

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 20, No. 45    November 8, 2001    Pages 1733-1764

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State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, November 16, at the Kansas Veterans' Home, 1220 WWII Memorial Drive, Winfield. The public is invited to attend. For further information, call (785) 296-3976.

Stoney Wages  
Executive Director

Doc. No. 027248

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 11-5-01 through 11-11-01

Term	Rate
1-89 days	2.52%
3 months	1.94%
6 months	1.92%
1 year	2.08%
18 months	2.29%
2 years	2.50%

Derl S. Treff  
Director of Investments

Doc. No. 027238

(Published in the Kansas Register November 8, 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, December 7, for the following project:

**KDOT Project No. 87 N-0200-01-01/472-83368 (706823)  
(OCA Code 706823)  
Paving**

Improving 21st Street North from Hillside to Oliver  
(east of Hillside at 21st Street North)

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

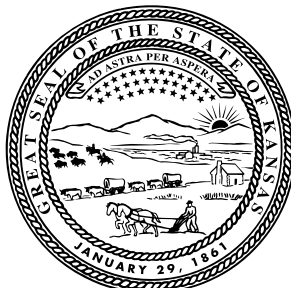
Doc. No. 027247

The KANSAS REGISTER (ISSN 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include \$5.44 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

Postmaster: Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

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1st Floor, Memorial Hall  
120 S.W. 10th Ave.  
Topeka, KS 66612-1594  
(785) 296-4564  
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**Register Office:**  
**Garden Level, Memorial Hall**  
**(785) 296-3489**  
**Fax (785) 368-8024**

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 12-25. 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
November 12				
November 13				
November 13	231-N	10:00 a.m.	Joint Committee on Children's Issues	
November 13				
November 13	231-N	10:00 a.m.	Special Committee on Commercial and Financial Institutions/Insurance	Review and approve interim committee reports.
November 13	235-N	10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Agenda not available.
November 14	235-N	9:00 a.m.		
November 13	519-S	10:00 a.m.	Special Committee on Assessment and Taxation	Committee discussion and final decisions on all topics.
November 14	519-S	9:00 a.m.		
November 13	526-S	10:00 a.m.	Legislative Educational Planning Committee	<b>13th:</b> Meet with school finance study consultants and other matters.
November 14	<b>Board of Regents</b>	<b>9:00 a.m.</b>		<b>14th:</b> Joint meeting with State Board of Regents.
November 14	<b>313-S</b>	<b>1:00 p.m.</b>		
November 14	514-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	Agenda not available.
November 15	514-S	9:00 a.m.		
November 15	Johnson County Community College, Overland Park	10:00 a.m.	Special Committee on Agriculture	Agenda not available.
November 15	313-S	10:00 a.m.	Special Committee on Judiciary	<b>15th: Topic No. 7</b> —Monitor Judicial Council study of the juvenile offender and child in need of care codes. <b>Topic No. 8</b> —Review the state's guardianship system.
November 16	313-S	9:00 a.m.		<b>16th:</b> Committee discussion, deliberation and decision making; review reports.
November 15	531-N	10:00 a.m.	Joint Committee on Information Technology	Agenda not available.
November 16	531-N	9:00 a.m.		
November 16	123-S	9:00 a.m.	Legislative Coordinating Council	Legislative matters.
November 16	519-S	10:00 a.m.	Special Committee on Energy, Natural Resources and Environment	Agenda not available
November 19	123-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
November 20	123-S	9:00 a.m.		
November 19	519-S	10:00 a.m.	Joint Committee on Economic Development	Agenda not available.
November 20	519-S	9:00 a.m.		

Jeff Russell  
Director of Legislative  
Administrative Services

## State of Kansas

**Department of Administration  
Division of Accounts and Reports**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Wednesday, January 9, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed rule and regulation of the Department of Administration, Division of Accounts and Reports, on a permanent basis.

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 Secretary of Administration, 1000 S.W. Jackson, Suite 500, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the 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 Faith Loretto at (785) 296-6000 or TTY (785) 296-4798. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the building, across the street from the north entrance to the building, and on 9th Street just around the corner from the north entrance.

Summaries of the proposed regulation and its economic impact follow.

**K.A.R. 1-16-18** currently prescribes the rates, limitations and methods for computing meal expense allowances and reimbursement or direct payment of lodging expenses incurred by state employees while traveling on official state business. The regulation sets forth maximum allowable costs for meals and lodging for travel in-state, out-of-state, to designated high-cost geographic areas, to international locations and for conference lodging qualified under K.A.R. 1-16-18a(e). The regulation also sets forth the required reduction amounts for meals provided at no cost to the traveling employee. The amended regulation would implement the provisions of L. 2001, Ch. 109 (HB 2551). Sections 4 and 5 of Chapter 109 amend K.S.A. 75-3207 and 75-3207a to remove the requirement that the Secretary of Administration fix and publish the subsistence rates and limitations through rules and regulations. Sections 1 and 4 of L. 2001, Ch. 109 amend K.S.A. 75-3201 and 75-3207 to allow the Secretary of Administration to provide, by regulation, for limited circumstances in which subsistence (meal expenses) may be paid without traveling overnight.

In order to implement these new statutory provisions, amendments to K.A.R. 1-16-18 delete subsistence reim-

bursement rates and dollar limitations for payment of meals and lodging expenses and instead provide that notification of these rates and limitations, and changes to them, will be provided through informational circulars published by the Department of Administration, Division of Accounts and Reports. Amendments also include new paragraph (c)(3), which provides for two limited circumstances in which the agency head or designee may allow one meal to be reimbursed when the employee does not travel overnight. The allowable circumstances are: (1) when the employee's work day extends three hours or more beyond the employee's normal work day due to travel on official state business; or (2) when the employee is required to attend a conference or meeting as an official guest or speaker and a meal is served during the attendance time. However, under either circumstance, the point where the official business is conducted must be more than 30 miles from the employee's official station. The employee will be reimbursed for the meal at the per-meal rate for breakfast, lunch or dinner as prescribed by the Secretary of Administration in accordance with amendments to K.S.A. 75-3207a.

An additional amendment clarifies the proper payment of taxes associated with lodging expenses. Taxes were excluded from the limitation rates by regulatory amendments that took effect July 1, 1998. The proposed amendment makes this exclusion more explicit, but does not represent a substantive change.

The proposed amendments to K.A.R. 1-16-18 removing the subsistence allowance rates and reimbursement limitations have no fiscal impact on the Department of Administration, other state agencies, state employees, local units of government, or the general public. The amendments do not establish different subsistence reimbursement rates. Rather, the amendments delete those rates from K.A.R. 1-16-18 and notify state agencies and their employees, and any local governmental units within Kansas electing to use the state rates, that reimbursement rates for subsistence expenses will be published by the Division of Accounts and Reports in informational circulars. The proposed amendment clarifying the reimbursement of taxes associated with lodging expenses has no fiscal impact on the Department of Administration, other state agencies, state employees, local units of government or the general public as it does not represent a substantive change.

Minimal economic impact on state agencies and state employees is expected with respect to the proposed amendments that authorize a meal allowance for one meal in limited circumstances when overnight travel does not occur. No data is available to estimate the number of state officers and employees traveling within these circumstances. However, payment for a meal under the qualifying circumstances is not required, but rather is at the discretion of the agency head or designee. Therefore, each state agency will have the flexibility to manage the economic impact resulting from payment of meal allowances under these circumstances. Some local units of government may use the state's subsistence rates and policies as the basis for reimbursing their employees for travel expenses. However, there is no requirement that local

units adopt these rates or policies. No economic impact on private citizens or consumers is expected.

Copies of the proposed regulation and its associated economic impact statement may be obtained from the Department of Administration, Division of Accounts and Reports, Room 351-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-2311.

Joyce Glasscock  
Acting Secretary of Administration

Doc. No. 027242

**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, November 20, 2001**  
**04230**

Kansas Bureau of Investigation—Printing of Brochures and Posters

**Tuesday, November 27, 2001**  
**A-9172(D)**

Pittsburg State University—Chandler Hall Demolition

**Friday, November 30, 2001**  
**A-9379**

Parsons State Hospital and Training Center—Replace Hot/Cold Water Loops, Elm and Pine Cottages

**Monday, December 10, 2001**  
**04256**

Kansas Correctional Industries—Lease of Farmland (Norton County)

\*\*\*\*\*

**Request for Proposals**

**Tuesday, November 20, 2001**  
**04244**

Elevator Maintenance for the Department of Social and Rehabilitation Services

**Wednesday, November 28, 2001**  
**04248**

National Register Nominations for Steel Truss Bridges for the State Historical Society

**Tuesday, December 4, 2001**  
**04242**

Telecommunications Consultant for Kansas State University

John T. Houlihan  
Director of Purchases

Doc. No. 027255

**State of Kansas**

**Secretary of State**

**Code Mortgage Rate for November**

Pursuant to the provisions of K.S.A. 2000 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of November 1, 2001 through November 30, 2001, is 12 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 027240

**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. ONEOK Field Services Company - North Coldwater Compressor Station has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen (NOx) and carbon monoxide (CO) 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.

ONEOK Field Services Company - North Coldwater Compressor Station, Tulsa, Oklahoma, owns and operates a compressor station located at Section 27, Township 32 South, Range 18 West, Comanche County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (785) 296-6427, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business December 10.

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 December 10 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health and Environment

Doc. No. 027244

State of Kansas

Secretary of State

Usury Rate for November

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of November 1, 2001 through November 30, 2001, is 7.62 percent.

Ron Thornburgh
Secretary of State

Doc. No. 027239

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

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

Public Notice No. KS-AG-01-358/362

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant, Legal Description, Receiving Water. Adams Cattle Co. c/o Raymond E. Adams Jr. P.O. Box 218 Maple Hill, KS 66507. Kansas Permit No. A-KSWB-C001 Federal Permit No. KS0115037. This is a permit renewal for an existing facility for 4,990 head (4,990 animal units) of cattle 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 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. Rose Pork Inc. c/o Rodney Rose Route 1, P.O. Box 43 Cawker City, KS 67430. Kansas Permit No. A-SOJW-S022.

This is a permit modification for an existing facility that is downsizing to a maximum of 2,125 head of swine weighing greater than 55 pounds [850 animal units (a.u.)] and 1,300 head of swine weighing less than 55 pounds (130 a.u.), for a total of 3,425 head (980 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. A closure plan shall be submitted for the evaporation lagoon being abandoned within 180 days from the issue date of the permit. Upon removal of all waste, the lagoon structure shall be closed by removing the berms and grading and revegetating the site as required to provide erosion control and provide residual nutrient uptake, or by any other means as approved by KDHE in the closure plan.

Name and Address of Applicant, Legal Description, Receiving Water. Blue Hill Feeders, Inc. 468 County, 412 Drive Lucas, KS 67648. Kansas Permit No. A-SAOB-C001 Federal Permit No. KS0091421.

This is a new permit for an existing facility that is constructing an additional sedimentation basin and earthen retention structure, and changing the operation from 2,000 head (1,000 animal units) of cattle weighing 700 pounds or less and 1,500 head (1,500 animal units) of beef cattle weighing greater than 700 pounds to 2,500 head (2,500 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: 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.

Name and Address of Applicant, Legal Description, Receiving Water. Pro-Pork c/o Doug Schwartz 2103 Liberty Road Morrowville, KS 66958. Kansas Permit No. A-BBWS-H003 Federal Permit No. KS0092509.

This is a permit renewal for an existing facility for 3,600 head (1,440 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.

Name and Address of Applicant, Legal Description, Receiving Water. Craig A. Strahm Route 3, Box 113 Sabetha, KS 66534. Kansas Permit No. A-MONM-S057.

This is an expansion and modification for an existing permitted facility for 1,200 head of swine greater than 55 pounds for a total of 480 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-01-154

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: Muscotah, City of, Delaware River, Treated Domestic Wastewater. Row 2: Kansas Permit No. M-KS48-OO01, Federal Permit No. KS0085707.

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 obtain the services of a KDHE-certified wastewater treatment plant operator 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.

Public Notice No. KS-PT-01-014/015

Table with 3 columns: Name and Address of Applicant, Receiving Facility, Type of Discharge. Row 1: Anodizing Inc./ Extrusions Inc., Fort Scott, MWWT, Processed Wastewater. Row 2: Kansas Permit No. P-MC11-OO01.

Facility Description: The proposed action is to modify and reissue an existing pretreatment permit for this facility. This facility extrudes aluminum alloy billets into various products. The amount of aluminum extruded varies, but on average it is approximately 22,000 lbs./day or a maximum of 32,000 lbs./day. The proposed permit includes limits for total toxic organics, chromium, cyanide, zinc, oil and grease, 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.

Table with 3 columns: Name and Address of Applicant, Receiving Facility, Type of Discharge. Row 1: CPAC, Inc., Great Bend, MWWT, Processed Wastewater. Row 2: Kansas Permit No. P-UA16-OO04.

Facility Name: Fuller Industrial
Facility Location: P.O. Box 729, Great Bend, KS 67530
Facility Description: The proposed action is to modify and reissue an existing pretreatment permit for this facility. This facility manufactures a wide range of household cleaners, floor finishers and strippers. This facility is subject to the metal finishing standard because it has a two-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 attention 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, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before December 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-358/362, KS-01-154, KS-PT-01-014/015) 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, (620) 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, (620) 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. 027252

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 Beier, P.J.; Brazil, S.J.; and John W. White, D.J., assigned.

Monday, November 19, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
86,168	State of Kansas, Appellee, v. Eric S. Horch, Appellant.	Attorney General Bethany C. Daniels, Asst. D.A. Theresa Barr, Asst. A.D.	Douglas
87,276	In the Matter of E.L., DOB: 09-09-1985.	A.J. Stecklein Victoria S. Meyer, Asst. D.A.	Wyandotte
86,465	Ralph Myers, Jr., and Marcia Tharnish, Third-Party Plaintiffs, Appellees, v. John Hastings, Third-Party, Defendant, Appellant.	Frank B.W. McCollum James H. Ensz	Johnson
85,198	State of Kansas, Appellee, v. Stanley Lawson, Jr., Appellant.	Attorney General James B. Pattison, Asst. C.A. Sandra Carr, Asst. A.D.	Saline
85,101	State of Kansas, Appellee, v. Raymond L. Ross, Jr., Appellant.	Attorney General Russell Roe, Asst. C.A. Kathryn B. Wall, Asst. A.D.	Saline

1:30 p.m.

85,619	State of Kansas, Appellee, v. Brian Gheno, Appellant.	Attorney General Julie A. Funk, Asst. C.A. Patrick H. Dunn, Asst. A.D.	Ford
85,618	State of Kansas, Appellee, v. Brian Gheno, Appellant.	Attorney General Keri A. Kish, Asst. C.A. Patrick H. Dunn, Asst. A.D.	Ford
85,176	State of Kansas, Appellee, v. Steven E. Gallegos, Appellant.	Attorney General Douglas W. McNett, Asst. C.A. Sandra Carr, Asst. A.D.	Pawnee
86,024	Anthony Vondracek, Charles Vondracek, Francis Vondracek, Frank Vondracek, Marie Vondracek, and Vondracek Brothers, Appellants, v. Mid-State Co-Op, Inc., Appellee.	Brock R. McPherson Richard A. Benjes	Rush

Tuesday, November 20, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
86,929	Pedro Ortiz, Appellant, v. Witiwer Paving, Inc., and CNA Insurance, Co., Appellees.	Kelly W. Johnston D. Steven Marsh	Work Comp



86,048	Barnds Brothers, Inc., Appellee, v. Hawthorne View Homes Association, Appellant.	Thomas F. McGraw III William C. Partin H. Reed Walker	Johnson
86,768	In the Matter of the Marriage of Ruth Margaret Byers, Appellee, and Walter Byers, Appellant.	Joe L. Norton W. Ann Hansbrough	Johnson
86,603	S.A. Harms and LaWanda Harms, Appellant, v. Veva Nell Davis Burt, <i>et al.</i> , Defendants; Joseph Wright, Victoria Wright, and Capitol Federal Savings and Loan Asso- ciation, Intervenors, Appellees.	Edgar Wm. Dwire Kurt A. Harper Roger M. Sherwood	Sedgwick

## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
86,224	Paul Watkins, Appellant, v. Shawnee County Refuse Department, Appellee.	Phillip L. Turner Dan E. Turner Jeff K. Cooper	Work Comp.
85,781	State of Kansas, Appellee, v. Andrew Jackson Musick IV, Appellant.	Attorney General Brian R. Sherwood, Asst. C.A. Shawn Minihan, Asst. A.D.	Finney
86,395	State of Kansas, Appellee, v. Paul A. Miller, Appellant.	Attorney General John Shirley, C.A. Sandra Carr, Asst. A.D.	Scott
87,273	In the Interest of: L.R., D.O.B.: 05-26-95 R.R., D.O.B.: 06-16-96	A.J. Stecklein Sheryl A. Bussell, Asst. D.A.	Wyandotte
86,302	State of Kansas, Appellee, v. Teri M. Kreps, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Leslie F. Hulnick	Sedgwick
86,000	State of Kansas, Appellee, v. Michael Edward Shirley, Appellant.	Attorney General Vernon E. Buck, Asst. C.A. Darla Lilley	Lyon
85,881	State of Kansas, Appellee, v. Sharriff Tilghman, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Libby Snider, A.D.	Johnson
86,254	State of Kansas, Appellee, v. Anthony Hubbard, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Nathan Webb, Asst. A.D.	Sedgwick
86,122	State of Kansas, Appellee, v. Shannon Davidson, Appellant.	Attorney General Robert A. Walsh, C.A. Shawn Minihan, Asst. A.D.	Cloud
87,051	In the Interest of J.M.C., DOB: 08-26-96, A Child Under the Age of 18 Years.	Dennis J. Stanchik Robin Lewis	Johnson
83,837	Michael P. Davidson, Appellant, v. State of Kansas, Appellee.	Jon E. Thornbrugh Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
86,353	State of Kansas, Appellee, v. Roland Hill, Appellant.	Attorney General Chris Biggs, C.A. Virginia Girard-Brady	Geary

(continued)

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

Before Knudson, P.J.; Pierron and Green, J.J.

Monday, November 19, 2001

1:00 p.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,552	Duane Henry, Appellant, v. State of Kansas, Appellee.	Randall Hodgkinson, Asst. A.D. Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
86,567	State of Kansas, Appellee, v. Darren E. Deselms, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Philip R. White	Sedgwick
86,911	State of Kansas, Appellee, v. Randy Boling, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Patrick H. Dunn, Asst. A.D.	Sedgwick
87,178	In the Matter of the Care and Treatment of Randall J. Blevins.	Philip J. Bernhart Margaret A. Graham, Asst. A.G.	Montgomery
85,634	State of Kansas, Appellee, v. George D. Cook, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Leslie F. Hulnick	Sedgwick
86,278	State of Kansas, Appellee, v. Jose L. Andrade, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Libby Snider, Asst. A.D.	Sedgwick

Tuesday, November 20, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
86,193	State of Kansas, Appellee, v. James E. Wilson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A. Nathan Webb, Asst. A.D.	Sedgwick
85,898	State of Kansas, Appellee, v. Matthew R. Limon, Appellant.	Attorney General Amy L. Harth, Asst. C.A. Daniel C. Estes, Asst. A.D.	Miami
86,250	State of Kansas, Appellee, v. Delbert E. Haines, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Kathryn B. Wall	Sedgwick
84,957	Diane F. Barger, Appellee, v. Elvis Lindquist and Christy Lindquist, Appellants.	Randall E. Fisher Diane F. Barger James J. Long	Sedgwick
86,235	In the Matter of Ross, Jessie E./Union Center, Inc., for Taxes Paid in 1991, 1993, 1994 in Sedgwick County, Kansas, <i>et al.</i>	Patricia J. Parker, Asst. C.C. James T. McIntyre	Sedgwick

1:30 p.m.

85,855	In the Matter of the Appeal of Lee Apparel Company, Inc.; Troutman Industries, Inc.; Blue Bell, Inc.; From an Order of the Division of Taxation on Assessment of Corporate Income Tax.	James Bartle S. Lucky DeFries	Tax Appeal
86,472	State of Kansas, Appellee, v. James G. Jennings, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Shawn Minihan, Asst. A.D.	Sedgwick
86,128	State of Kansas, Appellee, v. Donald A. Grimes, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Patrick H. Dunn, Asst. A.D.	Sedgwick
86,304	Mohammad M. Shinwari, d/b/a 21st Center Fence and Landscaping, Appellant, v. Dareld (Scott) Davis and Linda L. Davis, Appellees.	Mohammad M. Shinwari, Pro se James Ward	Sedgwick

**Summary Calendar—No Oral Argument**

Case No.	Case Name	Attorneys	Jurisdiction
86,594	In the Interest of: C.A.S., DOB: 07-07-87 H.L.L., DOB: 02-19-89 J.A.L., DOB: 01-30-91 Minor Children Under Eighteen (18) Years of Age.	Roger Batt Dale F. Kelso Larry S. Vernon	Sedgwick
86,249	State of Kansas, Appellee, v. Kevin L. Hadley, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A. Cory D. Riddle, Asst. A.D.	Sedgwick
86,454	State of Kansas, Appellee, v. William Loggins, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Virginia Girard-Brady	Sedgwick
87,199	State of Kansas, Appellee, v. Christopher D. Kidd, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A. Sarah Ellen Johnson, Asst. A.D.	Sedgwick
86,102	State of Kansas, Appellee, v. Carol M. Phillips, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Shawn Minihan, Asst. A.D.	Sedgwick
86,055	Rickey L. Hogan, Appellant, v. State of Kansas, Appellee.	Patrick H. Dunn, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A.	Sedgwick
86,149	State of Kansas, Appellee, v. David N. Johnson, Appellee.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Thomas C. McDowell	Sedgwick
86,219	State of Kansas, Appellee, v. Tory L. Branning, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Rick Kittel, Asst. A.D.	Sedgwick

*(continued)*

86,363	Charles D. Roberts, Appellant, v. State of Kansas, Appellee.	Shawn Minihan, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A.	Sedgwick
86,245	State of Kansas, Appellee, v. Steven J. Young, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Autumn L. Fox	Sedgwick
86,668	Billie K. Elliott, Appellant, v. State of Kansas, Appellee.	Michael C. Brown Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
86,653	In the Interest of: B.K.J., DOB: 10-16-84 J.A.J., DOB: 08-24-86 J.J.J., DOB: 12-31-87 C.J., DOB: 07-02-89 Minor Children Under Eighteen (18) Years of Age.	Roger Batt Larry S. Vernon	Sedgwick
85,800	Willard F. Green, Appellant, v. State of Kansas, Appellee.	Patrick H. Dunn, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A.	Sedgwick
86,672	Herbert D. Proffitt, Sr., Appellant, v. State of Kansas, Appellee.	Michael C. Brown Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A.	Sedgwick
86,172	State of Kansas, Appellee, v. Van R. Williams, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Cory D. Riddle, Asst. A.D.	Sedgwick

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

**Before Marquardt, P.J.; Elliott, J.; and Paddock, S.J.**

**Monday, November 19, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
84,987	Michael R. Dunn, Appellee, v. Unified School District No. 367, Miami County, Kansas, Appellant, and Terry Ray Ballou, Jr., Appellee, v. U.S.D. 367, Miami County, Kansas, Appellant.	Lee H. Tetwiler Steve R. Fabert	Miami
86,210	State of Kansas, Appellee, v. Leon Eugene Williams, Appellant.	Attorney General William R. Mott, C.A. Stephen B. Chapman	Sumner

87,179	Rigoberto Mejia de Paz, Appellee, v. National Beef Packing Co. and Wausau Insurance Company, Appellants.	Stanley R. Ausemus Shirla R. McQueen	Work Comp
86,583	Bobby G. Robinson, <i>et al.</i> , Appellants, v. The State of Kansas; Rochelle Chronister, Secretary of the Kansas Department of Social and Rehabilitation Services; and the Labette Community College, Appellees.	Kala Spigarelli C. William Ossmann J. Steven Pigg	Labette
86,199	State of Kansas, Appellee, v. James Elbert King, Appellant.	Attorney General Lee J. Davidson, Deputy C.A. Nathan Webb, Asst. A.D.	Sumner
<b>1:30 p.m.</b>			
85,858	George M. Hall, Appellant, v. Progressive Insurance Co., <i>et al.</i> , Appellees.	George M. Hall, Pro se Andrew D. Hennier James G. Keller Michael B. Lowe	Johnson
87,039	State of Kansas, Appellee, v. William I Falodun, Appellant.	Attorney General Steven J. Obermeier Theresa Barr, Asst. A.D.	Johnson
86,991	Robert S. Heller, Appellee, v. John E. Heller, Appellant.	Curtis A. Frasier Guy R. Steier Jerry L. Harrison	Mitchell
87,001	In the Matter of W.H., A Minor Child, Date of Birth: 7-24-82.	Kevin W. Babbit Marc Goodman, C.A.	Lyon
86,327	State of Kansas, Appellee, v. Perry A. Reed, Appellant.	Attorney General Frank E. Kohl, C.A. Randall L. Hodgkinson, Asst. A.D.	Leavenworth

**Tuesday, November 20, 2001****9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
86,693	State of Kansas, Appellee, v. Cody Hinrichs, Appellant.	Attorney General R. Clark Allemang II, Asst. C.A. Theresa Barr, Asst. A.D.	Lyon
85,088	State of Kansas, Appellee, v. Steven Clair Shaw, Appellant.	Attorney General Douglas P. Witteman, C.A. Mary Curtis, Asst. A.D.	Coffey
86,946	Shirley J. Shultz, Appellant, Gregory G. Lower (Former attorney for plaintiff), Appellee, v. Chizuko Odle, <i>et al.</i> (Defendants not a party to this dispute).	Tracy S. Lough Gregory G. Lower	Sedgwick
85,896	Unison Healthcare Corporation, d/b/a Hillside Health Center, Appellee, v. Judy Wilson, Appellant.	Jeffrey J. Carlin J.R. Russell	Wyandotte
86,961	Clyde R. Williams, Appellant, v. State of Kansas and Emmalee Conover, Appellees.	Lee E. Velasquez Julie Riddle	Cowley

(continued)

## Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
86,329	Alice Samples, Appellant, v. The Boeing Company, and Insurance Company State of Pennsylvania and Kemper Insurance Companies, Appellees.	Joseph Seiwert Frederick L. Haag Vincent A. Burnett	Work Comp
86,563	State of Kansas, Appellee, v. Beldon A. Greer, Appellant.	Attorney General James L. Spies, Asst. D.A. Michael J. Peterson	Wyandotte
86,530	State of Kansas, Appellee, v. Heron W. Jackson, Appellant.	Attorney General Christopher Schneider, Asst. D.A. Nathan Webb, Asst. A.D.	Wyandotte
86,388	State of Kansas, Appellee, v. Brandon W. Martinez, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Virginia Girard-Brady	Sedgwick
86,694	State of Kansas, Appellee, v. Donald R. Jackson, Appellant.	Attorney General Nick Tomasic, D.A. Daniel C. Estes, Asst. A.D.	Wyandotte
86,015	Billy Maxwell, Appellant, v. State of Kansas, Appellee.	Darla Lilley Attorney General Kevin M. Miller, C.A.	Brown
86,234	State of Kansas, Appellee, v. Leeotis D. Yancey, Jr. Appellant.	Attorney General John J. Bryant, Asst. D.A. Rick Kittel, Asst. A.D.	Wyandotte
87,230	Ferlandus Batchelor, Appellant, v. David R. McKune, <i>et al.</i> , Appellees.	Charles J. Cavenee Kenneth R. Smith	Leavenworth
87,261	In the Interest of: A.D.W., DOB: 09-22-95 L.A.G., DOB: 06-14-94 J.L.W., DOB: 02-06-98	D. Tiday Sheryl A. Bussell, Asst. D.A.	Wyandotte
86,900	McCarver Lee Lawson, Appellant, v. State of Kansas, Appellee.	Nathan B. Webb, Asst. A.D. Attorney General Nick Tomasic, D.A.	Wyandotte
85,955	State of Kansas, Appellee, v. Harlan Lee Freeman, Jr., Appellant.	Attorney General Terra D. Morehead, Asst. D.A. Darla J. Lilley	Wyandotte
86,442	Alaska Commission for Post Secondary Education, Appellant, v. Stacey Rawls, Appellee.	Gary L. Fanning Jr.	Leavenworth
86,574	State of Kansas, Appellee, v. Amy Reedy, Appellant.	Attorney General Bonnie Hannan, Asst. D.A. Randall L. Hodgkinson, Asst. A.D.	Wyandotte
86,729	Dennis Earl Bohm, Appellant, v. Kansas Department of Revenue, Appellee.	James L. Sweet James G. Keller	Mitchell
86,450	Roger C. Davison, Appellant, v. State of Kansas, Appellee.	Janine Cox, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Ian H. Taylor, Asst. D.A.	Sedgwick

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

**Before Rulon, C.J.; Johnson, J.; and Rogg, S.J.**

**Monday, November 19, 2001**

**9:30 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
86,859	Catherine Estrada Rodarte, Appellant, Cross-Appellee, v. Kansas Department of Transportation, and "State Farm Mutual Automobile Insurance Company"; Appellee-Cross- Appellant, Ashland Oil, Inc.; and Ashland-Warren, Inc., Appellees.	Steven A. Ediger Michael J. Dutton Thomas L. Griswold Donald R. Whitney	Johnson
86,644	State of Kansas, Appellant, v. Jesse Staab, Appellee.	Attorney General Rekha Sharma-Crawford, Asst. D.A. Craig A. Stancliffe	Douglas
87,182	Sandra May, Appellant, v. Seville Home, LLC Appellee.	Howard E. Bodney Anthony F. Rupp	Johnson
85,650	State of Kansas, Appellee, v. James Edward Hinkle, Appellant.	Attorney General James R. Spring, C.A. Randall L. Hodgkinson, Asst. A.D.	Cowley
87,299	In the Matter of the Marriage of Duane Wente II, Appellant, and Pamela Wente, Appellee.	Tony A. Potter Elmo Lund	Sheridan

**1:30 p.m.**

86,369	Rural Water District #2, Butler County, Kansas, Appellant, v. City of El Dorado, Appellee.	Tom Connell Michael G. Coash	Butler
86,173	State of Kansas, Appellee, v. Fred Burnette, Appellant.	Attorney General Keith E. Schroeder, Asst. D.A. Rick Kittel, Asst. A.D.	Reno
86,062	State of Kansas, Appellee, v. Bradford Paul Thompson, Appellant.	Attorney General Thomas V. Black, C.A. Bradley P. Sylvester	Pratt
86,165	State of Kansas, Appellee, v. Mark Lee Andrews, Appellant.	Attorney General Amanda Norris, Asst. C.A. Nathan B. Webb, Asst. A.D.	Saline
85,685	State of Kansas, Appellee, v. Russell C. Harris, Jr., Appellant.	Attorney General Julia D. Allen, Asst. C.A. Kathryn B. Wall, Asst. A.D.	Montgomery

**Tuesday, November 20, 2001**

**9:30 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
87,068	Floyd Eugene Ramsey, Appellee, v. William C. Teel and David M. Billingsley, Appellants.	Robert L. Bezek, Jr. Stephen P. Weir	Shawnee

*(continued)*

86,805	Lewis E. Nerman, Appellee, v. Marvin Lumber and Cedar Company, Appellant.	Justin J. Johl Thomas H. Boyd James R. Redeker	Johnson
86,559	State of Kansas, Appellee, v. Clifford H. Swarthout, Jr., Appellant.	Attorney General Douglas F. Martin, C.A. Sarah Ellen Johnson, Asst. A.D.	Clay
87,091	Kelshar Development, Inc., Appellee, v. Shawn Harris, Robin Harris, and Harris Roofing and Vinyl Siding, LLC, Appellants.	Bryan W. Smith Todd D. Powell Chris R. Davis	Shawnee
86,217	Office Max, Inc., and Belmont Hotels, LLC, Appellant, v. City of Salina and Goodwill Easter Seal Society of Kansas, Inc., Appellees, and Dellrose Development, LLC, A Kansas Limited Liability Company, Appellee.	Daniel K. Diederich Greg A. Bengtson Paula J. Wright Randall K. Rathbun	Saline

#### Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	Jurisdiction
86,904	In the Interest of: S.S., DOB: 12-21-87 J.S., DOB: 05-24-85	J. Shane Rockey Charles D. Ball	Wyandotte
86,227	Lewis Jones Jr., Appellant, v. State of Kansas, Appellee.	Shawn Minihan, Asst. A.D. Attorney General Franklin T. Bruce, Asst. D.A.	Reno
86,806	In the Matter of the Marriage of Mandana Rostamy, Appellant, and Mohammed B. Yeganeh-Kazemi, Appellee.	Mandana Rostamy, pro se Keven M. P. O'Grady	Johnson
86,848	Marvina Smith Jackson, Appellant, v. Eric Slaughter, Appellee.	Rosie M. Quinn J. Donald Lysaught, Jr.	Wyandotte
86,494	State of Kansas, Appellee, v. Mario Rios, Appellant.	Attorney General Don Scott, C.A. Daniel C. Estes, Asst. A.D.	Seward
87,077	Fenglin Shi, Appellant, v. State of Kansas and State-Self-Insurance Fund, Appellee.	Darla Lilley Lisa J. Lewis	Work Comp
86,330	In the Matter of the Marriage of Ruby Arlene Bailey, Appellant, and George Arthur Bailey, Appellee.	Stanley R. McAfee Gerald N. Jeserich	Wyandotte
85,943	State of Kansas, Appellee, v. Maurice D. Brown, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Libby Snider, Asst. A.D.	Sedgwick
86,194	State of Kansas, Appellee, v. Daryl S. Booher, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Richard A. Olmstead, Asst. D.A. Libby K. Snider, Asst. A.D.	Sedgwick
86,262	Matthew B. Keen, Appellant, v. State of Kansas, Appellee.	Autumn L. Fox Attorney General Brian V. Grace, C.A.	Republic



86,763	Rubena Goodson, Appellant, v. Herbert W. Headley and Rebecca L. Headley, Appellees.	Alexander B. Mitchell II Christopher M. Magana James L. Hargrove	Butler
86,372	Kodi A. Thomas, Appellant, v. State of Kansas, Appellee.	Jonathan C. Becker Attorney General David P. Zabel, Asst. D.A.	Douglas
86,482	In the Matter of the Marriage of Laura M. Hiner, Appellee, and Arvine Hiner, Appellant.	Jerry L. Harrison C. Richard Comfort	Cloud
86,206	State of Kansas, Appellee, v. Keith Hockman, Appellant.	Attorney General Ellen H. Mitchell, C.A. Randall Hodgkinson, Asst. A.D. Kristen L. Chowning, Asst. A.D.	Saline
84,808	State of Kansas, Appellee, v. Steven S. Smith, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Kimberley K. Kellogg	Johnson

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 027254

**State of Kansas**  
**State Corporation Commission**  
**Notice of Motor Carrier Applications**

The following motor carriers have filed various applications. All applications listed herein are for statewide authority, unless otherwise stated.

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike J. Hoeme, Director of Transportation, at the address above within 20 days of the date of publication of this notice.

**Applications for Certificate of Public Service:**

**Aviation Courier Service, Inc.**, 3095 Thrasher Court, Kennesaw, GA 30144-2908; MC ID No. 159743; Aircraft parts

**Befort Trucking, L.C.**, 1177 Commerce Parkway, Hays, KS 67601; MC ID No. 159643; General commodities (except household goods, passengers and hazardous materials)

**Jerrilyn Cameron, dba Jerrilyn Cameron Trucking**, 503 W. 14th, Ellis, KS 67637; MC ID No. 159754; General commodities (except household goods, passengers and hazardous materials)

**Eclipse Services, Inc.**, 333 Northbelt, Suite 905, Houston, TX 77060; MC ID No. 159746; Crude oil, gasoline and diesel

**Evans Tank Service, Inc.**, 404 W. Jewell St., Russell, KS 67665; MC ID No. 159742; Dennis Davidson, Attorney; Salt water

**G-C Trucking, Inc.**, 2008 11th Road, Clay Center, KS 67432; MC ID No. 159756; General commodities (except household goods and hazardous materials)

**Steven M. Gish, dba Gish Trucking**, 16009 W. 152nd St., Olathe, KS 66062; MC ID No. 159751; General commodities (except household goods and hazardous materials)

**Travis and Lacey Hunter, dba T & L Trucking**, 410 S. Main, Kensington, KS 66951; MC ID No. 159755; Grain, salt, feed ingredients and fertilizer

**Steve A. Kahn, dba Traveler's Transport**, 316 7th St., Cimarron, KS 67835; MC ID No. 159747; General commodities (except household goods and hazardous materials)

**Dean Koch, dba Koch Land & Cattle**, 2244 N. 290th Road, Clyde, KS 66938; MC ID No. 159749; General commodities (except household goods and hazardous materials)

**Shirley A. Miller, dba Four Season Trucking**, 13697 N.W. 1700 Road, Westphalia, KS 66093; MC ID No. 260070; General commodities (except household goods and hazardous materials)

**Wallace L. Ross, dba Triple R Hauling**, 432 S. 3rd, Marion, KS 66861; MC ID No. 159750; William Barker, Attorney; General commodities (except household goods and hazardous materials)

**Mike E. Shelton, dba Shelton Trucking**, 701 E. 6th, Hugoton, KS 67951; MC ID No. 161156; General commodities (except household goods)

**Michael Smith, dba McKowns Auto Service**, 5522 E. Harry, Wichita, KS 67218; MC ID No. 159745; Wrecked, disabled, repossessed and replacement vehicles

**TAA, LLC**, Forbes Field, Topeka, KS 66619; MC ID No. 159744; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives, household goods and hazardous materials)

**Duane L. Thacker, dba I-70 Used Cars**, 1230 S. Fossil, Russell, KS 67665; MC ID No. 161174; General commodities (except household goods and hazardous materials)

**W & W Transports, Inc.**, 4717 E. Main, Weatherford, OK 73096; MC ID No. 147463; Petroleum products (bulk and packaged)

**William H. Williams, dba Williams Fertilizer Service**, 611 E. Main, Council Grove, KS 66846; MC ID No. 161093; General commodities (except household goods and hazardous materials)

**Application for Transfer of Certificate of Public Service:**

**Gary and Beverly Page, dba Gary Page Trucking**, 411 N. Poplar, Solomon, KS 67480, MC ID No. 137183, to: Gary B. Page, dba Page Trucking, 411 N. Poplar, Solomon, KS 67480; General commodities (except household goods and hazardous materials)

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 027257

## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. November 27 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

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

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

#### Applications for Certificate of Convenience and Necessity:

**Public Storage Pickup & Delivery, LP**, 701 West Ave., Glendale, CA 91201-2397; MC ID No. 159752; W. Robert Alderson, Attorney; General commodities (except Classes A and B explosives and hazardous materials)

**Touch of Class, L.L.C.**, 819 W. Kansas, McPherson, KS 67460; MC ID No. 159748; Passengers

#### Applications for Abandonment of Certificate of Public Service:

**Jack Babst, dba Babst Ranch Trucking**, North Main, Winona, KS 67764; MC ID No. 154097

**Larry Hofman, dba Hofman Farm Supply & Trucking Service**, 13354 Benton St., Blaine, KS 66549; MC ID No. 100337

**James, Inc.**, 1556 N. Hwy. 183, Phillipsburg, KS 67661; MC ID No. 132073

**K & F Distributors, Inc.**, 100 W. Main St., Lincolnville, KS 66858; MC ID No. 120950

**M & M Land & Cattle, Inc.**, 2251 E. Hwy. 56, Marion, KS 66861; MC ID No. 153457

**Maverick Transportation, Inc.**, 13301 Valentine Road, Little Rock, AR 72117; MC ID No. 103913

**James L. McKown, dba McKowns Auto Service**, 5522 E. Harry, Wichita, KS 67218; MC ID No. 120617

**S & S Truck Line, Inc.**, 1000 S. 66th Terrace, Kansas City, KS 66111; MC ID No. 116290

#### Application for Abandonment of Certificate of Convenience and Necessity:

**Dream Homes, Inc., dba Dream Homes Moving**, 2750 Fauna Road N.W., Lebo, KS 66856-0027; MC ID No. 143938

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 027256

## State of Kansas

## Information Network of Kansas

## Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, November 15, in the offices of the Kansas Technology Enterprise Corporation, second floor conference room, 214 S.W. 6th, Topeka. The meeting is open to the public. For additional information, call (785) 296-1460.

Leroy Gattin  
Chairman

Doc. No. 027258

## State of Kansas

## Department of Administration

## Public Notice

Under requirements of K.S.A. 2000 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$2,300,469.11 in the underground petroleum storage tank release trust fund and \$469,182.19 in the aboveground petroleum storage tank release trust fund at October 31, 2001.

Joyce Glasscock  
Acting Secretary of Administration

Doc. No. 027250

## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Tariff Filing/Rate Increase

The following motor carrier(s) have filed with the commission a tariff and/or a rate increase, which will be approved and filed by the commission and shall become effective 30 days from date of this publication, unless a written protest is received by the commission not later than 12 days before that date. To file such a protest or to obtain a full copy of the filed tariff and/or rate increase, contact the State Corporation Commission, Motor Carrier Division, 1500 S.W. Arrowhead Road, Topeka, 66604, (785) 271-3151.

Requests to inspect and copy the notices provided to the parties and questions in regard to these tariffs should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries contact Dale Moore at (785) 271-3151. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike Hoeme, Director of Transportation, at the address above within 20 days of the publication of this notice.

#### Application for Rate Increase:

**Professional Moving & Storage, Inc.**, 431 N. Iowa, Lawrence, KS 66044; MC ID No. 159573

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 027259

(Published in the Kansas Register November 8, 2001.)

**Statutory Notice of Bond Sale**  
**City of Shawnee, Kansas**  
**\$10,650,000**  
**Internal Improvement Bonds**  
**Series 2001A**  
**Dated November 15, 2001**  
**(General obligations payable from**  
**unlimited ad valorem taxes)**

2008	665,000
2009	690,000
2010	720,000
2011	750,000
2012	780,000
2013	815,000
2014	850,000
2015	885,000
2016	930,000

**Sealed and Electronic Bids**

Bids, submitted in a sealed envelope marked "Bond Bid," for the purchase of all of the general obligation bonds of the City of Shawnee, Kansas, consisting of Internal Improvement Bonds, Series 2001A, in the principal amount of \$10,650,000, will be received by the undersigned finance director of the city at City Hall, 11110 Johnson Drive, Shawnee, KS 66203, until 1 p.m. Thursday, November 15, 2001. Electronic bids for the purchase of all of the bonds will only be accepted through BidComp/Parity (PARITY) electronic bid submission system. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the requirements of the complete notice of bond sale. If any provisions in this statutory notice of bond sale conflict with information provided by PARITY, this statutory notice of bond sale will control. Further information about PARITY, including any fee charged and registration requirements may be obtained from PARITY, c/o Thomson Financial Municipals Group, 395 Hudson St., 3rd Floor, New York, NY 10014, Customer Support, (212) 806-8304. The city assumes no responsibility or liability for bids submitted through PARITY. The city is using the services of PARITY solely as a communication mechanism to conduct the electronic bidding for the bonds. PARITY is not an agent of the city. All bids will be publicly opened on the date and at the time set forth above and will be considered and will be accepted by the finance director immediately thereafter in accordance with the resolution adopted and the ordinance passed by the governing body of the city at a meeting of the City Council scheduled for 7:30 p.m. Monday, November 12, 2001. No oral, telephone, telefax or auction bids will be considered. No bids shall be less than 99 percent of the principal amount of the bonds.

**Bond Details**

The bonds will consist of fully registered bonds, issued in book entry form only, in the denomination of \$5,000 or any integral multiple thereof; will be dated November 15, 2001; will be issued in the principal amount of \$10,650,000; and will become due serially on December 1 in each of the years as follows:

<b>Maturity</b>	<b>Principal</b>
<b>December 1</b>	<b>Amount</b>
2002	\$540,000
2003	570,000
2004	585,000
2005	605,000
2006	620,000
2007	645,000

Bids for the bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds, provided that no serial bond may mature on or after the first mandatory sinking fund redemption date of any term bond. All term bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above.

The bonds will bear interest from their date at rates to be determined when the bonds are sold as herein provided, which interest will be payable June 1, 2002, and semiannually thereafter on June 1 and December 1 in each year the bonds are outstanding at the office of the State Treasurer in Topeka, Kansas.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check or financial surety bond payable to the city in the amount of \$213,000 must accompany each bid for the bonds.

**Costs**

The city will pay the cost of printing the bonds and the expense of all legal services, including the opinion of McDowell, Rice, Smith & Gaar, a Professional Corporation, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

**Delivery and Payment**

The bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 15 days after the date of award in New York, New York.

**Assessed Valuation and Indebtedness**

For the computation of the debt limitation relating to the bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 2000, is \$493,569,356. The total general obligation indebtedness of the city, including the bonds but excluding refunding bonds, as of the date of the bonds, is \$48,115,000.

**Additional Information**

A complete notice of bond sale, official statement and bid form approved by the city will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the city's financial advisor, Springsted Incorporated, 85 E. 7th Place, Suite 100, St. Paul, MN 55101, (651) 223-3000; and from the City of Shawnee, Kansas, 11110 Johnson Drive, Shawnee, KS 66203, Attention: Lee Meyer, Finance Director, (913) 631-2500.

City of Shawnee, Kansas  
 By: Lee Meyer  
 Finance Director

Doc. No. 027253

State of Kansas

**Office of Judicial Administration  
Supreme Court Docket**

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

**Monday, December 3, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
87,278	Arctic Financial Corp., Appellant, v. OTR Express, Inc., Appellee.	Mick W. Lerner Robert J. Hoffman	Johnson
86,708	Ulysses Scott, Appellant, v. Altmar, Inc., Appellee.	Donald W. Vasos Michael B. White	Johnson
86,320	State of Kansas, Appellee, v. Michael Jenkins, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Craig A. Shultz	Sedgwick
85,412	State of Kansas, Appellee, v. Craig M. Bryant, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Stephen B. Plummer	Sedgwick

**1:30 p.m.**

85,393	State of Kansas, Appellee, v. Toisha P. Moody, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Randall L. Hodgkinson, Deputy Appellate Defender	Sedgwick
85,355	State of Kansas, Appellee, v. Darron Edwards, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Stephen B. Plummer	Sedgwick
86,277	In the Matter of the Appeal of Panhandle Eastern Pipe Line Co. and National Helium Corp., et al., from a Denial of Refund of Kansas Corporate Income Tax.	John Michael Hale Donald J. Horttor	Tax Appeal
86,799	CPI Qualified Plan Consultants, Inc., Appellee, v. Kansas Dept. of Human Resources, et al., Appellant.	Steve E. Johnson Heather Wilke	Barton

**Tuesday, December 4, 2001**

**9:00 a.m.**

Case No.	Case Name	Attorneys	Jurisdiction
86,431	James P. Gillespie, Appellee, v. Dorothea Wofford Seymour, et al., Appellants.	Nicholas S. Daily Jana D. Abbott	Sedgwick
86,139 86,140	State of Kansas, Appellee, v. Gerald L. Thompson, Appellant.	Carla J. Stovall, Atty. Gen. Christine K. Tonkovich, Dist. Atty. Terrence J. Campbell	Douglas
87,313	In the Interest of M.R.	Craig A. Stancliffe Christine K. Tonkovich, Dist. Atty.	Douglas
86,906	In the Matter of the Care and Treatment of Edgar J. Searcy.	Robert A. Anderson Terry R. Gross	Barton

## 1:30 p.m.

85,030	In the Matter of the Estate of Marshall G. Gardiner.	Karen S. Rosenberg  William M. Modrcin	Leavenworth  Petition for Review
86,479	Ruth A. Bracken, Appellant, v. Dixon Industries, Inc., Appellee.	David O. Alegria Paul M. Kritz	
85,735	State of Kansas, Appellee, v. Floyd Scott Bledsoe, Appellant.	Carla J. Stovall, Atty. Gen Jim A. Vanderbilt, County Atty. Mary Curtis, Asst. Appellate Defender	Jefferson

## Wednesday, December 5, 2001

## 9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
86,871	In the Matter of the Protest of Ann W. Smith, et al.	W.Y. Chalfant William E. Waters	Tax Appeal
85,172	State of Kansas, Appellee, v. Leonard B. Kirby Jr., Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, Dist. Atty. Peter T. Maharry, Asst. Appellate Defender	Wyandotte
84,640	State of Kansas, Appellee, v. Charles H. Roberson, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, Dist. Atty. Steven R. Zinn, Deputy Appellate Defender	Wyandotte
87,079	State of Kansas, Appellant, v. Donato Stough, Appellee.	Carla J. Stovall, Atty. Gen. Robert D. Hecht, Dist. Atty. Thomas G. Lemon	Shawnee

## 1:30 p.m.

86,402	In the Matter of the Estate of Maynard W. Snook.	Phillip L. Turner George Voss	Ford
85,604	State of Kansas, Appellee, v. Freddie E. Boorigie, Jr., Appellant.	Carla J. Stovall, Atty. Gen. John K. Bork, Asst. Atty. Gen. Leslie F. Hulnick	Montgomery
87,225	Charles McCumber, Appellant, v. Caterpillar, Inc. and Cigna Property and Casualty Company, Appellees.	Patrick C. Smith Eric A. Van Beber	Cherokee

## Thursday, December 6, 2001

## 9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
87,177	State of Kansas, <i>ex rel.</i> , Carla J. Stovall, and Kansas Board of Pharmacy, Appellants, v. Confimed.com, L.L.C., et al., Appellees.	David L. Harder James R. Jarrow	Shawnee
87,044	Kansas Public Employees Retirement System, Appellant, v. Kutak Rock, Appellee.	Frank M. Rice Kurt D. Tilton	Shawnee
87,720	In the Matter of George A. Groneman, Respondent.	Edward G. Collister, Jr. John J. Ambrosio George A. Groneman, Pro Se	Original
86,975	In the Matter of Larry W. Wall, Respondent.	Alexander M. Walczak, Deputy Discip. Admin. Stephen M. Joseph Larry W. Wall, Pro Se	Original

(continued)

Friday, December 7, 2001

Summary Calendar—No Oral Argument  
(Pursuant to Supreme Court Rule 7.01(c))

86,004 State v. A.C. Jackson

Summary Disposition of Sentencing Appeals—No Oral Argument  
(Pursuant to Supreme Court Rule 7.041(a))

86,699	State v. Gary Gene Pinkstone, Jr.	86,869	State v. Donald Hattabaugh	86,999	State v. John B. Foster
86,754	State v. Michael Ross	86,878	State v. James English, Jr.	87,003	State v. William L. Glaze
86,792	State v. Richard Crockett	86,913	State v. Eugene Fuller	87,047	State v. Virginia Vine
86,832	State v. Lee Roy Martinez	86,959	State v. Mark Sherfey	87,063	State v. Kerry J. Norman
86,863	State v. Luciano Vargas	86,967	State v. Justin L. Chapman		

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 027215

(Published in the Kansas Register November 8, 2001.)

**Notice of Redemption  
Rural Water District No. 2  
Butler County, Kansas  
Water Utility Refunding and  
Improvement Revenue Bonds  
Series 1996  
Dated May 1, 1996**

Notice is hereby given that pursuant to Resolution No. 01-1 of the governing body of Rural Water District No. 2, Butler County, Kansas, and Section 3 of Resolution 96-1 dated April 25, 1996, the following outstanding Rural Water District No. 2, Butler County, Kansas, Water Utility Refunding and Improvement Revenue Bonds, Series 1996, dated May 1, 1996, maturing on and after December 1, 2002, have been called for redemption and prepayment on December 1, 2001 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein.

Date	Principal Amount	Interest Rate	CUSIP
December 1, 2002	30,000	5.10%	12342HAJ3
December 1, 2003	35,000	5.25%	12342HAK0
December 1, 2004	35,000	5.40%	12342HAL8
December 1, 2005	40,000	5.50%	12342HAM6
December 1, 2006	40,000	5.60%	12342HAN4
December 1, 2007	40,000	5.70%	12342HAP9
December 1, 2008	45,000	5.80%	12342HAQ7
December 1, 2009	45,000	6.00%	12342HAR5
December 1, 2010	50,000	6.00%	122342HAS3
December 1, 2011	55,000	6.00%	12342HAT1

The principal amount of the above described Series 1996 Bonds shall become due and payable on December 1, 2001, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date.

On December 1, 2001, provided that funds are on hand to pay the specified redemption price, all outstanding Series 1996 Bonds will become due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, and from and after December 1, 2001, all interest on the Series 1996 Bonds will cease to accrue thereon.

Under the Interest and Dividend Tax Compliance Act of 1983 [Section 3406(a)(I) of the Internal Revenue Code of 1986], as amended, paying agents making payment of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment. Holders of the Series 1996 Bonds who desire to avoid the imposition of said tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated October 30, 2001.

Rural Water District No. 2  
Butler County, Kansas

Doc. No. 027246

**State of Kansas  
Kansas Judicial Council**

**Notice of Meetings**

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka:

Date	Committee	Time	Location
November 9	PIK-Criminal	9:30 a.m.	Room 259
November 16	Judicial Council	9:00 a.m.	Room 259
November 30	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 275
December 7	Guardianship/ Conservatorship	9:30 a.m.	Room 259
December 14	Probate Law	9:30 a.m.	Room 275
December 14	Family Law	1:00 p.m.	Room 259
January 4	Judicial Council	9:00 a.m.	Room 259
January 4	Guardianship/ Conservatorship	9:30 a.m.	Room 275
January 18	Probate Law	9:30 a.m.	Room 259
January 25	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 275

Hon. Tyler C. Lockett  
Chair

Doc. No. 027249

## State of Kansas

**Department of Human Resources  
Division of Workers Compensation**

**Permanent Administrative  
Regulations**

**Article 9.—MEDICAL AND HOSPITAL**

**51-9-7. Fees for medical and hospital services.** Fees for medical, surgical, hospital, dental, and nursing services, medical equipment, medical supplies, prescriptions, medical records, and medical testimony rendered pursuant to the Kansas workers compensation act shall be the lesser of the usual and customary charge of the health care provider, hospital, or other entity providing the health care services or the amount allowed by the "workers compensation schedule of medical fees" published by the Kansas department of human resources and dated December 1, 2001, including the ground rules incorporated in the schedule, which is hereby adopted by reference.

This regulation shall be effective on and after December 1, 2001. (Authorized by and implementing K.S.A. 44-510i, as amended by L. 2001, Ch. 121, Sec. 2; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended May 1, 1976; amended May 1, 1978; amended, T-88-10, July 1, 1987; amended May 1, 1988; amended Nov. 1, 1993; amended April 5, 1996; amended Aug. 29, 1997; amended Oct. 1, 1999; amended Dec. 1, 2001.)

Richard E. Beyer  
Secretary of Human Resources

Doc. No. 027243

## State of Kansas

**Department of Health  
and Environment**

**Permanent Administrative  
Regulations**

**Article 34.—HOSPITALS**

**28-34-1a. Definitions.** (a) "Authenticate" means to verify authorship by written signature, identifiable initials, or computer key. The use of rubber stamp signatures shall be acceptable if the following conditions are met.

(1) The practitioner whose signature the rubber stamp represents is the only individual who has possession of the stamp and who uses the stamp.

(2) The hospital maintains, in its administrative offices, a signed statement by the practitioner indicating that the practitioner is the only person who possesses and uses the stamp.

(b) "Chief executive officer" means the individual appointed by the governing body to act on its behalf in the overall management of the hospital.

(c) "Consultant" means a person who provides professional advice or services on request.

(d) "Covering practitioner" means a member of the hospital's medical staff who is authorized by the patient's attending physician or other practitioner to provide care

and treatment for the patient in the absence of the attending physician or other practitioner.

(e) "Dentist" means a person licensed in Kansas to practice dentistry.

(f) "Dietitian" means a person who is licensed in Kansas as a dietitian.

(g) "Dietetic services supervisor" means an individual who meets one of the following requirements:

(1) Is licensed in the state of Kansas as a dietitian;

(2) has an associate's degree in dietetic technology from a program approved by the American dietetic association;

(3) is a dietary manager who is certified by the board of the dietary managers' association; or

(4) has training and experience in dietetic services supervision and management that are determined by the secretary of health and environment to be equivalent in content to paragraph (2) or (3) of this subsection.

(h) "Director" means a person with administrative responsibility for the direction of a service for the hospital. When this term is used in connection with a medical or clinical service, it shall be synonymous with "chairperson" and shall not imply a salaried individual.

(i) "Drug administration" means the direct application of a drug or biological, whether by injection, inhalation, ingestion, or any other means, to the body of a patient by either of the following:

(1) A practitioner, or pursuant to the lawful direction of a practitioner, who is acting within the scope of that practitioner's license and who is qualified according to medical staff bylaws; or

(2) the patient at the direction and in the presence of a practitioner.

(j) "Drug dispensing" means delivering prescription medication to the patient pursuant to the lawful order of a practitioner.

(k) "Facilities" means buildings, equipment, and supplies necessary for the implementation of hospital services.

(l) "Licensed practical nurse" means an individual who is licensed in Kansas as a licensed practical nurse.

(m) "Licensing agency" means the Kansas department of health and environment.

(n) "Long-term care unit" means a unit that provides physician services and continuous nursing supervision for patients who are not in an acute phase of illness and who currently require nursing care that is primarily of a convalescent, restorative, or long-term nature. Medicare-certified, distinct-part, long-term care units shall be included.

(o) "Nursing care unit" means an organized jurisdiction of nursing services in which nursing services are provided on a continuous basis.

(p) "Nursing services" means patient care services pertaining to the curative, restorative, and preventive aspects of nursing that are performed or supervised by a registered nurse pursuant to the medical care plan of the practitioner and the nursing care plan.

(q) "Organized" means administratively and functionally structured.

(continued)

(r) "Organized medical staff" means a formal organization of physicians and dentists, with the responsibility and authority to maintain proper standards for patient care as delegated by the governing body.

(s) "Outpatient services" means an organizational unit of the hospital that is designed to support the provision of nonemergency health care services to patients who do not remain in the hospital overnight. The term shall include a short-term procedure unit if applicable.

(t) "Pathologist" means either of the following:

(1) A person who is licensed in Kansas to practice medicine and surgery and who is a board-certified or board-eligible pathologist; or

(2) a person licensed in Kansas as a dentist and certified as an oral pathologist.

(u) "Patient" means a person admitted to the hospital upon the order of a member of the medical staff.

(v) "Physician" means a person licensed in Kansas to practice medicine and surgery.

(w) "Practitioner" means a member of the hospital's medical staff and may include a physician or dentist.

(x) "Qualified nurse anesthetist" means any of the following:

(1) A registered nurse who has been certified as a nurse anesthetist by the council on certification of the American association of nurse anesthetists and has been authorized as a registered nurse anesthetist by the Kansas board of nursing;

(2) a student enrolled in a program of nurse anesthesia by the council on accreditation of the American association of nurse anesthetists; or

(3) a graduate of an accredited program of nurse anesthesia who is awaiting certification testing or the results of the certification test and has been granted temporary authorization as a registered nurse anesthetist by the Kansas state board of nursing.

(y) "Registered nurse" means a person who is licensed in Kansas as a registered professional nurse.

(z) "Service" means either of the following:

(1) A functional division of the hospital or of the nursing or medical staff; or

(2) the delivery of care.

(aa) "Supervision" means authoritative procedural guidance provided by a qualified person for the accomplishment of a function or activity within that person's sphere of competence. Supervision shall include initial direction and periodic inspection of the actual act of accomplishing the function or activity.

(bb) "Survey" means the process of evaluation or reevaluation of a hospital's compliance with this article. (Authorized by and implementing K.S.A. 65-431; effective June 28, 1993; amended Feb. 9, 2001; amended Nov. 26, 2001.)

#### Article 39.—LICENSURE OF ADULT CARE HOMES

**28-39-144. Definitions.** The following definitions shall apply to all adult care homes except nursing facilities for mental health and intermediate care facilities for the mentally retarded.

(a) "Activities director" means an individual who meets one of the following requirements:

(1) Has a degree in therapeutic recreation;

(2) has two years of experience in a social or recreational program within the last five years, one of which was full-time in a patient activities program in a health care setting;

(3) is registered in Kansas as an occupational therapist or occupational therapy assistant;

(4) has a bachelor's degree in a therapeutic activity field in art therapy, horticultural therapy, music therapy, special education, or a related therapeutic activity field; or

(5) has completed a course approved by the department in resident activities coordination and receives consultation from a therapeutic recreation specialist, an occupational therapist, an occupational therapy assistant, or an individual with a bachelor's degree in art therapy, music therapy, or horticultural therapy.

(b) "Administrator" means any individual who is charged with the general administration of a nursing facility, nursing facility for mental health, assisted living facility, or residential health care facility, whether or not the individual has an ownership interest in the adult care home. Each administrator of an adult care home shall be licensed in accordance with K.S.A. 65-3501 et seq., and amendments thereto.

(c) "Adult day care" means an adult care home that meets the definition in K.S.A. 39-923, and amendments thereto.

(d) "Adult care home" means any of the following facilities licensed by the secretary of health and environment:

(1) A nursing facility;

(2) a nursing facility for mental health;

(3) an intermediate care facility for the mentally retarded;

(4) an assisted living facility;

(5) a residential health care facility;

(6) a home-plus facility;

(7) an adult day care facility; or

(8) a boarding care home.

(e) "Advanced registered nurse practitioner" means an individual who is certified by the Kansas board of nursing as an advanced registered nurse practitioner.

(f) "Alteration" means any addition, modification, or modernization in the structure or usage of a facility.

(g) "Ambulatory resident" means any resident who is physically and mentally capable of performing the following:

(1) Getting in and out of bed; and

(2) walking in a normal path to safety in a reasonable period of time without the assistance of another person.

(h) "Applicant" means any individual, firm, partnership, corporation, company, association, or joint stock association requesting a license to operate an adult care home.

(i) "Assisted living facility" means an adult care home that meets the definition found in K.S.A. 39-923, and amendments thereto.

(j) "Audiologist" means an individual who is licensed by the Kansas department of health and environment as an audiologist.

(k) "Basement" means the part of a building that is below grade.

(l) "Boarding care home" means an adult care home that meets the definition found in K.S.A. 39-923, and amendments thereto.



(m) "Change of ownership" means any transaction that results in a change of control over the capital assets of an adult care home.

(n) "Clinical record" means a record that includes all the information and entries reflecting each resident's course of stay in an adult care home.

(o) "Controlled substance" means any drug, substance, or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111, and 65-4113, and amendments thereto.

(p) "Day shift" means any eight-hour work period that occurs between the hours of 6 a.m. and 9 p.m.

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

(r) "Dietetic services supervisor" means an individual who meets one of the following requirements:

(1) Is licensed in the state of Kansas as a dietitian;

(2) has an associate's degree in dietetic technology from a program approved by the American dietetic association;

(3) is a dietary manager who is certified by the board of the dietary managers' association; or

(4) has training and experience in dietetic services supervision and management that are determined by the secretary of health and environment to be equivalent in content paragraph (2) or (3) of this subsection.

(s) "Dietitian" means an individual who is licensed by the Kansas department of health and environment as a dietitian.

(t) "Direct care staff" means individuals employed by an adult care home who assist residents in activities of daily living. These activities may include the following:

(1) Grooming;

(2) eating;

(3) toileting;

(4) transferring; and

(5) ambulation.

(u) "Director of nursing" means an individual who meets the following criteria:

(1) Is licensed in Kansas as a registered nurse;

(2) is employed full-time in a nursing facility; and

(3) has the responsibility, administrative authority, and accountability for the supervision of nursing care provided to residents in a nursing facility.

(v) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given by injection, inhalation, ingestion, or any other means to a resident by an authorized person in accordance with all laws and regulations governing the administration of drugs and biologicals. Drug administration shall entail the following:

(1) Removing an individual dose from a labeled container, including a unit-dose container;

(2) verifying the drug and dose with the physician's orders;

(3) administering the dose to the proper resident; and

(4) documenting the dose in the resident's clinical record.

(w) "Drug dispensing" means the delivery of one or more doses of a drug by a licensed pharmacist or physician. The drug shall be dispensed in a container and la-

beled in compliance with state and federal laws and regulations.

(x) "Full-time" means 35 or more hours per week.

(y) "Health information management practitioner" means an individual who has met the "standards for initial certification" as a registered record administrator or an accredited record technician adopted by the American medical record association, as in effect on October 1, 1990, and hereby adopted by reference.

(z) "Home plus" means an adult care home that meets the definition of K.S.A. 39-923, and amendments thereto.

(aa) "Interdisciplinary team" means the following:

(1) A registered nurse with responsibility for the care of the residents; and

(2) other appropriate staff, as identified by resident comprehensive assessments, who are responsible for the development of care plans for residents.

(bb) "Legal representative" means an individual person who has been appointed by a court of law as a guardian or has been selected by a resident in a durable power of attorney for health care decisions.

(cc) "Licensed mental health technician" means an individual licensed by the Kansas board of nursing as a licensed mental health technician.

(dd) "Licensed nurse" means an individual licensed by the Kansas board of nursing as a registered professional nurse or licensed practical nurse.

(ee) "Licensed practical nurse" means an individual who is licensed by the Kansas board of nursing as a licensed practical nurse.

(ff) "Licensed social worker" means an individual who is licensed by the Kansas board of behavioral sciences as a social worker.

(gg) "Licensee" means an individual, firm, partnership, association, company, corporation, or joint stock association authorized by a license obtained from the secretary of health and environment to operate an adult care home.

(hh) "Medication" means any drug defined by K.S.A. 65-1626, and amendments thereto.

(ii) "Medication aide" means an individual who has completed a training program in medication administration as prescribed in K.A.R. 28-39-169 through K.A.R. 28-39-171.

(jj) "Non-ambulatory resident" means any resident who is not physically or mentally capable of getting in and out of bed and walking a normal path to safety without the assistance of another person.

(kk) "Nurse aide" means an individual who has a nurse aide certificate issued by the Kansas department of health and environment according to K.A.R. 28-39-165.

(ll) "Nurse aide trainee" means an individual who is in the process of completing a nurse aide training program as prescribed in K.A.R. 28-39-165 or K.A.R. 28-39-167 and has not been issued a nurse aide certificate by the Kansas department of health and environment.

(mm) "Nursing facility" means an adult care home that meets the definition found in K.S.A. 39-923(a)(2), and amendments thereto.

(nn) "Nursing facility for mental health" means an adult care home that meets the definition of K.S.A. 39-923(a)(3), and amendments thereto.

(continued)

(oo) "Nursing personnel" means all of the following:

- (1) Registered professional nurses;
- (2) licensed practical nurses;
- (3) licensed mental health technicians in nursing facilities for mental health;
- (4) medication aides;
- (5) nurse aides; and
- (6) nurse aide trainees.

(pp) "Nursing unit" means a distinct area of a nursing facility serving not more than 60 residents and including the service areas and rooms described in K.A.R. 28-39-162.

(qq) "Occupational therapist" means an individual who is registered with the Kansas board of healing arts as an occupational therapist.

(rr) "Occupational therapy assistant" means an individual who is registered with the Kansas board of healing arts as an occupational therapy assistant.

(ss) "Physical restraint" means any method or any physical device, material, or equipment attached or adjacent to the resident's body and meeting the following criteria:

- (1) Cannot be easily removed by the resident; and
- (2) restricts freedom of movement or normal access to the resident's body.

(tt) "Physical therapist" means an individual who is registered with the Kansas board of healing arts as a physical therapist.

(uu) "Physical therapy assistant" means an individual who is certified by the Kansas board of healing arts as a physical therapy assistant.

(vv) "Physician" means an individual who meets the requirements of the Kansas board of healing arts to practice medicine or osteopathy.

(ww) "Psychopharmacologic drug" means any drug prescribed with the intent of controlling mood, mental status, or behavior.

(xx) "Registered professional nurse" means an individual who is licensed by the Kansas state board of nursing as a registered professional nurse.

(yy) "Respite care" means the provision of services to a resident on an intermittent basis for periods of fewer than 30 days at any one time.

(zz) "Sanitization" means effective bactericidal treatment by a process that reduces the bacterial count, including pathogens, to a safe level on utensils and equipment.

(aaa) "Self-administration of drugs" means the determination by the resident of when to take a drug and the application or ingestion of the drug by the resident without assistance from nursing staff.

(bbb) "Significant change in condition" means a decline or improvement in a resident's mental, psychosocial, or physical functioning that would result in the need for amendment of the resident's comprehensive plan of care or negotiated service agreement.

(ccc) "Social services designee" means an individual who meets one of the following qualifications:

- (1) Is licensed by the board of behavioral science as a social worker;
- (2) has a bachelor's degree in a human service field, including sociology, special education, rehabilitation

counseling, or psychology, and receives supervision from a licensed social worker; or

(3) has completed a course in social services coordination approved by the department and receives supervision from a licensed social worker on a regular basis.

(ddd) "Speech language pathologist" means an individual who is licensed by the Kansas department of health and environment as a speech-language pathologist. (Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; amended Oct. 8, 1999; amended Nov. 26, 2001.)

**28-39-155. Physician services.** Each resident in a nursing facility shall be admitted and shall remain under the care of a physician.

(a) The facility shall ensure that both of the following conditions are met:

(1) The medical care of each resident is supervised by a physician.

(2) Another physician supervises the medical care of residents when the resident's attending physician is not available.

(b) The physician shall perform the following duties:

(1) At the time of the resident's admission to the facility, provide orders for the immediate care of the resident, current medical findings, and diagnosis. The physician shall provide a medical history within seven days after admission of the resident;

(2) review the resident's total program of care, including medications and treatments at each visit;

(3) write, sign, and date progress notes at each visit; and

(4) sign all written orders at the time of the visit and all telephone orders within seven days of the date the order was given.

(c) A physician shall see the resident for all of the following:

(1) If it is necessary due to a change in the resident's condition determined by the physician or licensed nursing staff;

(2) if the resident or legal representative requests a physician visit; and

(3) at least annually.

(d) The physician may delegate resident visits to an advanced registered nurse practitioner or a physician assistant.

(e) At admission, the resident or the resident's legal representative shall designate the hospital to which the resident is to be transferred in a medical emergency. If the resident's attending physician does not have admitting privileges at the designated hospital, the facility shall assist the resident or the resident's legal representative in making arrangements with another physician who has admitting privileges to assume the care of the resident during hospitalization. This information shall be available on the resident's clinical record.

(f) Death of resident. The nursing facility shall obtain an order from a physician before allowing the removal of the body of a deceased resident. (Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; amended Nov. 26, 2001.)

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 027245

**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 and 2001 Supplement to the *Kansas Administrative Regulations*.

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1-5-19c	Amended	V. 20, p. 730
1-5-20	Amended	V. 20, p. 731
1-18-1a	Amended	V. 20, p. 1602
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1-45-7	Amended	V. 20, p. 1603
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**AGENCY 4: DEPARTMENT OF AGRICULTURE**

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4-3-49	Amended	V. 20, p. 861
4-3-51	New	V. 20, p. 861
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**

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9-10-33	New	V. 20, p. 1393
9-10-33a	New	V. 20, p. 1393
9-18-1	Amended (T)	V. 20, p. 1567
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through		
125-1-9	New (T)	V. 20, p. 1496-1498

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