



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 20, No. 34 August 23, 2001 Pages 1287-1326

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State of Kansas

**Legislature**  
**Interim Committee Schedule**

The following committee meetings have been scheduled during the period of August 27 - September 9. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
August 27	519-S	10:00 a.m.	Legislative Educational Planning Committee	Conferees on student assessments and charter schools; report on teacher vacancies; staff briefings on special educ. funding proposals and higher educ. funding; presentation by David Murphy, president of Midwest Higher Education Commission (August 28); and other matters.
August 28	519-S	9:00 a.m.		
August 27	526-S	10:00 a.m.	Special Committee on Energy, Natural Resources and Environment	Nebraska water litigation progress report; Army Corps of Engineers' maintenance plans for federal reservoirs affected by fault lines.
August 28	514-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	Agenda not available.
August 29	514-S	9:00 a.m.		
August 29	519-S	10:00 a.m.	Legislative Post Audit	Agenda not available.
August 30	519-S	9:00 a.m.	Special Committee on Agriculture	Agenda not available.
Sept. 4	Independence	10:00 a.m.	Joint Committee on Arts and Cultural Resources	Agenda not available.
Sept. 5	Independence	9:00 a.m.		
Sept. 6	313-S	9:00 a.m.	Special Committee on Redistricting	Agenda not available.
Sept. 7	531-N	9:00 a.m.	Joint Committee on Special Claims Against the State	Hearing on claims filed to date.

Jeff Russell  
Director of Legislative  
Administrative Services

Doc. No. 026974

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**Garden Level, Memorial Hall**  
**(785) 296-3489**  
**Fax (785) 368-8024**

## State of Kansas

## Information Network of Kansas

## Notice of Meeting

The Information Network of Kansas Board of Directors will meet at noon Friday, August 31, in the Emerald Room V of the Capitol Plaza Hotel, 1717 S.W. Topeka Blvd., Topeka. The meeting is open to the public. For additional information, call (785) 296-1460.

Leroy Gattin  
Chairman

Doc. No. 026983

## State of Kansas

## Wildlife and Parks Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, October 25, at the Best Western Holiday Manor, Highway 56 and I-135, McPherson, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. October 25 at the same location. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. October 26 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the TDD service at 1-800-766-3777 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

Copies of the complete text of the proposed regulations and the economic impact statements may be obtained by contacting the chairman of the commission at the address above or by calling (785) 296-2281. The administrative regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-21-1.** This regulation establishes permit application requirements for commercial hunting and fishing guides. Proposed changes would create two application periods, revise examination requirements, and specify information required on the application.

Economic Impact Summary: As these would be procedural changes and requirements, no substantial economic impact on the department, other state agencies or the public is anticipated.

**K.A.R. 115-21-2.** This regulation establishes reporting requirements for those commercial hunting and fishing guides who are required to obtain a department permit. Proposed changes would delay the report due date, would require identification of the person accompanying the client if different from the person submitting the report, and would require the guide to report known violations by a client.

Economic Impact Summary: As these would be procedural changes and requirements, no substantial economic impact on the department, other state agencies or the public is anticipated.

**K.A.R. 115-21-3.** This regulation addresses registration and reporting requirements for provisional guides. Provisional guides were eliminated from the governing statute during the 2001 legislative session; therefore, this regulation is proposed for revocation.

Economic Impact Summary: No substantial economic impact to the public, the department or other agencies is anticipated.

**K.A.R. 115-21-4.** For commercial guides operating on department lands and waters, this proposed new regulation would specify that special event permits would satisfy the requirement that the guide obtain written permission from the landowner or person in control of the property where guide services are provided. This requirement was added to statute during the 2001 legislative session.

Economic Impact Summary: The department does not anticipate charging a fee for special event permits issued to commercial guides; therefore, no substantial economic impact on the public, the department or other agencies is anticipated.

**K.A.R. 115-22-1.** This proposed new regulation would establish generally-accepted operating practices for sport shooting ranges, as required by legislation passed during the 2001 legislative session. As directed by that statute, the practices must be based on standards developed by a national nonprofit organization, and the proposed regulation adopted practices developed by the National Rifle Association.

Economic Impact Summary: Establishment of these practices are anticipated to provide certain protections for shooting ranges that follow them. Otherwise, no substantial economic impact on the public, the department or other agencies is anticipated.

John R. Dykes  
Chairman

Doc. No. 026976

State of Kansas

Department of Human Resources  
Division of Workers Compensation

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 1 p.m. Friday, October 26, in Hearing Room 2 in the lower lobby of the Firststar Bank Building, 800 S.W. Jackson, Topeka, to consider the adoption of proposed changes to an existing rule and regulation of the Division of Workers Compensation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the director of the Division of Workers Compensation, 800 S.W. Jackson, Suite 600, Topeka, 66612-1227. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to 10 minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Philip Harness at (785) 296-4000 or TTY (785) 296-5044. Parking for individuals with disabilities is located on the second level of the Firststar Bank Building's enclosed parking, and the west entrance to the building is accessible to individuals with disabilities.

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

**K.A.R. 51-9-7.** K.S.A. 44-510i requires the director to adopt rules and regulations to establish a schedule of maximum medical fees and to revise the schedule at least every two years to ensure that it is current, reasonable and fair. The proposed amendment to K.A.R. 51-9-7 will remove reference to the October 1, 1999, Department of Human Resources' workers compensation schedule of medical fees and replace it with reference to the December 1, 2001, schedule.

The December 1, 2001, schedule will increase the maximum amounts medical providers can charge for workers compensation medical services an average of 11 to 12 percent over the amounts in the October 1, 1999, schedule. The new schedule will increase workers compensation insurance premiums by approximately 3.4 percent.

Copies of the regulation and its economic impact statement may be obtained from the Division of Workers Compensation, 7th Floor, Firststar Bank Building, 800 S.W. Jackson, Topeka, 66612-1227, (785) 296-4000.

Richard E. Beyer  
Secretary of Human Resources

Doc. No. 026971

State of Kansas

Department of Transportation

Request for Comments

In accordance with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) requirements, the Kansas Department of Transportation (KDOT) requests comments on the draft Statewide Transportation Improvement Program (STIP).

The STIP is a project-specific document that includes a list of all highway and transit projects in the state for a three-year period (October 1, 2001 to September 30, 2004). The STIP has been categorized into three general sections:

1. All street and highway projects administered by KDOT
2. Statewide Public Transit Projects
3. Federal Lands Highway Program Projects

The comprehensive list of programmed projects provided under category one above includes *all* projects, regardless of funding source, to be administered by KDOT. This list includes projects for counties, cities and in metropolitan planning organization (MPO) areas, as well as projects on the state highway system. This approach allows currently scheduled projects to be converted to federal aid, if necessary, without undue delay and revision to the STIP.

To receive a copy of the draft STIP or to comment on the contents of the document, contact the Kansas Department of Transportation, Office of Engineering Support, Room 761-S, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7940, fax (785) 296-0723.

A draft copy is available for review at the following locations:

**Metropolitan Planning Organization (MPO) Offices:**

Mid-America Regional Council (MARC), 300 Rivergate Center, 600 Broadway, Kansas City, Missouri  
Wichita-Sedgwick County Metropolitan Area Planning Department, 455 N. Main, 10th Floor, Wichita  
Topeka-Shawnee County Metropolitan Planning Commission, 515 S. Kansas Ave., Suite 404, Topeka  
Lawrence-Douglas County Planning Office, 6th and Massachusetts, Lawrence

**KDOT District Offices:**

District One, 121 W. 21st, Topeka  
District Two, 1006 N. 3rd, Salina  
District Three, 312 2nd St., Norton  
District Four, 411 W. 14th, Chanute  
District Five, 500 N. Hendricks, Hutchinson  
District Six, Campus Drive and U.S. 50, Garden City

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the draft STIP will conclude September 24.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 026962

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Wichita Airport Hilton, Wichita, until 2 p.m. September 12, and then publicly opened:

**District One—Northeast**

**Johnson**—10-46 K-8466-01 - K-10 from K-7 east to I-435, 4.4 miles (7.1 kilometers), overlay. (State Funds)

**Marshall**—58 C-3612-01 - County road 3.5 miles (5.6 kilometers) north and 1.3 miles (2.1 kilometers) east of Marysville, 0.2 mile (0.3 kilometer), grading and bridge. (State Funds)

**Marshall**—58 C-3625-01 - County road 3.5 miles (5.6 kilometers) south and 6 miles (9.7 kilometers) east of Blue Rapids, 0.25 mile (0.4 kilometer), bridge rehabilitation. (Federal Funds)

**District Two—Northcentral**

**Chase**—9 X-2154-02 - Relocate county road at Bazaar, grading and surfacing. (Federal Funds)

**Cloud**—9-15 K-8355-01 - K-9 bridge over Elm Creek Drainage, 10.1 miles (16.2 kilometers) east of the junction of U.S. 81 and K-9, bridge repair. (State Funds)

**Ellsworth**—14-27 K-8356-01 - K-14 bridge over Ash Creek, 6.9 miles (11.2 kilometers) north of the Rice-Ellsworth county line, bridge repair. (State Funds)

**Geary**—31 C-3630-01 - County road 4 miles (6.4 kilometers) south and 3 miles (4.8 kilometers) east of Junction City, 0.09 mile (0.16 kilometer), grading, bridge and surfacing. (Federal Funds)

**Geary**—31 C-3631-01 - County road 1 mile (1.6 kilometers) north and 8 miles (12.9 kilometers) east of Grandview, 0.010 mile (0.16 kilometer), grading, bridge and surfacing. (Federal Funds)

**Republic**—36-79 K-5043-01 - U.S. 36, Republican River bridge 7, 3.6 miles (5.8 kilometers) east of K-266, bridge replacement. (Federal Funds)

**Saline**—85 C-3624-01 - County road 6.4 miles (10.3 kilometers) north of Hedville, grading, bridge and surfacing. (Federal Funds)

**District Three—Northwest**

**Ellis**—26 C-3626-01 - County road 11.5 miles (18.5 kilometers) north and 0.6 mile (1 kilometer) east of Ellis, grading, bridge and surfacing. (Federal Funds)

**Ellis**—26 C-3627-01 - County road 2.2 miles (3.5 kilometers) north and 4.4 miles (7.1 kilometers) west of Hays, grading, bridge and surfacing. (Federal Funds)

**Ellis**—26 C-3628-01 - County road 2.2 miles (3.5 kilometers) north and 3.6 miles (5.8 kilometers) west of Hays, grading, bridge and surfacing. (Federal Funds)

**District Four—Southeast**

**Crawford**—19 C-3681-01 - County road 3 miles (4.8 kilometers) east and 0.4 mile (0.6 kilometer) north of the

junction of Alternate U.S. 69 and K-126, 0.3 mile (0.5 kilometer) grading, bridge and surfacing. (State Funds)

**Neosho**—169-67 K-8570-01 - County road 0.6 mile (0.9 kilometer) north of the Labette-Neosho county line north to the south city limits of Thayer, 6.7 miles (10.7 kilometers), slurry seal. (State Funds)

**Wilson**—103 C-3743-01 - County road 3.5 miles (5.6 kilometers) south and 1 mile (1.6 kilometers) east of Altoona, 0.09 mile (0.16 kilometer), grading, bridge and surfacing. (Federal Funds)

**District Five—Southcentral**

**Reno**—78 U-1660-01 - Lorraine Street from 7th Avenue to 30th Avenue in Hutchinson, 1 mile (1.6 kilometers), grading and surfacing. (Federal Funds)

**District Six—Southwest**

**Ford**—34-29 K-6810-01 - Bridge 053 over K-34 at Bucklin, bridge replacement. (Federal Funds)

**Grant**—34 U-1876-01 - City of Ulysses, signing. (Federal Funds)

**Hamilton**—50-38 K-8454-01 - U.S. 50 from the Colorado-Kansas state line southeast to the west city limits of Syracuse, 16 miles (25.9 kilometers), overlay. (State Funds)

**Stevens**—25-95 K-8451-01 - K-25 from the Oklahoma-Kansas state line north to the west junction of U.S. 56, 10.8 miles (17.5 kilometers), seal. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 026972

State of Kansas

Kansas Sentencing Commission

Notice of Meeting

The Kansas Sentencing Commission will meet from 9 a.m. to 3 p.m. Thursday, September 6, in the Bradbury Thompson Alumni Center on the Washburn University Campus, 17th and Jewell, Topeka. For additional information, call (785) 296-0923.

Barbara Tombs
Executive Director

Doc. No. 026969

(Published in the Kansas Register August 23, 2001.)

Heartland Works, Inc.

Request for Proposals

Heartland Works, Inc. is accepting bids for the purchase of workers compensation insurance. To receive a "Request for Proposals" bid packet containing all specifications, contact the Heartland Works office at 610 S.W. 10th Ave., Suite 210, Topeka, 66612-1616, (785) 234-0500. All bids must be received by 3 p.m. September 20. All interested companies are encouraged to bid.

Kris Kitchen
Executive Director

Doc. No. 026981

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, Landon State Office Building, 900 S.W. Jackson, Room 102, 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:

Tuesday, September 4, 2001

03862

State Corporation Commission—Abandoned Well Plugging, Zimmerman/Younger Lease

Wednesday, September 5, 2001

03814

Department of Health and Environment—Emergency Response Services

03892

Kansas Correctional Facility—Pre-Fab Building, Hutchinson

03900

Department of Transportation—Aggregate (District 1), Various Locations

Thursday, September 6, 2001

03866

State Corporation Commission—Abandoned Well Plugging, Hendrickson

03883

Department of Transportation (Statewide)—School Zone Cross Walk Material

03896

Kansas Correctional Industries—Modular Office Systems Parts, Assemblies and Components

Tuesday, September 11, 2001

03911

Adjutant General's Department—Furnish and Install Access Control, CCTV and Demand Lighting System, Salina

03914

Adjutant General's Department—Furnish and Install Access Control, CCTV and Demand Lighting System, Salina

Thursday, September 13, 2001

03912

Adjutant General's Department—Construct Concrete Apron Approach, Manhattan

03913

Adjutant General's Department—Construct Addition to Building 210

03915

Adjutant General's Department—Furnish and Install Thin Brick System, Salina

03916

Adjutant General's Department—Furnish and Install Drainage Swale, Ottawa

Friday, September 21, 2001

03918

Adjutant General's Department—Construct Distance Learning Classroom, Hays

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Request for Proposals

Friday, September 7, 2001

03423

Printing of Spotlight Magazine for Emporia State University

03750

Janitorial Services for the University of Kansas, Lawrence

Monday, September 10, 2001

03783

CPA Examination Administration for the Board of Accountancy

Tuesday, September 11, 2001

03818

Model Approach to Partnerships in Parenting (MAPP) for the Department of Social and Rehabilitation Services

John T. Houlihan
Director of Purchases

Doc. No. 026984

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, September 6, in the offices of the 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 Bonds for the projects numbered below in the respective maximum principal amount. The bonds will be issued to assist the respective borrower named below (who will be the owner and operator of the 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 projects shall be located as shown:

**Project No. 000502—Maximum Principal Amount: \$146,192.89.** Owner/Operator: Cassidy Tate Riegel. 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 Southeast Quarter of Section 8, Township 27, Range 22, Spearville Township, Ford County, Kansas (126 Road and Outlaw Road).

**Project No. 000507—Maximum Principal Amount: \$110,964.47.** Owner/Operator: Glendon and Lorene Ropp. 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 11, Township 25, Range 6, Reno County, Kansas, approximately .5 mile east and 1 mile north of Castleton.

The bonds, 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 they be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds 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 bonds when they 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 projects may be obtained by contacting the Authority.

Any individual affected by the projects 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.

Jack H. Brier  
President

Doc. No. 026982

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. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 8-20-01 through 8-26-01

Term	Rate
1-89 days	3.73%
3 months	3.19%
6 months	3.21%
1 year	3.35%
18 months	3.52%
2 years	3.67%

Derl S. Treff  
Director of Investments

Doc. No. 026961

(Published in the Kansas Register August 23, 2001.)

City of Wichita, Kansas

Notice to Bidders

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, September 21, for the following project:

**KDOT Project No. 87 N-041-01/472-83044/  
448-89348/468-83079/715685/636077/620280  
(OCA Code 715685/636077/620280)**

Paving

Lincoln Bridge at Fabrique  
(Lincoln between Oliver and Woodlawn)

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

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

The successful bidder may contact Pam Plank at (316) 268-4499 or Sandra Loggins at (316) 268-4488 for extra sets of plans and specifications.

Sandra Loggins  
Administrative Aide  
City of Wichita—Engineering

Doc. No. 026967

## State of Kansas

## Advisory Committee on Trauma

## Notice of Meeting

The Advisory Committee on Trauma will meet from 10 a.m. to 3 p.m. Wednesday, August 29, at the Kansas Medical Society, 623 S.W. 10th Ave., Topeka. For further information, contact the KDHE Office of Local and Rural Health, (785) 296-1200.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026966

## State of Kansas

## Governmental Ethics Commission

## Opinion No. 2001-11

Written June 21, 2001, to Dan Stanley, Secretary, Kansas Department of Administration, Topeka.

This opinion is in response to your letter of May 31, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the application of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*) and the local level conflict of interest laws (K.S.A. 75-4301a *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.* and the application of K.S.A. 75-4301a *et seq.*, and whether some other statutory system, common law theory, or agency rule or regulation applies to your inquiry is not covered by this opinion.

## Factual Statement

We understand that you request this opinion in your capacity as the Secretary of the Kansas Department of Administration (Secretary). You have explained that you have recently been elected to the Topeka City Council, and that, pursuant to statute, you also serve as the chairperson of the Topeka Public Building Commission (PBC). In your capacity as Secretary, you are required by law to approve certain leases and contracts entered into by the State of Kansas. You have stated that pursuant to K.S.A. 75-3702j, you have the authority to delegate that duty to another individual. With the proscriptions in K.S.A. 46-233 in mind, you signed a delegation agreement dated May 23, 2001, delegating to the Assistant Secretary of Administration the authority to negotiate contracts and leases and to grant approvals for all transactions between the State of Kansas and the City of Topeka which require the approval of the Secretary of Administration.

## Question

Is the delegation of authority to the Assistant Secretary sufficient to resolve any conflicts of interest pursuant to K.S.A. 46-233 and K.S.A. 75-4304?

## Opinion

In order to answer this question, we must analyze the statutes while separately considering each of the three positions you hold. First, we will address your position as Secretary of Administration. In this position, you are governed by the state level conflict of interest laws (K.S.A.

46-215 *et seq.*). K.S.A. 46-233 applies to this situation. It states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed. . . .

Under this provision, you are prohibited, as a state employee, from being substantially involved in the preparation of, or participating in the making of, a contract with a business in which you have a substantial interest. Pursuant to K.S.A. 46-230, the City of Topeka and the PBC are businesses in which you have a substantial interest.

Because you have delegated the requirement of your participation in contracts between the State and the City of Topeka, you would not be in violation of K.S.A. 46-233 with regard to these contracts, so long as you, in your capacity as Secretary of Administration, refrain from any substantial participation in the making of contracts with the City of Topeka.

We must also address contracts you, in your capacity as Secretary of Administration, may be involved in between the State and the PBC. As noted in the factual statement above, you are required to be a part of the PBC pursuant to statute. See K.S.A. 12-1759. This statute does not limit the Secretary's participation to that of a non-voting member, although there are numerous other statutorily created commissions and boards requiring the Secretary to be a non-voting member. K.S.A. 12-1759 became law after the enactment of K.S.A. 46-233, and, therefore, the Legislature is presumed to have been aware of the conflict between the statutes. In construing these statutes, we must give credence to the intent of the legislature and reconcile the statutes in a manner which makes them "consistent, harmonious, and sensible." *KPERS v. Reimer & Koger Assocs., Inc.*, 262 Kan. 635, 643, 941 P.2d 1321 (1997). In addition, we note that K.S.A. 12-1759 is a more specific statute than K.S.A. 46-233. "General and special statutes should be read together and harmonized whenever possible, but to the extent a conflict between them exists, the special statute will prevail unless it appears the legislature intended to make the general statute controlling." *State ex rel. Tomasic v. Unified Gov. of Wyandotte Co./Kansas City*, 264 Kan. 293, Syl. ¶ 9, 955 P.2d 1136 (1998).

With these principles of statutory interpretation in mind, we conclude that K.S.A. 46-233 does not prohibit the Secretary of Administration from participating in contracts between the State of Kansas and the PBC. Nonetheless, the Commission notes that such actions may foster an appearance of impropriety.

Second, we must address your position as a member of the Topeka City Council and as a member of the PBC. In these positions, you are subject to the local level conflict of interest laws (K.S.A. 75-4301a *et seq.*). Under these laws, K.S.A. 75-4304(a) applies to the making of contracts. It states in pertinent part:

No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business the officer or employee has a substantial interest.



K.S.A. 75-4301a(b) defines “business” as any “corporation, association, partnership, proprietorship, trust, joint venture, and every other business interest, including ownership or use of land for income.” This definition of “business” differs from the definition at the state level. Pursuant to the local level conflict of interest laws, a “business” does not include a governmental agency unit or governmental subdivision. Thus, this Commission has consistently held that under the local conflict laws a “substantial interest” cannot be held in units of government. Therefore, K.S.A. 75-4304(a) would not apply, and there are no prohibitions on you, in your capacity as a Topeka City council member or as a member of the PBC, from participating in contracts with the State.

In conclusion, 1) when acting in your capacity as the Secretary of Administration, you are prohibited by K.S.A. 46-233 from participating in the making of a contract with the City of Topeka while you are a member of the Topeka City Council; 2) because you are required by statute to be a member of the PBC, you, in your capacity as the Secretary of Administration, are not prohibited by K.S.A. 46-233 from participating in the making of a contract between the State and the PBC; 3) and finally, in your capacity as a member of the Topeka City Council or as a member of the PBC, you are not prohibited by K.S.A. 75-4301 *et seq.* from participating in the making of a contract with the State of Kansas.

#### Opinion No. 2001-12

Written June 21, 2001, to Michele Porter, Kansas Department of Social and Rehabilitation Services, Overland Park.

This opinion is in response to your letter of June 12, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission’s jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you are asking for this opinion in your capacity as a social worker for the Children and Family Services Division of the Kansas Department of Social and Rehabilitation Services (SRS). In this position, you protect children in Johnson County from abuse and neglect and participate in investigations of sexual, emotional and physical abuse and neglect of children. You have explained that you recently graduated with a masters degree in social work and have now been offered a part-time position with a counseling service called Intensive Family Counseling (IFC). While working for IFC, you will be meeting on a weekly basis with families and individuals in Leavenworth County to determine barriers that prevent employment. You have also explained that you, in your capacity as an SRS employee, have not been involved in the making of any contracts with IFC .

#### Question

Is it a violation of the State Governmental Ethics laws for you to work as a counselor for IFC while employed by SRS as a social worker?

#### Opinion

Three statutes apply to the question you have raised: K.S.A. 46-233(a), which involves participation in the making of contracts; K.S.A. 46-235, which governs restrictions on compensation of state employees; and K.S.A. 46-241, which involves the use of confidential information. Each of these statutes will be addressed in turn.

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

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed. . . .

Under this provision, you are prohibited, as a state employee, from being substantially involved in the preparation of, or participating in the making of, a contract with the business by which you are employed. Absent such participation in the making of a contract with IFC, this statute would not prohibit you from accepting this part-time position.

K.S.A. 46-235 states in pertinent part:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. . . . The receipt of wages or salary from an individual’s non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

Pursuant to this statute, so long as it is not part of your current state duties to perform individual and family therapy in Leavenworth County to determine barriers that prevent employment, K.S.A. 46-235 would not prohibit you from accepting compensation for performing these services for IFC.

Finally, K.S.A. 46-241 states:

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

This section is self-explanatory. Confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another.

In conclusion, K.S.A. 46-233(a)(1) does not prohibit you from working for IFC, so long as you do not, in your capacity as a state employee, participate in the making of any contracts between the State and IFC. Pursuant to K.S.A. 46-235, as long as it is not part of your current state duties to perform individual and family therapy in Leavenworth County to determine barriers that prevent employment, you would not be prohibited from accepting compensation for performing these services for IFC. Finally, confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another.

Daniel Sevart  
Chairman

Doc. No. 026963

(Editor's Note: The following hearing notice, which was first published in the August 9, 2001 Kansas Register, contained a typographical error in the full text of proposed regulation 91-1-70a. The notice is being republished in its entirety with a corrected version of the regulation.)

## State of Kansas

### Board of Education

#### Notice of Hearing on Proposed Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, November 13, in the board room of the State Education Building, 120 S.E. 10th Ave., Topeka, on the proposed amended institutional accreditation regulation, K.A.R. 91-1-70a. A summary, and the full text, of the proposed amended regulation is provided in this notice, along with a summary of the economic impact of the regulation.

The following is a summary of the proposed regulation and the economic impact:

**K.A.R. 91-1-70a.** This regulation concerns the national standards for the accreditation of teacher education institutions. This regulation is being amended to update the standards used to accredit teacher education institutions. Currently, the 1994 NCATE standards are used. The amendment will make the 2001 standards applicable. No economic impact is anticipated for the State Board of Education, school districts, other governmental entities, private businesses or individuals.

The full text of the regulation is as follows:

**91-1-70a.** (a) The "~~NCATE Refined~~ professional standards for the accreditation of schools, colleges, and departments of education," as published by the national council on the accreditation of teacher education (NCATE) on March 5, 1994 in January 2001, including the "~~Introduction to NCATE'S Standards~~" and "~~Standards~~ "glossary of NCATE terms," are adopted by reference.

(b) ~~This regulation shall take effect on July 1, 1997.~~ (Authorized and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 1997; amended P-\_\_\_\_\_.)

A copy of the proposed regulation and its economic impact statement may be obtained by contacting the secretary of the State Board of Education at the address above prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulation. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. Such written comments may be submitted to the secretary of the State Board of Education at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the State Board of Education.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days

in advance of the hearing by contacting Lanny Gaston at (785) 296-3906 or TDD (785) 296-8172.

Andy Tompkins  
Commissioner of Education

Doc. No. 026914

(Published in the Kansas Register August 23, 2001.)

## City of Olathe, Kansas

### Notice to Bidders

Sealed bids will be received at the office of the city clerk, City Hall, 100 W. Santa Fe, Olathe, until 10 a.m. local time September 20 for the construction of **Ridgeview Road (151st Street to 159th Street), City of Olathe Project No. 32498C, KDOT Project No. 46 N-0216-01.** At said time and place all bids that have been duly received will be publicly opened and read aloud.

The work consists of the construction of Ridgeview Road to collector standards from 151st Street to 159th Street. The improvement will include right-of-way grading, 1480 L.M. of 12.0 meter collector style roadway, storm sewer, sidewalk, street lights and other necessary and miscellaneous work as is needed thereto.

Contract documents, including drawings and specifications, are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be obtained at the office of Phelps Engineering, Inc., 1270 N. Winchester, Olathe, for \$50, none of which will be refunded.

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

A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

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

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

Effective April 24, 2000, all bidders shall submit in writing to the Director of Human Relations an affirmative action program. No contract will be awarded to any company that has not been issued a Certification of Compliance by the Olathe Human Relations Commission within the past 12 months. A copy of the required form is included in the contract documents. Questions concerning the forms and information required to complete the form should be directed to the City of Olathe Equal Opportunity Office at (913) 393-6493.

City of Olathe, Kansas  
Debra S. Gragg  
City Clerk

Doc. No. 026964

(Published in the Kansas Register August 23, 2001.)

**Summary Notice of Bond Sale  
City of Ensign, Kansas  
\$190,000**

**General Obligation Improvement Bonds  
Series A, 2001**

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

**Details of the Sale**

Subject to the terms and conditions of the complete official notice of bond sale dated as of August 7, 2001, of the City of Ensign, Kansas, in connection with the city's General Obligation Improvement Bonds, Series A, 2001, hereinafter described, written bids for the purchase of the bonds shall be received at the office of the city clerk at City Hall, 108 Aubrey, Ensign, KS 67841, or by telefacsimile at (620) 865-4141, until 3 p.m. Tuesday, September 4, 2001. All bids shall be disclosed publicly and tabulated or compared on said date at 8 p.m. at the Ensign City Hall, and shall thereafter be immediately considered and acted upon by the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than 98.5 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or the city's financial advisor. Bids may be submitted by mail, delivered in person, or submitted by telefacsimile at (620) 865-4141, and must be received at the place and not later than the date and time hereinbefore specified. Neither the city, its bond counsel, its financial advisor, nor any officer or employee of the city shall be deemed to have any liability whatsoever in connection with the failure of any electronic or telefacsimile equipment or any other occurrence resulting in disqualification or failure by the city to receive a bid. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

**Details of the Bonds**

The bonds to be sold are in the aggregate principal amount of \$190,000, and shall bear a dated date of September 15, 2001. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified in even multiples of 1/8th or 1/10th of 1 percent by the successful bidder for the bonds. The difference between the highest and lowest interest rate shall not exceed 3 percent. Certain of the bonds are subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing

March 1, 2002, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$10,000	2002
10,000	2003
10,000	2004
10,000	2005
10,000	2006
10,000	2007
10,000	2008
10,000	2009
15,000	2010
15,000	2011
15,000	2012
15,000	2013
15,000	2014
15,000	2015
20,000	2016

**Redemption of Bonds**

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice of bond sale. Additionally, a bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as term bonds, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

**Payment of Principal and Interest**

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be paid upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

**Book-Entry Option**

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York (DTC).

**Security for the Bonds**

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon from ad valorem taxes levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

**Delivery of the Bonds**

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about September 26, 2001, at such bank or trust company or other qualified depository in the contiguous United States, as may be specified by the successful bidder. Delivery else-

*(continued)*

where shall be made at the expense of the successful bidder.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

**Financial Matters**

The city's current equalized assessed tangible valuation is as follows:

Assessed Tangible Valuation of Taxable Tangible	
Property.....	\$627,456
Taxable Value of Motor Vehicles .....	204,153
Assessed Tangible Valuation for Debt Limit	
Computation .....	\$831,609

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of September 15, 2001, the city's gross outstanding debt, including the bonds, will be \$190,000. The city's total indebtedness that is subject to debt limitation, as of September 15, 2001, will be \$0, which is 0 percent of the assessed valuation of the city.

**Official Statement**

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered by the successful bidder at its expense.

**Continuing Disclosure**

Securities and Exchange Commission Rule 15c2-12 provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

**Additional Information**

For additional information regarding the city, the bonds and the public sale, interested parties are invited

to request copies of the complete official notice of bond sale and the official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below or from the financial advisor, David Shupe, Ranson Municipal Consultants, L.L.C., 120 S. Market, Suite 200, Wichita, KS 67202, (316) 269-2231.

City of Ensign, Kansas  
By Margo Sayre  
City Clerk  
City Hall, 108 Aubrey  
Ensign, KS 67841  
(620) 865-4571  
Fax (620) 865-4141

Doc. No. 026973

**State of Kansas**

**Department of Health  
and Environment**

**Request for Comments**

The Kansas Department of Health and Environment has prepared a draft National Pollutant Discharge Elimination System permit for the City of Iola to discharge treated domestic wastewater into the Neosho River.

The proposed permit is based upon an average discharge flow of 1.394 MGD to the Neosho River. This facility is an aerated lagoon system plant consisting of one aeration cell and three cell wastewater stabilization system. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia, fecal coliform, total phosphorus, total Kjeldahl nitrogen, nitrate, nitrite and effluent flow also will be required. The permittee is required to conduct chronic whole effluent toxicity and heavy metals testing annually, and a priority pollutant scan will be required once during the life of the permit.

Copies of the city's application, draft permit, fact sheets and other pertinent documents may be requested by writing the Kansas Department of Health and Environment, TSS - Permit Clerk, Bureau of Water, Forbes Field, Building 283, Topeka, 66620. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the draft permit must submit written statements to the address above by September 22.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026980

**State of Kansas  
State Conservation Commission**

**Notice to Contractors**

Sealed bids for the construction of a 34,400 cubic yard detention dam, Site 36 in Brown County, will be received by the Pony Creek Watershed Joint District No 78 at King Engineering, Inc., 307 Montana Ave., Holton, 66436-1127, until 11 a.m. September 10, or may be hand carried to the Morrill Community Building, Morrill (no telephone available), and submitted immediately prior to bid opening at 1 p.m. September 10. A copy of the invitation for bids and the plans and specifications can be obtained at King Engineering, Inc. office, (785) 364-4312. A \$25 non-refundable deposit is required for each set of plans requested.

Tracy D. Streeter  
Executive Director

Doc. No. 026970

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

The Kansas Department of Health and Environment is soliciting comments regarding two proposed air quality permits. Abilene Concrete Supply has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300 and a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of total particulate matter (PM) and PM equal to or less than 10 microns in diameter (PM<sub>10</sub>) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Abilene Concrete Supply owns and operates a concrete batch plant located at 1101 Portland St., Abilene, at which the concrete batch plant is to be installed.

A copy of the proposed permits, permit applications, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permits and supporting documentation, contact Herbert Buckland, (785) 296-6438, at the KDHE central office, or Joan Ratzlaff, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permits to Herbert Buckland, 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 September 24.

A person may request a public hearing be held on the proposed permits. The request for a public hearing shall

be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 24 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026978

**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. Ritchie Paving, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter equal to or less than 10 microns in diameter (PM<sub>10</sub>) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Ritchie Paving, Inc., Wichita, owns and operates a portable concrete batch plant.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air 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 Herbert Buckland, (785) 296-6438, 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 Herbert Buckland, 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 September 24.

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 September 24 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026977

## State of Kansas

Department of Health  
and EnvironmentNotice of Hearing on Proposed  
Administrative Regulations

The Kansas Department of Health and Environment, Bureau of Health Facilities, will conduct a public hearing at 9 a.m. Friday, October 26, in Suite 330, Signature Office Building, 1000 S.W. Jackson, Topeka, to consider adoption of three permanent amended regulations concerning adult care homes and hospitals. A summary of the proposed regulations and their economic impact follows.

**K.A.R. 28-39-144. Definitions.** Amending this regulation will make it clear that a certified dietary manager is one way of meeting the definition of dietetic services supervisor for adult care homes. There is no significant economic impact of this regulation. The facilities affected already employ qualified dietetic services supervisors.

**K.A.R. 28-39-155. Physician services.** The current requirement that advanced registered nurse practitioners provide copies of supervising physician protocols and that medication orders are cosigned by the physician are no longer needed due to changes in the Kansas Nurse Practice Act. No additional costs have been identified for citizens, consumers, or other governmental agencies or units.

**K.A.R. 28-34-1a. Definitions.** Amending this regulation will make it more clear that a certified dietary manager is one way of meeting the definition for a dietetic services supervisor in a hospital. Other changes make the definition of dietetic services supervisor consistent with that for adult care homes. No substantive effect on hospitals is identified. There is no significant economic impact of this regulation as the hospitals already employ qualified dietetic services supervisors.

The time between publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. Interested parties may submit written comments prior to the hearing to Joseph Kroll, Bureau of Health Facilities, Suite 330, Signature State Office Building, 1000 S.W. Jackson, Topeka, 66612-1365. Interested parties will be given a reasonable opportunity to orally present their views on the proposed regulatory action during the hearing. To give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

A copy of the proposed amended regulations and the economic impact statements may be obtained by contacting Joseph Kroll at (785) 296-1240. Questions pertaining to the proposed amendments also should be directed to Joseph Kroll.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request a copy of the proposed amended regulations and the economic impact statements in an accessible for-

mat. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Joseph Kroll.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026968

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding two proposed air quality permits. Tri-City Fiberglass, Inc. has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300 and a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of individual hazardous air pollutants (HAPs) and combined HAPs were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Tri-City Fiberglass, Inc., Hastings, Nebraska, owns and operates a fiberglass bus and cab parts manufacturing facility located at 702 E. North St., Lincoln, Kansas, at which the fiberglass spray booth is to be installed.

A copy of the proposed permits, permit applications, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permits and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or Joan Ratzlaff, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permits to Rasha Allen, 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 September 24.

A person may request a public hearing be held on the proposed permits. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 24 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026985

## 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 and amending previously-issued construction approval. Case Corporation has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance. Notice also is given that certain requirements in the construction approval dated July 23, 1990, are being modified by a modification of approval conditions.

Case Corporation, Wichita, owns and operates a construction equipment manufacturing facility located at 3301 S. Hoover Road, Wichita.

A copy of the proposed permit, permit application, all supporting documentation, all information relied upon during the permit application review process and a copy of the modification of approval conditions are available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review either document, contact Ann Spitz, (785) 291-3271, at the KDHE central office, or Randy Owen, (316) 268-8448, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the documents to Ann Spitz, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating final document decisions, written comments must be received by the close of business September 24.

A person may request a public hearing be held on the proposed documents. 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 September 24 in order for the Secretary of Health and Environment to consider the request.

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

KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 026975

## State of Kansas

Department of Health  
and EnvironmentNotice 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-AG-01-262/264

Application(s) for New or Expansion of  
Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
David W. Baier 1272 1300 Ave. Abilene, KS 67410	David W. Baier 1272 1300 Ave. Abilene, KS 67410
Legal Description	Receiving Water
NE/4 of Section 1, T15S, R2E, Dickinson County Kansas Permit No. A-SHDK-S018	Smoky Hill River Basin

This is an application for construction of a new facility for a maximum of 1,650 head of swine weighing greater than 55 pounds [660 animal units (a.u.)] and 500 head of swine weighing less than 55 pounds (50

(continued)

a.u.) for a total of 2,150 head (710 a.u.) of swine. A new or modified permit will not be issued without additional public notice.

<b>Name and Address of Applicant</b>	<b>Owner of Property Where Facility Will Be Located</b>
Galen Hammes Route 1, Box 18 Seneca, KS 66538	Galen Hammes Route 1, Box 18 Seneca, KS 66538

<b>Legal Description</b>	<b>Receiving Water</b>
SE/4 of Section 21, T2S, R12E, Nemaha County Kansas Permit No. A-MONM-S023	Missouri River Basin

This is an application for the expansion of an existing swine facility. A new or modified permit will not be issued without additional public notice.

The application is for the expansion of an existing swine facility by adding 119 head of swine, each weighing more than 55 pounds, for a total of 2,249 head of swine greater than 55 pounds and 800 head of swine 55 pounds or less for a total of 979.6 animal units. An additional concrete pit will be added to the existing wastewater management system.

<b>Name and Address of Applicant</b>	<b>Owner of Property Where Facility Will Be Located</b>
Kansas State University Animal Sciences and Industry Dept. 232 Weber Hall Manhattan, KS 66506	Kansas State University Animal Sciences and Industry Dept. 232 Weber Hall Manhattan, KS 66506

<b>Legal Description</b>	<b>Receiving Water</b>
E/2 of Section 36, T9S, R7E, Riley County Kansas Permit No. A-BBRL-C001	Big Blue River Basin Federal Permit No. KS0086282

This is an application for construction of additional wastewater irrigation facilities and a 16-cell constructed wetland facility to demonstrate new technologies for handling nutrients from livestock effluent. This expansion of the waste management system will not change the facility's permitted capacity. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-01-265/288  
Pending Permits for Confined Feeding Facilities**

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Benfer Dairy c/o Darren and David Benfer 1032 4th Road Longford, KS 67458-9319 Kansas Permit No. A-SHCY-M002	NW/4 of Section 22, T10S, R2E, Clay County	Smoky Hill River Basin

This is a new permit for an existing, expanding facility for 120 head (168 animal units) of dairy cows.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. Dewatering equipment shall be obtained within four months after issuance of the permit. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Galen Hammes Route 1, Box 18 Seneca, KS 66538 Kansas Permit No. A-MONM-S023	SE/4 of Section 21, T2S, R12E, Nemaha County	Missouri River Basin

This is an expansion for an existing facility for 2,249 head (899.6 animal units) of swine greater than 55 pounds and 800 head (80 animal

units) of swine 55 pounds or less for a total of 979.6 animal units. An additional concrete pit will be added to the existing wastewater management system.

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

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Kansas State University Animal Sciences and Industry Dept. 232 Weber Hall Manhattan, KS 66506 Kansas Permit No. A-BBRL-C001	E/2 of Section 36, T9S, R7E, Riley County	Big Blue River Basin Federal Permit No. KS0086282

This is a modified permit for new construction at an existing facility for 750 beef cattle weighing over 700 pounds (750 animal units), 750 beef cattle weighing less than 700 pounds (375 a.u.), 1,364 swine weighing over 55 pounds (545.6 a.u.), 790 swine weighing under 55 pounds (79 a.u.) 250 lactating dairy cattle (350 a.u.), 125 dairy heifers weighing under 700 pounds (62.5 a.u.), 125 dairy heifers weighing over 700 pounds (125 a.u.) and 3,600 (118 a.u.) for a total of 2,405.9 animal units.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. Written verification of the acquisition of dewatering equipment shall be submitted to the department within 60 days of permit issuance. The manure/waste management plan developed by the facility and approved by the department shall be adhered to as a condition of the permit.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Sellers Farms, Inc. c/o Steve Sellers 1420 Ave. N Lyons, KS 67554 Kansas Permit No. A-ARRC-C004	SW/4 of Section 6, N/2 of Section 7, T20S, R8W, Rice County	Lower Arkansas River Basin Federal Permit No. KS0086690

This is a permit renewal and expansion of an existing facility for 12,000 head (12,000 animal units) of cattle. No change in animal unit capacity is proposed. The existing permitted capacity of the facility is 12,000 head (12,000 a.u.) of cattle. The proposed expansion refers completion of the final phase of previously permitted pens and the addition and modification of wastewater storage structures.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Nelson Farms c/o Glen Nelson 2074 Stafford Road Ottawa, KS 66067 Kansas Permit No. A-MCFR-S024	NE/4 of Section 32, SW/4 of Section 29, T15S, R19E, Franklin County	Marais des Cygnes River Basin

This is a permit renewal for an existing facility for 770 head (308 animal units) of swine greater than 55 pounds and for 240 (24 animal units) of swine 55 pounds or less for a total of 332 animal units.

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



Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Hug's Dairy c/o Darrell Hug 17915 V Road Mayetta, KS 66509	NE/4 of Section 8, T8S, R16E, Jackson County	Kansas River Basin

Kansas Permit No. A-KSJA-M009

This is a permit renewal for an existing facility for 40 head (56 animal units) of dairy cows.

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

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Harold Barnett 27700 Bethel Church Road Paola, KS 66071	SE/4 of Section 29, T16S, R22E, Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-S005

This is a permit renewal for an existing facility for 400 head (160 animal units) of swine greater than 55 pounds and 160 head (16 animal units) of swine 55 pounds or less for a total of 176 animal units.

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

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Robert B. Rose 1380 J Ave. Council Grove, KS 66846	SW/4 of Section 6, T15S, R8E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-S012

This is a permit renewal for an existing facility for a maximum of 384 head of swine weighing more than 55 pounds (153.6 animal units) and 500 head of swine weighing less than 55 pounds (50 a.u.) for a total of 884 head (203.6 a.u.) of swine.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ed Junior Farm, Inc. Route 1, Box 70 Bison, KS 67520	SW/4 of Section 2, T18S, R17W, Rush County	Upper Arkansas River Basin

Kansas Permit No. A-UARH-B003

This is a renewal permit for an existing facility for 400 head (400 animal units) of cattle weighing greater than 700 pounds each.

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

Compliance Schedule: The manure/waste management plan approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Northglen Farms c/o Paul A. McRae 1616 Locust Grove Road Hays, KS 67601	NW/4 of Section 34, T12S, R18W, Ellis County	Smoky Hill River Basin

Kansas Permit No. A-SHEL-B004

This is a permit renewal for an existing facility for a maximum of 200 head (100 animal units) of cattle weighing 700 pounds or less and

200 head (280 animal units) of mature dairy cows for a total of 400 head (380 animal units).

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

Compliance Schedule: The manure/waste management plan approved by the department shall be adhered to as a condition of the permit. Dewatering equipment shall be obtained within six months after issuance of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Dan Ochs Route 2, Box 25 Grainfield, KS 67737	SE/4 of Section 30, T9S, R28W, Sheridan County	Saline River Basin

Kansas Permit No. A-SASD-B007

This is a renewal permit for an existing facility for 999 head (999 animal units) of cattle weighing greater than 700 pounds each.

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

Compliance Schedule: A manure/waste management plan for the facility shall be developed. A plan shall be submitted to the department within six months following permit issuance and will become part of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Bob Binder and Son, Inc. 1653 Mt. Pleasant Road Hays, KS 67601	SW/4 of Section 15, T14S, R18W, Ellis County	Smoky Hill River Basin

Kansas Permit No. A-SHEL-M005

This is a renewal permit for an existing facility for 150 head (210 animal units) of dairy cows.

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

Compliance Schedule: The manure/waste management plan approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Roger Powers 4080 County Road S Grainfield, KS 67737	SE/4 of Section 34, T12S, R29W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-BD11

This is a renewal permit for an existing facility for 300 head (150 animal units) of cattle weighing 700 pounds or less.

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

Compliance Schedule: The manure/waste management plan approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Cattle Care Services HC 01, Box 2W Hugoton, KS 67951	SW/4 of Section 2, T33S, R37W, Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-C004 Federal Permit No. KS0096555

This is a new permit for a new facility for 2,999 head (2,999 animal units) of cattle.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. Dewatering equipment shall be obtained within six months after issuance of the permit. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

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Name and Address of Applicant	Legal Description	Receiving Water
Wessel Dairy c/o Robert Wessel Route 3, Box 141 A Seneca, KS 66538	SW/4 of Section 27, T3S, R12E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-M002

This is a permit renewal for an existing facility for 50 head (70 animal units) of dairy cows, 20 head (20 animal units) of cattle greater than 700 pounds and 20 head (10 animal units) of cattle less than 700 pounds for a total of 100 animal units.

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

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lorna Morgan Trust c/o Jeff Morgan 877 Quail Road Hope, KS 67451	NW/4 of Section 30, T15S, R4E, Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-BD04

This is a new permit for an existing facility for 400 head (400 animal units) of cattle.

Wastewater will be dispersed onto bromegrass agricultural land for beneficial use. Wastewater detention and infiltration area is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Hitch Feeders II, Inc. 521 50th Road Satanta, KS 67870	W/2 & SE/4 of Section 26, SW/4 of Section 23, T27S, R34W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C002      Federal Permit No. KS0039519

This is a renewal permit for an existing facility for 61,600 head (61,600 animal units) of beef cattle weighing greater than 700 pounds.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Warner Ranches, L.P. dba Warner Feedyard P.O. Box 309 Cimarron, KS 67835	S/2 of Section 4, NW/4 of Section 10, T26S, R28W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-C001      Federal Permit No. KS0037541

This is a renewal permit for an existing facility for 20,000 head (20,000 animal units) of beef cattle weighing greater than 700 pounds.

Wastewater will be impounded for subsequent application land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Farms, Inc. Farm 108 P.O. Box 1207 Guymon, OK 73942	SW/4 of Section 21, T30S, R40W, Stanton County	Cimarron River Basin

Kansas Permit No. A-CIST-S001

This is a renewal permit for an existing facility for 8,880 head (888 animal units) of swine weighing 55 pounds or less.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lobb Dairy c/o James Lobb 16975 K-16 Hwy. Oskaloosa, KS 66066	NE/4 of Section 11, T10S, R19E, Jefferson County	Kansas River Basin

Kansas Permit No. A-KSJF-M008

This is a permit renewal for an existing facility for 130 head (182 animal units) of dairy cows.

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

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Funk Farms 1750 Mustang Road Hillsboro, KS 67063	SW/4 of Section 8, T20S, R3E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-S024

This is a new permit for a new facility for 1,400 head (422 animal units) of swine.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Mueller Farms, Inc. 413 N. Denver Ave. Hanover, KS 66945	NW/4 of Section 4, T2S, R5E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-B001

This is a renewal permit for an existing facility for 600 head (600 animal units) of cattle.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Neal Galle 2259 Cheyenne Road Moundridge, KS 67107	NE/4 of Section 11, T21S, R2W, McPherson County	Lower Arkansas River Basin

Kansas Permit No. A-LAMP-S028

This is a permit renewal for an existing facility for 851 head (192.8 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Applicant: Carl Richards, 11259 S. Paulen Road, Berryton, KS 66404. Legal: NE/4 of Section 2, T14S, R16E, Osage County. Receiving: Kansas River Basin.

Kansas Permit No. A-KSOS-S002 This is a permit renewal for an existing facility for 120 head (48 animal units) of swine greater than 55 pounds and for 400 head (40 animal units) of swine 55 pounds or less for a total of 88 animal units.

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

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Public Notice No. KS-01-123/130

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: Goessel, City of, P.O. Box 347, Goessel, KS 67053. Waterway: Emma Creek via Middle Emma Creek. Type: Treated Domestic Wastewater.

Kansas Permit No. M-LA05-0002 Federal Permit No. KS0081060 Legal: SE 1/4, S8, T21S, R1E, Marion County

Facility Description: The proposed action is to reissue an existing permit for 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 and pH. Monitoring for ammonia also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: Hesston, City of, P.O. Box 100, Hesston, KS 67062. Waterway: Emma Creek via Middle Emma Creek. Type: Treated Domestic Wastewater.

Kansas Permit No. M-LA07-1001 Federal Permit No. KS0022799 Legal: NW 1/4, S22, T22S, R1W, Harvey County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for chlorides, sulfates and effluent flow also will be required. Also included in this permit is a chronic whole effluent toxicity test scheduled to be conducted once during the lifetime of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: Iola, City of, P.O. Box 308, Iola, KS 66749. Waterway: Neosho River. Type: Treated Domestic Wastewater.

Kansas Permit No. M-NE37-1001 Federal Permit No. KS0032123 Legal: NE 1/4, S3, T25S, R18E, Allen County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, chronic whole effluent toxicity and pH. Monitoring for ammonia, fecal co-

liform, total phosphorus, total Kjeldahl nitrogen, nitrate, nitrite, effluent flow and priority pollutants also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: Norton, City of, 301 E. Washington St., Norton, KS 67654. Waterway: Republican River via Prairie Dog Creek. Type: Treated Domestic Wastewater.

Kansas Permit No. M-UR16-0001 Federal Permit No. KS0022446 Legal: SW 1/4, S36, T2S, R23W, Norton County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine and pH. Monitoring for dissolved oxygen and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: Pratt, City of, P.O. Box 807, Pratt, KS 67124. Waterway: South Fork Ninnescah River. Type: Treated Domestic Wastewater.

Kansas Permit No. M-AR73-0001 Federal Permit No. KS0049751 Legal: SW 1/4, S2, T28S, R13W, Pratt County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: South Hutchinson, City of, 2 S. Main, South Hutchinson, KS 67505. Waterway: Arkansas River. Type: Treated Domestic Wastewater.

Kansas Permit No. M-AR82-0001 Federal Permit No. KS0049841 Legal: NE 1/4, S25, T23S, R6W, Reno County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for chlorides and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: National Cooperative Refinery Association, P.O. Box 1404, McPherson, KS 67460. Waterway: Little Arkansas River via various tributaries. Type: Process Wastewater.

Kansas Permit No. I-LA11-PO02 Federal Permit No. KS0000761 Discharge Location: SE 1/4, S32, T19S, R3W, McPherson County

Facility Description: The proposed action is to reissue an existing permit for the discharge of process wastewater. This is a petroleum refinery that processes crude oil into finished gasoline and diesel distillate. The proposed permit includes limits for biochemical oxygen demand, ammonia, total suspended solids, chemical oxygen demand, chloride, fluorides, phenolic, sulfide, total chromium, hexavalent chromium, oil and grease, whole effluent toxicity test and pH. Monitoring for fecal coliform, temperature and effluent flow also will be

(continued)

required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Smithfield Foods, Inc. 111 N. Church St. Smithfield, VA 23430	Arkansas River	Noncontact Cooling Water

Facility Name: Great Bend Packing County, Inc.  
 Kansas Permit No. I-UA16-BO01      Federal Permit No. KS0000078  
 Discharge Location: NW¼, S4, T20S, R13W, Barton County

Facility Description: The proposed action is to reissue an existing permit for the discharge of noncontact cooling water. This facility processes hog carcasses into hams and bacon. The proposed permit includes limits for biochemical oxygen demand, ammonia, fecal coliform, total suspended solids, chloride, oil and grease and pH. Monitoring for sulfate and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

**Public Notice No. KS-PT-01-012/013**

Name and Address of Applicant	Receiving Facility	Type of Discharge
Ducommun Incorporated 111 W. Ocean Blvd. Suite 900 Long Beach, CA 90802	Parsons MWWTP	Processed Wastewater

Kansas Permit No. P-NE55-OO04  
 Facility Name: Parsons Precision Products, Inc.  
 Facility Location: 3333 Main, Parsons, KS 67357

Facility Description: The proposed action is to modify and reissue an existing pretreatment permit for this facility. This facility processes titanium metal into various parts for the aerospace industry. The titanium is heat treated and a portion of the parts are cut to size using water jet process. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, total cyanide, zinc and pH. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Stephen Hayes 235 N. Shefford Wichita, KS 67212	Park City MWWTP	Processed Wastewater

Kansas Permit No. P-LA19-OO01  
 Facility Name: Hayes Company, Inc.  
 Facility Location: 7700 N. Hayes Drive, Park City, KS 67147

Facility Description: The proposed action is to issue a new pretreatment permit for this facility. This facility manufactures various types of metal lawn and garden products, such as Shepherd hooks, trellis and plant stands. This facility is subject to the metal finishing standard because it has a five-stage conversion coating (phosphating) operation. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, total cyanide, zinc and pH. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

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 at-

tention of Shonda Domme 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 September 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-262/264, KS-AG-01-265/288, KS-01-123/130, KS-PT-01-012/013) 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

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

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. 026979

## State of Kansas

## Kansas Insurance Department

Permanent Administrative  
Regulations

## Article 4.—ACCIDENT AND HEALTH INSURANCE

**40-4-35. Medicare supplement policies; minimum standards; requirements.** (a) Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 and appendices A, B, and C of the national association of insurance commissioners' "model regulation to implement the national association of insurance commissioners' medicare supplement insurance minimum standards model act," July 1998 edition, are hereby adopted by reference, subject to the following additions or exceptions:

(1) Section 3(B) is hereby not adopted by reference and is replaced with the following language: "This regulation shall not apply to:

"(1) Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when the group or individual policy or contract includes provisions which are inconsistent with the requirements of this regulation."

(2) Section 3 is hereby amended by the addition of subsection C, which shall read as follows: "This regulation shall supersede any other Kansas insurance department administrative regulation to the extent the regulation or any provision of it is inconsistent with or contrary to this regulation."

(3) Section 4(H) is not adopted by reference and is replaced with the following language: "'Insolvency' means that an insurer licensed to transact the business of insurance in this state is unable to pay its obligations when they are due, or when its admitted assets do not exceed its liabilities plus the greater of:

"(1) any capital and surplus required by law for its organization; or

"(2) the total par of stated value of its authorized and issued capital stock.

"For the purposes of this subsection 'liabilities' shall include, but not be limited to, reserves required by statute or by insurance department general regulations or by specific requirement imposed by the commissioner upon a subject company at the time of admission or subsequent thereto."

(4) Section 4(K) is amended by replacing the phrase "Section 1859 found in Title IV, Subtitle A, Chapter 1 of P.L. 105-33" with the phrase "42 U.S.C. 1395w-28(b)(1)."

(5) Section 7(A)(3) is hereby amended by replacing the last sentence of this paragraph with the following language: "Premiums may be modified to correspond with such changes, subject to the requirements of Section 15(B) of this regulation or any applicable statutory requirements."

(6) Section 7(B)(2) is not adopted by reference and shall be replaced with the following language: "Coverage for all of the medicare part A inpatient hospital deductible amount."

(7) Section 8(A)(3) is hereby amended by replacing the last sentence of this paragraph with the following lan-

guage: "Premiums may be modified to correspond with such changes, subject to the requirements of Section 15(B) of this regulation or any applicable statutory requirements."

(8) Section 8(A)(7)(c) is moved to become new Section 8(A)(7)(d).

(9) Section 8(A)(7)(c) is new and reads as follows: "Each medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for the period provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862(b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of entitlement."

(10) Section 8(B)(5) is not adopted by reference and is replaced with the following language: "Coverage for the coinsurance amount (or in the case of hospital outpatient department services under a prospective payment system, the copayment amount) of medicare eligible expenses under part B regardless of hospital confinement, subject to the medicare part B deductible."

(11) Section 8(C)(9)(b) is not adopted by reference and is replaced with the following language: "Any one or combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:

"(1) Digital rectal examination;

"(2) dipstick urinalysis for hematuria, bacteriuria and proteinuria;

"(3) pure tone (air only) hearing screening test, administered or ordered by a physician;

"(4) serum cholesterol screening (every five (5) years);

"(5) thyroid function test;

"(6) diabetes screening."

(12) Section 8(C)(9)(c) is not adopted by reference and is replaced with the following language: "Tetanus and diphtheria booster (every ten (10) years)."

(13) Section 11(A) is not adopted by reference and is replaced with the following language: "An issuer shall not deny or condition the issuance or effectiveness of any medicare supplement policy or certificate available for sale in this state, nor discriminate in the pricing of a policy or certificate because of health status, claims experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the six-month period beginning with the first day of the first month in which an individual is both 65 years of age or older and enrolled for benefits under medicare part B, or becomes enrolled for benefits under medicare part B without regard to age. Each medicare supplement policy and certificate currently available from an issuer shall be made available to

(continued)

all applicants who qualify under this subsection without regard to age."

(14) Section 12(A)(1) is not adopted by reference and is replaced with the following language: "Eligible persons are those individuals described in Subsection B who, subject to Subsection B(2)(b), apply to enroll under the policy not later than sixty-three (63) days after the date of termination of enrollment described in subsection B, and who submit evidence of the date of termination or disenrollment with the application for a medicare supplement policy."

(15) Section 12(B)(1), (2), and (3) are not adopted by reference and shall be replaced with the following language: "Eligible persons. An eligible person is an individual described in any of the following paragraphs:

"(1) The individual is enrolled as an employee, retiree or dependent under an employee welfare benefit plan including federal or state that provides health benefits that supplement the benefits under medicare and the plan terminates or the plan ceases to provide some or all such supplemental health benefits to the individual; or the individual is enrolled as an employee, retiree or dependent under an employee welfare benefit plan including federal or state plans that is primary to medicare and the plan terminates or the plan ceases to provide some or all health benefits to the individual because the individual leaves the plan.

"(2) The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under part C of medicare, or the individual is 65 years of age or older and is enrolled with a "Program of All-inclusive Care For the Elderly" (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare+Choice Plan and any of the following circumstances apply:

"(A) The organization's or plan's certification has been terminated or the organization has terminated or has notified the individual of an impending termination of such certification or otherwise discontinued providing the plan in the area in which the individual resides;

"(B) The certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification;

"(C) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the secretary, but not including termination of the individual's enrollment on the basis described in section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856), or the plan is terminated for all individuals within a residence area;

"(D) The individual demonstrates, in accordance with guidelines established by the secretary that:

"(i) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the

failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

"(ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual;

"(E) The individual meets such other exceptional conditions as the secretary may provide; or

"(F)(i) An individual described in Subsection A may elect to apply Subsection A by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.

"(ii) In the case of an individual making the election in Subparagraph (F)(i) above, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under Subsection A shall only become effective upon termination of coverage under the Medicare+Choice plan involved.

"(3)(a) The individual is enrolled with:

"(1) An eligible organization under a contract under section 1876 (medicare risk or cost);

"(2) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

"(3) An organization under an agreement under section 1833(a)(1)(A) (health care prepayment plan); or

"(4) An organization under a medicare select policy; and

"(b) The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under section 12(B)(2), as amended by paragraph (a)(15) of K.A.R. 40-4-35."

(16) Section 12(B)(5)(a) is not adopted by reference and is replaced with the following language: "The individual was enrolled under a Medicare supplement policy, or a Medicare select policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under Part C, any eligible organization under a contract under Section 1876 (Medicare risk or cost), any similar organization operating under demonstration project authority, any PACE program under Section 1894 of the Social Security Act, an organization under an agreement under Section 1833 (a)(1)(A) (health care prepayment plan), or Medicare Select policy; and."

(17) Section 12(B)(6) is not adopted by reference and is replaced with the following language: "The individual upon first becoming enrolled in medicare part B for benefits, enrolls in a Medicare+Choice plan under part C of medicare, or in a PACE program under Section 1894 of the Social Security Act, and disenrolls from the plan or program by not later than twelve (12) months after the effective date of enrollment."

(18) Section 12(B)(7) is new and reads as follows: "An individual who loses eligibility for health benefits under Title XIX of the Social Security Act (Medicaid)."

(19) Section 12(C) is not adopted by reference and is replaced with the following language: "The Medicare supplement policy or medicare select policy to which eligible persons are entitled under are:

"(1) Section 12B(1), (2), (3) and (4) is Medicare supplement policy or Medicare select policy which has a benefit package classified as Plan, A, B, C, or F offered by any issuer;

"(2) Section 12B(5) is the same as Medicare supplement policy or medicare select policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in Subsection (C)(1);

"(3) Section 12B(6) and (7) shall include any Medicare supplement policy or medicare select policy offered by any issuer."

(20) Section 14(A)(1)(a)(i) is amended with the following additional language: "Including group policies that are issued as a result of solicitations of individuals through the mail or by mass media (including both print and broadcast advertising)."

(21) Section 14(C) is amended with the following additional language: "An issuer of medicare supplement policies and certificates shall combine their prestandardized medicare supplement policy forms for rating purposes. However, an issuer shall not combine group prestandardized policy forms and individual prestandardized policy forms."

(22) Section 15(B) is hereby amended by the addition of the following language: "An issuer shall not charge individuals who become eligible for medicare by reason of disability or End Stage Renal Disease (ESRD) after April 28, 1996, who were enrolled in any medicare supplement plan and who are under age 65, premium rates for any medicare supplement insurance benefit plan offered by the issuer that exceed the issuer's premium rates charged for such plan to individuals who are age 65. Individuals under age 65 who become eligible for medicare by reason of disability or End Stage Renal Disease (ESRD) prior to April 28, 1996 and who enrolled in any medicare supplement plan prior to October 28, 1996, shall be charged premium rates for any medicare supplement insurance benefit plan as follows:

"(1) On the insured's first policy anniversary date on or after April 29, 1999, premium rates which do not exceed the rate charged for such plan to medicare supplement insureds who are age 80.

"(2) On the insured's first policy anniversary date on or after April 29, 2000, premium rates for any medicare supplement insurance benefit plan that do not exceed the rate charged for such plan to medicare supplement insureds who are age 65."

(23) Section 15(C)(2) is not adopted by reference and is replaced with the following language: "With the approval of the commissioner, any issuer may offer up to three (3) additional policy forms or certificate forms of the same type for the same standard medicare supplement benefit plan. One additional form may be offered for each of the following cases:

"(a) The inclusion of new or innovative benefits;

"(b) The addition of either direct response or agent marketing methods; or

"(c) The addition of either guaranteed issue or underwritten coverage."

(24) Section 17(A)(5) is amended with the following language added: "Any refund made pursuant to this section shall be paid directly to the applicant by the insurer in a timely manner. The notice shall be printed in not less than 10-point type and shall be printed in boldface type or in some other manner that distinguishes it from the print otherwise appearing in the policy."

(25) Section 17(C)(4) is amended with the following language:

(A) Adding to the existing phrase "Medical Expenses: Part B coinsurance (generally 20% of medicare-approved expenses)" the following language: "or, in the case of hospital outpatient department services under a prospective payment system, applicable copayments."

(B) substituting "\$1530" for "\$1500" in the outline of the coverage;

(C) replacing the phrase "The Medicare Handbook" with "Medicare and You";

(D) substituting "\$250" for "\$2500";

(E) changing the following amounts of annual deductible in high deductible plans as follows:

(i) "\$764" to "\$776";

(ii) "\$191" to "\$194";

(iii) "\$382" to "\$388";

(F) substituting "\$2500" for "\$2,50" in "Plan H Other Benefits—Not Covered by Medicare" in the phrase "Next \$250 each calendar year"; and

(G) substituting "\$1250" for "\$2,50" in "Plan I Other Benefits—Not Covered by Medicare" in the phrase "Next \$250 each calendar year."

(26) Section 17(C) is hereby amended by the addition of the following:

"(5) Issuers shall provide a description of policy provisions relating to renewability, cancellation, or continuation of coverage, including any reservation of rights to change premium.

"(6) The amount of premium for this policy. The premiums for the policy or certificate shall be shown separately from the premiums for any optional or supplemental riders.

"(7) The name and address of the insurance agent, or the employee of the insurer who assumes responsibility for completing the outline."

(27) Section 18(E) is hereby amended by the deletion of paragraphs (1) and (2), relating to preexisting conditions, in their entirety.

(b) An issuer shall not apply more stringent underwriting standards to individuals under the age of 65 who are applying for medicare supplement coverage outside of their open enrollment period than would be applied to individuals over the age of 65 who are applying for coverage outside of their open enrollment period. (Authorized by K.S.A. 40-103, K.S.A. 40-2221; implementing K.S.A. 40-2221; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; effective, T-40-12-16-88, Dec. 16, 1988; amended, T-40-3-31-89, March 31, 1989; amended June 5, 1989; amended Oct. 15, 1990; amended April 1, 1992; amended May 24, 1996; amended, T-40-3-18-99, April 29, 1999; amended Aug. 20, 1999; amended Jan. 1, 2001; amended Sept. 7, 2001.)

Kathleen Sebelius  
Commissioner of Insurance

Doc. No. 026965

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

Before Rulon, C.J.; Green, J.; and Paddock, S.J.

Tuesday, September 18, 2001

1:30 p.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,693	State of Kansas, Appellee, v. Joseph F. Winkleman, Appellant.	Attorney General Vernon E. Buck, Asst. C.A. Autumn L. Fox	Lyon
85,928	State of Kansas, Appellee, v. David A. Davis, Appellant.	Attorney General Jim A. Vanderbilt, C.A. Jessica R. Kunen, Chief A.D. Randall L. Hodgkinson, Asst. A.D.	Jefferson
84,942	State of Kansas, Appellee, v. Adrian M. Requena, Appellant.	Attorney General Jan Satterfield, C.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Butler
85,528	State of Kansas, Appellee, v. Ernestor S. Martinez, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Sedgwick
86,823	Sunflower Bank, N.A., Appellee, v. Gary Webring, Judy Webring, and Westsun, Inc., Appellants.	Kenneth L. Cole B. E. Whalen	Thomas

Wednesday, September 19, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,268	State of Kansas, Appellee, v. James Leon Williams, Appellant.	Attorney General Thomas V. Black, C.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Pratt
86,045	State of Kansas, Appellee, v. Jason A. Scott, Appellant.	Attorney General Daniel W. Krug, C.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Russell
85,027	State of Kansas, Appellee, v. Cory Dale McQuillan, Appellant.	Attorney General Stacy Lynn Cuning, Asst. C.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Saline
86,870	Jack D. Reese, M.D., Appellant, v. The Board of Healing Arts of the State of Kansas, Appellee.	Thomas A. Wood Mark W. Stafford	Shawnee
86,721	In the Matter of the Marriage of Stanley D. Ross, Appellant/Cross-Appellee, and Dawn K. Ross, Appellee/Cross- Appellant.	John G. Mazurek Larry A. Prauser	Cherokee



## 1:30 p.m.

86,941	State of Kansas, ex. rel. David R. Brant, Securities Commissioner of Kansas, Appellee, v. Bank of America, Topeka, Kansas, Appellant.	James W. Clark Scott A. Wissel	Shawnee
86,620	Phillip H. O'Malley, Appellant/Cross- Appellee, v. Ronald L. Frazier and Kathryn Ann Frazier, Appellees/Cross-Appellants.	Kevin F. Mitchelson Mark S. Gunnison	Crawford
86,939	State of Kansas, Appellee, v. Martin E. Machutta, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Daniel E. Monnat	Sedgwick
86,405	Roger A. Riedmiller, Appellant, v. Phillip Harness, Director, Workers Compensation, Appellee.	Roger A. Riedmiller, pro se Glenn H. Griffeth	Work Comp
86,382	Kurt Kessinger, Appellant, v. Euro-Tech Motor Werks, Inc., Appellee.	Eric W. Godderz Andrew E. Busch	Sedgwick

## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
85,568	State of Kansas, Appellee, v. Larry Brown, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Virginia Girard-Brady	Sedgwick
85,998	State of Kansas, Appellee, v. Manuel L. Durant, Appellant.	Attorney General Joe Shepack, C.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Ellsworth
86,298	Larry E. Wright, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D. Attorney General Morgan Metcalf, Asst. C.A.	Butler
86,147	State of Kansas, Appellee, v. Alfonzal Jones, Appellant.	Attorney General Bridget Schell, Asst. D.A. Jessica R. Kunen, Chief A.D. Shawn Minihan, Asst. A.D.	Wyandotte
86,974	In the Interest of V.A., DOB: 01-09-86.	Jeffrey M. Goodwin John B. Knudsen, Asst. D.A.	Wyandotte
85,371	State of Kansas, Appellee, v. Hasein S. Dupree, Appellant.	Attorney General Sheryl L. Lidtke, Asst. D.A. Jessica R. Kunen, Chief A.D. Cory Riddle, Asst. A.D.	Wyandotte
86,205	State of Kansas, Appellee, v. Shyrell D. Hill, Appellant.	Attorney General James L. Spies, Asst. D.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Wyandotte
87,021	Christopher Rinck, Appellant, v. Michael Nelson, Warden, and Charles Simmons, Secretary of Corrections, Appellees.	Steven C. Sherwood Julie Riddle	Butler

(continued)

86,118	State of Kansas, Appellee, v. William D. Whitlock, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Johnson
86,029	City of Wichita, Appellee, v. Reuben B. Prevot, Appellant.	Sharon L. Dickgrafe, Asst. City Atty. Bradley P. Sylvester	Sedgwick
86,398	State of Kansas, Appellee, v. Curtis Taylor, Appellant.	Attorney General Bridget A. Schell, Asst. D.A. Jessica R. Kunen, Chief A.D. Shawn Minihan, Asst. A.D.	Wyandotte
86,163	American States Insurance Company, Appellee, v. Robert W. Bush, Appellant.	Edwin H. Bideau III Robert W. Bush, pro se	Neosho
86,358	State of Kansas, Appellee, v. Lee Ray Banks, Sr., Appellant.	Attorney General Sheryl L. Lidtke, Asst. D.A. Darla Lilley	Wyandotte
86,143	State of Kansas, Appellee, v. Kirby E. Coleman, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Virginia Girard-Brady	Sedgwick
86,576	State of Kansas, Appellee, v. Michael R. Casida, Jr., Appellant.	Attorney General County Attorney Appellate Defender	Miami

**Kansas Court of Appeals  
Robinson Courtroom  
Washburn School of Law  
1700 S.W. College  
Topeka, Kansas**

**Before Johnson, P.J.; Marquardt, J.; and Barry A. Bennington, District Judge, assigned.**

**Tuesday, September 18, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
84,452	State of Kansas, Appellee, v. Justin Ray Shumway, Appellant.	Attorney General Angela M. Wilson, Asst. D.A. Jessica R. Kunen, Chief A.D. Rebecca E. Woodman, Asst. A.D.	Douglas
85,574	State of Kansas, Appellee, v. Kevin L. Scroggins, Appellant.	Attorney General Robert D. Hecht, D.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Shawnee
86,242	Howard Coatney, Appellant, v. Karen Barefield and Sara Thompson, Appellees.	Lee R. Barnett David D. Moshier Dustin J. Denning	Ottawa
86,657	State of Kansas, Appellant, v. Brad R. Barrett, Appellee.	Attorney General William E. Kennedy, C.A. Troy V. Huser	Riley
85,893	Rhonda Sharp, Appellee, v. Sunflower Markets, Inc., d/b/a Save A Lot Groceries, Appellant.	Patrick C. Smith John I. O'Connor	Labette

## 1:30 p.m.

84,697	Wayne Leonard and Nyla Leonard, Appellees, v. City of Alma, Kansas, Appellant.	J. Franklin Hummer J. Steven Pigg	Wabaunsee
85,706	State of Kansas, Appellee, v. Terri A. Bennett, Appellant.	Attorney General Ellen H. Mitchell, C.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	Saline
86,133	Chad Beers, Appellant, v. State of Kansas, Appellee.	Edward G. Collister, Jr. Attorney General Rekha Sharma-Crawford	Douglas
86,551	Sherri Jackson, Appellant, v. Bob Christopher, Appellee.	Robert E. Keeshan	Shawnee

## Wednesday, September 19, 2001

## 9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
87,014	Citibank (South Dakota) N.A., Appellee, Cross-Appellant, v. Amy L. Shreffler, Appellant, Cross- Appellee.	Karrie J. Clinkinbeard David E. Watson	Shawnee
86,016	State of Kansas, Appellee, v. Manuel J. Oros, Appellant.	Attorney General David C. Black, C.A. Geary N. Gorup	Stanton
85,932	Vickie Lumley, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D. Attorney General Wayne R. Tate, Special Prosecutor	Stevens
86,484	Farm Bureau Mutual Insurance Company, Inc., Appellee, v. Jackie Tatum, Susan Tatum, and Tracy Rector, Appellants.	Todd N. Thompson William L. Carr Alex M. Lewandowski	Johnson

## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
86,081	State of Kansas, Appellant, v. Denise Hayward, Appellee.	Attorney General Tyler P. Garretson, Asst. D.A. Jessica R. Kunen, Chief A.D. Theresa Barr, Asst. A.D.	Johnson
84,298 84,299	State of Kansas, Appellee, v. James E. Herzog, Appellant.	Attorney General Douglas W. Fisher, C.A. Jessica R. Kunen, Chief A.D. Cory Riddle, Asst. A.D.	Jackson
85,523	State of Kansas, Appellee, v. Michael S. Westendorff, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Johnson
85,816	State of Kansas, Appellee, v. Karen A. Shaw, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Johnson
86,568	In the Interest of R.S.	Patricia Aylward Kalb Sheryl A. Bussell, Asst. D.A.	Wyandotte

(continued)

85,918	Myrl B. Brown, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D. Attorney General Donna L. Longworth, C.A.	Harvey
85,727	Robert Thomas Edwards, Appellant, v. State of Kansas, Appellee.	Geary N. Gorup Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A.	Sedgwick
85,945	Red Dog Saloon, Million Dollar Babes, Glamour Girls, and The Tender Trap, Appellants, v. Sedgwick County Board of Commissioners, Sedgwick County, Kansas, and Sheriff Mike Hill, Sheriff of Sedgwick County, Kansas, Appellees.	Charles A. O'Hara Alan R. Pfaff	Sedgwick
85,676	State of Kansas, Appellee, v. David L. Baker, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Sedgwick
86,065	City of Newton, Kansas, Appellee, v. Arthur A. Unruh, Appellant.	David E. Yoder, City Prosecutor Cortland Berry	Harvey
86,534	In the Interest of the S. Children, Children Under the Age of 18 Years, To Wit: N.S., DOB: 03-18-95 C.S., DOB: 05-20-93 K.S., DOB: 11-21-89	Jennifer S. Newlin Betany C. Daniels, Asst. D.A.	Douglas
86,570	State of Kansas, Appellee, v. Leonard L. Green, Appellant.	Attorney General James L. Spies, Asst. D.A. Charles D. Ball	Wyandotte

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

**Before Lewis, P.J.; Elliott and Pierron, JJ.**

**Tuesday, September 18, 2001**

**9:30 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
85,479	State of Kansas, Appellee, v. Andrew J. Lloyd, Appellant.	Attorney General Stephen D. Maxwell, Asst. A.G. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Lyon
85,446	State of Kansas, Appellee, v. Kelly W. Maxfield, Appellant.	Attorney General Stephen D. Maxwell, Asst. A.G. Virginia Girard-Brady	Lyon
86,393	State of Kansas, Appellee, v. Elizabeth C. Griffin, a/k/a Cathy Griffin, Appellant.	Attorney General Vernon E. Buck, Asst. C.A. Virginia Girard-Brady	Lyon
85,476	State of Kansas, Appellee, v. Rex A. Pendlay, Appellant.	Attorney General Stephen D. Maxwell, Asst. A.G. Bradley P. Sylvester	Lyon

## 1:30 p.m.

86,341	Jack Thomas, Appellant, v. Charles Simmons, et al., Appellees.	Randall H. McEwen John D. Graves	Reno
85,169	State of Kansas, Appellee, v. Francis L. Johnson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Sedgwick
86,597	Bill Wesch, Appellant, v. El Dorado National, Inc., Appellee.	Larry G. Michel Lawton M. Nuss	Saline

## Wednesday, September 19, 2001

## 9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
86,771	In the Interest of C.A.M., G.A.A., R.A.A., M.A.A., and W.B.A.	Robert E. Shaver Stephen J. Ternes	Sedgwick
86,865	Collette Watson, Appellee, v. Johnson Controls, Inc., Appellant.	Dennis L. Horner Denise E. Tomasic	Work Comp
85,860	State of Kansas, Appellee, v. Brandon D. Sparman, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Sedgwick
86,461	In the Matter of the Care and Treatment of Floyd R. Mondragon.	Forrest A. Lowry Margaret A. Graham, Asst. A.G.	Franklin
86,112	State of Kansas, Appellee, v. Talmadge Holloway, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Sedgwick

## 1:30 p.m.

85,935	State of Kansas, Appellee, v. Truong Si Tran, Appellant.	Attorney General Kristin G. Heck, Asst. C.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Saline
85,556	State of Kansas Appellee, v. Charles E. Thomas, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Sedgwick
84,856	State of Kansas, Appellee, v. Johnny McCurry, Jr., Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Johnson

## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
86,845	J.T. Garner, #41207, Appellant, v. Charles Simmons, et al., Appellees.	J.T. Garner, pro se Jon D. Graves, Special Asst. A.G.	Reno
86,323	In the Matter of the Marriage of Donald Steward Mitchell, Appellant, and Judy Mae Mitchell, Appellee.	Marilyn M. Shapiro Russell L. Powell Merle E. Parks	Wyandotte

(continued)

86,452	State of Kansas, Appellee, v. Arnold E. Jones, Appellant.	Attorney General Rod Ludwig, C.A. Jessica R. Kunen, Chief A.D. Randall L. Hodgkinson, Asst. A.D.	Mitchell
86,599	In the Interest of: S.M., DOB: 03-07-92 E.M., DOB: 12-12-88	Debera A. Erickson Victoria S. Meyer, Asst. D.A.	Wyandotte
85,684	State of Kansas, Appellee, v. Terri A. Fry, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A. Stephen B. Plummer	Sedgwick
85,801 85,802	State of Kansas, Appellee, v. Timothy M. Harris, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Jessica R. Kunen, Chief A.D. Shawn Minihan, Asst. A.D.	Sedgwick
86,259	State of Kansas, Appellee, v. Phillip L. Germann, Jr., Appellant.	Attorney General Vernon E. Buck, Asst. C.A. Jessica R. Kunen, Chief A.D. Libby Snider, Asst. A.D.	Lyon
85,895	State of Kansas, Appellee, v. David P. Dreier, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Sedgwick
86,362	Robert L. Pearson, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D. Attorney General Christopher L. Schneider, Asst. D.A.	Wyandotte
85,806	David F. McCoy, Appellant, v. State of Kansas, Appellee.	Bradley P. Sylvester Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
85,919	State of Kansas, Appellee, v. Paula Diane Diggs, Appellant.	Attorney General James Pattison, Asst. C.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Saline
86,872	State of Kansas, Appellant, v. William S. Townsend, Appellee.	Attorney General Lee J. Davidson, Deputy C.A. Shawn R. DeJarnett	Sumner
86,889	In the Interest of: A.R., DOB: 10-03-92 R.D., DOB: 06-03-97 D.D., DOB: 02-15-99 A.R., DOB: 12-19-93	Debera A. Erickson Sherly A. Bussell, Asst. D.A.	Wyandotte
86,207	Jerry Wyane Linder, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Nathan Webb, Asst. A.D. Attorney General Robert D. Hecht, D.A.	Shawnee
86,203	State of Kansas, Appellee, v. Wendall C. Norwood, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A. Virginia Girard-Brady	Sedgwick

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

Before Gernon, P.J.; Knudson and Beier, JJ.

Tuesday, September 18, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
86,529	Maurice D. Harris, Appellant, v. State of Kansas, Appellee.	Stephen B. Chapman Attorney General Bonnie Hannan, Asst. D.A.	Wyandotte
85,827	Larnell L. Dykes, Appellant, v. State of Kansas, Appellee.	Gary W. Owens Roger L. Falk Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A.	Sedgwick
86,012	State of Kansas, Appellee, v. Randy R. Cook, Appellant.	Attorney General Christopher L. Schneider, Asst. D.A. Stephen B. Chapman	Wyandotte
85,283	State of Kansas, Appellee, v. Ric J. Sisney, Appellant.	Attorney General Tristram W. Hunt, Asst. D.A. Stephen B. Chapman	Wyandotte
85,549	Orville M. Smith, Appellant, v. Charles Simmons, et al., Appellees.	Michael G. Highland Kenneth Smith, Special Asst. A.G.	Leavenworth
<b>1:30 p.m.</b>			
86,049	Martha B. Hall, Appellant, v. Darrell Miller, Appellee, and Sheridan G. Tucker, M.D.	James M. Crabtree Lynn W. Hursh Gerald A. King	Johnson
85,938	Randall C. Wyatt, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
85,260	State of Kansas, Appellee, v. Jesse Joseph Villanueva, Jr., Appellant.	Attorney General James L. Spies, Asst. D.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Wyandotte
87,150	In the Interest of R.B.S., Born January 31, 2001.	Robert D. Campbell John R. Kurth, Asst. C.A.	Atchison

**Wednesday, September 19, 2001**

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,351	Layne Christensen Co., and Elgin Exploration Company, Ltd., Appellees, Cross-Appellants, v. Zurich Canada, Tig Insurance Company, Appellee, Cross-Appellant.  Reliance National Indemnity Company, Appellant, Cross-Appellee.	Douglas M. Greenwald Gerald A. King Douglas R. Richmond John M. Waldeck	Johnson

(continued)

86,332	WRS, Inc., Appellant, v. Johnson County, Kansas, et al., Appellees.	Douglas J. Patterson Robert A. Ford, Asst. C.C.	Johnson
86,058	Amoneo Lee, Appellant, v. State of Kansas, Appellee.	Douglas L. Adams, Jr. Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A.	Sedgwick
85,363	John A. O'Bryan and Paul Scaletty, Appellees, v. Columbia Insurance Group, Appellant.	Gerald L. Thompson Aaron J. Racine	Wyandotte
<b>1:30 p.m.</b>			
86,720	State of Kansas, Appellant, v. John L. Arrocha, Appellee.	Attorney General Brenda M. Cameron, Asst. D.A. Jessica R. Kunen, Chief A.D. Randall L. Hodgkinson, Asst. A.D.	Johnson
86,654	Randy Smith and LaDonna Smith as Heirs-At-Law of Brigitte D. Smith, Appellants, v. West American Insurance Company, Appellee.	Richard D. Loffswold, Jr. Craig C. Blumreich	Crawford

#### Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
85,567	State of Kansas, Appellee, v. Travis Orlando Raines, Appellant.	Attorney General James R. Spring, C.A. Jennifer Passiglia	Cowley
85,903	State of Kansas, Appellee, v. Jerry M. Cartledge, Appellant.	Attorney General Douglas A. Matthews, Asst. C.A. Michael S. Holland II	Barton
86,781	Conrad J. Braun, Appellant, v. State of Kansas, Appellee.	Conrad J. Braun, pro se Steven J. Obermeier, Asst. D.A.	Johnson
86,481	State of Kansas, Appellee, v. Bryan N. Grissom, Appellant.	Attorney General Frank E. Kohl, C.A. David A. Reed	Leavenworth
86,020	State of Kansas, Appellee, v. Charles W. Jackson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Sedgwick
87,212	Billie Freel, #53694, Appellant, v. Charles Simmons, et al., Appellees.	Billie Freel, pro se Julie Riddle	Butler
86,213	State of Kansas, Appellee, v. John W. Patridge, Jr., Appellant.	Attorney General Morgan Metcalf, Asst. C.A. Darren K. Patterson	Butler
86,260	Leon Huber, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Shawn Minihan, Asst. A.D. Attorney General Frank Kohl, C.A.	Leavenworth
85,832	Phillip McCready, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D. Attorney General Dennis C. Jones, C.A.	Kearney



85,825	State of Kansas, Appellee, v. Gregory L. Collins, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Sedgwick
86,569	State of Kansas, Appellee, v. Karen K. Smith, Appellant.	Attorney General William E. Kennedy III, C.A. Martin J. Keenan	Riley
86,232	John S. Skelton, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Steven R. Zinn, Deputy A.D. Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A.	Sedgwick
86,937	Ronald E. Sledge, Sr., Appellant, v. Lewis P. Bruce, et al., Appellees.	Ronald E. Sledge, Sr., pro se Brian R. Johnson, Asst. A.G.	Reno
85,742 85,743	Robert Meredith, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D. Attorney General Douglas P. Witteman, C.A. Daryl E. Hawkins, Asst. C.A.	Coffey
86,043	State of Kansas, Appellee, v. Edward W. Lewis, Appellant.	Attorney General County Attorney Appellate Defender	Harvey

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 026945

**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 2000 Volumes of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-5-8	Amended (T)	V. 20, p. 175
1-5-8	Amended	V. 20, p. 730
1-5-9	Amended (T)	V. 20, p. 176
1-5-9	Amended	V. 20, p. 730
1-5-19b	Amended (T)	V. 20, p. 176
1-5-19b	Amended	V. 20, p. 730
1-5-19c	Amended (T)	V. 20, p. 176
1-5-19c	Amended	V. 20, p. 730
1-5-20	Amended (T)	V. 20, p. 176
1-5-20	Amended	V. 20, p. 731
1-5-24	Amended	V. 19, p. 1337
1-9-23	Amended	V. 19, p. 944
1-18-1a	Amended	V. 19, p. 1719
1-18-1a	Amended (T)	V. 20, p. 1123
1-45-7a	New (T)	V. 20, p. 1123
1-49-1	Amended	V. 19, p. 724

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-2-1	New	V. 19, p. 1016
3-2-2	New	V. 19, p. 1016

3-2-3	New	V. 19, p. 1016
3-3-1	New	V. 19, p. 1678

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-3-47	Amended	V. 20, p. 861
4-3-49	Amended (T)	V. 20, p. 246
4-3-49	Amended	V. 20, p. 861
4-3-51	New (T)	V. 20, p. 246
4-3-51	New	V. 20, p. 861
4-7-213	Amended	V. 19, p. 117
4-7-214	Amended	V. 19, p. 117
4-7-215	Revoked	V. 19, p. 118
4-7-216	New	V. 19, p. 118
4-8-14a	Amended	V. 19, p. 1679
4-8-27	Amended	V. 19, p. 1679
4-8-28	Amended	V. 19, p. 1680
4-8-29	Amended	V. 19, p. 1680
4-8-32	Amended	V. 19, p. 1680
4-8-34	Amended	V. 19, p. 1680
4-8-41	Amended	V. 19, p. 1680
4-8-42	New	V. 19, p. 1680
4-10-2j	Amended	V. 20, p. 431
4-10-5	Amended	V. 20, p. 430
4-10-5a	New	V. 20, p. 431

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

Reg. No.	Action	Register
5-1-1	Amended	V. 19, p. 1476
5-1-3		
through		
5-1-12	New	V. 19, p. 1480-1483
5-2-3	New	V. 19, p. 1484
5-3-1a	New	V. 19, p. 1484
5-3-4b	Amended	V. 19, p. 1484
5-3-4c	New	V. 19, p. 1484
5-3-4d	New	V. 19, p. 1485
5-3-4e	New	V. 19, p. 1485
5-3-5d	Amended	V. 19, p. 1485
5-3-5e	Amended	V. 19, p. 1485

5-3-5g		
through		
5-3-5n	New	V. 19, p. 1485, 1486
5-3-11	Amended	V. 19, p. 1486
5-3-16	Amended	V. 19, p. 1490
5-3-19		
through		
5-3-28	New	V. 19, p. 1490-1493
5-4-5	New	V. 19, p. 1494
5-4-8	New	V. 19, p. 1494
5-5-1	Amended	V. 19, p. 1495
5-5-6	Amended	V. 19, p. 1495
5-5-13	New	V. 19, p. 1496
5-5-14	New	V. 19, p. 1496
5-5-16	New	V. 19, p. 1496
5-6-3		
through		
5-6-15	New	V. 19, p. 1497-1499
5-7-4	Amended	V. 19, p. 1499
5-7-4a	New	V. 19, p. 1500
5-7-5	New	V. 19, p. 1500
5-8-3	New	V. 19, p. 1500
5-8-4	New	V. 19, p. 1501
5-8-6	New	V. 19, p. 1501
5-8-7	New	V. 19, p. 1502
5-8-8	New	V. 19, p. 1502
5-9-11	New	V. 19, p. 1503
5-12-1		
through		
5-12-4	New	V. 19, p. 1503, 1504
5-13-1		
through		
5-13-11	New	V. 19, p. 1504-1507
5-14-1		
through		
5-14-7	New	V. 19, p. 1507-1509
5-21-4	Amended	V. 19, p. 1509
5-21-5	New	V. 19, p. 1510
5-21-8	New	V. 19, p. 1510
5-21-9	New	V. 19, p. 1510
5-23-1	Amended	V. 19, p. 1510

(continued)

5-23-3	Amended	V. 19, p. 1511
5-23-3a	New	V. 19, p. 1511
5-23-4	Amended	V. 19, p. 1512
5-23-4a	Amended	V. 19, p. 1513
5-23-4b	New	V. 19, p. 1513
5-23-14	New	V. 19, p. 1514
5-23-15	New	V. 19, p. 1514
5-25-4	Amended	V. 20, p. 294
5-40-1	Amended	V. 19, p. 1514
5-40-4	Amended	V. 19, p. 1515
5-40-11	New	V. 19, p. 1515
5-40-14	New	V. 19, p. 1515
5-40-15	New	V. 19, p. 1515
5-40-16	New	V. 19, p. 1515
5-41-1	Amended	V. 19, p. 1516
5-41-6	Amended	V. 19, p. 1516
5-42-3	Revoked	V. 19, p. 1516
5-42-4	New	V. 19, p. 1517
5-45-1	Amended	V. 19, p. 1517
5-45-4	Amended	V. 19, p. 1518
5-45-13	Amended	V. 19, p. 1518
5-45-14	Amended	V. 19, p. 1518
5-45-18	New	V. 19, p. 1518
5-46-1	New	V. 19, p. 1519
5-46-3	New	V. 19, p. 1519
5-46-4	New	V. 19, p. 1520

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-17-3	New (T)	V. 20, p. 1121
7-17-4	New (T)	V. 20, p. 1121
7-24-2	Amended	V. 20, p. 323
7-25-1	Amended	V. 20, p. 325
7-26-1	Amended	V. 20, p. 325
7-26-2	Amended	V. 20, p. 325
7-28-1	Amended	V. 20, p. 325
7-29-2	Amended	V. 20, p. 325
7-32-1	Amended	V. 19, p. 1269
7-32-2	Amended	V. 19, p. 1269
7-36-4	Amended	V. 20, p. 326
7-38-1	Amended	V. 20, p. 326
7-41-1		
through		
7-41-13	New	V. 20, p. 1021-1023

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-7-19	New (T)	V. 20, p. 934
9-10-33	New	V. 19, p. 1948
9-14-2	Amended	V. 19, p. 1748
9-15-4	Amended	V. 19, p. 1748
9-15-5	New	V. 19, p. 1948
9-18-1	Amended (T)	V. 20, p. 935
9-22-4	New (T)	V. 20, p. 935
9-22-5	New (T)	V. 20, p. 936

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-6-1	Amended	V. 19, p. 399

**AGENCY 17: STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-22-1	Amended	V. 19, p. 500
17-23-16	Amended	V. 19, p. 500

**AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
23-1-11	Revoked	V. 20, p. 1061
23-8-27	Revoked	V. 20, p. 1061

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

Reg. No.	Action	Register
28-1-2	Amended	V. 19, p. 141
28-1-18	Amended	V. 19, p. 141
28-1-26	New	V. 19, p. 142
28-4-501	Amended	V. 19, p. 422
28-4-503	Amended	V. 19, p. 423
28-4-504	Amended	V. 19, p. 423
28-4-505	Amended	V. 19, p. 423
28-4-513	Amended	V. 19, p. 423
28-4-530	Revoked	V. 19, p. 423
28-4-531	Revoked	V. 19, p. 423

28-10-15		
through		
28-10-35	Revoked	V. 20, p. 322
28-10-37	Revoked	V. 20, p. 322
28-10-38	Revoked	V. 20, p. 322
28-10-39	Revoked	V. 20, p. 322
28-10-75		
through		
28-10-88	Revoked	V. 20, p. 322
28-10-100		
through		
28-10-108	Revoked	V. 20, p. 322
28-15-35	Amended	V. 20, p. 725
20-15-36	Amended	V. 20, p. 728
28-15-36a	Amended	V. 20, p. 728
28-15-37	Amended	V. 20, p. 729
28-16-28b		
through		
28-16-28e	Amended	V. 20, p. 1264-1270
28-16-30		
through		
28-16-36	Amended	V. 20, p. 1277-1279
28-16-57	Revoked	V. 20, p. 322
28-16-58	Amended	V. 20, p. 1279
28-16-60	Amended	V. 20, p. 1280
28-16-76		
through		
28-16-79	Revoked	V. 20, p. 322
28-16-82	Revoked	V. 20, p. 322
28-17-6	Amended (T)	V. 20, p. 1122
28-17-15	Amended	V. 19, p. 1190
28-19-79	Revoked	V. 20, p. 492
28-19-202	Amended	V. 20, p. 322
28-19-717	New	V. 19, p. 1932
28-19-719	New	V. 20, p. 492
28-19-729	New	V. 19, p. 565
28-19-729a		
through		
28-19-729h	New	V. 19, p. 566-569
28-29-1100		
through		
28-29-1107	New	V. 19, p. 941-943
28-34-1a	Amended	V. 20, p. 105
28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
28-34-21	Revoked	V. 20, p. 323
28-34-26	Revoked	V. 20, p. 323
28-34-27	Revoked	V. 20, p. 323
28-34-28	Revoked	V. 20, p. 323
28-34-30	Revoked	V. 20, p. 323
28-34-32b	Amended	V. 20, p. 107
28-34-50	Amended	V. 20, p. 453
28-34-51	Amended	V. 20, p. 454
28-34-52	Revoked	V. 20, p. 455
28-34-52a	New	V. 20, p. 455
28-34-52b	New	V. 20, p. 455
28-34-53	Amended	V. 20, p. 456
28-34-54	Amended	V. 20, p. 456
28-34-55	Revoked	V. 20, p. 457
28-34-55a	New	V. 20, p. 457
28-34-56	Revoked	V. 20, p. 457
28-34-56a	New	V. 20, p. 457
28-34-57	Amended	V. 20, p. 457
28-34-58	Revoked	V. 20, p. 458
28-34-58a	New	V. 20, p. 458
28-34-59	Revoked	V. 20, p. 459
28-34-59a	New	V. 20, p. 459
28-34-60	Revoked	V. 20, p. 459
28-34-60a	New	V. 20, p. 459
28-34-61	Revoked	V. 20, p. 460
28-34-61a	New	V. 20, p. 460
28-34-62a	Amended	V. 20, p. 460
28-34-75		
through		
28-34-93	Revoked	V. 20, p. 323
28-34-94a	Revoked	V. 20, p. 323
28-36-30	Amended (T)	V. 20, p. 1122
28-36-60	New (T)	V. 20, p. 1122
28-36-120	New (T)	V. 20, p. 1122
28-38-18		
28-38-23	Amended	V. 19, p. 1078-1080
28-38-26	Amended	V. 19, p. 1081
28-38-28	Amended	V. 19, p. 1081
28-38-29	Amended	V. 19, p. 1081

28-38-30	New	V. 19, p. 1082
28-39-410	Revoked	V. 20, p. 323
28-59-1		
through		
28-59-5	Amended	V. 20, p. 295, 296
28-59-5a	Amended	V. 20, p. 297
28-59-6	Amended	V. 20, p. 297
28-59-7	Amended	V. 20, p. 298
28-59-8	Amended	V. 20, p. 298
28-61-1		
through		
28-61-10	Amended	V. 20, p. 298-303
28-61-11	New	V. 20, p. 304
28-68-1	Amended	V. 19, p. 1934
28-68-2	Amended	V. 19, p. 1934
28-68-3	Amended	V. 19, p. 1935
28-68-6	Amended	V. 19, p. 1936
28-72-51		
through		
28-72-54	New	V. 19, p. 989, 990

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-50	Amended	V. 19, p. 1548
30-4-64	Amended	V. 20, p. 490
30-5-58	Amended	V. 20, p. 1023
30-5-59	Amended	V. 19, p. 1548
30-5-64	Amended	V. 19, p. 1549
30-5-81	Amended	V. 19, p. 1587
30-5-92	Amended	V. 20, p. 1029
30-5-94	Amended	V. 20, p. 1030
30-5-108	Amended	V. 20, p. 491
30-5-309	Amended	V. 19, p. 988
30-10-21	Amended	V. 19, p. 1550

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-2-3	Revoked	V. 19, p. 1449
36-2-4	Revoked	V. 19, p. 1449
36-2-6	Revoked	V. 19, p. 1449
36-2-8		
through		
36-2-13	Revoked	V. 19, p. 1449
36-15-23	Revoked	V. 19, p. 1622
36-34-1	Revoked	V. 19, p. 1622

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-8	Revoked	V. 20, p. 946
40-1-13	Revoked	V. 20, p. 946
40-1-30	Revoked	V. 20, p. 723
40-1-42	Amended	V. 20, p. 723
40-1-43	Amended	V. 20, p. 723
40-1-46	New	V. 20, p. 573
40-3-26	Amended	V. 19, p. 303
40-3-27	Revoked	V. 19, p. 680
40-3-29	Revoked	V. 20, p. 946
40-3-32	Amended	V. 19, p. 303
40-3-45	Amended	V. 19, p. 303
40-3-49	Amended	V. 19, p. 303
40-4-35	Amended	V. 19, p. 1853
40-4-41	Amended	V. 20, p. 946
40-4-41b		
through		
40-4-41g	Amended	V. 20, p. 949-953
40-4-41h	New	V. 20, p. 953
40-4-41i	New	V. 20, p. 954
40-4-41j	New	V. 20, p. 954
40-5-106	Revoked	V. 20, p. 1161
40-5-111	Revoked	V. 20, p. 1161
40-7-6	Revoked	V. 20, p. 1161
40-9-100	Amended	V. 20, p. 954
40-12-1	Revoked	V. 20, p. 723

**AGENCY 49: DEPARTMENT OF HUMAN RESOURCES**

Reg. No.	Action	Register
49-45-1		
through		
49-45-4	Amended	V. 19, p. 504
49-45-4a	New	V. 19, p. 504

49-45-5 through 49-45-9	Amended	V. 19, p. 504
49-45-20 through 49-45-28	Amended	V. 19, p. 504, 505
49-45-29 through 49-45-34	New	V. 19, p. 505
49-45a-1	Amended	V. 19, p. 505
49-45a-2 through 49-45a-27	Revoked	V. 19, p. 506
49-46-1	Amended	V. 19, p. 506
49-47-1	Amended	V. 19, p. 507
49-47-1a	New	V. 19, p. 507
49-47-1b	New	V. 19, p. 507
49-47-2	Amended	V. 19, p. 507
49-48-1	Amended	V. 19, p. 508
49-49-1a	New	V. 19, p. 508
49-50-1 through 49-50-4	Amended	V. 19, p. 509, 510
49-50-6 through 49-50-15	Amended	V. 19, p. 510-513
49-50-17 through 49-50-20	Amended	V. 19, p. 513, 514
49-50-21	New	V. 19, p. 514
49-50-22	New	V. 19, p. 515
49-51-1	Amended	V. 19, p. 515
49-51-2	Amended	V. 19, p. 515
49-51-3	Amended	V. 19, p. 515
49-51-3a	New	V. 19, p. 516
49-51-6 through 49-51-12	Amended	V. 19, p. 516-518
49-51-14	Revoked	V. 19, p. 518
49-52-5 through 49-52-9	Amended	V. 19, p. 518-520
49-52-11	Amended	V. 19, p. 520
49-52-13	Amended	V. 19, p. 520
49-52-14	Amended	V. 19, p. 521
49-52-15	Revoked	V. 19, p. 521
49-52-16	New	V. 19, p. 521
49-52-17	New	V. 19, p. 521
49-54-1 through 49-54-3	Revoked	V. 19, p. 521

**AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138
50-1-4	Amended	V. 20, p. 138
50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140
50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143
50-3-1 through 50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 20, p. 449
60-6-101	Amended	V. 19, p. 344
60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449
60-9-105	Amended	V. 20, p. 449
60-9-106	Amended	V. 20, p. 450
60-11-101	Amended	V. 19, p. 344
60-11-103	Amended	V. 19, p. 345
60-11-104a	Amended	V. 19, p. 346
60-11-106	Amended	V. 19, p. 346

60-11-108	Revoked	V. 19, p. 346
60-11-119	Amended	V. 20, p. 451
60-13-101	Amended	V. 20, p. 451
60-16-104	Amended	V. 20, p. 451
60-17-101 through 60-17-111	New	V. 19, p. 346-350

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-3	Amended	V. 19, p. 2024
63-1-4	Amended	V. 19, p. 2024
63-1-5	Amended	V. 19, p. 2025
63-1-6	Amended	V. 19, p. 2025
63-1-12	Amended	V. 19, p. 2025
63-2-7	Amended	V. 19, p. 2025
63-2-10	Amended	V. 19, p. 2026
63-2-11	Amended	V. 19, p. 2026
63-2-12	Amended	V. 19, p. 2026
63-3-17	Amended	V. 19, p. 2027
63-3-18	Amended	V. 19, p. 2027
63-3-20	Amended	V. 19, p. 2027
63-5-1	Amended	V. 19, p. 2028
63-6-1	Amended	V. 19, 0. 2028
63-6-2	Amended	V. 19, p. 2028
63-6-3	Amended	V. 19, p. 2029
63-6-6	Amended	V. 19, p. 2029

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-5-6	Amended	V. 19, p. 839
65-8-5	New	V. 20, p. 944

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-4	Amended	V. 20, p. 102
66-6-6	Amended	V. 19, p. 70
66-7-2	Amended	V. 19, p. 70
66-8-7	New	V. 19, p. 70
66-9-4	Amended	V. 19, p. 71
66-9-6	New	V. 19, p. 71
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 104
66-10-13	Amended	V. 20, p. 104
66-11-4	New	V. 19, p. 72
66-12-1	Amended	V. 19, p. 72
66-14-1	Amended	V. 19, p. 72
66-14-6	Amended	V. 19, p. 72
66-14-10	Amended	V. 20, p. 104

**AGENCY 67: BOARD OF HEARING AID EXAMINERS**

Reg. No.	Action	Register
67-2-4	Amended	V. 19, p. 626
67-3-2	Amended	V. 19, p. 626
67-4-7	Amended	V. 19, p. 626
67-4-10	Amended	V. 19, p. 626
67-4-13	New	V. 19, p. 626
67-5-3	Amended	V. 19, p. 626
67-5-4	Amended	V. 19, p. 626
67-6-4	Amended	V. 19, p. 626
67-7-4	Amended	V. 19, p. 627

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-5-1	Amended	V. 19, p. 501
68-7-11	Amended	V. 19, p. 501
68-7-14	Amended	V. 19, p. 502
68-7-18	Amended	V. 19, p. 503
68-9-2	New	V. 20, p. 1020
68-14-8	Amended	V. 19, p. 1830

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-1-20	New	V. 19, p. 573
71-1-21	New	V. 19, p. 573
71-3-8	New	V. 19, p. 1336

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-2	Amended	V. 19, p. 1791
74-1-7	New	V. 19, p. 1792

74-2-1	Amended	V. 19, p. 1792
74-2-3	Amended	V. 19, p. 1792
74-2-4	Amended	V. 19, p. 1792
74-3-8	Amended	V. 19, p. 1792
74-4-1	Revoked	V. 19, p. 1792
74-4-1a	New	V. 19, p. 1792
74-4-2a	New	V. 19, p. 1792
74-4-3a	New	V. 19, p. 1793
74-4-4	Amended	V. 19, p. 1793
74-4-7	Amended	V. 19, p. 1793
74-4-10	Amended	V. 19, p. 1793
74-5-2	Amended	V. 19, p. 1793
74-5-202	Amended	V. 19, p. 1794
74-5-203	Amended	V. 19, p. 1794
74-5-205	New	V. 19, p. 1795
74-5-405	Amended	V. 19, p. 1795
74-6-1	Amended	V. 19, p. 1795
74-6-2	Amended	V. 19, p. 1795
74-7-2	Amended	V. 19, p. 1795
74-11-6	Amended	V. 19, p. 1796
74-12-1	Amended	V. 19, p. 1796
74-15-1	New	V. 19, p. 1797
74-15-2	New	V. 19, p. 1797

**AGENCY 75: STATE BANKING DEPARTMENT**

Reg. No.	Action	Register
75-6-2	Revoked	V. 19, p. 1082
75-6-6	Revoked	V. 19, p. 1082
75-6-24	Revoked	V. 19, p. 1082
75-6-26	Amended	V. 19, p. 1082
75-6-30	New	V. 19, p. 1082
75-6-31	New	V. 19, p. 1083
75-6-32	New	V. 20, p. 175

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-250	New	V. 20, p. 1094
82-3-133	Amended	V. 20, p. 771
82-3-133a	New	V. 20, p. 771
82-3-201	Amended	V. 20, p. 771
82-3-206	Amended	V. 20, p. 771
82-3-300	Amended	V. 20, p. 772
82-3-306	Amended	V. 20, p. 772
82-3-307	Amended	V. 20, p. 773
82-3-310	Amended	V. 20, p. 773
82-3-312	Amended	V. 20, p. 773
82-4-1	Amended	V. 19, p. 1158
82-4-3	Amended	V. 19, p. 1159
82-4-6d	Amended	V. 19, p. 1083
82-4-8a	Amended	V. 19, p. 1084
82-4-8h	New	V. 19, p. 1085
82-4-20	Amended	V. 19, p. 1085
82-4-23	Amended	V. 19, p. 1085
82-4-24a	Amended	V. 19, p. 1085
82-4-27c	Amended	V. 19, p. 1085
82-4-27e	Amended	V. 19, p. 1086
82-4-27f	Revoked	V. 19, p. 1087
82-4-27g	Amended	V. 19, p. 1087
82-4-30a	Amended	V. 19, p. 1087
82-4-31	Amended	V. 19, p. 1087
82-4-32	Amended	V. 19, p. 1087
82-4-33	Amended	V. 19, p. 1087
82-4-35a	Amended	V. 19, p. 1088
82-4-37	Amended	V. 19, p. 1088
82-4-42	Amended	V. 19, p. 1088
82-4-57	Amended	V. 19, p. 1088

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-23-1 through 88-23-6	New	V. 19, p. 41-43

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-26	Revoked	V. 19, p. 1435
91-1-27	Revoked	V. 19, p. 1435
91-1-27a through 91-1-27d	Revoked	V. 19, p. 1435
91-1-28	Revoked	V. 19, p. 1435
91-1-30	Revoked	V. 19, p. 1435
91-1-30a	Revoked	V. 19, p. 1435

(continued)

91-1-31 through 91-1-35 Revoked V. 19, p. 1435  
 91-1-37 Revoked V. 19, p. 1435  
 91-1-39 through 91-1-58 Revoked V. 19, p. 1435, 1436  
 91-1-60 Revoked V. 19, p. 1436  
 91-1-61 Revoked V. 19, p. 680  
 91-1-63 Revoked V. 19, p. 1436  
 91-1-65 Revoked V. 19, p. 1436  
 91-1-67 Revoked V. 19, p. 1436  
 91-1-68a through 91-1-68e Amended V. 19, p. 1588-1592  
 91-1-70 Revoked V. 19, p. 1436  
 91-1-70b Revoked V. 19, p. 1593  
 91-1-71 through 91-1-83 Revoked V. 19, p. 1436, 1437  
 91-1-84a Revoked V. 19, p. 1437  
 91-1-85 through 91-1-91 Revoked V. 19, p. 1437  
 91-1-91a Revoked V. 19, p. 1437  
 91-1-92 Revoked V. 19, p. 1437  
 91-1-93a Revoked V. 19, p. 1437  
 91-1-101a Revoked V. 19, p. 1437  
 91-1-101b Revoked V. 19, p. 1437  
 91-1-102a Revoked V. 19, p. 1437  
 91-1-104b Revoked V. 19, p. 1437  
 91-1-104c Revoked V. 19, p. 1437  
 91-1-105 Revoked V. 19, p. 1437  
 91-1-106 Revoked V. 19, p. 1437  
 91-1-106a through 91-1-106m Revoked V. 19, p. 1437, 1438  
 91-1-107a Revoked V. 19, p. 1438  
 91-1-108a Revoked V. 19, p. 1438  
 91-1-108b Revoked V. 19, p. 1438  
 91-1-108c Revoked V. 19, p. 1438  
 91-1-109a Revoked V. 19, p. 1438  
 91-1-110a Revoked V. 19, p. 1438  
 91-1-110c Revoked V. 19, p. 1438  
 91-1-111a Revoked V. 19, p. 1438  
 91-1-112c Revoked V. 19, p. 1438  
 91-1-112d Revoked V. 19, p. 1438  
 91-1-113b Revoked V. 19, p. 1438  
 91-1-114a Revoked V. 19, p. 1438  
 91-1-115a Revoked V. 19, p. 1438  
 91-1-117a Revoked V. 19, p. 1438  
 91-1-118a Revoked V. 19, p. 1438  
 91-1-119a through 91-1-119g Revoked V. 19, p. 1438, 1439  
 91-1-120 Revoked V. 19, p. 1439  
 91-1-121 Revoked V. 19, p. 1439  
 91-1-122 Revoked V. 19, p. 1439  
 91-1-123a Revoked V. 19, p. 1439  
 91-1-125 Revoked V. 19, p. 1439  
 91-1-127a Revoked V. 19, p. 1439  
 91-1-128b Revoked V. 19, p. 1439  
 91-1-129a Revoked V. 19, p. 1439  
 91-1-130 Revoked V. 19, p. 1439  
 91-1-131 Revoked V. 19, p. 1439  
 91-1-132a Revoked V. 19, p. 1439  
 91-1-135a Revoked V. 19, p. 1439  
 91-1-137a Revoked V. 19, p. 1439  
 91-1-138a Revoked V. 19, p. 1439  
 91-1-140a Revoked V. 19, p. 1439  
 91-1-141 Revoked V. 19, p. 1439  
 91-1-143 Revoked V. 19, p. 1439  
 91-1-144 Revoked V. 19, p. 1439  
 91-1-145 Revoked V. 19, p. 1439  
 91-1-146a Amended V. 19, p. 1593  
 91-1-146e Amended V. 19, p. 1593  
 91-1-148a Revoked V. 19, p. 1439  
 91-1-149 Revoked V. 19, p. 1439  
 91-1-150 Revoked V. 19, p. 1439  
 91-1-153 Revoked V. 19, p. 1439  
 91-1-200 through 91-1-211 New V. 19, p. 1439-1449  
 91-5-14 Amended V. 20, p. 108  
 91-12-22 Revoked V. 19, p. 680

91-12-23 Revoked V. 19, p. 680  
 91-12-24a Revoked V. 19, p. 680  
 91-12-25 Revoked V. 19, p. 680  
 91-12-27 Revoked V. 19, p. 680  
 91-12-28 Revoked V. 19, p. 680  
 91-12-30 through 91-12-33 Revoked V. 19, p. 680  
 91-12-35 through 91-12-42 Revoked V. 19, p. 680, 681  
 91-12-44 through 91-12-69 Revoked V. 19, p. 681  
 91-12-71 through 91-12-74 Revoked V. 19, p. 682  
 91-22-1a New V. 19, p. 682  
 91-22-2 Amended V. 19, p. 683  
 91-22-3 Revoked V. 19, p. 683  
 91-22-4 Amended V. 19, p. 683  
 91-22-5a Amended V. 19, p. 683  
 91-22-7 Amended V. 19, p. 683  
 91-22-8 Revoked V. 19, p. 683  
 91-22-9 Amended V. 19, p. 683  
 91-22-10 through 91-22-18 Revoked V. 19, p. 684  
 91-22-19 Amended V. 19, p. 684  
 91-22-21 Revoked V. 19, p. 684  
 91-22-22 Amended V. 19, p. 684  
 91-22-23 Revoked V. 19, p. 684  
 91-22-24 Revoked V. 19, p. 684  
 91-22-25 Amended V. 19, p. 684  
 91-22-26 Revoked V. 19, p. 685  
 91-37-2 Amended V. 20, p. 724  
 91-37-3 Amended V. 20, p. 724  
 91-37-4 Amended V. 20, p. 724  
 91-40-1 through 91-40-5 New V. 19, p. 685-691  
 91-40-2 Amended V. 20, p. 541  
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 91-40-7 Amended V. 20, p. 541  
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 91-40-27 Amended V. 20, p. 544  
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 91-40-50 through 91-40-53 New V. 19, p. 705, 706  
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 91-40-53 Amended V. 20, p. 546  
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 92-12-66 Revoked V. 20, p. 1124

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 92-15-6 Amended V. 20, p. 1126  
 92-19-4a Revoked V. 20, p. 1126  
 92-19-4b New V. 20, p. 1126  
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 92-19-64 Revoked V. 20, p. 1129  
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 92-19-73 Amended V. 20, p. 1130  
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 92-25-1 Amended V. 20, p. 1130  
 92-51-33 Revoked V. 20, p. 1130  
 92-51-50 Revoked V. 20, p. 1130  
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**Reg. No. Action Register**

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100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572
100-69-5	Amended	V. 19, p. 1547

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
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102-1-3a	New	V. 19, p. 1681
102-1-5	Revoked	V. 19, p. 1683
102-1-5a	New	V. 19, p. 1683
102-1-12	Amended	V. 19, p. 1684
102-1-15	Amended	V. 19, p. 1686
102-1-17	New	V. 19, p. 1687
102-1-18	New	V. 19, p. 1687
102-1-19	New	V. 20, p. 572
102-2-1a	Amended	V. 19, p. 1192
102-2-2a	Amended	V. 19, p. 1194
102-2-3	Amended	V. 19, p. 1194
102-2-4a	Amended	V. 19, p. 1195
102-2-5	Amended	V. 19, p. 1196
102-2-7	Amended	V. 19, p. 1196
102-2-8	Amended	V. 19, p. 1198
102-2-11	Amended	V. 19, p. 1200
102-2-12	Amended	V. 19, p. 1201
102-2-13	New	V. 19, p. 1202
102-2-14	New	V. 19, p. 1202
102-2-15	New	V. 20, p. 572
102-3-1a	Amended	V. 19, p. 1202
102-3-2	Amended	V. 19, p. 1204
102-3-5a	Amended	V. 19, p. 1205
102-3-7a	Amended	V. 19, p. 1206
102-3-14	New	V. 19, p. 1207
102-3-15	New	V. 19, p. 1207
102-3-16	New	V. 20, p. 572
102-4-1a	Amended	V. 19, p. 1208
102-4-2	Amended	V. 19, p. 1209
102-4-4a	Amended	V. 19, p. 1209
102-4-5a	Amended	V. 19, p. 1211
102-4-7a	Amended	V. 19, p. 1211
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102-5-13	New	V. 19, p. 1218
102-5-14	New	V. 19, p. 1218
102-5-15	New	V. 20, p. 572

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 19, p. 2022
108-1-3	New	V. 19, p. 68

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-2-2	Amended	V. 19, p. 1949
109-5-1	Amended	V. 19, p. 1749

109-5-4	Amended	V. 19, p. 1750
109-6-2	Amended	V. 19, p. 1750
109-6-3	New	V. 19, p. 1751
109-7-1	Amended	V. 19, p. 1751
109-10-1	Amended	V. 19, p. 1751
109-11-6	Amended	V. 19, p. 1753
109-13-1	Amended	V. 19, p. 1754

**AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING**

Reg. No.	Action	Register
110-4-1	Amended (T)	V. 20, p. 934
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119	through	
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1795	through	
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814	through	
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825	through	
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1096
111-4-1840	through	
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845	through	
111-4-1850	New	V. 20, p. 1189-1193
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-7-123	Amended	V. 20, p. 48
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49

111-7-158	through	
111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
111-7-163	through	
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194

**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547
112-7-21	Amended	V. 19, p. 118
112-10-38	Amended	V. 19, p. 119
112-11-20	Amended	V. 20, p. 945
112-18-21	Amended	V. 19, p. 1308
112-18-22	Amended	V. 19, p. 119

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	New	V. 20, p. 768
115-4-5	Revoked	V. 20, p. 769
115-4-6	Amended	V. 19, p. 1140
115-4-7	through	
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-7-1	Amended	V. 19, p. 1876
115-8-1	Amended	V. 20, p. 1061
115-8-5	Revoked	V. 20, p. 1061
115-8-8	Amended	V. 20, p. 1061
115-8-12	Amended	V. 20, p. 1062
115-8-16	Revoked	V. 20, p. 1062
115-8-18	Revoked	V. 20, p. 1062
115-8-20	Amended	V. 20, p. 1062
115-8-21	Amended	V. 20, p. 1062
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-16	New	V. 19, p. 1475
115-18-17	New	V. 20, p. 1062
115-20-1	Amended	V. 20, p. 1063
115-20-2	Amended	V. 20, p. 1063

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-6-3	Amended	V. 20, p. 862
117-6-4	New	V. 20, p. 863
117-7-1	Amended	V. 20, p. 863
117-8-1	Amended	V. 20, p. 1020
117-9-1	Amended	V. 19, p. 41

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