with a disability may request accommodation in order to participate in the public hearing process and may request the proposed permit in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting KDHE at the above address.

The Secretary of Health and Environment will make a final permit decision after consideration of all requirements of state statutes and regulations and comments received during the public notice and public hearing process.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024425

State of Kansas

**Department of Health
and Environment**

**Notice Concerning Kansas
Water Pollution Control Permits**

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, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-99-145/147

Name and Address of Applicant	Waterway	Type of Discharge
Ash Grove Aggregates, Inc. P.O. Box 70 Butler, MO 64730	KCPL Lake	Mine pit dewatering and stormwater
Facility Name: Amsterdam Quarry Kansas Permit No. I-MC18-PO05		Federal Permit No. KS0089141
Legal: SE¼, S22, T19S, R25E, Linn Co.		
Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for total suspended solids and pH. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Department of Transportation Bureau of Design - Environmental Services Docking State Office Bldg. Topeka, KS 66612-1568	Drum Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. M-VE07-0003		Federal Permit No. KS0095249
Legal: SW¼, S15, T31S, R17E, Montgomery Co.		
Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The proposed permit includes limits for total suspended solids and pH. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
City of Liberal 325 N. Washington Liberal, KS 67905-2199	Cimarron River Wetland Area	Treated domestic wastewater
Kansas Permit No. M-CI10-0002		Federal Permit No. KS0080870

(continued)

Legal: SW¼, S27, T34S, R32W, Seward Co. (Mechanical plant)
 SW¼, S3, T33S, R32W, Seward Co. (Polishing pond)

Facility Description: The proposed action consists of a re-issuance of an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform, ammonia, and pH. In addition, monitoring for effluent flow rate, total residual chlorine, whole effluent toxicity, total nitrogen, and a priority pollutant scan will be required. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Public Notice No. KS-ND-99-014/018

Name and Address of Applicant	Legal Location	Type of Discharge
Boy Scouts of America 8602 Kingman Road Oskaloosa, KS 66066	SE¼, S9, T9S, R18W, Jefferson Co.	Nonoverflowing

Kansas Permit No. M-SA09-NO01

Facility Description: The proposed action is to issue a new permit for the operation of an existing wastewater treatment facility. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Camp Mount Hermon 23800 Parallel Road Tonganoxie, KS 66086	SE¼, S1, T11S, R20E, Leavenworth Co.	Nonoverflowing

Kansas Permit No. C-KS71-NO02

Facility Description: The proposed action is to issue a new permit for the operation of an existing wastewater treatment facility. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. There is a schedule of compliance in this permit to prevent stormwater from reaching the lagoon. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Kistler Service Inc. 1530 S.E. Hwy. K-96 Leon, KS 67074	SE¼, S19, T27S, R6E, Butler Co.	Nonoverflowing

Kansas Permit No. C-WA11-NO03

Facility Description: The proposed action is to issue a new permit for the operation of an existing wastewater treatment facility. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. There is a schedule of compliance in the permit for this facility to obtain the service of a certified operator. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Rolling Hills Refuge Wildlife Conservation Center 625 N. Hedville Road Salina, KS 67401	S9, T14S, R4W, Saline Co.	Nonoverflowing

Kansas Permit No. C-SA20-NO03

Facility Description: The proposed action is to issue a new permit for the operation of an existing wastewater treatment facility. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. There is a schedule of compliance in the permit for this facility to obtain the service of a certified operator. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
City of Severence P.O. Box 13 Severence, KS 66081	SE¼, S23, T3S; R19E, Doniphan Co.	Nonoverflowing

Kansas Permit No. M-MO20-NO01

Facility Description: The proposed action is to issue a new permit for the operation of an existing wastewater treatment facility. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. There is a schedule of compliance in the permit for this facility to obtain the service of a certified operator. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f).

**Public Notice No. KS-AG-99-157
 Application(s) for New or Expansion of
 Existing Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
Maple Creek Farms, L.L.C. - Coolidge Site P.O. Box 718 Leoti, KS 67861	Maple Creek Farms, L.L.C., James Hicks, Vice President P.O. Box 718 Leoti, KS 67861	Smoky Hill River Basin

Application Number 300 Federal Permit No. KS-0095001
 This is an application for a permit for the construction of a new 21,600 head (8,640 animal unit) swine facility. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-99-158/161
 Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Longbranch Farms Warren and Charlotte Scott 6294 N.E. Coalfield Road Scammon, KS 66773	NW¼ of Section 18 T32S, R25E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-F023
 This is for the renewal of a permit for 33,000 turkeys (594 animal units).
 Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Bayer Corporation Agriculture Division P.O. Box 390 Shawnee, KS 66201	SW¼ of Section 29, T12S, R22E, Johnson County	Kansas River

Kansas Permit No. A-KSJO-B001

This is a change of owner for an existing facility for 1,390 head (949 animal units) of mixed species livestock.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls are adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Doug Toll P.O. Box 186 Clifton, KS 66937	SW¼ of Section 25, T5S, R1E, Washington County	Republican River

Kansas Permit No. A-LRWS-H005 Federal Permit No. KS-0079537
 This is an expansion of an existing facility from 3,200 head (1,280 animal units) to 3,940 head (1,576 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The approved livestock waste management plan will become a part of this permit. A water level gauge shall be installed in each outdoor wastewater impoundment.

Name and Address of Applicant	Legal Description	Receiving Water
Maple Creek Farms, L.L.C. - Coolidge Site P.O. Box 718 Leoti, KS 67861	SE/4 of Section 22, T15S, R39W, Wallace County	Smoky Hill River Basin

Kansas Permit No. 300 Federal Permit No. KS-0095001
This is a new facility for 21,600 head (8,640 animal units) of swine weighing greater than 55 pounds each.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Permeability tests shall be conducted on the settling basin and the anaerobic lagoon. Within six months of the effective date of the permit, the owner/operator of the facility shall provide KDHE with a listing of the on-site dewatering equipment and provide KDHE with a copy of the lease/easement or agreement or proof of ownership of the property upon which the effluent from the facility is to be applied. Anaerobic lagoons shall be pre-filled to a minimum of 50 percent of the required biological volume.

Persons wishing to comment on or object to the draft permits 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 or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments regarding the draft permit or application notice postmarked or received on or before November 20 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-99-145/147, KS-ND-014/018, KS-AG-99-157, KS-AG-99-158/161) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation, and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

- Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place, Salina,

- 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600
- Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098; (316) 225-0596
- South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020
- Southeast District Office, 1500 W. 7th, Chanute, 66720, (316) 431-2390

Plans and documents for all new and expansions of existing swine facilities also may be reviewed on the Internet at www.kdhe.state.ks.us.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024424

State of Kansas

Kansas Parole Board

Permanent Administrative
Regulations

Article 9.—PAROLE VIOLATORS

45-9-1. General provisions. Any offender who is returned on a violator warrant issued by the secretary of corrections shall be brought before the board as soon as practical, unless the offender is eligible for and chooses to waive the right to the hearing before the board, pursuant to K.A.R. 45-9-4. Until a final hearing is held pursuant to K.A.R. 45-9-2, the warrant may be withdrawn at the request of the secretary of corrections, and the offender re-released on parole, conditional release, or post-release supervision. At that time, new conditions may be established or the conditions of parole, conditional release, or postrelease supervision may be modified by the board. (Authorized by K.S.A. 1998 Supp. 22-3717, as amended by L. 1999, Ch. 164, Sec. 20; implementing K.S.A. 1998 Supp. 75-5217, as amended by L. 1999, Ch. 54, Sec. 1, as further amended by L. 1999, Ch. 164, Sec. 35; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended May 1, 1988; amended Nov. 5, 1999.)

45-9-2. Release revocation hearings. (a) After an offender is returned to a correctional institution, the offender may request a hearing before the final decision on revocation by the board. Offenders on postrelease super-

(continued)

vision may waive the hearing pursuant to K.A.R. 45-9-4. The final hearing shall be held without unnecessary delay. The hearing to determine whether or not the release should be revoked shall be conducted by the board or any member of the board. After considering all pertinent evidence, an appropriate order shall be entered by the board. If the violation is established to the satisfaction of the board, the parole or conditional release may be reinstated or revoked by the board.

(b) Before the final hearing, the following information shall be provided to the offender by the board:

(1) Written notice of the alleged violations of the conditions of release; and

(2) the evidence against the offender. If the board finds that there are additional violations other than those contained in the written notice, the hearing shall be continued so that a written notice of the additional violations and a statement of the evidence against the offender can be prepared.

(c) The offender shall have the right to confront and cross-examine adverse witnesses, unless the board finds good cause for not allowing confrontation. If the board does not allow the offender to confront a witness, the reasons in the statement required by subsection (g) shall be specified by the board. If the offender had the opportunity to cross-examine a witness at the probable cause hearing provided for in K.A.R. 44-9-105, the record may be relied upon by the board, in lieu of calling that witness.

(d) The offender shall have an opportunity to be heard in person and to present documentary evidence and witnesses who can provide information relevant to the allegations of the violation of the conditions of release. Attendance of witnesses favorable to the offender is the responsibility of the offender and shall be at the offender's expense. The hearing may be continued from time to time to allow for the attendance of witnesses.

(e) All relevant evidence shall be received by the board, including letters and affidavits. If the violation of the conditions of release results from a conviction for a new felony or misdemeanor, the arrangement for the presence of witnesses shall not be the obligation of the board, and the only question considered by the board shall be whether or not the new conviction warrants revocation.

(f) Each offender shall be entitled to have legal counsel present at the hearing, at the offender's expense.

(1) Upon request and at the board's discretion, legal counsel may be appointed by the board, based upon either of the following claims, which shall be timely and colorable:

(A) The offender has not committed the alleged violation of the conditions upon which the offender is at liberty.

(B) There are substantial reasons that justify or mitigate the violation and make revocation inappropriate.

The board's decision regarding the appointment of counsel shall take into account whether or not the offender is capable of speaking effectively for that individual and whether or not the circumstances are complex or otherwise difficult to develop or present.

(2) In all cases in which a request for appointed counsel at a preliminary or final hearing is denied, the grounds for denial shall be made in writing.

(g) If the offender's release is revoked, a written statement as to the evidence relied on and reasons for revoking the release shall be given to the offender by the board. (Authorized by K.S.A. 1998 Supp. 22-3717, as amended by L. 1999, Ch. 164, Sec. 20; implementing K.S.A. 1998 Supp. 75-5217, as amended by L. 1999, Ch. 54, Sec. 1, as further amended by L. 1999, Ch. 164, Sec. 35; effective May 1, 1986; amended May 1, 1987; amended, T-45-8-29-97, Aug. 29, 1997; amended Feb. 20, 1998; amended Nov. 5, 1999.)

45-9-3. Computation of time. (a) An offender whose parole has been revoked may be required by the board to serve all or any part of the remaining time on the sentence up to the original conditional release date, plus all good time forfeited by the board. An offender whose conditional release has been revoked may be required by the board to serve all or any part of the remaining time on the sentence. An offender whose post-release supervision has been revoked for reasons other than conviction of a new crime shall serve a six-month period of confinement from the effective date of the revocation hearing or the effective date of the waiver of this hearing pursuant to K.A.R. 45-9-4, which may be reduced by not more than three months based on the offender's conduct, work, and program participation during this incarceration period, in accordance with rules and regulations adopted by the secretary of corrections. An offender with a new conviction and sentence shall also achieve parole eligibility on the new term or terms as determined by K.S.A. 1998 Supp. 22-3717, and amendments thereto, K.S.A. 21-4608, and amendments thereto, and in accordance with rules and regulations adopted by the secretary of corrections. An offender whose postrelease supervision has been revoked due to conviction of a new crime shall serve the entire remaining balance of the period of postrelease supervision.

(b) Statutory authorized good time credits, to be applied towards the conditional release date, shall be earned while on parole in the same manner as under an inmate status. All good time credits earned up to the parole revocation date may be forfeited by the board. Good time credits may also be earned and applied so as to reduce the period of postrelease supervision established pursuant to K.S.A. 1998 Supp. 22-3717 (d)(1)(A) or (B), and amendments thereto, by up to 12 months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision, pursuant to rules and regulations adopted by the secretary of corrections. The good time credits earned up to the date of revocation of postrelease supervision or waiver of final hearing before the board pursuant to K.A.R. 45-9-4 may likewise be forfeited by the board.

(c) A released offender for whose return a warrant has been issued by the secretary, shall, if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled from justice. If it shall appear that this fugitive has violated provisions of release, the time from the violation of the provision to the date of arrest as determined by the department of corrections shall not be counted as time served under the sentence unless approved by the board. (Authorized by K.S.A.

1998 Supp. 22-3717, as amended by L. 1999, Ch. 164, Sec. 20; implementing K.S.A. 1998 Supp. 75-5217, as amended by L. 1999, Ch. 54, Sec. 1, as further amended by L. 1999, Ch. 164, Sec. 35; effective May 1, 1986; amended May 1, 1987; amended Nov. 5, 1999.)

45-9-4. Waiver of final revocation hearing. (a) Supervised offenders who are serving only a determinate sentence shall be eligible to waive their final revocation hearing before the board if they meet the following conditions:

- (1) Are not charged with a condition violation alleging conviction of a new crime;
- (2) are not the subject of pending criminal charges or other detainers; and
- (3) are detained in a Kansas correctional facility, jail, or detention center.

Supervised offenders serving an indeterminate sentence shall not be permitted to waive their final revocation hearing before the board.

(b) Eligible offenders may waive their final revocation hearing at the time of service of the statement of condition violations, if they simultaneously waive the preliminary hearing on those violations provided by K.A.R. 44-9-105. If the offender elects not to waive the preliminary hearing, the revocation proceeding shall advance to a preliminary hearing. If, after that hearing, probable cause is established in regard to at least one of the alleged condition violations, the offender shall again be afforded the opportunity to waive the final revocation hearing before the board.

(c) At the time of presentation of the written waiver form by parole services staff, the offender shall be orally advised of the following:

- (1) Of the fact that execution of the waiver form signifies that the offender admits to guilt on all condition violations charged, unless the hearing officer specifically finds that a condition violation is not supported by probable cause; and
- (2) of the rights that the offender is waiving by execution of the written waiver form.

If the offender refuses to accept the waiver form or to execute it, the waiver shall be deemed to be rejected, and the revocation proceeding shall advance to the final hearing before the board.

(d) The offender shall make election by indicating in writing upon the waiver form whether or not the offender desires to accept the offer of waiver. The waiver shall be executed in the presence of parole services staff, or the offender shall acknowledge to parole services staff the authenticity of the offender's signature upon the form, which shall then be executed by parole services staff in the capacity of witness.

(e) Upon execution of the waiver form, the penalty period of incarceration prescribed by K.S.A. 75-5217(b), and amendments thereto, shall commence. The day upon which the waiver form is executed shall not be included in the computation.

(f) Offenders supervised in foreign jurisdictions under terms of the uniform act for out-of-state parolee supervision at K.S.A. 22-4101, and amendments thereto, who meet the criteria of subsection (a) above shall be afforded

the opportunity to waive their final revocation hearing before the board upon their return to a Kansas correctional facility. Presentation of the waiver form, the formalities of its execution, and its effect shall be governed in all respects by the provisions of subsections (c), (d), and (e) above.

(g) An offender shall not rescind a written waiver of final revocation hearing before the board unless the offender petitions the board in writing and proves any of the following to the satisfaction of the board in the form that the board may direct:

- (1) The offender was under duress at the time of execution of the waiver form.
- (2) The offender's execution of the waiver form was procured through fraud.
- (3) The offender was not advised that execution of the waiver form constitutes admission of guilt of the charged condition violation or violations.

(4) The offender was not advised of the rights that the offender would forego by execution of the waiver form.

The petition for rescission shall be submitted to the board postmarked by a date no later than 14 calendar days after the date of the allegedly defective waiver. If the board grants the offender's petition, the charge of any condition violation shall be rescheduled for a preliminary hearing or a final revocation hearing, as applicable. If postrelease supervision is revoked by the board at the final hearing and the offender is ordered to serve an incarceration penalty period, this penalty period shall commence on the date of the revocation. The day upon which postrelease supervision is revoked shall not be included in the computation of the incarceration penalty period.

(h) Offenders who are held in a detention status, whether in a Kansas correctional facility, jail, or detention center, or in a jail or correctional facility in a foreign jurisdiction, pursuant to a conditions violation warrant or a finding of probable cause of violation of a condition of supervision, as of the effective date of this regulation, and who meet the criteria set forth in subsection (a) above, shall be afforded opportunity to waive their final revocation hearing before the board in accordance with subsections (b), (c), and (d) above. In the case of an offender detained in a foreign jurisdiction pursuant to a conditions violation warrant or a finding of probable cause of violation of a condition of supervision, the waiver form shall be presented to the offender upon the offender's return to a Kansas correctional facility and, if executed by the offender, shall be effective as set forth in subsection (e) above. (Authorized by K.S.A. 1998 Supp. 22-3717, as amended by L. 1999, Ch. 164, Sec. 20 and K.S.A. 1998 Supp. 75-5217, as amended by L. 1999, Ch. 54, Sec. 1, as further amended by L. 1999, Ch. 164, Sec. 35; implementing K.S.A. 1998 Supp. 75-5217, as amended by L. 1999, Ch. 54, Sec. 1, as further amended by L. 1999, Ch. 164, Sec. 35; effective, T-45-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

Marilyn Scafe
Chairperson

Doc. No. 024412

State of Kansas

Department of Health
and Environment

Permanent Administrative
Regulations

Article 4.—MATERNAL AND CHILD HEALTH

28-4-330. Definitions. (a) "Administrator" means a person employed by a secure residential treatment facility who is responsible for the overall administration of the facility.

(b) "Basement" means each area with a floor level more than 30 inches below ground level on all four sides.

(c) "Clinical director" means a person who is employed by the secure residential treatment facility, who is responsible for the overall treatment program, and who is approved by the Kansas behavioral sciences regulatory board, Kansas board of nursing, or Kansas board of healing arts to diagnose and treat mental and behavioral disorders.

(d) "Corporal punishment" means an activity directed toward modifying a youth's behavior by means of adverse physical contact, including spanking with the hand or an implement, slapping, swatting, pulling hair, or any similar activity.

(e) "Department" means the Kansas department of health and environment.

(f) "Discipline" means the ongoing process of helping youth develop inner control so that they can manage their own behavior in a socially approved manner.

(g) "Individual plan of care" means a written, goal-oriented treatment plan to enable a youth to function in a less restrictive environment, including the planned programs, therapies, and activities designed to move the individual to a level of functioning consistent with living in a community setting.

(h) "Involuntary seclusion" means the removal of a youth from other youths to a separate locked room or quarters.

(i) "License" means a document issued by the Kansas department of health and environment that authorizes a licensee to operate and maintain a secure residential treatment facility.

(j) "Program" means the comprehensive and coordinated activities and services providing for the care, protection, and treatment of youth.

(k) "Program director" means the staff person responsible for the oversight and implementation of the program.

(l) "Restraint" means the application of any devices, other than human force alone, to any part of the body of a youth in care for the purpose of preventing the youth from causing injury to oneself or others.

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

(n) "Secure facility" means a child care facility that is operated or structured to ensure that the entrances and exits from the facility are under the exclusive control of the staff.

(o) "Secure residential treatment facility" means a secure facility operated or structured to provide a therapeutic residential care alternative to psychiatric hospitalization for five or more youth with a diagnosis of a severe emotional, behavioral, or psychiatric condition.

(p) "Treatment" means comprehensive, individualized, goal-directed, therapeutic services provided to youth.

(q) "Treatment team" means the secure residential treatment facility's interdisciplinary personnel responsible for the development, implementation, and evaluation of each youth's individualized plan of care.

(r) "Youth" means a person or persons who are admitted to a secure residential treatment facility for treatment.

(s) "Youth care staff" means the persons employed by the secure residential treatment facility to supervise the youth.

(t) "Youth record" means any electronic or written document concerning a youth admitted to a secure residential treatment facility that is created or obtained by an employee of the secure residential treatment facility. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-331. Licensing procedures. (a) Each person, corporation, firm, association, or other organization desiring to operate a secure residential treatment facility that provides treatment to youth under 16 years of age shall apply for a license on forms provided by the department.

(b) A person, corporation, firm, association, or other organization shall not operate a secure residential treatment facility that provides treatment to youth under 16 years of age, unless issued a license by the department.

(c) In addition to the application for a license, each applicant shall submit a written proposal that details the purpose of the facility; the administration, financing, and staffing; and the services and treatment to be offered, including the age range and sex of youth to be served.

(d) Each applicant shall submit identifying information that is necessary to complete criminal history and child abuse registry background checks for all persons 10 years of age and older residing, working, or regularly volunteering in the secure residential treatment facility. The identifying information shall be submitted on forms provided by the department. The identifying information shall be submitted at the time of application for an original license, at the time of application for renewal of a license, and before each new person resides, works, or regularly volunteers in the secure residential treatment facility. Youth admitted into a secure residential treatment facility for care and treatment shall not be considered to be residing in the secure residential treatment facility for the purposes of criminal history or child abuse background checks.

(e) Each applicant shall submit to the department plans for each building that will be used as a secure residential treatment facility. Each plan shall state whether or not the secure residential treatment facility will rely on locked entrances and exits to secure the facility.

(f) Each applicant shall submit a code footprint for each building to be used as a secure residential treatment

facility to the Kansas state fire marshal's office for approval. Each applicant shall provide to the department a copy of the approval of the Kansas state fire marshal's office before a license is issued.

(g) Each applicant shall be issued a license if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 through 65-516, and amendments thereto, and regulations promulgated pursuant to these statutes and if the license fee required by K.S.A. 65-505, and amendments thereto, is submitted. Each license shall be prominently displayed within the facility.

(h) Each licensee shall apply for renewal of the license annually on forms supplied by the department and shall submit the fee required by K.S.A. 65-505, and amendments thereto.

(i) Each application for an original license or for renewal of a license may be withdrawn at any time upon request by the applicant. Each applicant shall submit a new application to the department before reopening a facility.

(j) A new application and fee shall be submitted for each change of ownership, sponsorship, or location.

(k) Each applicant or licensee receiving notice of the denial or revocation of a license shall be notified of the right to an administrative hearing by the department, and subsequently of the right of appeal to the district court.

(l) Exceptions.

(1) Any applicant or licensee may submit to the department a written request for an exception to a regulation. Each exception shall be granted if the secretary or the secretary's designee determines the exception to be in the best interest of a youth or the youth's family, and if the exception does not violate statutory requirements.

(2) Written notice of each request for an exception that is approved by the secretary shall be provided to the applicant or licensee by the secretary or the secretary's designee. Each written notice shall state the nature of the exception and its duration and shall be posted with the license. (Authorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-501, 65-504, 65-505, 65-506, and 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-332. Terms of license. (a) The maximum number of youth and the age range of youth who may be treated in each secure residential treatment facility shall be specified on the facility's license. No youth less than 10 years of age shall be admitted to a secure residential treatment facility. No youth more than 18 years of age shall be admitted to a secure residential treatment facility, but any person admitted for treatment may continue to receive treatment until that person is 21 years of age.

(b) Each license issued by the department shall be valid only for the firm, corporation, or association appearing on the license and for the address listed on the license.

(c) Advertising for each secure residential treatment facility shall conform to the statement of services as given on the application. A claim for specialized services shall not be made unless the secure residential treatment facility is staffed and equipped to offer those services. (Au-

thorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-501, 65-504, 65-508, and 65-510; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-333. Administration. (a) Organization.

(1) Each secure residential treatment facility shall be governed by one of the following entities:

(A) A public agency, who shall employ an administrator for the secure residential treatment facility; or

(B) a private entity with a governing board that is legally responsible for the operation, policies, finances, and general management of the secure residential treatment facility. The private entity shall employ an administrator for the secure residential treatment facility. The administrator shall not be a voting member of the governing board.

(2) If the licensee is a private corporation, it shall be a corporation qualified in the state of Kansas and shall operate in accordance with established by-laws. The licensee shall furnish a copy of the articles of incorporation and by-laws to the department before a license is issued. One of these documents shall include a nondiscrimination statement that complies with state and federal civil rights laws.

(b) Administrative policies.

(1) A copy of these regulations for secure residential treatment facilities for youth shall be kept on the premises at all times and shall be made available to all staff members.

(2) Each licensee shall develop and implement a quality assurance program to ensure consistent compliance with these regulations. The quality assurance program shall provide for review of the facility's policies, procedures and practices, including their consistency with licensure requirements.

(3) Each licensee shall establish written plans and policies of organization and administration clearly defining legal responsibility, administrative authority, and responsibility for comprehensive services, including an organizational chart approved by the licensee.

(4) Personnel and administrative policies shall be distributed to staff members.

(c) Finances.

(1) Funding.

(A) Each secure residential treatment facility shall have sound and sufficient finances to ensure effective services. The licensee shall be responsible for financing plans. The licensee shall provide the financial resources necessary to maintain compliance with the regulations.

(B) If the licensee is a charitable organization, all solicitation of funds conducted in Kansas shall be in compliance with K.S.A. 17-1759 et seq., and amendments thereto.

(C) Youth shall not be used in any fund-raising efforts.

(2) Financial records.

(A) Each secure residential treatment facility shall maintain financial records that are sufficient to verify resources and expenditures. Each secure residential treatment facility shall account for major expenditures on behalf of the youth for whom payment is received.

(B) Each youth's personal money shall be kept separate from the facility funds. Each secure residential treatment

(continued)

facility shall maintain financial records of each youth's personal money.

(C) A yearly audit by an independent accountant shall be conducted, and a copy of the audit shall be available at the secure residential treatment facility for review by the staff of the Kansas department of social and rehabilitation services, the juvenile justice authority, and the department.

(D) Each secure residential treatment facility shall have an annual financial statement verifying assets and liabilities. The licensee shall make the annual financial statement available to the Kansas department of social and rehabilitation services, the juvenile justice authority, and the department.

(3) Insurance.

(A) Each secure residential treatment facility shall maintain the following insurance:

(i) Professional and civil liability insurance for all employees; and

(ii) liability insurance for injury or personal property damage.

(B) Each licensee shall purchase one or more motor vehicle liability insurance policies covering each vehicle owned or operated by the facility. Each policy shall contain the following limits of liability, exclusive of interest and costs:

(i) Not less than \$100,000 for personal injury or death in any one accident;

(ii) not less than \$300,000 for personal injury to, or the death of, two or more persons in any one accident; and

(iii) not less than \$50,000 for harm to, or destruction of, property of others in any one accident.

(d) Personnel policies.

(1) Each secure residential treatment facility shall have written personnel policies, which shall be approved and reviewed annually by the governing body. The personnel policies shall be provided to each staff member upon employment. The personnel policies shall include the following:

(A) Hiring practices;

(B) job descriptions, including qualifications, duties, and responsibilities for each staff position;

(C) policies regarding hours of work;

(D) sick and vacation leave policies;

(E) grievance procedures; and

(F) a description of salaries, benefits, and staff development practices.

(2) A personnel record shall be maintained for each employee and shall be made available to the employee upon written request.

(e) Staffing.

(1) The governing body of each secure residential treatment facility shall designate an administrator whose responsibility is the overall administration of the facility.

(2) A written daily staff schedule shall be developed and followed. The staff schedule shall meet all of the following requirements:

(A) The schedule shall provide for adequate staff on the living unit to directly supervise and interact with the youth at all times, to implement each youth's individual plan for care, and to provide for each youth's physical, social, emotional, and educational needs.

(B) The schedule shall provide for a minimum ratio of one youth care staff member on active duty to seven youth during waking hours and one youth care staff member on active duty to 10 youth during sleeping hours.

(C) At least one youth care staff member of the same sex as the youth shall be present, awake, and available to the youth at all times. If both male and female youth are present in the secure residential treatment facility, at least one male and one female youth care staff member shall be present, awake, and available.

(3) At no time shall there be fewer than two youth care staff members present on the living unit when one or more youth are in care.

(4) Youth shall not be left in a room unattended except that, during sleeping hours, the minimum ratio of youth care staff shall be immediately available in a connecting area to the sleeping rooms. Supervision of youth in involuntary seclusion shall comply with K.A.R. 28-4-338(c).

(5) Alternate qualified youth care staff members shall be provided for the relief of the regular staff members on a one-to-one basis and in compliance with the staffing pattern required in paragraph (e)(2) of this regulation.

(6) Electronic supervision shall not replace the youth care staffing requirements.

(7) Auxiliary staff members shall be available as needed. The auxiliary staff shall include food service, clerical, and maintenance personnel. Auxiliary staff members shall not be included in meeting the minimum ratio of youth care staff to youth.

(8) Professional consultant services shall be available, to the extent necessary, to meet the needs of the youth served. Professional consultants shall include physicians, dentists, nurses, clergy, social workers, psychologists, psychiatrists, teachers, and dietitians.

(9) A volunteer shall not be used as a substitute for a youth care staff member, but shall augment the services provided by the staff.

(10) A staff person designated to be in charge of the secure residential treatment facility shall be on-site at all times when a youth is in care. Procedures shall be in place to ensure that all staff members know who is in charge.

(f) Community and volunteer involvement.

(1) Each secure residential treatment facility shall establish written policies and procedures that provide for securing community and volunteer involvement in facility programs. The policies and procedures shall specify a screening and selection process for volunteers and shall encourage recruitment from all cultural and socioeconomic segments of the community.

(2) Written policies and procedures for volunteers shall include the following:

(A) A description of the lines and scope of authority, responsibility, and accountability for volunteers;

(B) orientation and training requirements for each volunteer; and

(C) a requirement that each volunteer who provides professional services must meet the same requirements as would be expected of a paid professional staff member providing the same services.

(3) Each volunteer shall agree, in writing, to abide by all secure residential treatment facility policies, specifi-

cally including those relating to security, confidentiality of information, and mandatory reporting laws pertaining to suspected abuse, neglect, and exploitation of youth.

(4) Each volunteer in contact with youth shall have a health assessment, including a screen for tuberculosis. (Authorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-508 and 65-516; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-334. Staff development. (a) Each person having contact with youth shall demonstrate emotional maturity, sound judgment, and a sound knowledge of the developmental needs of youth.

(b) Administrator qualifications.

(1) Each administrator shall demonstrate the following:

(A) Knowledge of the principles, practices, methods, and techniques of administration and management;

(B) ability to train, supervise, plan, direct, and evaluate the work of others, as documented by experience, training, or a combination of both;

(C) ability to establish and maintain effective working relationships with others;

(D) ability to establish and maintain effective working relationships with governmental agencies, schools, other treatment facilities, and community organizations;

(E) knowledge of the methods and techniques used in dealing with youth in a residential setting; and

(F) knowledge of principles and techniques of behavioral and mental health treatment and care of youth and of the growth, development, needs, and unique problems of youth.

(2) Each administrator shall have a master's degree in social work or a related field, or a bachelor's degree in social work, human development and family life, psychology, or education. Each administrator shall have a minimum of three years of supervisory experience within a child care facility providing treatment to youth.

(c) Each secure residential treatment facility shall have a program director who is responsible for oversight and implementation of the secure residential treatment facility's program. Each program director shall have a master's degree in social work, psychology, nursing, or a related field, and shall have a minimum of one year of supervisory experience in a treatment facility serving youth. In secure residential treatment facilities with more than 20 youth, the program director shall not be the administrator.

(d) All youth care staff and alternate youth care staff shall meet the following requirements:

(1) Be 21 years of age or older;

(2) have a high school diploma or its equivalent; and

(3) have completed one or more of one of the following:

(A) Three semester hours of college-level study in adolescent development, psychology, or a related subject;

(B) 45 clock hours of training in child care or child development; or

(C) one year of experience as a child care worker or house parent in a facility serving youth.

(e) Professional staff and consultants shall meet all Kansas qualification and licensing requirements for their profession.

(f) Each food service employee shall meet all of the following requirements:

(1) Comply with the Kansas health standards established in K.A.R. 28-36-22;

(2) possess knowledge of the nutritional needs of children and youth;

(3) understand quantity food preparation and service concepts; and

(4) practice sanitary food handling and storage methods.

(g) Staff professional development. Each secure residential treatment facility shall provide and monitor professional development programs, which shall consist of activities designed to achieve specific learning objectives. Professional development may occur through workshops, seminars, or staff meetings; or through closely supervised, on-the-job training.

(1) Each secure residential treatment facility shall have written policies and procedures governing orientation and in-service training. Each employee shall receive orientation training before being assigned an independent job duty.

(2) Each youth care staff member shall receive a minimum of eight hours of orientation training before assuming any responsibility for supervising youth and an additional 32 clock hours of orientation training before assuming independent responsibility for supervision of youth. Orientation training shall include all of the following topics:

(A) Accident and injury prevention;

(B) child abuse, neglect, and exploitation reporting requirements;

(C) crisis management and intervention;

(D) emergency and safety procedures to follow in the event of an emergency, bomb threat, fire, tornado, riot, or flood;

(E) facility policies and procedures;

(F) first aid, including rescue breathing;

(G) health, sanitation, and safety measures;

(H) job duties and responsibilities;

(I) the rights of the youth;

(J) observation of symptoms of illness and communicable diseases;

(K) policies regarding behavior management, use of restraints, and involuntary seclusion;

(L) problem solving methods;

(M) report writing methods;

(N) security procedures; and

(O) suicide prevention.

(3) Each program director and each person having contact with youth shall complete a minimum of 40 clock hours of in-service training per year. In-service training shall include the following topics:

(A) Accident and injury prevention;

(B) child abuse symptoms and reporting requirements;

(C) child care practices;

(D) child psycho-social growth and development;

(E) first aid, including rescue breathing;

(F) the rights of the youth;

(G) licensing regulations;

(continued)

(H) observations of symptoms of illness and communicable diseases;

(I) suicide prevention;

(J) use of restraints and seclusion; and

(K) crisis management.

(4) Each program director shall attend a minimum of one training event per year away from the facility, in addition to the in-service training conducted at the facility.

(5) Each person's in-service training shall be documented in that person's personnel file. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-335. Admission and release policies. (a) Before admission, each youth shall be evaluated by a person approved by the Kansas behavioral sciences regulatory board, Kansas board of nursing, or Kansas board of healing arts to diagnose and treat mental and behavioral disorders, or by a qualified mental health professional as defined in K.S.A. 59-2946(j) and amendments thereto, to determine all of the following:

(1) Whether or not the youth is a danger to self or others;

(2) whether or not secure treatment is clinically indicated; and

(3) whether or not there are other less restrictive facilities that could meet the youth's needs.

(b) Any youth may be admitted to the secure residential treatment facility if the preadmission evaluation of the youth indicates all of the following:

(1) The youth is a danger to self or others.

(2) The youth requires treatment in a secure setting.

(3) Less restrictive care is not available to meet the youth's needs.

(c) All written admission policies and procedures of the facility shall conform with the goals and purposes of the facility.

(d) Admission procedures and practice shall include provisions for the following:

(1) Collecting identifying information;

(2) completing a health history checklist, which shall be completed on a form approved by the department and which shall include a description of bruises, abrasions, symptoms of illness, and current medications;

(3) assessing the youth's suicide risk potential, assault potential, and escape risk;

(4) conducting an intake interview;

(5) providing an orientation to the secure residential treatment facility in a manner that is understandable to the youth. Completion of the orientation and receipt of all written orientation materials shall be documented by a signed statement from the youth;

(6) completing an inventory that documents the youth's clothing and personal possessions and their disposition. Each inventory shall include a written list of all money and personal property of the youth, shall be signed by the youth and the admitting staff member, and shall be kept with the youth's record. If the youth refuses to sign the inventory, the refusal shall be documented in the youth's record;

(7) distributing personal hygiene items;

(8) providing for a shower and hair care;

(9) issuing clean, laundered clothing, if necessary; and

(10) assigning the youth to a sleeping room.

(e) No youth shall be admitted who shows evidence of being seriously physically ill, injured, or under the influence of alcohol or drugs until the youth is examined and approved for admission by a physician licensed to practice in Kansas.

(f) A licensee or employee of a secure residential treatment facility shall not accept permanent legal guardianship of a youth.

(g) Release policies.

(1) All releases shall be authorized by the treatment team or the legal custodian.

(2) Temporary releases for court attendance, medical appointments, placement visits, or other necessary purposes shall be permitted when authorized by the parent or legal guardian or the court.

(3) The secure residential treatment facility shall provide release forms to be signed by the person to whom the youth is released and by the staff person releasing the youth.

(4) Procedures and practices for the discharge of youth shall include provisions for the following:

(A) Verification of identity of the youth and the person to whom the youth is released;

(B) completion of any pending action, including any grievance or claim for damages or lost possessions;

(C) transportation arrangements;

(D) instructions for forwarding mail; and

(E) return of money and personal property to the youth. A receipt for all money and personal property shall be signed by the youth.

(h) Length of treatment.

(1) Each youth shall be released or transferred within six months of the youth's admission date.

(2) A secure residential treatment facility may request that a youth remain in the facility longer than six months, if the treatment team determines that continued treatment in a secure residential treatment facility is necessary and the department approves an extension of treatment.

(3) Each written request for an extension shall be submitted to the department before the end of the six-month period. The request shall include the following information:

(A) The name of the youth;

(B) the reason why the extension is needed; and

(C) the length of time of the requested extension.

(4) If it is determined to be in the best interest of the youth and the youth's family, the request shall be approved by the department. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-336. Program and services. (a) Each secure residential treatment facility shall keep documentation of each youth's preadmission evaluation in the youth's file.

(b) An interdisciplinary treatment team shall develop an individualized plan of care for each youth admitted to the secure residential treatment facility. The team shall review the treatment plan every 30 days and shall update the treatment plan as necessary. Each review shall be documented and signed by the clinical director or the clinical director's designee.

(c) The treatment team shall be headed by the clinical director or the clinical director's designee.

(d) Each facility shall maintain a written plan and daily routine for all youth, which shall include the following:

- (1) Meals;
- (2) rest and sleep;
- (3) personal hygiene;
- (4) physical exercise;
- (5) recreation;
- (6) mental health services;
- (7) education; and
- (8) social services.

(e) Classroom instruction shall be provided on-site by teachers holding appropriate certification from the Kansas board of education.

(1) The staff of the secure residential treatment facility shall coordinate education services with the local school district. During the local school year, each youth shall receive a minimum of six hours of instruction per day, excluding weekends and holidays.

(2) For each youth currently enrolled in a Kansas public school, the staff of the secure residential treatment facility shall maintain contact with the youth's home school district to ensure the continuity of each youth's education.

(3) The staff of the facility shall provide a regular schedule of instruction and related educational services appropriate to the needs of each youth.

(4) Youth care staff shall be stationed in proximity to the classroom, with frequent, direct, physical observation of the classroom activity at least every 15 minutes, to provide immediate support to the teacher.

(f) Library services.

(1) Each secure residential treatment facility shall have written policies and procedures that govern the facility's library program, including acquisition of materials, hours of availability, and staffing.

(2) Library services shall be available to all youth.

(A) Reading and other library materials may be provided for use during non-library hours.

(B) Library materials shall be appropriate for various levels of competency.

(C) Reading material shall reflect a variety of interests.

(g) Recreation.

(1) Each secure residential treatment facility shall provide indoor and outdoor recreational areas and equipment where security and visual supervision can be easily maintained. Unless restricted for health reasons, all youth shall be allowed to engage in supervised indoor and outdoor recreation on a daily basis.

(2) Art and craft supplies, books, current magazines, games, and other indoor recreational materials shall be provided for leisure time activities.

(h) Work.

(1) Work assignments shall not be used as a substitute for recreation.

(2) Youth shall be prohibited from performing the following duties:

(A) Personal services for the staff;

(B) cleaning or maintaining areas away from the facility;

(C) replacing employed staff; or

(D) any work experience defined as hazardous by the Kansas department of human resources regulations governing child labor.

(3) After receiving the required youth care staff orientation and training, auxiliary staff may supervise work activities. Youth care staff shall be within visual and auditory distance to provide immediate support, if necessary.

(i) Visitation and communication.

(1) Each secure residential treatment facility shall provide telephone and contact visitation rights for parents, legal guardians, legal representatives, and other visitors approved by personnel designated by the administrator. Private telephone conversation and visitation shall be allowed, except when a need to protect the youth is clinically indicated, as documented in the youth's individual plan for care.

(2) The facility shall make written policies and procedures regarding telephone use and visitation available to all youth, parents, legal guardians, and legal representatives.

(3) A youth shall not be denied the right to contact an attorney or court counselor. No court counselor or attorney shall be refused visitation with a youth to whom the counselor or attorney is assigned.

(4) Staff of the secure residential treatment facility shall not censor mail or written communication, except to check for contraband, unless there is sufficient reason to believe that the security of the facility is at risk. Suspect mail shall be opened by staff in the presence of the addressee. If mail is to be read, the youth shall be informed in advance and shall be present when the mail is opened. The reason for each occasion of censorship shall be documented and kept in the youth's record.

(5) Writing materials and postage for the purposes of correspondence shall be available to youth. Materials and postage for at least two letters per week shall be provided for each youth.

(6) First-class letters and packages shall be forwarded after the transfer or release of each youth.

(j) Transportation. Each secure residential treatment facility shall establish and implement written policies and procedures for transporting youth.

(1) The transportation policies and procedures shall include all of the following information:

(A) A list of the persons authorized to transport youth for the secure residential treatment facility;

(B) a description of precautions to prevent escape during transfer;

(C) documentation of a current and appropriate license for each secure residential treatment facility driver for the type of vehicle in use;

(D) provisions for maintaining documentation of current insurance in the transporting vehicle if the licensee is a private entity; and

(E) procedures to be followed in case of accident, injury, or other critical incident, including notification procedures.

(2) Each transporting vehicle owned or leased by the secure residential treatment facility shall have a yearly safety check. A record of the yearly safety check and all

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repairs or improvements made shall be kept on file at the secure residential treatment facility. When youth are transported in a privately owned vehicle, the vehicle shall be in good working condition.

(3) Each vehicle used by the secure residential treatment facility to transport youth shall be equipped with an individual seat belt for the driver, each youth passenger, and each additional passenger. The driver, each youth passenger, and each additional passenger shall be required to use the seat belts at all times.

(4) Smoking in the transporting vehicle shall be prohibited while youth are being transported.

(5) Youth shall be delivered to the designated destination by the most direct route.

(6) Youth shall not be shackled or confined with mechanical restraints when being transported by staff. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-337. Records. (a) Personnel records. Each secure residential treatment facility shall maintain individual personnel records for each staff member, which shall include the following information:

(1) The staff member's job application, including all of the following:

- (A) Identifying information;
- (B) the staff member's qualifications; and
- (C) character and employment references;

(2) a description of the staff member's terms of employment and a copy of the staff member's job description;

(3) documentation of the staff member's employment dates and a copy of each of the staff member's annual performance reviews;

(4) the staff member's health certificates, including a record of the results of a health assessment and tuberculin test, documented on forms supplied or approved by the department;

(5) documentation of orientation, in-service training, and continuing education completed by the staff members;

(6) documentation of the report submitted to the department for the purpose of a background check for criminal and child abuse histories, to determine compliance with K.S.A. 65-516, and amendments thereto;

(7) documentation that the staff member has read, understands, and agrees to all of the following:

(A) The statutes and regulations regarding mandatory reporting of suspected child abuse, neglect, and exploitation;

(B) the regulations for licensing secure residential treatment facilities for youth;

(C) the secure residential treatment facility's policies and procedures, including personnel, administrative, daily, and behavior management policies and procedures; and

(D) policies providing for a drug-free workplace; and

(8) a copy of each grievance and incident report regarding the specific staff member, including documentation regarding the means of resolution of each report.

(b) Volunteer records. Each secure residential treatment facility shall maintain individual volunteer records

documenting the facility-related activities of each volunteer. The records shall include the following:

(1) The volunteer's identifying information;

(2) a copy of the volunteer's job description;

(3) documentation of the volunteer's dates of service and a copy of each of the volunteer's performance reviews;

(4) documentation of orientation provided to the volunteer regarding the secure residential treatment facility and specific assignments given to the volunteer;

(5) documentation that the volunteer has read, understands, and agrees to follow the policies and procedures of the secure residential treatment facility, including those related to security, confidentiality of information, and mandatory reporting of suspected child abuse and neglect;

(6) documentation of freedom from active tuberculosis;

(7) documentation of the report submitted to the department for the purpose of a background check for criminal and child abuse histories, to determine compliance with K.S.A. 65-516, and amendments thereto; and

(8) a copy of the health assessment as required in K.A.R. 28-4-333(f)(4).

(c) Youth records.

(1) Each secure residential treatment facility shall establish and implement written policies and procedures governing management of youth records. These policies and procedures shall include provisions for the following:

(A) Establishment, utilization, content, privacy, security, and preservation of records;

(B) a schedule for the retirement and destruction of inactive case records; and

(C) a review of the youth record policies and procedures at least annually and revision as needed.

(2) Each secure residential treatment facility shall keep a register of all youth in care. The register shall include the following information for each youth:

(A) Name;

(B) date of birth;

(C) the name and address of each parent or legal guardian;

(D) the name and address of the legal custodian, if not the parent or legal guardian;

(E) the name and address of the closest living relative, if other than a parent or guardian;

(F) the reason for admission; and

(G) the dates of admission and release.

(3) Each facility shall keep individual records for each youth, which shall include the following:

(A) The youth's identifying information;

(B) a description of the youth's legal status;

(C) the name of the youth's legal custodian;

(D) medical and dental permission forms, signed by a parent or legal guardian. The permission form used shall be one that is acceptable to the vendor who will provide the service; and

(E) a written inventory of all money and personal property of the youth signed by the youth and the admitting staff member as required by K.A.R. 28-4-335(d).

(4) Each facility shall keep a daily log of each youth's behavior in the youth's individual record file, with notations regarding any special problems and the response of the staff to any problems. Each entry shall be initialed by the staff member making the entry.

(5) A list of all youth receiving treatment shall be submitted on forms provided by the department upon request.

(6) Information from a youth's record shall not be released without written permission from the youth's parent or legal guardian. Improper disclosure of records or information regarding a youth shall be grounds for revocation or suspension of the secure residential treatment facility's license or denial of a facility's application for licensure.

(7) The written policies, procedures, and practices regarding youth records shall provide for the transfer of a youth's record upon release of a youth to a residential care facility. Each secure residential treatment facility shall ensure that each youth's record precedes or accompanies the youth. The case file information shall include the following:

- (A) Identifying information;
- (B) medical records;
- (C) immunization records;
- (D) insurance information;
- (E) the youth's medical card, when applicable;
- (F) school placement information, including present courses of study; and
- (G) the name and address of each parent or legal guardian.

(8) Additional case file information to be transferred shall accompany the youth or be transferred within 72 hours. (Authorized by K.S.A. 1998 Supp. 65-508; implementing K.S.A. 1998 Supp. 65-508 and 65-516; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-338. Behavior management. (a) Policies.

(1) Each secure residential treatment facility shall establish and implement written policy providing for a behavior management system that assists youth to develop inner control and manage their own behavior in a socially acceptable manner. The policy shall provide the following:

- (A) Expectations that are age appropriate and that allow for special abilities and limitations; and
- (B) positive and negative consequences related to each expectation.

(2) Each facility shall establish written rules of youth conduct that define expected behaviors and related consequences.

(A) A rule book containing expected behaviors, ranges of consequences, and disciplinary procedures shall be given to each youth and youth care staff member.

(B) An acknowledgment of receipt of the rule book shall be signed by each youth and kept in each youth's record.

(C) If a literacy or language problem prevents a youth from understanding the rule book, a staff member or translator shall assist the youth in understanding the rules.

(3) Each staff member who has direct contact with youth shall be thoroughly familiar with the rules of youth

conduct, the rationale for the rules, and the intervention options available.

(b) Discipline.

(1) Discipline that is humiliating, frightening, or physically harmful to the youth shall not be used at any time. Each youth shall be protected against all forms of neglect, exploitation, or degrading forms of discipline. No youth shall be isolated or confined in any dark space. Electronic monitoring or an audio communication system shall not replace the required presence of a youth care staff member.

(2) Corporal punishment shall not be used.

(3) Under no circumstances shall any youth be deprived of meals, clothing, sleep, medical services, exercise, correspondence, parental contact, or legal assistance for disciplinary purposes. If a youth is in involuntary seclusion during normal school hours, school work shall be provided to the youth.

(4) Under no circumstances shall any youth be allowed to supervise or to administer discipline to another youth.

(c) Involuntary seclusion.

(1) Involuntary seclusion shall be permitted within a secure residential treatment facility only when a youth is out of control, continually refuses to obey reasonable and lawful requests, or behaves in a way that presents a threat to self or others.

(2) Each secure residential treatment facility shall establish and implement written policies and procedures that govern the use of involuntary seclusion. The policies and procedures shall include provisions that meet the following conditions and requirements:

(A) Permit the use of involuntary seclusion if all other less restrictive methods to prevent immediate, substantial bodily injury to the youth or others have been attempted and have failed to prevent immediate and substantial bodily injury to the youth or others and if all alternative measures to prevent injury are not sufficient to accomplish this purpose;

(B) require a written order by the program director of the secure residential treatment facility, physician, psychologist, or other approved staff member each time a youth is placed in or released from involuntary seclusion;

(C) ensure that no more than one youth is placed in an involuntary seclusion room at any one time;

(D) provide for a search of each youth and removal of any items that may be used to injure oneself or others before admission to the involuntary seclusion room;

(E) ensure that each youth is provided appropriate clothing at all times;

(F) ensure that each youth in involuntary seclusion is provided with a mattress on a clean, level surface above floor level;

(G) ensure that each youth receives all meals and snacks normally served and is allowed time to exercise and perform necessary bodily functions;

(H) ensure that each youth has prompt access to drinking water and washroom facilities;

(I) ensure that the designated staff member on duty makes appropriate entries in the youth's records regarding the use of involuntary seclusion;

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(J) ensure that at least one youth care staff member is in the proximity of each youth in involuntary seclusion at all times, with direct, physical observation at least every 15 minutes. At the time of each observation, all of the following activities shall occur:

(i) Interactive intervention shall be attempted, unless the youth is sleeping;

(ii) the result of the intervention shall be recorded; and

(iii) the condition of the youth shall be recorded;

(K) ensure constant supervision if a youth is considered suicidal; and

(L) provide for an assessment of the need for continued involuntary seclusion at each shift change and for documentation of the reasons that involuntary seclusion is continued.

(3) Electronic or auditory devices shall not be used to replace staff supervision of youth in involuntary seclusion.

(4) A youth shall not remain in involuntary seclusion for more than 24 hours without written approval of the program director or the program director's designee. No staff person who was involved in the incident leading to involuntary seclusion shall be permitted to approve an extension of the involuntary seclusion.

(5) The program director or designee who approved the extended involuntary seclusion shall visit with each isolated youth at least once within each eight-hour period after the first 24 hours.

(6) Written approval of the program director or program director's designee shall be required for each eight-hour period that involuntary seclusion is extended, beyond the first 24 hours.

(7) Involuntary seclusion shall not exceed 48 hours for any reason unless the youth continues to behave in a way that presents a threat to oneself or others.

(8) If a youth requires more than 48 consecutive hours of involuntary seclusion or more than 72 cumulative hours of involuntary seclusion within any seven-day period, or is placed on suicide watch, an emergency staff meeting shall be held to discuss the appropriateness of the youth's individual plan of care.

(A) Participants in the emergency staff meeting shall include the following:

(i) The youth, if behavior permits;

(ii) the program director or the program director's designee;

(iii) a physician, clinical psychologist, or clinical social worker who has assessed the youth; and

(iv) any other appropriate staff member.

(B) The youth's parents or legal guardian shall be notified of the emergency staff meeting and invited to participate. Documentation of notifications shall be kept in the youth's record.

(C) The results of the emergency staff meeting shall be recorded and maintained on file.

(9) All youth care staff and program personnel shall be informed at all times of the current status of each youth in involuntary seclusion.

(d) Restraint,

(1) Each facility shall establish and implement written policies and procedures that govern the use of restraint.

(2) These policies and procedures shall include the following:

(A) Limitations on the use of physical restraint to instances of justifiable self-defense, protection of the youth or others, or the protection of property;

(B) permission to use physical restraint only if all other less restrictive methods of controlling the youth's dangerous behavior were attempted and failed;

(C) a statement that chemical agents are not to be used by secure residential treatment facility personnel;

(D) a statement that psychotropic medications are not to be used for disciplinary reasons; and

(E) a statement that psychotropic medications are to be administered only when medically necessary upon order of the youth's physician.

(3) The restraints selected shall be the least restrictive measure necessary to prevent injury to the youth or others.

(4) Restraint or involuntary seclusion shall never be used for punishment or for the convenience of staff. Restraint or involuntary seclusion shall not be used for more than three consecutive hours without medical reevaluation of its necessity, except between the hours of 12:00 midnight and 8:00 a.m., unless necessary for the safety and well-being of the youth.

(5) Each secure residential treatment facility that uses restraint shall develop and insure implementation of a comprehensive policy on the use of each restraint. The policy shall identify the following:

(A) The forms of restraint in use at the secure residential treatment facility, clearly demonstrating that each specified form of restraint is required to appropriately serve youth;

(B) specific criteria for the use of each form of restraint;

(C) the staff members authorized to approve the use of each form of restraint;

(D) the staff members authorized and qualified to administer or apply each form of restraint;

(E) the approved procedures for application or administration of each form of restraint;

(F) the procedures for monitoring any youth placed in each form of restraint;

(G) any limitations on the use of each form of restraint, including time limitations;

(H) the procedures for immediate, continual review of restraint placements for each form of restraint, except passive physical restraint; and

(I) procedures for comprehensive record keeping concerning all incidents involving the use of restraint, including incidents of passive physical restraint if it is used in conjunction with or leads to the use of any other form of restraint. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-339. Rights of youth. (a) The rights of youth while in the licensee's care or control shall not be diminished or denied for disciplinary reasons.

(b) Each secure residential treatment facility shall establish and implement written policies and procedures concerning the rights of the youth. These policies and procedures shall provide that youth are assured of their

rights, except if it is necessary to maintain order and security in the secure residential treatment facility or if it is contrary to a youth's approved treatment plan. These policies and procedures shall ensure the following:

(1) Freedom from personal abuse, corporal or unusual punishment, excessive use of force, humiliation, harassment, mental abuse, or punitive interference with the daily functions of living, including eating or sleeping;

(2) freedom from discrimination based on race, color, ancestry, religion, national origin, sex, or disability;

(3) equal access to programs and services for both male and female youth in coed facilities;

(4) receipt and explanation of written rules and grievance procedures of the facility, in a language that the youth can understand;

(5) opportunity for physical exercise on a daily basis, including outdoor exercise if weather permits;

(6) participation in religious worship and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain order and security;

(7) reasonable religious diets;

(8) the right to wear personal clothing consistent with secure residential treatment facility guidelines. If the facility provides clothing, it shall be of proper size and shall be approved by the department;

(9) access to the courts and confidential contact with attorneys, judges, parents, social workers, and other professionals, including telephone conversations, visits, and correspondence;

(10) medical treatment and emergency dental care, a medically proper diet, and the right to know what and why medications are being prescribed;

(11) the right to send and receive uncensored mail in accordance with K.A.R. 28-4-336(i)(4);

(12) the right to receive visitors and communication in accordance with the facility's visitation policies;

(13) the right to determine the length and style of hair, except when a physician determines that a haircut is medically necessary; and

(14) the right to keep facial hair, if desired, except when a licensed physician determines that removal is medically necessary for health and safety. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-340. Emergency, safety, security, and control.

(a) Each secure residential treatment facility shall develop a disaster plan to provide for the safety of youth in emergencies. The licensee shall review the plan at least annually and update as needed. The plan and any subsequent updates shall be approved by the state fire marshal or the fire marshal's designee.

(1) The disaster plan shall contain provisions for the care of youth in disasters, including fires, tornadoes, storms, floods, and civil disorders, as well as occurrences of serious illness or injury to staff members and youth.

(2) All of the staff in the secure residential treatment facility shall be informed of the disaster plans, and the plans shall be posted in a prominent location.

(3) Each secure residential treatment facility shall have first aid supplies, including the following:

(A) Assorted adhesive strip bandages;

(B) adhesive tape;

(C) a roll of gauze;

(D) scissors;

(E) a package of gauze squares;

(F) pump soap;

(G) an elastic bandage;

(H) tweezers; and

(I) rubbing alcohol.

(4) Each secure residential treatment facility that uses involuntary seclusion shall have a policy and procedure to evacuate each youth in seclusion in the event of a fire or other emergency.

(b) The secure residential treatment facility shall conduct a minimum of one fire drill and one tornado drill per shift per quarter.

(c) Security and control. Each secure residential treatment facility shall use a combination of supervision, inspection, accountability, and clearly defined policies and procedures on the use of security to promote safe and orderly operations.

(1) All written policies and procedures for security and control shall be available to all staff members. The licensee shall review the policies and procedures at least annually and update as needed, and shall include all of the following requirements:

(A) The licensee shall ensure that a daily report on youth population movement is completed and kept on file.

(B) Written operational shift assignments shall state the duties and responsibilities for each assigned position in the secure residential treatment facility.

(C) Supervisory staff shall maintain a permanent log and prepare shift reports that record routine and emergency situations.

(D) The licensee shall ensure that security devices are regularly inspected and maintained, with any corrective action completed as necessary and recorded.

(E) No weapons shall be permitted in the facility.

(F) The licensee shall ensure that guidelines for the control and use of keys, tools, and medical and culinary equipment are implemented.

(G) No youth or group of youth shall exercise control or authority over another youth, have access to the records of another youth, or have access to or use of keys that control security.

(H) The licensee shall ensure that procedures are developed and implemented for handling escapes, runaways, and unauthorized absences.

(I) The licensee shall ensure that safety and security precautions are developed and implemented pertaining to facility and staff vehicles.

(2) The licensee shall ensure that policies and procedures are developed for the prosecution of any illegal act committed while the youth is in care.

(3) The licensee shall ensure that policies and procedures are developed and implemented to prohibit the use of chemical agents, including mace, pepper mace, or tear gas, by facility staff.

(4) Poisons and all flammable materials shall be kept in locked storage.

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(5) The licensee shall ensure that policies and procedures are developed that govern documentation of all special incidents, including the taking of hostages and the use of restraint. The policies and procedures shall require submission of a written report of all special incidents to the program director or the program director's designee. Each report shall be submitted no later than the conclusion of that shift. A copy of the report shall be kept in the youth's record. A copy of the report of any incident that involves the taking of hostages, the death or injury of a youth, or criminal charges against a youth or staff member shall be submitted to the department and the placing agent.

(6) The licensee shall ensure that each incident of disaster is reported to the department within 24 hours, excluding weekends and holidays. Each incident of fire shall also be reported to the state fire marshal within 24 hours, excluding weekends and holidays.

(7) A written plan shall provide for continuing operations in the event of a work stoppage. Copies of this plan shall be available to all staff. The licensee shall ensure that each incident of work stoppage is reported to the department within 24 hours, excluding weekends and holidays. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-341. Health care policies. (a) Health services for youth.

(1) Each secure residential treatment facility, in consultation with a physician, shall develop written health care policies that cover the following:

(A) A health history checklist and review for each youth upon admission, as documented on forms approved by the department;

(B) follow-up health care, including a health examination and referrals, for concerns identified in the health history checklist and review;

(C) dental screening upon admission and follow-up emergency dental care as needed;

(D) preventive dental care for youth;

(E) chronic care, convalescent care, and preventive care, if medically indicated;

(F) care for minor illness, including the use and administration of prescription and nonprescription drugs;

(G) care for youth under the influence of alcohol or other drugs;

(H) consultation regarding individual youth, if indicated;

(I) infection control measures and universal precautions to prevent the spread of blood-borne infectious diseases;

(J) maternity care as defined in K.A.R. 28-4-279; and

(K) medically indicated seclusion.

(2) Each facility shall designate as a medical consultant a physician licensed to practice in Kansas.

(3) Each facility shall obtain written consent from each youth's parent or legal guardian for medical and dental care.

(4) The medicine cabinet shall be located in an accessible, supervised area. The cabinet shall be kept locked. Medications taken internally shall be kept separate from

other medications. All unused medication shall be safely discarded.

(5) All medications shall be administered by a designated staff member qualified to administer medications. Prescription medication shall be given from a pharmacy container labeled with the following:

(A) The youth's name;

(B) the name of the medication;

(C) the dosage and the dosage intervals;

(D) the name of the prescribing physician; and

(E) the date the prescription was filled.

Any changes of prescription or directions for administering a prescription medication shall be authorized, in writing, by a physician with documentation placed in the youth's record.

(6) All medication, including nonprescription medication, shall be given only in accordance with label directions, unless ordered differently by a physician. A record shall be kept in the youth's record documenting the following:

(A) The name of the person who gave the medication;

(B) the name of the medication;

(C) the dosage; and

(D) the date and time it was given.

(7) Each licensee shall make the following arrangements for emergency care:

(A) The secure residential treatment facility shall have a written record of the name, address, and telephone number of a physician licensed in Kansas to be called in case of emergency.

(B) Policies and procedures shall ensure the continuous care of youth who require emergency medical treatment.

(C) If a staff member accompanies a youth to the source of emergency care, the staff member shall remain with the youth for the duration of the emergency.

(D) Supervision of the other youth in the secure residential treatment facility shall not be compromised.

(E) The health history checklist and health assessment shall be taken to the emergency room with the youth.

(8) The licensee shall report each instance of suspected abuse or neglect and each incident resulting in the death of or in a serious injury to any staff member or youth that requires treatment at a hospital. The report shall be made within 24 hours, excluding weekends and holidays, to the department and the county health department in which the secure residential treatment facility is located. The licensee shall submit each written incident report to the department within five working days. If an injured youth is taken to a hospital or seen by a physician, the licensee shall ensure that the parent or legal guardian or custodian is notified as soon as possible. If suspected abuse or neglect of a youth occurs, the licensee shall ensure that the Kansas department of social and rehabilitation services is notified.

(9) The licensee shall ensure that any injury to a youth or staff member that is a result of suspected criminal action is reported immediately to the local law enforcement officials.

(10) The licensee shall ensure that any death of staff or a youth within the secure residential treatment facility is reported to the local law enforcement officials.

(b) Physical health of youth.

(1) The licensee shall ensure that a health history checklist is completed for each youth at the time of admission. This checklist shall be completed by the person who admits the youth, using forms supplied or approved by the department.

(A) The health checklist shall serve as a guide to determine if a youth is in need of immediate medical care.

(B) The licensee shall ensure that the secure residential treatment facility's physician is contacted for any youth who is taking a prescribed medication at the time of admission so that treatment is not interrupted.

(C) The licensee shall ensure that a physician is contacted for any youth who has acute symptoms of illness or who has a chronic illness. Communicable diseases shall be reported to the local county health department within 24 hours, excluding weekends and holidays.

(2) Within 72 hours of admission, a physician or a nurse certified by the department to conduct screening and health assessments shall review the health history checklist. Based upon health indicators derived from the checklist or in the absence of documentation of a screening within the past 24 months, the physician or certified nurse shall determine whether or not a full screening and health assessment are necessary.

(A) If necessary, the screening and health assessment shall be conducted by a licensed physician or by a nurse certified by the department to conduct these examinations.

(i) The screening and health assessment shall be completed within 10 days of admission.

(ii) The screening shall be based upon health assessment and screening guidelines provided or approved by the department.

(B) Medical and dental records shall be kept on forms provided or approved by the department and shall be kept current.

(C) The licensee shall ensure that each youth receives a tuberculin skin test. A chest x-ray shall be taken of all positive tuberculin reactors and those with a history of positive reaction. The proper treatment or prophylaxis shall be instituted. The results of this follow-up shall be recorded in the youth's record, and the county health department shall be informed of the results.

(D) Each licensee shall maintain a current health record that includes the following for each youth:

- (i) The youth's current immunization record;
- (ii) a health history checklist;
- (iii) documentation of the review of the health history checklist;
- (iv) documentation of the decision regarding the need for screening and health assessment;
- (v) the tuberculin skin test result;
- (vi) a list of medical contacts; and
- (vii) entries regarding the youth's health care plan.

(E) The health record shall accompany the youth when transferred. A copy of the health record shall be kept in the youth's record at the secure residential treatment facility.

(3) The licensee's written policies and procedures shall prohibit the use of tobacco in any form by youth while in care.

(c) Dental health of youth.

(1) Each licensee shall make emergency dental care available for all youth. Each youth's record shall include a report of a dental examination obtained within one year before or 60 days after admission.

(2) The secure residential treatment facility staff shall develop plans for dental health education and shall supervise the youth in the practice of good dental hygiene.

(d) Personal health of staff members and volunteers.

(1) Each person caring for youth shall meet the following requirements:

(A) Be free from communicable disease;

(B) be free from physical, mental, or emotional handicaps to the extent necessary to fulfill the responsibilities listed in the job description, and protect the health, safety, and welfare of the youth; and

(C) be free from impaired ability due to the use of alcohol or other drugs.

(2) Each staff member who may have contact with any youth shall receive a health examination within one year before employment. This examination shall be conducted by a licensed physician or a nurse authorized to conduct these examinations.

(3) Results of the health examination shall be recorded on forms supplied or approved by the department and kept on file. Health assessment records may be transferred from a previous place of employment, if the transfer occurs within one year of the examination date.

(4) The initial health examination shall include a tuberculin skin test. If there is a positive reaction to the tuberculin skin test or a history of previous positive reaction, a chest x-ray shall be required. Proof of proper treatment or prophylaxis shall be required. Documentation of the test, x-ray, and treatment results shall be kept on file in the person's health record.

(5) A tuberculin skin test or a chest x-ray shall be required if significant exposure to an active case of tuberculosis occurs or if symptoms compatible with tuberculosis develop. If there is a positive reaction to the diagnostic procedure, proof of proper treatment or prophylaxis shall be required. The results of this follow-up shall be recorded in the person's health record. The licensee shall inform the department of each case described in this paragraph.

(6) Each licensee shall require all volunteers to present written proof of freedom from active tuberculosis before serving in the facility.

(7) Smoking shall not be permitted in the facility.

(e) Personal hygiene.

(1) The licensee shall ensure that each youth bathes upon admission and that each youth is given the opportunity to bathe daily.

(2) The licensee shall give all youth the opportunity to brush their teeth after each meal.

(3) The licensee shall furnish each youth with toothpaste and a toothbrush. Pump soap shall be available at all community sinks and showers.

(4) Each licensee shall make facilities for shaves and haircuts available.

(5) Each youth's washable clothing shall be changed and laundered at least twice a week. The licensee shall

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ensure that clean underwear and socks are available to each youth on a daily basis.

(6) Each female youth shall be provided personal hygiene supplies with regard to her menstrual cycle.

(7) The licensee shall ensure that clean, individual bath and face towels are issued to each youth at least twice a week. Bed linen shall be changed at least once a week.

(8) The licensee shall allow each youth to have at least eight hours of sleep each day. Fourteen hours of activity shall be provided. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-342. Mental health policies. (a) The treatment and activities provided by the secure residential treatment facility for youth shall supplement and support the family-child relationship.

(b) The views of the parents, the youth, and the placing agent concerning factors important to them in the emotional development of the youth shall be considered by the staff in the services provided.

(c) The licensee shall assess the need for mental health services for each youth. The youth's plan of care shall include the need for mental health services and shall be developed to address the need for mental health services through a goal-directed process.

(d) Mental health concepts, as an integral aspect of total child development, shall be included in staff training and in parent-youth conferences. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

28-4-343. Environmental standards. (a) General building requirements.

(1) Each secure residential treatment facility shall use public water and sewage systems, or shall have private water and sewage systems approved pursuant to K.S.A. 65-163 and K.S.A. 65-165, and amendments thereto.

(2) A licensed architect shall be responsible for the plans for any newly constructed building or for any major addition or alteration to an existing building.

(A) In the case of a new building, preliminary plans and outline specifications, including plot plans, shall be submitted to the department for review before commencing the final working drawings and specifications. The licensee shall submit the final working drawings, construction specifications, and plot plans to the department for review and written approval before the letting of contracts.

(B) In the case of an addition or alteration to an existing building, the licensee shall submit a written statement defining the proposed use of the construction and detailing the plans and specifications to the department for review and written approval before commencing construction.

(3) If construction is not commenced within one year of submitting a proposal for a new building or an addition or alteration to an existing building, the licensee shall resubmit the plans and proposal to the department before proposed construction begins.

(b) Location and grounds requirements.

(1) Community resources, including health services, police protection, and fire protection from an organized fire department, shall be available.

(2) There shall be at least 100 square feet of outside activity space available per youth allowed to utilize each area at any one time.

(3) The outside activity area shall be free of physical hazards.

(4) Sufficient space for visitor and staff parking at each secure residential treatment facility shall be provided.

(c) The water supply to each secure residential treatment facility shall be from a source approved and certified by the department. Any privately owned water supply shall be approved by the county health officer or the department.

(d) Structural requirements.

(1) Facility construction shall provide for the removal of architectural barriers to disabled persons. All parts of each secure residential treatment facility shall be accessible to and usable by disabled persons.

(2) Each secure residential treatment facility's structural design shall facilitate personal contact and interaction between staff members and youth.

(3) Floors shall be smooth and free from cracks, easily cleanable, and not slippery. Floor covering for living quarters shall be required. All floor covering shall be kept clean and be maintained in good repair.

(4) Walls shall be smooth, easily cleanable, and sound. Lead-free paint shall be used on all painted surfaces.

(5) No youth's room shall be in a basement. The minimum square footage of floor space shall be 80 square feet in single rooms, and an average of no fewer than 60 square feet of floor space per person in rooms accommodating more than one person. At least one dimension of the usable floor space unencumbered by furnishings or fixtures shall be no fewer than seven feet. The minimum ceiling height shall be seven feet, eight inches over 90% of the room area. An even temperature of between 68° Fahrenheit and 78° Fahrenheit shall be maintained, with an air exchange of at least four times per hour.

(6) Bedrooms occupied by youth shall have a window source of natural light. Access to a drinking water source and toilet facilities shall be available 24 hours a day.

(7) Separate beds with level, flat mattresses in good condition shall be provided for each youth. Beds shall be above the floor level.

(8) Adequate, clean bedding shall be provided for each youth.

(9) All quarters utilized by youth shall have minimum lighting of 20 foot-candles in all parts of the room. There shall be minimum lighting of 35 foot-candles in areas used for reading, study, or other close work.

(10) There shall be adequate space for study and recreation.

(11) Each living unit shall contain the following:

(A) Furnishings that provide sufficient seating for the maximum number of youth expected to use the area at any one time;

(B) writing surfaces that provide sufficient space for the maximum number of youth expected to use the area at any one time;

(C) furnishings that are consistent with the security needs of the assigned youth; and

(D) adequate central storage for household supplies, bedding, linen, and recreational equipment.

(12) If the secure residential treatment facility is on the same premises as another child care facility, the living unit of the secure residential treatment facility shall be maintained in a separate, self-contained unit. Youth of the secure residential treatment facility shall not use space shared with other child care facilities at the same time.

(13) If a secure residential treatment facility has day rooms, the day rooms shall provide space for varied youth activities. Day rooms shall be situated immediately adjacent to the youth sleeping rooms, but separated from them by a floor-to-ceiling wall. Each day room shall provide at least 35 square feet per person, exclusive of lavatories, showers, and toilets, for the maximum number of youth expected to use the day room area at any one time.

(14) There shall be a working telephone readily accessible to staff members in all areas of the building. Emergency numbers, including fire, police, hospital, physician, poison control facility, and ambulance, shall be posted by each phone.

(15) The inside program and activity areas, excluding the sleeping rooms, day room, and classrooms, shall provide floor space equivalent to a minimum of 100 square feet per youth.

(16) Sufficient space shall be provided for contact visiting. There shall be adequately designed space to permit the screening and search of both youth and visitors. Storage space shall be provided for the secure storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.

(17) Each room used for involuntary seclusion shall meet the following requirements for an individual bedroom:

(A) The walls of each room used for involuntary seclusion shall be completely free of objects.

(B) The door of each room used for involuntary seclusion shall be equipped with a window mounted in a manner that allows inspection of the entire room. The glass in this window shall be impact-resistant and shatterproof.

(C) The locking system for a room used for involuntary seclusion shall be approved by the state fire marshal or the fire marshal's designee.

(18) A service sink and storage area for cleaning supplies shall be provided in a well-ventilated room separate from kitchen and living areas.

(e) Food services.

(1) Food storage, preparation, and service shall comply with the departmental regulations governing food and lodging services.

(2) All foods not requiring refrigeration shall be stored at least six inches above the floor in clean, dry, well-ventilated storerooms or other approved areas with no overhead drain or sewer lines.

(3) Dry bulk food that is not in an original, unopened container shall be stored in metal, glass, or food-grade plastic containers with tightly fitting covers and shall be labeled.

(4) Poisonous or toxic materials shall not be stored with or over food. If medication requiring refrigeration is stored with refrigerated food, the medication shall be stored in a locked medicine box under all food items in the refrigerator.

(5) All perishables and potentially hazardous foods shall be continuously maintained at 45° Fahrenheit or lower in the refrigerator, or 10° Fahrenheit or lower in the freezer.

(A) Each cold storage facility shall be provided with a clearly visible, accurate thermometer.

(B) All foods stored in the refrigerator shall be covered.

(C) Food not stored in the original container shall be labeled with the contents and date.

(D) Raw meat shall be stored under all other food items in the refrigerator before cooking.

(E) Adequate facilities to maintain food temperatures required in this regulation shall be available.

(6) All dense, hot foods shall be stored in containers four or fewer inches deep.

(7) Food preparation and service.

(A) Each food preparation area shall be adequately equipped for the sanitary preparation and storage of food and washing of dishes and utensils. Food shall be prepared and served in a sanitary manner.

(B) Cooking equipment shall be kept clean and in good condition.

(C) Dishes shall have hard-glazed surfaces and shall be free of cracks and chips.

(D) Dishes, kitchen utensils, and serving equipment shall be maintained in a sanitary condition using one of the following methods:

(i) A three-compartment sink supplied with hot and cold running water to each compartment and a drain board for washing, rinsing, sanitizing, and air drying, with an appropriate chemical test kit for testing the sanitizing solution;

(ii) a domestic-type dishwasher for groups of 24 or fewer persons;

(iii) a commercial-type dishwasher providing a 12-second rinse with 180° Fahrenheit water, for groups of 25 persons or more;

(iv) other methods of sanitizing by manual or mechanical cleaning in accordance with K.A.R. 28-36-24(a) (3) and (4); or

(v) the use of disposable plates, cups, and plastic utensils of food-grade medium weight. Disposable table service shall be used only one time and then destroyed.

(E) Tables shall be in good condition and shall be washed before and after each meal. Floors shall be swept after meals.

(F) Meat shall be thawed using one of the following methods:

(i) Removing the meat from the freezer in advance and putting it in the refrigerator to thaw;

(ii) placing the meat under running, tepid water 72° Fahrenheit until thawed; or

(iii) thawing in the microwave as part of the cooking process.

(8) Sanitary conditions.

(A) Only authorized persons shall be in the kitchen.

(B) Each kitchen shall be equipped with separate hand-washing facilities. Personnel shall wash their hands before handling food and after working with raw meat.

(C) Hair shall be restrained.

(continued)

(D) No staff member with any open wounds or infections shall be involved in food preparation or service.

(E) Clean and soiled linen shall be properly stored in the kitchen area.

(F) All trash cans in the restroom used by the kitchen staff shall be covered.

(9) Food safety.

(A) All dairy products shall be pasteurized. Dry milk shall be used for cooking only.

(B) Home-canned foods, other than jams and jellies, and home-frozen foods shall not be served.

(C) Commercially canned food from dented, rusted, bulging, or leaking cans, and food from cans without labels shall not be used.

(10) Nutrition.

(A) Meals and snacks shall meet the nutritional needs of the youth in accordance with recommended dietary allowances. A sufficient quantity of food shall be prepared for each meal to allow each youth second portions of vegetables, fruit, bread, and milk.

(B) Special diets shall be provided for youth, if medically indicated, or to accommodate religious practice, as indicated by a religious consultant.

(C) Menus shall be planned one week in advance. Copies of the menus for the preceding month shall be kept on file and available for inspection.

(11) If meals are catered, the following requirements shall be met:

(A) The meals shall be obtained from sources licensed by the department.

(B) Food shall be transported in covered and temperature-controlled containers. Hot foods shall be maintained at not less than 140° Fahrenheit, and cold foods shall be maintained at 45° Fahrenheit or less.

(f) Toilets and lavatories.

(1) For each eight or fewer youth of each sex, there shall be at least one toilet, one lavatory, and either a bathtub or a shower. All toilets shall be above floor level.

(2) Each bathroom shall be ventilated. Each inside bathroom shall have a mechanical ventilating system to the outside, with a minimum of 10 air changes per hour.

(3) Toilet and bathing facilities and drinking water shall be convenient to sleeping quarters and living and recreation rooms.

(4) Cold and hot water, not exceeding 120° Fahrenheit, shall be supplied to lavatories, bathtubs, and showers.

(5) Toilet facilities and drinking water shall be convenient to the reception and admission areas.

(6) Locked sleeping rooms shall be equipped with a drinking fountain, lavatory, and toilet, unless a commu-

nication system or procedure is in effect to give the resident immediate access to a lavatory, toilet, and drinking water.

(g) Laundry.

(1) If laundry is done at the secure residential treatment facility, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in a manner that safeguards the health and safety of the youth.

(2) Soiled linen shall be stored separately from clean linen.

(3) Blankets shall be laundered or sanitized before re-issue.

(4) Blankets, when used with sheets, shall be laundered at least once each month.

(5) Mattresses shall be water-repellent and washed down and sprayed with disinfectant before reissue. Mattress materials and treatments shall meet state fire marshal regulations.

(6) Adequate space shall be allocated for the storage of clean and dirty linen and clothing. If an in-house laundry service is provided, adequate space shall be allocated for the laundry room and the storage of laundry supplies, including locked storage for chemical agents used in the laundry area.

(h) Building maintenance standards.

(1) Each building shall be clean at all times and free from accumulated dirt, vermin, and rodent infestation.

(2) Floors and walking surfaces shall be kept free of hazardous substances at all times.

(3) A schedule for cleaning each building shall be established and maintained.

(4) Floors shall be swept and mopped daily.

(5) Washing aids, including brushes, dish mops, and other hand aids used in dishwashing activities, shall be clean and used for no other purpose.

(6) Mops and other cleaning tools shall be cleaned and dried after each use and stored in a well-ventilated place on adequate racks.

(7) Insecticides, rodent killers, and other poisons shall be used under careful supervision. These and other poisons shall be stored in a locked area.

(8) Toilets, lavatories, sinks, and other such facilities in the living quarters shall be cleaned thoroughly each day. (Authorized by and implementing K.S.A. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024405

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 index to the 1997 Volumes of the *Kansas Administrative Regulations* and the 1999 Supplement to the *Kansas Administrative Regulations*.

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80-1-10	Amended	V. 18, p. 1231
80-1-11	Amended	V. 18, p. 1231
80-1-12	Revoked	V. 18, p. 1231
80-2-1	Amended	V. 18, p. 1231
80-3-1	Revoked	V. 18, p. 1232
80-3-2	Revoked	V. 18, p. 1232
80-3-4	Amended	V. 18, p. 1232
80-3-5	Revoked	V. 18, p. 1232
80-3-6	Revoked	V. 18, p. 1232
80-3-8	Revoked	V. 18, p. 1232
80-3-9	Amended	V. 18, p. 1232
80-3-13	Revoked	V. 18, p. 1232
80-3-15	Amended	V. 18, p. 1232
80-3-16	Amended	V. 18, p. 1232
80-4-1	Amended	V. 18, p. 1233
80-4-2	Revoked	V. 18, p. 1233
80-4-3	Revoked	V. 18, p. 1233
80-4-4	Amended	V. 18, p. 1233
80-4-5	Revoked	V. 18, p. 1233
80-4-6	Revoked	V. 18, p. 1233
80-5-1	Amended	V. 18, p. 1233
80-5-2	Revoked	V. 18, p. 1233
80-5-3	Revoked	V. 18, p. 1233
80-5-6	Amended	V. 18, p. 1233
80-5-7	Revoked	V. 18, p. 1234
80-5-9	Amended	V. 18, p. 1234
80-5-10	Amended	V. 18, p. 1234
80-5-11	Amended	V. 18, p. 1234
80-5-12	Revoked	V. 18, p. 1234
80-5-13	Amended	V. 18, p. 1234
80-5-14	Revoked	V. 18, p. 1234
80-5-15	Amended	V. 18, p. 1234
80-5-16	Amended	V. 18, p. 1235
80-5-18	Amended	V. 18, p. 1235
80-7-1	Amended	V. 18, p. 1235
80-8-2	Amended	V. 18, p. 1236
80-8-7	Amended	V. 18, p. 1236
80-50-1	Revoked	V. 18, p. 1236
80-50-2	Amended	V. 18, p. 1236
80-50-3	Amended	V. 18, p. 1236
80-50-4	Revoked	V. 18, p. 1236
80-50-5	Revoked	V. 18, p. 1236
80-50-6	Amended	V. 18, p. 1236
80-50-8	Revoked	V. 18, p. 1237
80-51-1	Revoked	V. 18, p. 1237
80-51-2	Revoked	V. 18, p. 1237
80-51-3	Revoked	V. 18, p. 1237
80-51-4	Amended	V. 18, p. 1237
80-51-5	Revoked	V. 18, p. 1237
80-51-7	Revoked	V. 18, p. 1237
80-52-1	Revoked	V. 18, p. 1237
80-52-2	Revoked	V. 18, p. 1237
80-52-3	Revoked	V. 18, p. 1237
80-53-6	Revoked	V. 18, p. 1237
80-54-1	through	
80-54-4	Revoked	V. 18, p. 1237
80-55-1	through	
80-55-4	Revoked	V. 18, p. 1237
80-55-8	Amended	V. 18, p. 1237

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-221a	New	V. 18, p. 231
82-1-221b	New	V. 18, p. 232
82-1-228	Amended	V. 18, p. 232
82-1-235	Amended	V. 18, p. 233
82-3-101	Amended	V. 18, p. 273
82-3-401b	New	V. 18, p. 276
82-3-408	Amended	V. 18, p. 276
82-3-900	through	
82-3-908	New	V. 18, p. 276, 277
82-4-3	Amended (T)	V. 18, p. 1391
82-11-3	Amended	V. 18, p. 234
82-11-4	Amended	V. 18, p. 234
82-11-9	Amended	V. 18, p. 238
82-11-10	Amended	V. 18, p. 239
82-11-11	New	V. 18, p. 239
82-12-2	Amended	V. 18, p. 239

AGENCY 86: REAL ESTATE COMMISSION		
Reg. No.	Action	Register
86-1-11	Amended	V. 18, p. 1291

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-31-16	Amended	V. 18, p. 1171
91-31-18	Amended	V. 18, p. 1172
91-31-19	Amended	V. 18, p. 1309
91-31-24	Amended	V. 18, p. 1173

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

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-5	Revoked	V. 18, p. 1230
100-24-3	New	V. 18, p. 483

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-4-10a	Amended (T)	V. 18, p. 1035
102-4-10a	Amended	V. 18, p. 1556
102-5-7a	Amended	V. 18, p. 1520

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-1-1	Amended	V. 18, p. 1141
105-2-1	Amended	V. 18, p. 1142
105-3-1	Amended	V. 18, p. 1142
105-3-2	Amended	V. 18, p. 1142
105-3-4	Revoked	V. 18, p. 1143
105-3-5	Amended	V. 18, p. 1143
105-3-8	Revoked	V. 18, p. 1143
105-3-9	Amended	V. 18, p. 1143
105-3-11	Amended	V. 18, p. 1144
105-3-12	Amended	V. 18, p. 1144
105-5-2	Amended	V. 18, p. 1144
105-5-3	Amended	V. 18, p. 1144
105-5-6	Amended	V. 18, p. 1144
105-5-7	Amended	V. 18, p. 1145
105-5-8	Amended	V. 18, p. 1145
105-6-2	Amended	V. 18, p. 1145
105-7-2	Amended	V. 18, p. 1146
105-7-4	through	
105-7-9	Amended	V. 18, p. 1146
105-8-1	Amended	V. 18, p. 1146
105-8-2	Amended	V. 18, p. 1146
105-8-3	Amended	V. 18, p. 1146
105-10-1a	Amended	V. 18, p. 1146
105-10-3	Amended	V. 18, p. 1147
105-10-5	Amended	V. 18, p. 1147
105-21-3	Amended	V. 18, p. 1147
105-21-6	Amended	V. 18, p. 1147
105-31-4	Revoked	V. 18, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-3	New (T)	V. 18, p. 1392

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery can be found in the Vol. 17, No. 53, December 31, 1998 issue of the Kansas Register. The Kansas Lottery regulations listed below were published after December 31, 1998.

Reg. No.	Action	Register
111-1-5	Amended	V. 18, p. 451
111-2-4	Amended	V. 18, p. 1133
111-2-30	Amended	V. 18, p. 1133
111-2-43	through	
111-2-65	Revoked	V. 18, p. 330
111-2-67	through	
111-2-71	Revoked	V. 18, p. 330, 331
111-2-74	Revoked	V. 18, p. 331

111-2-75	Revoked	V. 18, p. 331
111-2-76	Revoked	V. 18, p. 331
111-2-80	New	V. 18, p. 54
111-2-81	New	V. 18, p. 14
111-2-82	New	V. 18, p. 55
111-2-83	New	V. 18, p. 55
111-2-84	Amended	V. 18, p. 773
111-2-85	New	V. 18, p. 125
111-2-86	New	V. 18, p. 125
111-2-87	New	V. 18, p. 331
111-2-88		
through		
111-2-93	New	V. 18, p. 451-453
111-2-94	New	V. 18, p. 1560
111-2-95	New	V. 18, p. 1561
111-3-1	Amended	V. 18, p. 956
111-3-12	Amended	V. 18, p. 1521
111-3-14	Amended	V. 18, p. 957
111-3-21	Amended	V. 18, p. 958
111-3-22	Amended	V. 18, p. 958
111-4-607	Amended	V. 18, p. 1522
111-4-610	Amended	V. 18, p. 1522
111-4-1364		
through		
111-4-1380	New	V. 18, p. 14-19
111-4-1381		
through		
111-4-1396	New	V. 18, p. 55-59
111-4-1384	Amended	V. 18, p. 958
111-4-1397		
through		
111-4-1412	New	V. 18, p. 125-129
111-4-1413		
through		
111-4-1430	New	V. 18, p. 332-336
111-4-1423	Amended	V. 18, p. 453
111-4-1431		
through		
111-4-1443	New	V. 18, p. 454-457
111-4-1444		
through		
111-4-1468	New	V. 18, p. 773-779
111-4-1457	Amended	V. 18, p. 958

111-4-1469		
through		
111-4-1485	New	V. 18, p. 959-963
111-4-1473	Amended	V. 18, p. 1305
111-4-1481	Amended	V. 18, p. 1305
111-4-1485	Amended	V. 18, p. 1306
111-4-1486		
through		
111-4-1500	New	V. 18, p. 1133-1137
111-4-1501		
through		
111-4-1508	New	V. 18, p. 1306-1308
111-4-1509		
through		
111-4-1533	New	V. 18, p. 1523-1528
111-4-1534		
through		
111-4-1560	New	V. 18, p. 1561-1568
111-5-24	Amended	V. 18, p. 130
111-5-28	Amended	V. 18, p. 130
111-5-31	Amended	V. 18, p. 457
111-5-75	New	V. 18, p. 59
111-5-76	New	V. 18, p. 457
111-6-5	Amended	V. 18, p. 1529
111-7-66	Amended	V. 18, p. 1137
111-7-76	Amended	V. 18, p. 1137
111-7-77	Amended	V. 18, p. 1137
111-7-78	Amended	V. 18, p. 1138
111-7-78a	New	V. 18, p. 1138
111-7-80	Amended	V. 18, p. 1529
111-7-80a	New	V. 18, p. 1139
111-7-81	Amended	V. 18, p. 1140
111-7-82	Amended	V. 18, p. 1141
111-7-83	Amended	V. 18, p. 1141
111-7-134	Amended	V. 18, p. 336
111-7-141	New	V. 18, p. 1568
111-9-97		
through		
111-9-102	New	V. 18, p. 337
111-9-103		
through		
111-9-108	New	V. 18, p. 963, 964
111-9-106	Amended	V. 18, p. 1308

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-6-4a	New	V. 18, p. 1458
112-10-6	Amended	V. 18, p. 954

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

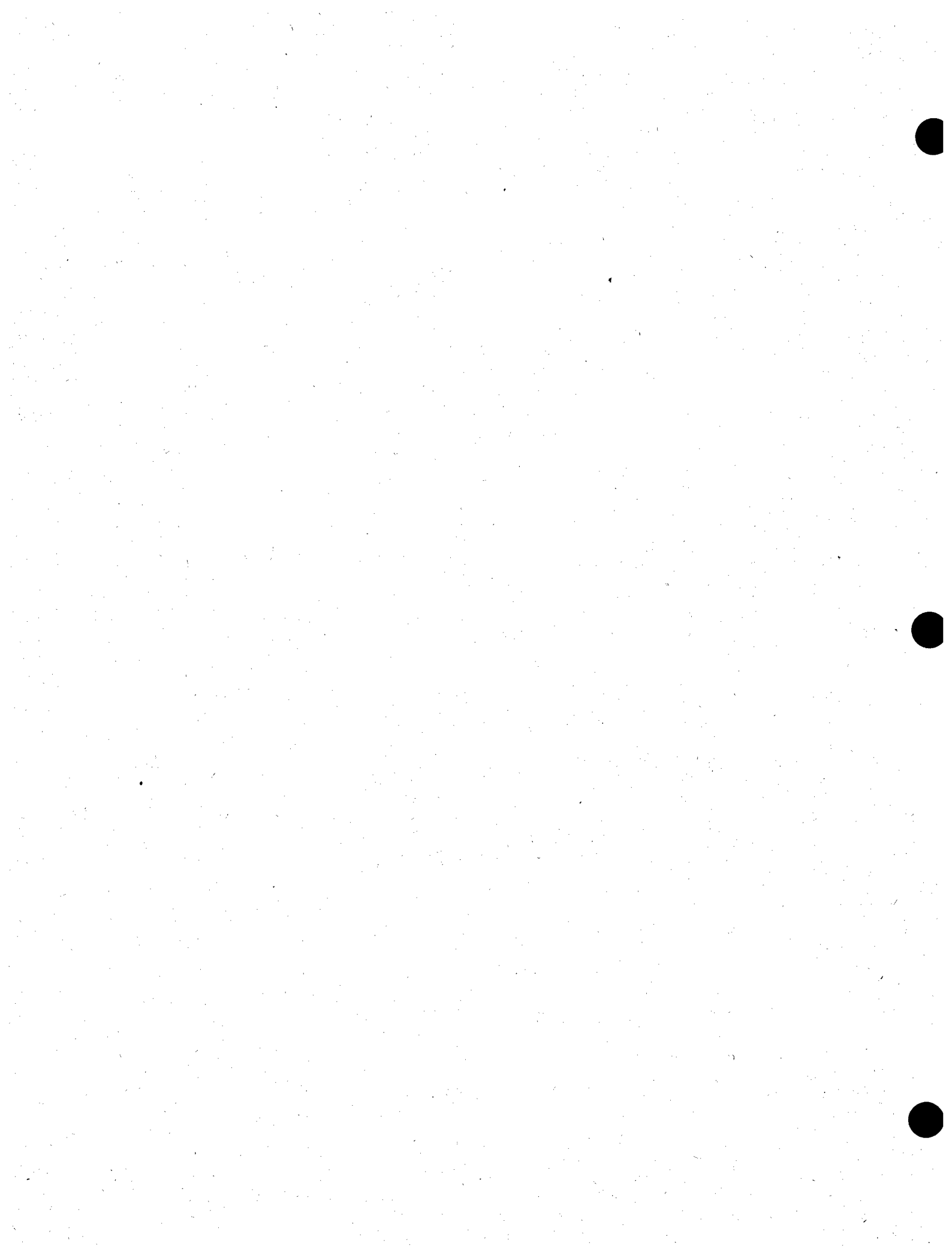
Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-4-13	Amended	V. 18, p. 1020
115-7-1	Amended	V. 18, p. 1334
115-7-5	Amended	V. 18, p. 1334
115-11-2	Amended	V. 18, p. 484
115-16-4	Amended	V. 18, p. 780
115-17-21	New	V. 18, p. 781
115-18-4	Amended	V. 18, p. 1334
115-18-7	Amended	V. 18, p. 1335
115-18-13	Amended	V. 18, p. 1336
115-18-14	Amended	V. 18, p. 1336
115-30-10	Amended	V. 18, p. 781

AGENCY 117: REAL ESTATE APPRAISAL BOARD

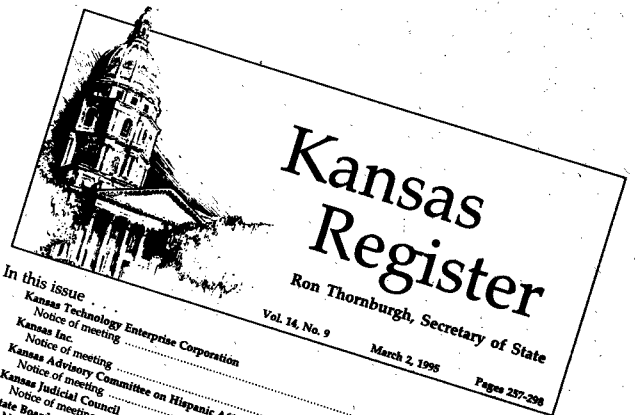
Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-6-1	Amended	V. 18, p. 955
117-8-1	Amended	V. 18, p. 995

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-1 through 118-4-4	New	V. 18, p. 672, 673



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