



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 21, No. 5 January 31, 2002 Pages 131-166

In this issue . . .	Page
Secretary of State	
Executive appointments	132
Kansas Military Board	
Notice of meeting	132
Kansas Department on Aging	
Notice of available funding from the Partnership Loan Program.....	133
Historic Sites Board of Review	
Notice of hearing.....	133
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	134
Kansas Department of Transportation	
Notice to consulting engineers	134
Notice to contractors.....	135
Abstracters' Board of Examiners	
Notice of examination.....	136
Kansas Insurance Department	
Notice of hearing on proposed administrative regulations	136
State Board of Mortuary Arts	
Notice of hearing on proposed administrative regulations	136
Notice of Bond Sale	
City of Neodesha.....	138
City of Benton	138
Pooled Money Investment Board	
Notice of investment rates.....	140
Legislative bills and resolutions introduced January 17-23	140
Kansas Department of Health and Environment	
Notice concerning Kansas water pollution control permits.....	142
Request for comments on proposed municipal solid waste landfill permit.....	144
Requests for comments on proposed air quality permits.....	144, 145
Request for comments on proposed RCRA permit.....	145
Permanent Administrative Regulations	
Department of Administration	146
State Fire Marshal.....	147
Department of Corrections.....	151
Kansas Development Finance Authority	
Notice of hearing on proposed revenue bonds	161
Index to administrative regulations.....	161

State of Kansas

Secretary of State

Executive Appointments

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

State Representative, 105th District

Alan Goering, 201 S. Oak, Medicine Lodge, 67104. Term expires when a successor is elected and qualifies according to law. Succeeds Richard Alldritt, resigned.

Library Advisory Commission

Rebecca L. Torline, P.O. Box 95, Bucklin, 67834. Term expires June 30, 2005. Succeeds Elizabeth Riley.

Michael Z. Waugh, 24095 W. 57th St., Shawnee, 66226. Term expires June 30, 2005. Reappointed.

Library Network Board

Sylvia Kuhlmeier, 308 S. Eisenhower, Hillsboro, 67063. Term expires June 30, 2004. Succeeds Gregory Zuck.

Cathy L. Reeves, 2804 Center, Dodge City, 67801. Term expires June 30, 2004. Succeeds Melvin Cunningham.

Robert A. Walter, 515 Hobson Drive, Pittsburg, 66762. Term expires June 30, 2004. Reappointed.

Military Disability Board

Dr. Bruce E. Klosterhoff, 3407 W. 50th Ave., Hutchinson, 67502. Serves at the pleasure of the Governor. Succeeds Thomas Covert.

Secretary of Wildlife and Parks

Mike Hayden, 5809 Sagamore Court, Lawrence, 66049. Subject to Senate confirmation. Serves at the pleasure of the Governor.

Ron Thornburgh
Secretary of State

Doc. No. 027497

State of Kansas

Kansas Military Board

Notice of Meeting

The Kansas Military Board of the Adjutant General's Department will meet at 10 a.m. Tuesday, February 5, at the State Defense Building, Conference Room 102, 2800 S.W. Topeka Blvd., Topeka. An agenda may be obtained by contacting Tracey Talley at (785) 274-1001. Any individual with a disability may request accommodation in order to participate in the meeting. Requests for accommodation should be made at least two working days in advance by contacting Tracey Talley.

Tracey Talley
Executive Secretary to
the Adjutant General

Doc. No. 027513

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.

© Kansas Secretary of State 2002. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Ron Thornburgh
Secretary of State
1st Floor, Memorial Hall
120 S.W. 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564
www.kssos.org



Register Office:
Garden Level, Memorial Hall
(785) 296-3489
Fax (785) 368-8024

State of Kansas

Department on Aging

Notice of Available Funding

The Kansas Department on Aging (KDOA) announces the availability of loans for senior services and housing options from the Partnership Loan Program (PLP). The Kansas Intergovernmental Transfer (KSIT) Program generated these funds, which are to be utilized for:

- Converting all or part of adult care homes, such as nursing facilities, to alternative housing options;
- Converting private residences to Home Plus facilities, provided the owners intend to reside in the home;
- Modifying space in rural hospitals to provide a long-term Medicaid-certified care unit;
- Improving quality in adult care homes that serve the elderly population;
- Building or renovating congregate housing for seniors in cities with populations of 2,500 or less;
- Contracting by rural hospitals for physicians, physician assistants or professional nurses; or
- Other similar projects providing service and housing options for elderly Kansans.

Loans may be for the full amount of the project or provide partial financing to ensure the project has the total amount of financing necessary for completion. Applicants must understand that these funds are distributed as loans; the principal and interest on the loans must be repaid and may not be forgiven.

Eligible applicants are owners of:

- Adult care homes, such as Adult Day Care; Boarding Care Homes, Home Plus, Residential Health Care, Assisted Living and Nursing Facilities;
- Hospitals or long-term care units that are certified to serve Medicaid residents;
- Private residences to be converted to Home Plus facilities; and
- Senior housing projects in Kansas cities with a population of 2,500 or less.

Interested parties should contact the KDOA for Application Instructions and Program Guidelines and the Partnership Loan Program Application forms. Applications must be consistent with a current needs analysis and have professional quality, demonstrating organization, clarity and understanding of the proposed venture. Areas of the state where housing and service options for the elderly are limited will be targeted. Units of government, not-for-profit entities, for-profit organizations and individuals may apply for loan funds, and preference for the loans may be given in that order.

Loans may be at current market rates or lower and may be fully secured, partially secured or unsecured. Applications proposing higher interest rates and loans with better security may be given preference. Facilities with fewer than 60 beds also will be given special consideration. Other factors to be considered include, but are not limited to: the elderly population and their economic status by county; the quality, quantity, and type of existing housing units and services available and affordable

for seniors; and community resources and supports available to the venture. Applications also will be evaluated based on project design, financial feasibility, organizational capacity and development readiness.

Applications must be received at the KDOA not later than 5 p.m. April 1. If construction is planned for early spring 2002, special consideration for early evaluation of an application may be requested.

To request the Application Instructions and Program Guidelines and Partnership Loan Program Application forms, contact Janet Boskill, Kansas Department on Aging, New England Building, 503 S. Kansas Ave., Topeka, 66603-3404, (785) 296-6319 or 1-800-432-3535, fax (785) 296-0256, e-mail janetb@aging.state.ks.us, or access the KDOA Web site at www.k4s.org/kdoa/partnershipprogram.htm or www.k4s.org/kdoa/Partnership_Loan_Program.pdf.

For questions or further information regarding the Partnership Loan Program, contact Randy Volz, Kansas Department on Aging, at (785) 296-6029 or 1-800-432-3535, e-mail randyv@aging.state.ks.us.

Connie Hubbell
Secretary of Aging

Doc. No. 027507

State of Kansas

Historic Sites Board of Review

Notice of Hearing

The grants review committee of the Kansas Historic Sites Board of Review will conduct a hearing at 9:30 a.m. Friday, February 15, on the third floor of the Koch Education Center of the Kansas History Center, 6425 S.W. 6th Ave., Topeka, to receive public comments on the applications filed with the Historic Preservation Office for federal fiscal year 2002 survey and planning grants. Comments may be addressed to the committee orally or in writing.

The following organizations, entities, institutions, etc., have submitted applications:

- City of Atchison, Recapturing Historic Atchison Commercial Facades, \$13,050
- City of Dodge City, (CLG) Dodge City Reconnaissance Survey - Phase II, \$20,000
- City of Hutchinson, (CLG) Historic District Nomination for Houston Whiteside Neighborhood and Individual Nominations for Downtown Area, \$38,000
- City of Lawrence, (CLG) Design Review Intern, \$12,972
- City of Lawrence, (CLG) National Register Historic Districts, \$29,460
- City of Newton, (CLG) Newton/North Newton Historic Driving Brochure, \$1,800
- City of Topeka, Ward-Meade Reconnaissance Survey #1, \$8,050
- City of Topeka, Original Town Reconnaissance, \$5,050
- City of Wichita, (CLG) National Register Nomination for Bitting, Park Place/Fairview, Topeka/Emporia, East Douglas Historic Districts; and Old Town District, \$27,000
- City of Wichita, (CLG) Design Review Staff Support, \$15,520

(continued)

- City of Wichita (CLG), Historic Park Survey, \$10,000

The committee also will receive general comments about the types of survey and planning projects that should be funded in Kansas. Funding for the grants is provided by the National Park Service, a division of the United States Department of the Interior, and is administered by the Kansas State Historical Society.

Ramon Powers
Executive Director

Doc. No. 027516

State of Kansas
Department of Transportation
Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms to handle the platting and annexation of two parcels of property located south of Waterwell Road and west of I-135 in Saline County. One parcel is KDOT right-of-way and the other belongs to the Ruth Yost Trust Number One. Together the parcels total approximately 160 acres. The selected consultant shall comply with all development standards for the City of Salina.

Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages. Responses must be received in Room 1084 West by 5 p.m. February 7 for the consulting engineering firm to be considered.

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

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

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

- Size and professional qualifications;
- Experience of staff;
- Location of firm with respect to proposed project;
- Work load of firm; and
- Firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 027489

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

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

Monday, February 11, 2002

04525

Statewide—Specialized Laboratory Chemicals

Tuesday, February 12, 2002

04530

Kansas Highway Patrol—Brake Pads and Rotors

Thursday, February 14, 2002

04536

University of Kansas Medical Center—Telemedicine Equipment

Tuesday, February 19, 2002

04465

Statewide—Room Air Conditioners

Friday, February 22, 2002

04541

Department of Health and Environment—Waste Tire Abatement, Fort Scott Salvage

Thursday, February 28, 2002

A-9124r

Adjutant General's Department—Heating, Ventilating and Air Conditioning Upgrade, Topeka Armory

A-9375

Kansas State University—BSL-3 Lab, Call Hall

A-9376

Kansas State University—BSL-3 Lab, Throckmorton Hall

A-9377

Kansas State University—BSL-3 Lab, Mosier Hall

Friday, March 1, 2002

04533

Statewide except Department of Transportation—Automobile Liability Insurance

Request for Proposals

Wednesday, February 27, 2002

04520

Route 66 Historical Project for the Kansas State Historical Society

John T. Houlihan
Director of Purchases

Doc. No. 027522

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. February 20 and then publicly opened:

District One - Northeast

Brown—7 C-3774-01 - County road 3.5 miles (5.6 kilometers) west and 8 miles (12.9 kilometers) north of Horton, 1 mile (1.6 kilometers), grading and surfacing. (Federal Funds)

Jefferson—24-44 K-8348-01 - U.S. 24 bridge over the Delaware River, bridge repair. (State Funds)

Marshall—58 K-8578-01 - K-9 from 10th Street in Frankfort north to the north junction of K-99; K-99 from the north junction of K-9 north to the junction of U.S. 36, 9.4 miles (15 kilometers), overlay. (State Funds)

Shawnee—470-89 K-8271-01 - Interstate 470 west-bound bridge over I-70 northwest of 10th Street, bridge repair. (Federal Funds)

Wabaunsee—4-99 K-8346-01 - K-4 bridges over South Branch Mill Creek and South Branch Mill Creek drainage, bridge repair. (State Funds)

District Two - Northcentral

Clay—14 C-3844-01 - County road 5.2 miles (8.3 kilometers) south and 4 miles (6.4 kilometers) east of Clay Center, 0.2 mile (0.3 kilometer), grading, bridge and surfacing. (Federal Funds)

Cloud—15 C-3679-01 - County road 5 miles (8 kilometers) south and 1 mile (1.6 kilometers) west of Jamestown at Whites Creek, 0.3 mile (0.5 kilometer), grading and bridge. (Federal Funds)

Cloud—15 U-1778-01 - 18th Street, east of U.S. 81 highway in Concordia, 0.3 mile (0.6 kilometer), grading and surfacing. (Federal Funds)

District Three - Northwest

Norton—9-69 K-6359-02 - K-9 bridges over Elk Creek, East Elk Creek and Otter Creek, seeding and sodding. (Federal Funds)

District Four - Southeast

Anderson—2 K-8605-01 - U.S. 59, from the north city limits of Garnett north to 0.2 mile (0.4 kilometer) south of the Anderson-Franklin county line; U.S. 169, from 1.2 miles (1.9 kilometers) north of the junction of K-57 north to the south junction of U.S. 59; U.S. 59 from the south junction of U.S. 169 north to the north junction of U.S. 169; U.S. 169B from the junction of U.S. 59 east to the junction of U.S. 169, 21.9 miles (35.3 kilometers), overlay. (State Funds)

Cherokee—69-11 K-8559-01 - U.S. 69 from the junction of K-7 east to the junction of U.S. 400, 7 miles (11.3 kilometers), overlay. (State Funds)

Crawford—19 U-1659-01 - Centennial Drive from Knollview to the east city limits in Pittsburg, 1.1 miles (1.8 kilometers), grading and surfacing. (Federal Funds)

District—106 K-6254-02 - Various locations in District 4, 157.7 miles (253.8 kilometers), signing. (State Funds)

District Five - Southcentral

Barton—5 C-3397-01 - County road 4 miles (6.4 kilometers) west of Ellinwood, then south 0.4 mile (0.6 kilometer), grading, bridge and surfacing. (Federal Funds)

Kingman—17-48 K-7338-01 - K-17, Smoots Creek bridge 0.5 mile (0.8 kilometer) north of the junction of U.S. 54, bridge replacement. (Federal Funds)

Sedgwick—87 K-8312-01 - Various locations in Wichita, lighting. (State Funds)

District Six - Southwest

Grant—34 U-1789-01 - Patterson Street from Colorado Street to county road I, 1 mile (1.6 kilometers), grading and surfacing. (Federal Funds)

Morton—56-65 K-6399-01 - U.S. 56, 4.9 miles (7.9 kilometers) northeast of county route 1488 east to the Morton-Stevens county line, 8 miles (12.9 kilometers), grading and surfacing. (Federal Funds)

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

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 027490

State of Kansas

Abstracters' Board of Examiners**Notice of Examination**

An examination for persons desiring to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstracts of title of real estate in Kansas will be conducted by the Abstracters' Board of Examiners at 8 a.m. Friday, March 1, at the Wichita Marriott Hotel, 9100 Corporate Hills Drive, Wichita.

In order to take the exam, an application and \$70 examination fee (\$40 for retakes) must be submitted before February 25 to the executive secretary of the Abstracters' Board of Examiners, P.O. Box 549, Hugoton, 67951. For additional information, contact Glen McQueen at (316) 544-2311.

Glen R. McQueen
Executive Secretary

Doc. No. 027524

State of Kansas

Kansas Insurance Department**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, April 2, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

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 rules and regulations. All interested parties may submit written comments prior to the hearing to Rebecca Sanders, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Rebecca Sanders at (785) 296-7811.

Copies of the regulations and the economic impact statements may be obtained by contacting Rebecca Sanders. A summary of the proposed regulations and the economic impact follows:

K.A.R. 40-1-47. Insurance companies; deposits; requirements. The Kansas Insurance Department is proposing K.A.R. 40-1-47. This regulation sets out the standards and requirements insurance companies should follow in maintaining security deposits so that they comply with financial requirements of Kansas law. This regulation incorporates much of the language of K.A.R. 40-2-22 and adds standards that are contained in the National Association of Insurance Commissioner's financial examiners handbook. This handbook sets out standards to

be followed by state insurance departments doing financial examinations of insurance companies.

The department anticipates little or no economic impact on companies, consumers or the department. This regulation adopts a great deal of language of an existing regulation and codifies statutory changes and standards to be followed by insurance departments' financial examiners in monitoring insurance companies' solvency.

There is no economic impact on other governmental entities or local government jurisdictions.

K.A.R. 40-2-22. The Kansas Insurance Department is proposing that this regulation be revoked and that some of the language contained in this regulation be put into a new regulation K.A.R. 40-1-47. K.A.R. 40-2-22 governed the standards and procedures insurance companies were to follow in maintaining security deposits in order to satisfy financial requirements of Kansas law. K.S.A. 40-404(e) has been repealed and was the primary enabling and authorizing statute for K.A.R. 40-2-22. K.S.A. 40-229a was enacted in 1996 and was in effect a replacement for that statute. The purpose in revoking this regulation and in proposing K.A.R. 40-1-47 is to codify these statutory changes.

There is little or no economic impact. Any potential economic impact by the industry was realized at the time of the repeal of K.S.A. 40-404(e) and the enactment of K.S.A. 40-229a.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 027508

State of Kansas

Board of Mortuary Arts**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted by the Kansas State Board of Mortuary Arts at 2 p.m. Thursday, April 4, in Room 904, Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the approval and adoption of new and proposed changes to regulations of the Kansas State Board of Mortuary Arts.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Mack Smith, executive secretary, at (785) 296-3980. Persons with a hearing impairment may call the TDD service at 1-800-766-3777 to request special accommodations.

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

All interested parties may submit written comments prior to the hearing to Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts, Room 904, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3733. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the

adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the board as a basis for approving, amending and approving, or rejecting the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

A summary of the proposed new and amended regulations and their economic impact follows:

K.A.R. 63-1-23. Requirements for an embalmer's license by endorsement. This new regulation would allow for applicants licensed as embalmers in other states to be licensed in Kansas by endorsement—based upon meeting certain conditions.

Economic Impact Summary: This is a new form of licensure that would generate new income to the board with a cost to the applicant in the amount of the application fee and initial license fee. Other governmental agencies and consumers will not be affected by this regulation.

K.A.R. 63-3-22. Inspections of funeral establishments and branch establishments. This new regulation sets up guidelines for routine inspections of funeral homes by the Mortuary Arts Board.

Economic Impact Summary: None anticipated other than the cost to the board for inspecting the facility. Other governmental agencies and consumers will not be affected by this regulation.

K.A.R. 63-3-23. Inspection generated by a complaint. This new regulation sets up guidelines for inspections of funeral homes resulting from complaints filed with the board.

Economic Impact Summary: None anticipated other than the cost to the agency for inspecting the facility and investigating the complaint. Other governmental agencies and consumers will not be affected by this regulation.

K.A.R. 63-4-1. Payment of fees. Amendments would add four new fee categories and amend one other.

Economic Impact Summary: The crematory and embalmer by endorsement categories would result in new income to the board with a cost to the applicants. Other governmental agencies and consumers will not be affected by this regulation.

K.A.R. 63-7-1. Definitions. This new regulation provides for definitions relating to crematories.

Economic Impact Summary: There is no significant economic impact to state agencies, private citizens or consumers.

K.A.R. 63-7-2. Crematory operator in charge; record-keeping. This new regulation outlines the records to be kept by crematory operators in charge of crematories.

Economic Impact Summary: A cost relating to the time of compiling the information by the crematory operator in charge. Governmental agencies and consumers will not be affected by this regulation.

K.A.R. 63-7-3. Crematory licenses; biennial renewals. This new regulation explains the license and renewal process to be used for crematories.

Economic Impact Summary: As previously explained, new income would be generated for the board with costs for initial licensure and renewal of licensure to the applicants. Other governmental agencies and consumers will not be affected by this regulation.

K.A.R. 63-7-4. Responsibility of a crematory operator in charge. This new regulation defines the responsibility of a crematory operator in charge of a crematory.

Economic Impact Summary: There is no significant economic impact to state agencies, private citizens or consumers.

K.A.R. 63-7-5. Requirements for crematories. This new regulation addresses the necessary equipment, holding facility and sanitary conditions of each crematory.

Economic Impact Summary: A cost to the individual for securing the required equipment. Governmental agencies and consumers will not be affected by this regulation.

K.A.R. 63-7-6. Licensure applications for crematories. This new regulation defines information to be included on licensure applications for crematories.

Economic Impact Summary: A cost to the agency for developing the applications, and a cost to the applicant for fees previously mentioned and for the time involved in completing the application. Other governmental agencies and consumers will not be affected by this regulation.

K.A.R. 63-7-7. Inspection of crematories. This new regulation addresses routine inspections of crematories.

Economic Impact Summary: None anticipated other than the costs to the agency for inspection. Other governmental agencies, private citizens and consumers will not be affected by this regulation.

K.A.R. 63-7-8. Inspection generated by a complaint. This new regulation addresses inspections of crematories generated by a complaint.

Economic Impact Summary: None anticipated other than costs to the agency for inspection of the crematory and investigation of the complaint. Other governmental agencies and consumers will not be affected by this regulation.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by contacting Mack Smith at the address above or by calling (785) 296-3980. Copies of the regulations will be provided on the agency's Web site at <http://www.accesskansas.org/ksbma/>. These regulations are proposed for adoption on a permanent basis.

Mack Smith
Executive Secretary

Doc. No. 027515

(Published in the Kansas Register January 31, 2002.)

**Summary Notice of Bond Sale
City of Neodesha, Kansas
\$1,000,000**

**General Obligation Improvement Bonds, Series 2002-A
(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated January 24, 2002, sealed, facsimile and electronic bids will be received by the clerk of the City of Neodesha, Kansas (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at City Hall, 1407 N. 8th St., Neodesha, KS 66757, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 2 p.m. February 14, 2002, for the purchase of \$1,000,000 principal amount of General Obligation Improvement Bonds, Series 2002-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated February 15, 2002, and will become due on October 1 in the years as follows:

Year	Principal Amount
2004	\$15,000
2005	55,000
2006	60,000
2007	65,000
2008	65,000
2009	65,000
2010	70,000
2011	75,000
2012	80,000
2013	80,000
2014	85,000
2015	90,000
2016	95,000
2017	100,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning October 1, 2002.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$20,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about February 28, 2002, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$7,619,416. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,220,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (620) 325-2828, fax (620) 325-2481; or from the financial advisor, George K. Baum & Company, 435 Nichols Road, Kansas City, MO 64112, Attention: David Arteberry or Kyle Patino, (800) 821-7195, fax (816) 283-5326.

Dated January 24, 2002.

City of Neodesha, Kansas

Doc. No. 027514

(Published in the Kansas Register January 31, 2002.)

**Summary Notice of Bond Sale
City of Benton, Kansas
\$495,000
General Obligation Water System Bonds
Series A, 2002**

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

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated as of January 14, 2002, of the City of Benton, Kansas, in connection with the city's General Obligation Water System Bonds, Series A, 2002, hereinafter described, written bids for the purchase of the bonds shall be received at the office of the city clerk at City Hall, 154 S. Main, Benton, KS 67017, or by telefacsimile (if accompanied by a timely delivered original executed bid form and the required good faith deposit or evidence of surety bond) at (316) 778-1687, until 7 p.m. Monday, February 11, 2002. All bids shall be disclosed publicly and tabulated or compared on said date at 7 p.m. at the Benton City Hall and shall thereafter be immediately considered and acted upon by the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or the city's financial advisor. Bids may be submitted by mail, delivered in person or submitted by telefacsimile at (316) 778-1687, but only if the city or city's financial advisor is in possession of both an original executed bid form and the required good faith deposit or evidence of surety bond. All bids must be received at the place and not later than the date and time hereinbefore specified. Neither the city, its bond counsel, its financial advisor, nor any officer or employee of the city shall be deemed to have any liability whatsoever in connection with the failure of any electronic or telefacsimile equipment or any other occurrence resulting in disqualification or failure by the city to receive a bid. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$495,000, and shall bear a dated date of February 15, 2002. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year.

The bonds shall bear interest, payable as hereinafter set forth, at the rates specified in even multiples of 1/8th or 1/20th of 1 percent by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on April 1 and October 1 of each year, commencing April 1, 2003, and the bonds shall mature serially on October 1 in each of the years and principal amounts as follows:

Maturity Schedule	
Principal Amount	Maturity Date
\$10,000	2003
25,000	2004
25,000	2005
30,000	2006
30,000	2007
30,000	2008
30,000	2009
35,000	2010
35,000	2011
35,000	2012
40,000	2013
40,000	2014
40,000	2015
45,000	2016
45,000	2017

Redemption of Bonds

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice

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

Payment of Principal and Interest

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

Book-Entry Option

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

Security for the Bonds

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

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about February 26, 2002, at such bank or trust company or other qualified depository in the contiguous United States, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Financial Matters

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

Assessed Tangible Valuation of Taxable Tangible Property	\$3,286,595.00
Taxable Value of Motor Vehicles	681,491.00
Assessed Tangible Valuation for Debt Limit Computation	<u>\$3,968,086.00</u>

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of February 15, 2002, the city's gross outstanding debt,

(continued)

including the bonds, will be \$1,090,000, which excludes temporary notes outstanding in the amount of \$400,000, which will be retired out of the proceeds of the bonds herein offered for sale. The city's total indebtedness that is subject to debt limitation, as of February 15, 2002, will be \$0.00, which is 0.00 percent of the assessed valuation of the city.

Official Statement

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

Continuing Disclosure

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

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

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and the official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below or from the financial advisor, Jerry Rayl, Davidson Securities, a division of Gold Capital Management, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

City of Benton, Kansas
By Joyce Casady
City Clerk
City Hall, 154 S. Main
Benton, KS 67017
(316) 778-1625
Fax (316) 778-1687

Doc. No. 027518

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 1-28-02 through 2-3-02

Term	Rate
1-89 days	1.79%
3 months	1.67%
6 months	1.74%
1 year	2.23%
18 months	2.70%
2 years	3.09%

Derl S. Treff
Director of Investments

Doc. No. 027506

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 17-23 by the 2002 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at ink.org/public/legislative.

House Bills

HB 2647, An act relating to income tax; concerning credits for wildlife habitat and management activities; certain income tax credits; amending K.S.A. 79-32,203 and repealing the existing section, by Committee on Taxation.

HB 2648, An act relating to drivers' licenses; concerning the content thereof; amending K.S.A. 8-243 and repealing the existing section, by Representative Edmonds.

HB 2649, An act relating to taxation; concerning rule and regulation authority of the secretary of revenue, by Committee on Taxation.

HB 2650, An act relating to taxation; concerning timing of taxpayer appeals from department of revenue determinations; amending K.S.A. 79-3226 and K.S.A. 2001 Supp. 74-2438 and repealing the existing sections, by Committee on Taxation.

HB 2651, An act relating to sales taxation; concerning direct refund requests; amending K.S.A. 79-3650 and repealing the existing section, by Committee on Taxation.

HB 2652, An act relating to estate taxation; concerning conformity to federal law; amending K.S.A. 2001 Supp. 79-15,101, 79-15,102 and 79-15,119 and repealing the existing sections, by Committee on Taxation.

HB 2653, An act relating to antique vehicles; concerning the certificate of title thereof; amending K.S.A. 8-170 and repealing the existing section, by Committee on Taxation.

HB 2654, An act relating to sales taxation; exempting certain purchases therefrom of Wheat Bowl, Inc.; amending K.S.A. 2001 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2655, An act concerning cities; relating to the procedure for the incorporation thereof; amending K.S.A. 15-123 and repealing the existing section, by Joint Committee on Economic Development.

HB 2656, An act relating to motor vehicles; concerning Pearl Harbor license plate; amending K.S.A. 8-1,147 and repealing the existing section, by Representative Stone.

HB 2657, An act relating to income taxation; concerning the definition of business income for purposes of the uniform division of income for tax purposes act; amending K.S.A. 79-3271 and repealing the existing section, by Committee on Taxation.

HB 2658, An act designating a part of United States Highway 400 as the Clayton J. Connell memorial highway.

HB 2659, An act concerning agriculture; relating to agricultural contracts; unfair and unlawful actions; prescribing penalties for violations thereof, by Special Committee on Agriculture.

HB 2660, An act concerning dealership franchise agreements; relating to repurchase of machinery, equipment and parts upon termination; amending K.S.A. 16-1003 and 16-1304 and K.S.A. 2001 Supp. 16-1404 and repealing the existing sections, by Committee on Agriculture.

HB 2661, An act concerning retail electric suppliers; amending K.S.A. 66-1,176 and 66-1,176b and repealing the existing sections, by Special Committee on Utilities.

Run titles for HB 2647-277

HB 2662, An act relating to accessible parking; concerning certain fees; amending K.S.A. 8-145d and 8-1,125 and repealing the existing sections, by Committee on Transportation.

HB 2663, An act regulating traffic; concerning electric personal assistive mobility device; amending K.S.A. 8-126, 8-1446, 8-1485 and 8-1486 and repealing the existing sections, by Committee on Transportation.

HB 2664, An act concerning emergency medical services; relating to scope of practice; activities; amending K.S.A. 2001 Supp. 65-6110, 65-6112, 65-6119, 65-6120, 65-6121, 65-6123, 65-6133 and 65-6144 and repealing the existing sections; also repealing K.S.A. 65-6122, by Committee on Health and Human Services.

HB 2665, An act concerning emergency medical services; relating to certification; amending K.S.A. 2001 Supp. 65-6129 and repealing the existing section; also repealing K.S.A. 65-6122, by Committee on Health and Human Services.

HB 2666, An act concerning autopsies; relating to payment; amending K.S.A. 22a-242 and repealing the existing section, by Committee on Health and Human Services.

HB 2667, An act concerning the department of health and environment; relating to electronic and digital signatures; amending K.S.A. 65-2402 and repealing the existing section, by Committee on Health and Human Services.

HB 2668, An act concerning certain school districts; relating to the computation of state financial aid; amending K.S.A. 2001 Supp. 72-6445 and repealing the existing section, by Committee on Education.

HB 2669, An act concerning school safety; revising the definition of weapon; amending K.S.A. 2001 Supp. 72-89a01 and 72-89c01 and repealing the existing sections, by Committee on Education.

HB 2670, An act concerning townships; relating to officers and employees thereof, by Representative O'Neal.

HB 2671, An act concerning counties; relating to law enforcement; amending K.S.A. 19-4425 and 19-4426 and repealing the existing sections, by Representative O'Neal.

HB 2672, An act concerning probate; relating to the elective share of surviving spouses; concerning homestead rights; amending K.S.A. 59-6a213 and repealing the existing section, by Committee on Judiciary.

HB 2673, An act concerning crimes and punishment; relating to contributing to a child's misconduct; amending K.S.A. 2001 Supp. 21-3612 and repealing the existing section, by Committee on Judiciary.

HB 2674, An act relating to gift certificates; concerning certain restrictions, by Representative Huff.

HB 2675, An act relating to motor vehicles; concerning personalized license plates; amending K.S.A. 8-132 and 8-133 and repealing the existing sections, by Representative Huff.

HB 2676, An act relating to credit cards; providing certain restrictions on electronically printed receipts, by Representative Huff.

HB 2677, An act concerning public improvements and buildings; relating to public works bonds; amending K.S.A. 2001 Supp. 60-1111 and repealing the existing section, by Representative Hermes.

House Concurrent Resolutions

HCR 5036, A proposition to amend section 2 of the constitution of the state of Kansas, relating to members of the senate and house of representatives.

HCR 5037, A concurrent resolution urging the federal government to aggressively respond to the spread and eradication of Karnal bunt in the United States.

HCR 5038, A concurrent resolution urging the Government of the United States to take action to enable prompt approval, construction and operation of a high level radioactive waste disposal facility at Yucca Mountain, Nevada.

HCR 5039, A concurrent resolution urging the Congress of the United States to reinstate and extend the federal tax credit for wind generation facilities.

HCR 5040, A concurrent resolution urging the Congress of the United States to open certain areas of the Arctic National Wildlife Refuge to oil and gas production.

Senate Bills

SB 396, An act concerning the director of accounts and reports; authorizing the processing and payment of certain claims from the secretary of corrections, by Committee on Ways and Means.

SB 397, An act concerning telecommunications providers; relating to the use of public rights-of-way; amending K.S.A. 12-2001 and 17-1902 and repealing the existing sections, by Joint Committee on Economic Development.

SB 398, An act concerning securities; relating to the regulation thereof; concerning the powers of the securities commissioner; amending K.S.A. 17-1257, 17-1258 and 17-1266a and K.S.A. 2001 Supp. 17-1252, 17-1254, 17-1261, 17-1263 and 17-1270 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 399, An act concerning the Kansas code for care of children; relating to appointment of counsel; amending K.S.A. 38-1505 and repealing the existing section, by Committee on Judiciary.

SB 400, An act concerning the Kansas probate code; relating to residence of administrator; resident agent, written acceptance; amending K.S.A. 59-706 and 59-1706 and repealing the existing sections, by Committee on Judiciary.

SB 401, An act concerning municipalities; relating to the payment of claims; authorizing school districts to make certain payments; amending K.S.A. 12-105b and repealing the existing section, by Committee on Education.

SB 402, An act concerning charter schools; amending K.S.A. 2001 Supp. 72-1903, 72-1906 and 72-1907 and repealing the existing sections, by Legislative Educational Planning Committee.

SB 403, An act concerning the postsecondary education savings program; amending K.S.A. 2001 Supp. 60-2308 and 75-646 and repealing the existing sections, by Legislative Educational Planning Committee.

SB 404, An act concerning taxation; relating to tax credits for required improvements for confined feeding facilities; amending K.S.A. 2001 Supp. 79-32,117 and repealing the existing section, by Special Committee on Agriculture.

SB 405, An act concerning the consumption of alcoholic liquor in certain places; amending K.S.A. 41-719 and repealing the existing section, by Committee on Federal and State Affairs.

SB 406, An act concerning the Kansas racing and gaming commission; relating to the state gaming agency; concerning the executive director of such commission and such agency; amending K.S.A. 2001 Supp. 74-8805 and 74-9804 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 407, An act concerning alcoholic beverages; enacting the beer and cereal malt beverage keg registration act; amending K.S.A. 41-2708 and K.S.A. 2001 Supp. 41-311 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 408, An act relating to income taxation; concerning the definition of business income for purposes of the uniform division of income for tax purposes act; amending K.S.A. 79-3271 and repealing the existing section, by Committee on Assessment and Taxation.

SB 409, An act concerning school districts; relating to school finance; amending K.S.A. 72-6405 and K.S.A. 2001 Supp. 72-6426, 72-6430 and 72-6433 and repealing the existing sections, by Committee on Ways and Means.

SB 410, An act relating to the division of vehicles; concerning certain records; amending K.S.A. 2001 Supp. 74-2012 and repealing the existing section, by Committee on Transportation.

SB 411, An act relating to motor vehicles; concerning child passenger safety; relating to safety belts; amending K.S.A. 8-1343a, 8-1344, 8-1345, 8-2503 and 8-2504 and repealing the existing sections, by Committee on Transportation.

SB 412, An act concerning crimes, criminal procedure and punishment; relating to aid to indigent defendants; application fee; amending K.S.A. 2001 Supp. 22-4529 and repealing the existing section, by Committee on Judiciary.

SB 413, An act relating to taxation; concerning the setoff of taxpayer refunds against liabilities; amending K.S.A. 79-2015 and 79-32,104 and

(continued)

K.S.A. 2001 Supp. 79-32,105 and repealing existing sections, by Committee on Assessment and Taxation.

SB 414, An act relating to sand and gravel; concerning penalties relating to the taking thereof, by Committee on Assessment and Taxation.

SB 415, An act relating to taxation; concerning the payment of liability by electronic funds transfer; amending K.S.A. 75-5151 and repealing the existing section, by Committee on Assessment and Taxation.

SB 416, An act relating to driving under the influence; concerning the driving under the influence equipment fund; amending K.S.A. 75-5660 and repealing the existing section, by Committee on Public Health and Welfare.

SB 417, An act relating to critical access hospitals; concerning the length of stay for inpatient hospitalizations; amending K.S.A. 2001 Supp. 65-468 and repealing the existing section, by Committee on Public Health and Welfare.

SB 418, An act concerning adult care home administrators; relating to the board of adult care home administrators; also relating to licensure; amending K.S.A. 65-3508 and K.S.A. 2001 Supp. 65-3503, 65-3504 and 65-3506 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 419, An act concerning retail food stores and food processing plants; relating to the enforcement authority of the secretary of the department of health and environment, by Committee on Public Health and Welfare.

SB 420, An act concerning health care provider insurance; amending K.S.A. 2001 Supp. 40-3414 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 421, An act authorizing the fixing and collecting of certain fees by the secretary of social and rehabilitation services and providing for the disposition thereof, by Committee on Ways and Means.

SB 422, An act concerning reimbursement by the department of social and rehabilitation services for certain drugs; relating to the medicaid pharmacy programs; changing certain rules and regulations requirements; amending K.S.A. 39-7,120 and repealing the existing section, by Committee on Ways and Means.

SB 423, An act concerning counties; relating to certain roads and highways, by Senator Emler.

SB 424, An act relating to taxation; concerning the abatement of drug taxes; amending K.S.A. 2001 Supp. 75-5154 and repealing the existing section, by Committee on Assessment and Taxation.

Senate Concurrent Resolutions

SCR 1615, A concurrent resolution urging the United States Congress to enact country of origin labeling requirements.

SCR 1616, A concurrent resolution requesting the Kansas Department of Health and Environment, the Kansas Geological Survey, the Department of Agriculture and the Division of Water Resources to work closely with each other to have the most current information relating to water in regard to developing a nutrient utilization plan and issuing water pollution control permits for confined animal feeding operations.

Senate Resolutions

SR 1802, A resolution honoring James E. Butler for his many years of dedicated service to the Manhattan community and the state of Kansas.

Doc. No. 027509

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-02-19/24

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Deines Farms Inc. 2023 350th Road Ramona, KS 67475	NW/4 of Section 17, T17S, R4E, Marion County	Neosho River Basin
Kansas Permit No. A-NEMN-B003		
This is a permit renewal for an existing facility for 550 head (275 animal units) of cattle.		
Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.		
Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.		

Name and Address of Applicant	Legal Description	Receiving Water
Cutler Cattle Inc. Parkinson Yard 5010 Big Valley Drive Scott City, KS 67871	SE/4 of Section 11, T18S, R33W, Scott County	Upper Arkansas River Basin
Kansas Permit No. A-UASC-C011 Federal Permit No. KS0116289		
This is a renewal permit for an existing facility for 4,900 head (4,900 animal units) of beef cattle.		
Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.		
Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.		

Name and Address of Applicant	Legal Description	Receiving Water
John and Lisa Mastin Lisa Strauss Trust 1694 15th Road Concordia, KS 66901	SW/4 of Section 36, T8S, R4W, Cloud County	Solomon River Basin
Kansas Permit No. A-SOCD-B003		
This is a permit renewal for an existing facility for 500 head (500 animal units) of cattle.		
Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.		
Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.		

Name and Address of Applicant	Legal Description	Receiving Water
Craig Jecha Route 2, Box 8276 Timken, KS 67575	NW/4 of Section 4, T19S, R17W, Rush County	Upper Arkansas River Basin
Kansas Permit No. A-UARH-B011		
This is a new permit for a new facility for 150 head (150 animal units) of beef cattle weighing greater than 700 pounds and 150 head (75		

animal units) of beef cattle weighing 700 pounds for less, for a total of 300 head (225 animal units) of cattle.

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

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to pursuant to Kansas law.

Name and Address of Applicant	Legal Description	Receiving Water
Ladder Creek Dairy c/o Joe Segura Route 1, P.O. Box 300 Tribune, KS 67879	SE/4 of Section 3, T16S, R40W, Greeley County	Smoky Hill River Basin

Kansas Permit No. A-SHGL-D001 Federal Permit No. KS0095303

This is a new permit for an existing, expanding facility for a maximum of 3,000 head (4,200 animal units) of dairy cows. The expansion consists of additional open lots, a pond and composting area, with no increase to head count or animal units.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Test procedures and readings shall be viewed and recorded by a KDHE representative or the test results will not be accepted. Dewatering equipment shall be obtained within three months after issuance of the permit. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Detweiler Farm c/o Jack Detweiler 2565 Eagle Road Summerfield, KS 66541	NE/4 of Section 31, T1S, R10E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S049

This is a new permit for an existing facility for 620 head (248 animal units) of swine greater than 55 pounds and for 720 (72 animal units) of swine 55 pounds or less, for a total of 320 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-ND-02-003

Name and Address of Applicant	Legal Location	Type of Discharge
U.S. Stone Industries 107 Harvard Place Manhattan, KS 67503	SW¼, S31, T15S, R6E, Morris County	Nonoverflow

Kansas Permit No. I-KS30-NP01

Facility Address: Herington Regional Airport, Herington, KS 67449

Facility Description: The proposed action is to issue a new permit for the operation of a new wastewater treatment facility treating primarily process wastewater. This facility is a limestone cutting operation. Water cools saw blades used to cut limestone to a desired size. After cooling the saw blades, 150 gallons per minute (gpm) of water is directed to the first two primary cells by way of a 12-inch gravity line. A requirement of this permit is monitoring for trichloroethylene. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

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 March 2 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-19/24, KS-ND-02-003) 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

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

Doc. No. 027520

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 construction permit. Farmland Industries, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace the FCCU catalyst regenerator cyclones and replace the FCCU riser and feed nozzles. Replacement of the units will be done during the routine maintenance shutdown. These replacements will enhance the safety and efficiency of the FCCU operation. Emissions of air pollutants will be controlled by enforceable limitations established by the construction permit. Emissions of nitrogen oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), volatile organic compounds (VOCs), particulate matter (PM) and PM less than or equal to 10 microns in diameter (PM₁₀) were evaluated during the permit review process.

Farmland Industries, Inc., Coffeyville, owns and operates the stationary source located at North Linden Street, Coffeyville, at which the equipment is to be replaced.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection 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 Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Ralph E. Walden, (785) 296-1583, at the KDHE central office, or Lynelle Stranghoner, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ralph E. Walden, 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 March 4.

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 March 4 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027521

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment has received and reviewed an application to modify Allen County's municipal solid waste landfill permit to include the construction and operation of a construction and demolition (C&D) waste disposal area and to increase the permitted final height of the municipal solid waste (MSW) disposal area. The C&D waste disposal area will be constructed south of the current MSW disposal area. The height increase will be associated with subtitle D cell construction in the mined quarry area north of the current lined MSW disposal area, and east of the current lined MSW disposal area, on the west slope of the to-be-closed vertical expansion area. The new subtitle D cell will include a composite liner and leachate collection system to comply with current solid waste regulations and increase the site's permitted MSW disposal volume by 27 percent, extending the site's life by about five years.

KDHE is providing public notice of its intent to issue a permit amendment allowing the requested modifications. The landfill is located in the Northeast Quarter of Section 2, Township 25 South, Range 19 East in Allen County, at 1170 2800 St., southeast of LaHarpe.

A copy of the administrative record, which includes the draft permit, permit application, engineering drawings and other information regarding this permit action, is available for public review February 4-March 6, during normal business hours, at the following locations:

Kansas Department of Health and Environment
Bureau of Waste Management
1500 W. 7th
Chanute, 66720
Contact: Charles Bowers
(620) 431-2390

Allen County Courthouse
Department of Public Works
1 N. Washington
Iola, 66749
Contact: William King, Public Works Director
(620) 365-1422

Anyone wishing to comment on the solid waste landfill permit modification should submit written statements postmarked not later than March 6 to Charles Bowers of KDHE (at the address listed above).

After consideration of all written comments received during the public notice period, KDHE will make a final decision on whether to issue the permit modification. Notice of the decision will be given to the applicant, to anyone who submitted written comments during the comment period, and to those who requested notice of the final permit decision.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027512

State of Kansas

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

The Kansas Department of Health and Environment and the U.S. Environmental Protection Agency, Region 7 provided a notice of intent December 6, 2001, to issue a Resource Conservation and Recovery Act (RCRA) permit to Farmland Industries Inc. to perform post-closure care and remediation at the nitrogen plant located near Dodge City. Farmland is responsible under the RCRA for the continued remediation and monitoring at this facility located at 11559 U.S. 50, Dodge City. After reviewing a request by the facility in a letter dated January 15, 2002, the KDHE and the EPA have extended the public comment period through March 4 to allow additional time to provide comments on issues regarding the permit conditions. No additional public hearing is scheduled at this time.

The draft permit, permit application, related information and all data submitted by the applicant, as part of the administrative record, are available for public review, Monday through Friday, at the following locations:

Dodge City Public Library
1001 Second Ave.
Dodge City, 67801
Contact: Rosanne Goble, Director
(620) 225-0248

Kansas Department of Health and Environment
Bureau of Waste Management -
Hazardous Waste Permits Section
1000 S.W. Jackson, Suite 320
Topeka, 66612-1366
Contact: Mostafa Kamal
(785) 296-1609

U.S. Environmental Protection Agency
Region VII - RCAP Branch
901 N. 5th St.
Kansas City, KS 66101
Contact: Andrea Stone
Toll Free 1-800-223-0425
or (913) 551-7662

Written comments related to this permit action should be submitted to Mostafa Kamal (KDHE) or Andrea Stone (EPA) at the above addresses, postmarked not later than March 4.

After consideration of all comments received, the KDHE secretary and EPA director of Air, RCRA and Toxics Division (ARTD) will make a final permit decision. Notice will be given to the applicant, to all persons who submitted written comments, to those who commented at the public hearing, and to those who requested notice of the final permit decision. If none of the comments received during the public comment period result in revision(s) to the draft permit, the permit will become effective immediately upon its issuance. If comments received during the public comment period result in revision(s), the permit will become effective 30 days after service of

notice of the final decision or at a later date, if a review is requested under 40 CFR 124.19

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027519

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. Metlcast Products, Incorporated has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter equal to or less than 10 microns in diameter (PM₁₀) 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.

Metlcast Products, Incorporated, Salina, owns and operates a gray and ductile iron foundry located at 401 E. Ave. B, Salina.

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 North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Julie Ingoli, (785) 368-6683, at the KDHE central office, or Joan Ratzlaff, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Julie Ingoli, 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 March 4.

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 March 4 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027517

State of Kansas

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

**Permanent Administrative
Regulations**

Article 16.—TRAVEL REIMBURSEMENT

1-16-18. Subsistence allowance. (a) General provisions. Except as otherwise specifically provided by law, subsistence allowances for in-state and out-of-state travel shall be paid on the basis of a meals allowance and the actual cost of lodging expenses incurred, within the limits set forth in this regulation.

(1) Meals allowance rates, including quarter-day and per-meal allowances, and lodging reimbursement limitation rates established in accordance with K.S.A. 75-3207a, and amendments thereto, shall be published in informational circulars of the division of accounts and reports. Rates shall be established for the following geographic areas or categories of travel:

(A) Travel to in-state destinations, exclusive of designated in-state, high-cost geographic areas;

(B) travel to in-state, designated high-cost geographic areas;

(C) travel to out-of-state destinations, exclusive of designated out-of-state, high-cost geographic areas;

(D) travel to out-of-state, designated high-cost geographic areas;

(E) travel to out-of-state, special designated high-cost geographic areas;

(F) international travel. As used in this regulation, "international travel" means travel outside the 50 states and the District of Columbia;

(G) travel involving conference lodging that qualifies under K.A.R. 1-16-18a(e); and

(H) other categories as the secretary of administration deems appropriate.

(2) Subject to the approval of the secretary of administration, any city in a state bordering or near Kansas may be designated as a "border city" by the director of accounts and reports. For travel by state personnel to a border city, all meals allowances and lodging expense limitations shall be applied at the appropriate in-state rate established in accordance with K.S.A. 75-3207a, and amendments thereto.

(b) Meals allowance; general provisions. Except as provided in subsection (c), the subsistence rates for meal expenses shall be paid on a per diem basis at the appropriate quarter-day meal allowance rate established in accordance with K.S.A. 75-3207a, and amendments thereto, for any fraction of a quarter-day in which the official travel begins and for each full quarter-day thereafter. For purposes of this regulation, a day shall commence at 12:01 a.m. No quarter-day meal allowance shall be paid for any fractional quarter-day in which the traveler returns to the traveler's official station or domicile.

(c) Meals allowance; exceptions.

(1) An exception to the quarter-day meal allowance for international travel may be made at the option of the agency head or the agency head's designee by claiming

actual expenses, subject to any daily limitation established in accordance with K.S.A. 75-3207a, and amendments thereto.

(2) If the cost of meals is included within the cost of registration fees or other fees and charges paid by the agency or is supplied without cost by another party, the quarter-day meal allowance shall be reduced by the appropriate per-meal allowance established in accordance with K.S.A. 75-3207a, and amendments thereto.

(3)(A) Except as prohibited by paragraph (c)(3)(B), the agency head or the agency head's designee may authorize any employee who does not incur lodging expenses to be reimbursed for one meal on any day on which either of the following circumstances occurs:

(i) The employee is required to travel on official state business, and the employee's workday, including travel time, is extended three hours or more beyond the employee's regularly scheduled workday.

(ii) The employee is required to attend a conference or a meeting as an official guest or participant, and a meal is served during the required attendance time.

(B) No meals shall be reimbursed if the point at which the official business is conducted is within 30 miles of the employee's official station or if a meal is provided at no cost to the employee.

(C) Each request for reimbursement of a meal under paragraph (c)(3) shall identify the date, purpose, destination, and time of the travel, conference, or meeting, and the meal requested for reimbursement.

(D) Each employee who receives reimbursement for a meal under paragraph (c)(3) shall be paid at the applicable per-meal allowance rate established in accordance with K.S.A. 75-3207a, and amendments thereto. No quarter-day meal allowance shall be paid without incurring lodging expenses.

(d) Lodging expense limitations; general provisions.

(1) Reimbursement for lodging, or direct payment of lodging expenses to the lodging establishment, shall be made on the basis of actual, single-rate lodging expenses incurred and shall be supported by the original official receipt of the lodging place or other suitable documentation. Subject to applicable lodging expense limitations established in accordance with K.S.A. 75-3207a and amendments thereto, reimbursement for lodging expenses, or direct payment of lodging expenses to the lodging establishment, shall be limited to the lodging place's lowest available rate for normal single occupancy on the day or days the lodging expense was incurred.

(2) Taxes associated with lodging expenses shall not be included in the applicable lodging expense limitation rates established in accordance with K.S.A. 75-3207a, and amendments thereto, and shall be paid as an additional reimbursement.

(e) Lodging expense limitations; exception. Specific exceptions to the applicable dollar limitation on lodging expenses may be made as provided in K.S.A. 75-3207a, and amendments thereto. (Authorized by and implementing K.S.A. 75-3207, as amended L. 2001, Ch. 109, Sec. 4 and 75-3207a, as amended L. 2001, Ch. 109, Sec. 5; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-

84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 1990; amended, T-1-8-14-90, May 1, 1990; amended Oct. 8, 1990; amended, T-1-9-26-91, Oct. 1, 1991; amended Nov. 18, 1991; amended, T-1-1-1-93, Jan. 1, 1993; amended Feb. 22, 1993; amended, T-1-6-28-95, July 1, 1995; amended Oct. 27, 1995; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998; amended July 1, 1999; amended Feb. 15, 2002.)

Joyce Glasscock
Acting Secretary of Administration

Doc. No. 027505

State of Kansas

State Fire Marshal

Permanent Administrative Regulations

Article 24.—REGIONAL HAZARDOUS MATERIALS RESPONSE

22-24-1. Definitions. (a) "Chemical assessment team" (CAT) means either of the following:

- (1) A type of emergency response team whose primary objective is the assessment of chemical hazards; or
- (2) those members of a hazardous materials response team whose primary objective is the assessment of chemical hazards.

(b) "Division" means the hazardous materials response division of the Kansas state fire marshal's office.

(c) "Emergency response team" means a hazardous materials response team or chemical assessment team that has entered into a contract with the state fire marshal's office to provide a response to hazardous materials incidents.

(d) "Hazardous materials response team" means a team whose primary responsibility is to respond to hazardous materials incidents with full capabilities to control or mitigate the situation in order to protect life and property from the hazardous materials incident.

(e) "Local authority" means the local unit of government's public safety agency that is in overall command at the scene of a hazardous materials incident.

(f) "Management system" means a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of assigned resources to effectively accomplish stated objectives at the scene of an incident.

(g) "Mitigation" means the actions taken by an emergency response team to lessen the severity or intensity of a hazardous materials incident. Mitigation shall not include restoration of the scene to its preaccident condition and shall not be interpreted as including cleanup procedures, remediation, or both.

(h) "NFPA" means the national fire protection association.

(i) "Primary response area" means the geographic portion of the state to which an emergency response team

has been assigned to provide the principal response to incidents occurring in that area.

(j) "Regional response team program" means the system of regionally located emergency response teams who have contracted with the state fire marshal to provide a response to hazardous materials incidents occurring in that area.

(k) "Response area" means the primary or secondary response area of an emergency response team.

(l) "Secondary response area" means the geographic portion of the state to which an emergency response team has been assigned to provide the alternate response to incidents occurring in that area.

(m) "State fire marshal" means the state fire marshal or the state fire marshal's designee. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-2. Team response areas. (a) The primary and secondary response areas for each emergency response team shall be established by the state fire marshal. Each team shall be assigned at least one secondary area.

(b) The factors used by the state fire marshal in establishing these primary and secondary response areas shall include the following:

- (1) The number and geographic location of fixed facilities manufacturing, using, or storing hazardous materials that may pose a threat to life or property if released;
- (2) the number of miles of primary transportation routes in a given area, including highways, rail lines, commercially navigable waterways, pipelines, and airports;
- (3) the population of each county;
- (4) any special conditions that may be present in a given area of the state and the need for specialized equipment unique to those conditions that might affect emergency response capability;
- (5) the existing local capabilities for dealing with hazardous materials incidents; and
- (6) any other factor that could contribute to the potential for a hazardous materials release that could threaten life or property, thus meriting an emergency response.

(c) The boundaries of each response area shall be reviewed and, if needed, adjusted by the state fire marshal at least every two years. The adjustment of boundaries shall not be modified, conditioned, or limited by any collective bargaining agreement or memorandum of agreement.

(d) Each emergency response team shall respond to any area of the state when directed to do so by the state fire marshal. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-3. Adoption by reference. (a) The following nationally recognized standards are hereby adopted by reference:

- (1) "Recommended practice for responding to hazardous materials incidents," national fire protection association pamphlet no. 471 (NFPA 471), including appendices, 1997 edition;

(b) Each emergency response team shall respond to any area of the state when directed to do so by the state fire marshal. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

(c) The boundaries of each response area shall be reviewed and, if needed, adjusted by the state fire marshal at least every two years. The adjustment of boundaries shall not be modified, conditioned, or limited by any collective bargaining agreement or memorandum of agreement.

(d) Each emergency response team shall respond to any area of the state when directed to do so by the state fire marshal. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

(continued)

(2) "standard on professional competence of responders to hazardous materials incidents," national fire protection association pamphlet no. 472 (NFPA 472), including appendices, but excluding chapters 7, 8, 9, 10, and 11, 1997 edition; and

(3) "standard for competencies for EMS personnel responding to hazardous materials incidents," national fire protection association pamphlet no. 473 (NFPA 473), including appendices, 1997 edition.

(b) Each team member shall comply with the provisions of "hazardous waste operations and emergency response," 29 C.F.R. 1910.120(q), as in effect on March 7, 1996, and hereby adopted by reference. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-4. Qualifications of team members. (a) Each member of each emergency response team shall successfully complete annual refresher training that meets or exceeds the continuing education requirements of 29 C.F.R. 1910.120(q)(8).

(b) Each employer of one or more emergency response team members shall document all hazardous material training and continuing education, and these records shall be made available to the state fire marshal upon request. Each employer of one or more emergency response team members shall annually certify to the state fire marshal in writing that each team member has met the medical requirements of 29 C.F.R. 1910.120(q)(9) and the educational requirements of 29 C.F.R. 1910.120(q)(6)(i), (ii), and (iii).

(c) Any of the training or educational requirements identified in these regulations may be waived by the state fire marshal, and a substitute requirement or standard issued by the occupational safety and health administration or the NFPA may be approved by the state fire marshal, if the substitute requirement or standard is equivalent to, meets, or exceeds the requirement to be replaced. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-5. Composition of teams. (a) Each hazardous materials response team shall consist of at least nine members who possess the qualifications established by K.A.R. 22-24-3 and K.A.R. 22-24-4. A minimum of four members shall be available for response at any time.

(b) Each chemical assessment team shall consist of at least six members who possess the qualifications established by K.A.R. 22-24-3 and K.A.R. 22-24-4. A minimum of three members shall be available for response at any time.

(c) Each emergency response team member shall be certified by that individual's employer as meeting the qualifications for hazardous materials technicians established by NFPA 472. Each emergency response team member assigned to provide emergency medical support shall be certified by that individual's employer as meeting the qualifications for a level II responder or a higher level as defined by NFPA 473 and shall be currently certified or registered as an emergency medical technician by the state of Kansas board of emergency medical services.

(d) Emergency response teams may consist of personnel from one or more public or nonpublic entities. Each team

shall designate a single point of contact for purposes of emergency dispatch, a single authority for contract administration, and the employer responsible for the employer requirements set out in these regulations. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-6. Responsibilities of teams. (a) As its primary responsibility, each hazardous materials response team shall assist local authorities by recommending emergency actions necessary to protect life and property from the effects of a release of a hazardous material. These emergency actions may include preventing releases, mitigating a release, stabilizing the situation, and any other actions necessary to control the incident.

(b) As its primary responsibility, each chemical assessment team shall assist local authorities by providing technical advice and recommending mitigation actions to local incident commanders. Each chemical assessment team may assist the hazardous materials response team by responding in conjunction with them, assessing the chemical issues, and assisting in the formulation of strategies to mitigate or prevent incidents. The chemical assessment team may mitigate the effects of a release and stabilize the situation after contacting the hazardous materials response team and obtaining advice when necessary.

(c) When requested by the local incident commander and approved by the emergency response team commander, the emergency response team may remain at the scene and provide continuing assistance by monitoring cleanup activity conducted by local, state, or federal agencies or private entities for the purpose of ensuring public safety. The emergency response team shall not be required to remain at the scene. If the emergency response team remains, the team's costs shall be recoverable costs against the responsible party as provided in K.A.R. 22-24-14.

(d) An emergency response team shall not take any of the following actions:

(1) Transport, store, dispose of, or perform remedial cleanup of hazardous materials, except as may be incidentally necessary to mitigate an emergency;

(2) assume overall command of the hazardous materials incident, except that the team shall establish a joint command comprised of the local incident commander and the emergency response team commander if local authorities do not have incident command training; or

(3) mitigate incidents involving explosives, explosive devices, incendiary devices, shock-sensitive explosive chemicals, or clandestine drug labs, except to respond to the effects of a hazardous materials release that has occurred as a consequence of these incidents. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-7. Reporting and documentation. (a) Each emergency response team shall submit to the state fire marshal's office a detailed report of its response to each incident. The report shall be prepared in a manner and on a form prescribed by the state fire marshal and shall include the following data:

(1) A list of all equipment used and the personnel who responded;

- (2) a description of all emergency actions taken;
- (3) a copy of the site safety plans developed during the response; and
- (4) completed cost-recovery forms.

(b) When an emergency response has been activated, the emergency response team commander shall notify the Kansas department of health and environment and the Kansas division of emergency management.

(c) Each local jurisdiction requesting assistance from the emergency response team shall notify the local Kansas division of emergency management representative and the Kansas department of health and environment that an incident has occurred. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-8. Emergency preplanning. (a) Any emergency response team may submit a request to the state fire marshal for information concerning hazardous materials that are stored or used by a state agency. Upon request of the state fire marshal, the state agency shall furnish the requested information to the division.

(b) Each government agency, including any county, city, township, or school district, shall provide information relating to its storage or use of hazardous materials when requested by an emergency response team. The local government agency shall furnish the requested information directly to the requesting team.

(c) Information that may be requested under either subsection (a) or (b) shall include the following:

- (1) A copy of any facility preplans;
- (2) a copy of the state or local agency's hazardous materials emergency response plan;
- (3) a statement describing the local agency's level of hazardous materials training;
- (4) a description of the resources available locally to support hazardous materials response actions; and
- (5) any other information reasonably needed by the requesting team. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-9. Emergency response assistance. Any emergency response team may secure for use during an emergency response any technical assistance or specialized equipment necessary to safely and properly respond to an incident. When the incident involves explosives, explosive devices, incendiary devices, or shock-sensitive explosive chemicals, the team shall request assistance from a qualified bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit. No emergency response team member shall take any action except as directed by the responding explosives unit. The costs associated with the activation of a bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall not be recoverable from the hazardous materials emergency response program. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-10. Review and evaluation of response. Each emergency response team shall conduct an evaluation of its response to each incident after termination of

the team's response. The team shall give all public and private agencies involved in the response the opportunity to participate in the evaluation. The team shall prepare a written report following completion of the evaluation, a copy of which shall be provided to the state fire marshal within 45 days after termination of the team's response. For good cause shown, the length of the time in which the report is submitted may be extended by the state fire marshal for an additional 90 days. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-11. Supplies, equipment, and vehicles for hazardous materials response teams. Each hazardous materials response team shall have immediate access to the following general categories of supplies and equipment in suitable quantities to respond to anticipated hazardous materials incidents: (a) Chemical reference and emergency response manuals;

- (b) personal protective equipment;
- (c) decontamination equipment and supplies;
- (d) leak-control supplies and equipment;
- (e) radios and other forms of communications equipment;
- (f) computer equipment and supporting software;
- (g) monitoring and detection equipment;
- (h) basic suppression equipment;
- (i) spill containment supplies and equipment;
- (j) assorted nonsparking hand tools;
- (k) basic first aid supplies; and

(l) related incident management and administrative supplies and equipment. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-12. Equipment for chemical assessment teams. Each chemical assessment team shall have immediate access to the following general categories of supplies and equipment in suitable quantities to respond to anticipated hazardous materials incidents: (a) Chemical reference and emergency response manuals;

- (b) personal protective equipment;
- (c) decontamination equipment and supplies;
- (d) leak-control supplies and equipment;
- (e) radios and other forms of communications equipment;
- (f) monitoring and detection equipment;
- (g) assorted nonsparking hand tools;
- (h) basic first aid supplies; and
- (i) related incident management and administrative supplies and equipment. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-13. Emergency response criteria and dispatch. (a) Each emergency response team shall engage in an emergency response only if it is authorized by the state fire marshal. An emergency response may include technical assistance provided by a team via telephone or other means of communication or the deployment of team personnel and equipment to the scene of a hazardous material incident. An emergency response team response shall be authorized by the state fire marshal whenever it

(continued)

appears necessary to protect life or property from the effects or potential effects of a hazardous materials release.

(b) Each decision to authorize an emergency response shall be based on consideration of all of the following criteria:

(1) A hazardous materials release has occurred, or there is a significant potential for release.

(2) The release or threat of release poses a significant threat to life or property.

(3) Local authorities on the scene have determined that the situation exceeds their capabilities.

(4) Local authorities are requesting a team response.

(c) Only the local incident commander or designee for the jurisdiction in which the scene of the hazardous materials incident is located shall be authorized to request an emergency response team. Each request for an emergency response team shall be made to the state fire marshal. The communications arrangements provided by the state fire marshal shall allow 24-hour-a-day notification of a request for a response.

(d) Each team, when authorized to respond under subsection (a), shall evaluate the situation, determine if an emergency response is needed, and act accordingly. Any question or concerns arising out of the team's decisions may be relayed to the division.

(e) An emergency response team may be authorized by the state fire marshal to provide standby technical assistance in support of a bomb squad response. A response under this subsection shall be limited to incidents involving explosives, explosive devices, incendiary devices, or shock-sensitive explosive chemicals. A bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall be on the scene. When an emergency response team responds under this subsection, its costs shall be recoverable under the provisions of these regulations. The costs of activation of a bomb squad, an explosive ordnance disposal unit, or an alcohol, tobacco, and firearms unit shall not be recoverable expenses.

(f) If an emergency team is en route to an incident, the team's response may be cancelled only by the state fire marshal or by the local incident commander.

(g) The emergency response team commander or safety officer may terminate any response action at the scene of a hazardous materials incident when it is determined that response action would place any personnel in imminent danger. A team response may also be terminated at the scene of an incident by order of the local incident commander. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-14. Cost recovery. (a) When an emergency response team is activated to respond to a hazardous materials incident, the party responsible for the hazardous materials shall be responsible for paying the costs incurred as a result of the team's emergency response. The responsible party shall be billed by the state fire marshal for these costs in a summary order. If the responsible party fails to pay the bill in full within 30 days of its issuance, a second billing shall be issued by the state fire marshal. The second billing and any subsequent billings shall include interest on the unpaid balance. If payment is not made in full within 60 days of the initial billing, the responsible party shall be contacted by the state fire mar-

shal in an effort to obtain payment. If the matter remains unresolved, legal action shall be brought to recover the costs of the response, any legal fees, and other related expenses, including reasonable attorney's fees.

(b) Within 30 days of the original billing issued as a summary order, any responsible party who disagrees with a billing for costs incurred as a result of an emergency response may request a hearing, which shall be conducted in accordance with the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. The request for a hearing shall specifically identify the portion of the billing that is disputed and the factual basis of that dispute. Any remaining portion of the bill that is undisputed shall be paid in accordance with subsection (a). (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-15. Coordinating emergency response activities. (a) The local authority that has jurisdiction and that requested the emergency response shall provide all necessary assistance to the emergency response team. The emergency response team commander shall coordinate with those local, state, or federal agencies, or other organizations that are on the scene or providing assistance.

(b) Mutual aid agreements, interlocal agreements, or other forms of written agreements with local, state, or federal agencies within and without this state may be entered into by the state fire marshal to mutually support and foster assistance in response to hazardous materials incidents. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-16. Liability. Each member of each emergency response team shall be considered a state employee for purposes of coverage under the tort claims act, K.S.A. 75-6101 et seq. and amendments thereto, upon activation by the state fire marshal for an emergency response or in connection with authorized training. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-17. Workers compensation. For the purposes of workers compensation coverage, each member of each emergency response team shall at all times be considered an employee of the public or nonpublic entity contracting with the state fire marshal to provide emergency response team services. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

22-24-18. Advisory committee. A hazardous materials advisory committee may be appointed by the state fire marshal to provide input and assistance to the hazardous materials program and act as advisor to the state fire marshal and the director of the division. The committee shall meet periodically as determined by the state fire marshal. (Authorized by and implementing K.S.A. 31-133 and 31-135; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002.)

Gale Haag
State Fire Marshal

Doc. No. 027511

State of Kansas

Department of Corrections

Permanent Administrative
Regulations

Article 13.—DISCIPLINARY PROCEDURE

44-13-101. Disciplinary procedure established, general description of system. (a) A disciplinary procedure in accordance with these regulations shall be implemented by the warden of each facility. The term "warden," as used throughout this article, shall include the warden's designee.

(b) Prosecution by criminal justice agencies in the community shall be deemed a separate process from this disciplinary procedure, and both prosecution and disciplinary procedures may be conducted on matters relating to the same factual situations.

(c) Subject to the limitations and guidelines set out in these regulations and subject to the control of the hearing officer exercised within the parameters of the law and these regulations, the inmate shall be entitled to the following:

- (1) To receive advance written notice of the charge and a fair hearing by an impartial hearing officer;
- (2) to be present at the hearing;
- (3) to present documentary evidence;
- (4) to testify on the inmate's own behalf;
- (5) to have witnesses called to testify on the inmate's behalf;
- (6) to confront and cross-examine witnesses against the inmate; and
- (7) to be furnished with staff assistance according to K.A.R. 44-13-408.

(d) The charge may be amended according to the provisions of these regulations.

(e) If an inmate allegedly commits an act covered by criminal law, the case shall be referred to the appropriate law enforcement or prosecutorial agency as provided in K.A.R. 44-13-103.

(f) There shall be three classes of offenses, which shall be processed according to the provisions of these regulations.

(g) The disciplinary hearing process shall be structured as specified in K.A.R. 44-13-403, 44-13-404, and 44-13-405a.

(h) All stages of the disciplinary hearing shall be conducted by a hearing officer appointed by the warden according to K.A.R. 44-13-105.

(i) A complete log of the disciplinary process shall be maintained as specified in K.A.R. 44-13-509.

(j) The disciplinary hearing shall be conducted within a certain time following notice of the charge as established by these regulations. Continuances and recesses of the hearing may be granted. Generally, the inmate shall be permitted to be present at all stages of the hearing, except as provided by these regulations.

(k) Staff assistance shall be permitted only under limited conditions established in K.A.R. 44-13-408.

(l) A summary record shall be made of all stages of the hearing.

(m) In class I and II offense cases, following an administrative review of the record and any needed adjustments of the disposition by the warden, the inmate may appeal the case to the secretary of corrections on the record. In class III offense cases, an appeal may be made to the warden on the record following an initial review of the record by some person within the facility other than the warden. No appeal to the secretary of corrections shall be permitted.

(n) Nothing in these regulations shall prohibit the assignment or delegation of the disciplinary hearing and review process or any portion of it to the warden of another Kansas state correctional facility if good cause is shown and if justice and fairness will not thereby be infringed. An assignment or delegation shall not be made except by the secretary of corrections or designee, or by the warden with the secretary of corrections' written approval. This restriction shall not prohibit the holding of hearings at a receiving facility following a transfer based on a classification decision in the sending facility where the offense occurred in the sending facility.

(o) This regulation shall summarize the disciplinary procedure and shall not be construed or interpreted as establishing any rights or procedures that are not specifically set forth in article 13.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-104. This revocation shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended April 20, 1992; revoked Feb. 15, 2002.)

44-13-105. The disciplinary administrator and hearing officers. (a) A disciplinary administrator shall be appointed by the warden of each facility to manage the disciplinary process for the entire facility. Any suitable employee may be designated by the warden to carry out this task on a continuing basis.

(b) One or more impartial hearing officers shall be appointed by the warden to conduct disciplinary hearings at each department-operated facility.

(1) The minimum qualification for hearing officers shall be satisfactory completion of required training.

(2) A person who is the reporting officer, investigator, or a witness in a case shall not be the hearing officer in that case.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective, T-83-23, Aug. 11, 1982; effective, T-84-6, May 1, 1983; effective May 1, 1984; amended Feb. 15, 2002.)

44-13-106. Administration of oaths; designation of persons authorized. (a) The warden, a deputy warden, the disciplinary administrator appointed pursuant to K.A.R. 44-13-105, and those persons serving as hearing

(continued)

officers in the prison disciplinary hearings shall be authorized to administer oaths to witnesses in those proceedings.

(b) Oaths shall be administered in a form and a manner that are in accordance with K.S.A. 54-101 *et seq.*, and amendments thereto.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective, T-85-37, Dec. 19, 1984; effective May 1, 1985; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-201. Disciplinary report and written notice.

(a) A disciplinary proceeding shall be commenced upon the making of a charge by a disciplinary report.

(1) The inmate shall be notified in writing by personal service of a copy of the report upon the inmate within 48 hours after the issuance of the disciplinary report, excluding Saturdays, Sundays, and holidays.

(2) The report shall not be served upon the inmate by the same officer who brought the charge against the inmate unless no other officer is available to personally serve the inmate.

(3) The officer serving the report shall inform the inmate that the inmate may enter a plea of guilty or no contest to the charge at the time of service of the report.

(A) If the officer serving the report has been appointed as a hearing officer by the warden according to K.A.R. 44-13-105, that officer may immediately, or as soon as possible, accept the inmate's plea of guilty or no contest, conduct a sentencing hearing, and impose sentence by following the procedures established in K.A.R. 44-13-403.

(B) If the officer serving the report has not been appointed as a hearing officer by the warden according to K.A.R. 44-13-105, or wishes to refer the case to another hearing officer, then the inmate desiring to plead guilty or no contest to the charge at the time of service of the report shall be brought immediately, or as soon as possible, before a hearing officer, who shall accept the inmate's plea of guilty or no contest, conduct a sentencing hearing, and impose sentence by following the procedures established in K.A.R. 44-13-403.

(4) If necessary, the hearing officer may accept the inmate's plea of guilty or no contest immediately, or as soon as possible, after service of the report, but may delay the sentencing hearing and imposition of sentence for not more than six working days.

(b) If the inmate is transferred to another facility before the arrival of the disciplinary report at the receiving facility, service of the report upon the inmate shall be made within 48 hours after arrival of the report, excluding Saturdays, Sundays, and holidays, in the same manner as that specified in subsection (a).

(c) The disciplinary report shall be written within 48 hours of the offense, the discovery of the offense, or the determination following an investigation that the inmate is the suspect in the case and is to be named as defendant.

(1) If an alleged violation is based upon uncertain facts, an appropriate investigation shall be initiated within 24 hours of the time the allegation is made and shall be completed without unreasonable delay. The investigation shall determine if a disciplinary action should be initiated

or continued by determining whether the allegation is soundly based on reasonably reliable facts. The investigator shall be a staff member, and, if practical, shall be a staff member other than the person making the allegation. If an inmate is making the allegation, the officer who is receiving the allegation and is in a position to write the report may also be the investigator.

(2) The investigation report may be adopted by the charging officer both as the charge itself, and as the officer's sworn statement in lieu of testimony in any case, in accordance with the regulations. If necessary, pending completion of the investigation, the inmate may be held in administrative segregation for a certain period according to K.A.R. 44-14-302(b).

(3) The report shall be reviewed and either approved or disapproved by the shift supervisor based on whether or not the report is sound and adequate, and is made in proper manner and form.

(4) The shift supervisor shall assure that all necessary elements of the alleged violation are contained in the written report of the facts of the incident and that the report does not represent an abuse of the disciplinary process. The shift supervisor shall also make or direct appropriate amendments to the report.

(5) If the charge is dismissed or the report is otherwise rejected by the shift supervisor, a written explanation shall be made in the record and filed with the report, with a copy given to the officer. The report shall not be destroyed.

(d) The disciplinary report shall constitute a formal statement of the charge, shall be in a form prescribed by the secretary, and shall include the following:

- (1) The name and number of the inmate;
- (2) the institution;
- (3) the signature and title of the writing officer;
- (4) the date and time of the alleged offense;
- (5) the date and time the report is written;
- (6) the nature of the alleged offense;
- (7) the class, title, and number of the rule or regulation violated;

(8) the specific rule or regulation that is the basis of an attempt, conspiracy, or accessory under K.A.R. 44-12-1101;

(9) the names of known staff witnesses;

(10) a brief description of the circumstances and facts of the violation if, in cases in which the violation is based upon information supplied by a confidential witness or informant, the identity of the witness or informant is not disclosed, nor is any reference or factual detail likely to reveal the identity of the witness or informant;

(11) any unusual inmate behavior;

(12) the disposition of any physical evidence; and

(13) any immediate action taken, including the use of force.

(e) An inmate shall not be charged unless the rule or law has been made in writing and published.

(f) The officer may orally warn or reprimand the inmate instead of writing a report or otherwise documenting the incident.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 72-5251; effective May 1, 1980; amended, T-83-23,

Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended April 20, 1992; amended July 11, 1994; amended Feb. 15, 2002.)

44-13-201b. Summary judgment procedure. (a) In any case involving one or more alleged Class III offenses, or other offense designated as eligible for summary judgment procedures, the reporting officer may offer the inmate the option of resolving the matter through the summary judgment procedure as an alternative to writing a disciplinary report that leads to initiation of the formal disciplinary hearing process.

(b) Officers shall carry with them or have immediate access to summary judgment citation forms.

(c) If an officer observes an inmate in the act of committing one or more Class III offenses, or other offense designated as eligible for summary judgment procedures that the officer believes require more than an undocumented, on-the-spot verbal reprimand, the officer may file a formal disciplinary report against the inmate or offer the inmate summary judgment by issuing a summary judgment citation. If summary judgment is offered to the inmate by the officer, the offer shall not be withdrawn without the commission of additional alleged disciplinary offenses by the inmate.

(1) The summary judgment citation shall be written and served on the inmate by the reporting officer within 24 hours of the alleged incident, and shall include the following:

- (A) The date and time of each alleged offense;
- (B) the date and time the citation is written;
- (C) the name and rule number of each alleged offense;
- (D) a statement of the facts of the alleged incident, including names of witnesses;
- (E) the date and time that the citation is served on the inmate;
- (F) the summary judgment sanction; and
- (G) the signature of the inmate indicating acceptance or refusal of the summary judgment.

(2) The officer may impose only one of the following summary judgment sanctions regardless of the number of offenses cited:

- (A) Restriction from privileges for up to 10 days;
- (B) a fine not to exceed \$10.00;
- (C) extra work for up to two hours per day, not to exceed five days; or
- (D) restitution of up to \$10.00.

(3) The inmate may choose whether to accept the summary judgment or to reject it in favor of the formal disciplinary hearing process. This decision shall be made within one hour of the inmate's receipt of the citation, or it shall be assumed that the inmate refused the summary judgment. The officer may choose to impose a different summary judgment sanction after discussion of the incident with the inmate, and this fact shall be documented on the summary judgment citation if the inmate then accepts the summary judgment.

(A) If the inmate accepts the summary judgment offered, this acceptance shall constitute a waiver of the inmate's right to the benefits of the formal disciplinary hearing process. The waiver of rights established according to K.A.R. 44-13-101a shall be executed by the inmate.

Upon the inmate's acceptance of the summary judgment, the sanction shall be immediately imposed, and the shift supervisor shall be notified.

(B) If the inmate refuses the summary judgment offered, the inmate shall receive the applicable hearing process. The summary judgment citation shall be marked and signed by the officer and the inmate to indicate the inmate's refusal. If notarized, the citation may then be used in lieu of the more formal disciplinary report to initiate the formal disciplinary hearing process. In that event, all normal applicable time limits shall run from the time the inmate signs the citation indicating refusal of the summary judgment. This shall constitute service of the disciplinary report on the inmate as required by K.A.R. 44-13-201. The requirement contained in K.A.R. 44-13-201 that an attempt be made to ensure that the officer personally serving the report on the inmate not be the same officer who wrote the report shall not apply when summary judgment has been offered.

(C) If an inmate refuses the summary judgment offered, the inmate shall not be charged with a more serious offense or combination of offenses than was alleged in the summary judgment citation.

(D) No evidence, with the exception of perishable items, shall be confiscated or seized in connection with the issuance of a summary judgment citation.

(4) All summary judgment citations accepted by the inmate shall be documented in the inmate's file.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective April 20, 1992; amended July 11, 1994; amended Feb. 15, 2002.)

44-13-202. Amendment of the charge. (a) If, in the judgment of the disciplinary administrator, hearing officer, or warden during administrative review, the charge is incorrect or a language change would change the substance of the charge or adversely affect the defense, the charge shall be amended and notice given to the inmate. After this notice is given, the inmate shall have the same period of time between notice and hearing to prepare a defense as would have been permitted when the charge was originally made.

(b) The same charge shall not be brought twice on the same facts under any circumstance if a factual finding of guilt or innocence has been made.

(c) After the hearing officer has begun to hear evidence in the case, the hearing officer may permit amendment at any time before a factual finding of guilt or innocence has been made if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended April 20, 1992; amended July 11, 1994; amended Feb. 15, 2002.)

44-13-302a. This revocation shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective April 20, 1992; revoked Feb. 15, 2002.)

44-13-304. This revocation shall be effective on and after February 15, 2002. (Authorized by and implement-

(continued)

ing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended April 20, 1992; revoked Feb. 15, 2002.)

44-13-306. Inmate responsibilities. It shall be the responsibility of each inmate being served to read the disciplinary report and any associated documentation, or to notify the serving staff that the inmate is illiterate or otherwise unable to read and understand the documents presented and request that the notice and associated documents be read to the inmate. Within 48 hours of service of the report, the inmate shall complete and submit the authorized form for witnesses to the disciplinary administrator. If one or more witnesses are requested, the inmate shall indicate on the form the testimony expected from each witness. The inmate may use the form to waive the inmate's right to call witnesses. An illiterate inmate shall receive assistance from the inmate's unit team correctional counselor for the purpose of completing the witness form, including any waiver of the right to call witnesses.

This regulation shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210 and 75-5251; effective Feb. 15, 2002.)

44-13-307. Administrative review of requests for witnesses; denial of requests; issuance of summons; voluntary nature of witness appearance. (a) The disciplinary administrator or hearing officer assigned to hear the charges shall review any written requests for witnesses submitted by the accused inmate according to K.A.R. 44-13-306.

(b) The disciplinary hearing officer or administrator performing a review of a written request for witnesses may deny the request if, in the judgment of the reviewer, the testimonies proffered on the request form meet any of the following criteria:

- (1) Are clearly irrelevant or immaterial;
- (2) are repetitious of other proffered testimony; or
- (3) are properly excluded for reasons specified in K.A.R. 44-13-405a. The truth of the proffered testimony shall be presumed in making this decision.

(c) Each denial of a request for witnesses shall be documented, including the reason or reasons for the denial, either on the request form or in the disciplinary case record.

(d) If practicable in the judgment of the reviewer, the inmate shall be informed, in writing and in advance of the hearing, of any denials of requested witnesses and of the reason or reasons for the denials. If informing the inmate is determined not to be practicable, the inmate shall be informed of any denials and reasons for any denials by the hearing officer at the beginning of the hearing.

(e) If no reason appears from a review of the written proffer of testimony for denial of the request for witnesses, then the disciplinary administrator shall issue a written summons for the appearance of the witness. The appearance of a witness requested by either the reporting officer or the accused inmate shall be voluntary, and neither the request nor the issuance of summons according to this regulation shall compel an appearance. However, issuance of summons by a hearing officer to an inmate or

staff member pursuant to K.A.R. 44-13-403 shall compel an appearance.

This regulation shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210 and 75-5251; effective Feb. 15, 2002.)

44-13-401. Hearing within certain time; notice to inmate; time and place of hearing. (a) Except as otherwise provided in these regulations, the administrative hearing by a hearing officer of the facility to determine the inmate's guilt or innocence and impose a penalty in the event of a finding of guilt shall be held not less than 24 hours or more than seven working days after the service of notice of charge on the inmate, subject to authorized continuances.

(b) Each inmate charged with an offense shall be given advance written notice of the time and place of the disciplinary hearing. This notice shall be given not less than 24 hours before the hearing. Notice shall be given by the disciplinary administrator or other responsible person designated by the warden.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, K.S.A. 75-5251; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-401a. This revocation shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1984; amended April 20, 1992; revoked Feb. 15, 2002.)

44-13-402. Continuing the hearing; recesses; time limits; extensions. (a) The disciplinary administrator or hearing officer may grant one or more continuances or recesses of appropriate and reasonable length upon application of the inmate, reporting officer, or department of corrections for cause shown.

(b) The hearing officer may also continue the case for a reasonable period, as necessary, subject to the review of the status of the case every 30 days, if any of the following conditions is met:

- (1) The inmate or the employee is unable to appear for medical or psychiatric reasons as certified by the facility or other licensed physician or psychiatrist.
- (2) There is a delay to await determination of whether the case will go to trial in a court of law or to await the outcome of a trial.
- (3) There is an unavoidable delay to await the return of evidence from an analysis laboratory.

(4) The inmate is transferred to or from a facility for diagnostic evaluation, out to court, or to a mental hospital before hearing.

(5) The inmate is on "escape" status. At the hearing officer's discretion, the case may be dismissed or heard in absentia on the record, unless the inmate has been apprehended and is available at a known location for return to department of corrections custody for the hearing within six months.

(c) To obtain a continuance in advance of the hearing, the requesting party shall make the request to the hearing officer or to the disciplinary administrator. If there is a

hearing officer appointed for the case, the request shall be forwarded to that officer.

(1) Reasonable extensions may be obtained with the prior approval of the secretary of corrections or the secretary's designee, in the case of a substantial disruption of order in the facility.

(2) If an inmate has been transferred to another facility, it shall be the responsibility of the warden of the sending facility to grant an extension of the disciplinary case, which shall not exceed 10 working days.

(3) The facts justifying an extension shall be examined, fully documented, and approved personally by the warden.

(4) At the discretion of the hearing officer, one or more recesses of appropriate and reasonable length may be declared.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1988; amended April 20, 1992; amended July 11, 1994; amended Feb. 15, 2002.)

44-13-403. Conducting the disciplinary hearing.

(a) The disciplinary hearing shall consist of the following requirements:

(1) The hearing officer shall initially inform the inmate of the charges and take the inmate's plea.

(2) Secondly, the hearing officer shall determine guilt or innocence.

(3) Finally, the hearing officer shall make a disposition, including the determination and imposition of sentence if guilt was previously established.

(b) Initially, the hearing officer shall read the disciplinary report to the inmate, including the date, nature of the offense, the reporting officer's name, and a synopsis of the observation. The officer shall ensure that the inmate understands the charges and that a copy of the disciplinary report was received by the inmate. The officer shall also explain the possible penalties. If the hearing officer finds that the inmate is incapable of self-representation, the hearing officer shall continue the hearing as provided in K.A.R. 44-13-402(b)(1), until the inmate regains the ability for self-representation. For purposes of this subsection "incapable of self-representation" shall mean that the inmate, due to physical or mental disability, whether temporary or permanent, lacks the present ability to assist in the inmate's representation in the case. This term shall not include mere illiteracy.

(c) A staff assistant shall be permitted to be with the inmate at all stages of the disciplinary hearing only as provided in K.A.R. 44-13-408. The hearing officer shall ensure that the inmate has staff assistance when required by K.A.R. 44-13-408.

(d) If the inmate is disruptive or refuses to be present, the hearing may proceed in absentia, and the record shall indicate the reason or reasons for the inmate's absence. The inmate's staff assistant, if so assigned, shall be present.

(e) The hearing officer shall entertain and determine any motion for dismissal or objections to holding the hearing, as well as any motions for additional witnesses

beyond those identified already in the witness list previously submitted. Additionally, the hearing officer shall advise the inmate of the inmate's rights to proceed to a determination of guilt or innocence, and if necessary, the application of penalties, and to receive staff assistance in certain cases, according to K.A.R. 44-13-408, and of other procedural due process rights.

(f) The hearing officer shall then ask the inmate to plead guilty, not guilty, or no contest. The plea shall be entered if the presiding officer is assured that the plea is made knowingly and without threat or promise of reward to the inmate. If the inmate refuses to plead, the hearing officer shall enter a plea of not guilty. A plea of no contest shall be treated in the same manner as that for a plea of guilty. If the inmate pleads guilty or no contest, the inmate shall waive the right to a determination of guilt or innocence, but shall reserve the right to participate in the penalty phase of the hearing to the extent of offering a brief argument in mitigation of the penalty to be imposed. If the inmate pleads guilty or no contest, the inmate shall not be allowed to introduce evidence regarding the inmate's guilt or innocence of the charge or charges.

(g) The hearing officer shall, upon a plea of guilty or no contest, make a finding of guilt and conduct a sentencing hearing, and may impose a sentence.

(h) If the hearing officer finds that the case shall be dismissed, the officer may dismiss the charge on the officer's own motion or on motion of either party. The hearing officer shall give a brief explanation on the record.

(i) Only the relevant facts shall be employed in any determination of guilt or innocence. In the penalty phase, the inmate's entire facility record and other relevant facts, observations, and opinions may be considered.

(j) The hearing officer shall rule on all matters of evidence. Strict rules of evidence, as used in a court of law, shall not be required, but the hearing officer shall exercise diligence to admit reliable and relevant evidence and to refuse to admit irrelevant or unreliable evidence.

(k) The hearing officer shall rule on all matters of assistance for the accused inmate in accordance with these regulations. If the accused inmate is furnished with staff assistance according to K.A.R. 44-13-408, the staff assistant shall be permitted to fully assist the accused and shall be permitted to question witnesses and present arguments on behalf of the accused inmate, except as otherwise provided by these regulations.

(l)(1) The disciplinary process shall, to the extent possible, discover the truth regarding charges against the inmate. For this purpose, the hearing officer shall be authorized to call and to interrogate any witness, and each inmate, staff member, volunteer, or contract personnel called as a witness by the hearing officer shall be compelled to appear. The hearing officer may bring out the facts by direct or cross-examination but shall not act as prosecutor on behalf of the facility or charging officer against the accused inmate, or on behalf of the inmate. All testimony and evidence shall be given or presented in the presence of the accused inmate; testimony and evidence shall not be received by the hearing officer or introduced outside the presence of the inmate, except as

(continued)

provided in subsection (m) below, K.A.R. 44-13-403(d), K.A.R. 44-13-402(b)(5), and as otherwise provided in these regulations.

(2) The hearing shall proceed as follows:

(A) The prosecution shall present its evidence, and the defense shall be permitted to cross-examine, except as otherwise provided by these regulations.

(B) The defense shall present its evidence, and the prosecution shall be permitted to cross-examine.

(C) The prosecution may make a closing argument. The defense may make a closing argument, and then the prosecution may make a short rebuttal.

(m)(1) If the hearing officer determines that the testimony of any inmate will subject that inmate to possible retaliation for having testified, the hearing officer may perform either of the following:

(A) Receive the testimony in confidence without confrontation or cross-examination by the accused inmate, and the witness may be sequestered; or

(B) receive testimony from an investigator who interviewed an inmate informant and relied on the confidential information provided.

(2) The testimony of the inmate witness given under oath shall be examined and tested by the hearing officer. The hearing officer shall closely question the testifying inmate to determine the veracity and weight of the testimony offered. The hearing officer shall complete a credibility assessment form, which shall be available for confidential review by the warden and secretary of corrections.

(3) If the informant inmate does not testify, the hearing officer may establish the reliability of the information provided to the testifying investigators by any of the following:

(A) The testimony of the investigator regarding the reliability of the informant in the past, which shall include specific examples of past instances of reliability;

(B) the testimony of the investigator regarding the truthfulness of details that the investigator has been able to verify through investigation;

(C) corroborating testimony;

(D) a statement on the record by the hearing officer that the hearing officer has firsthand knowledge of the informant and considers the informant to be reliable due to the informant's past record of reliability, which shall include specific examples of past instances of reliability; or

(E) in camera review of material documenting the investigator's assessment of the credibility of the informant.

(4) The accused shall be apprised of the general nature of the confidential testimony, omitting those details that would tend to identify the inmate who gave the confidential testimony or provided confidential information to the testifying investigator. The identity of any confidential witness or of any inmate informant shall not be disclosed to the accused, to any other inmate, or to any staff not required to complete the process. The staff assistant, if any, shall be permitted to be present when the board receives testimony from the confidential witness, or investigator, and the staff assistant may ask questions. The inmate's staff assistant shall not disclose the identity of the confidential witness or inmate informant to the ac-

cused, to any other inmate, or to any staff not required to complete the hearing process. The testimony shall be recorded for confidential review by the warden and, on appeal, by the secretary of corrections.

(n) The hearing officer may require the accused to explain briefly what the purpose and nature of the testimony of a witness will be. The request to call the witness may be denied or the testimony reasonably and fairly restricted if the testimony meets any of the following criteria:

(1) Relates to something already disposed of;

(2) is clearly irrelevant or immaterial;

(3) is repetitious of other testimony; or

(4) is properly excluded for reasons specified in K.A.R. 44-13-405a.

The truth of the testimony shall be presumed in making this decision.

(o) A witness request made at the hearing and not previously submitted shall not be permitted unless exceptional circumstances outside the control of the inmate exist and the testimony would most likely affect the outcome of the hearing. The hearing officer shall inform the inmate of any witness deemed waived by the failure to make a timely request.

(p) The hearing officer, in deciding whether or not the inmate is guilty, shall consider only the relevant testimony and report. The accused inmate's correctional and supervision record shall not be considered in determining guilt or innocence. The decision in the hearing shall be based solely on evidence presented as part of the hearing.

(q) Confrontation and cross-examination may be denied by the hearing officer if deemed necessary in any case except class I cases. In class I cases, confrontation and cross-examination may be limited or denied if necessary to protect the safety of an accuser, informant, or witness or if necessary to maintain facility safety, security, and control. Unless there is a security risk endangering some person, the explanation shall be in the record. If there is such a security risk, a written explanation of the reason shall be sent to the warden with a copy to the secretary for confidential review.

(r) After the conclusion of the presentation of evidence regarding guilt or innocence or disposition, if the hearing officer needs the charging officer, the accused inmate, or both present to provide further information to clarify facts, both parties shall be present to hear what the other is saying unless exempt under subsection (m) or (p) above.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended April 20, 1992; amended July 11, 1994; amended Feb. 15, 2002.)

44-13-404. Presence of inmate and presence of charging officer at disciplinary hearings; officer statements in lieu of testimony. (a) The inmate shall be present at all stages of the disciplinary hearing and disposition except as otherwise provided by these regulations or by law.

(b) (1) In class I cases, the charging officer shall be present for direct examination, and for confrontation and cross-examination, unless excused by the hearing officer or unless the inmate has been transferred to another facility. The hearing officer may excuse the charging officer only if it is determined that institutional safety or correctional goals would be jeopardized. Institutional safety or correctional goals shall not include considerations of mere convenience. If the officer is not present, the officer's report and statement shall be made to the hearing officer in writing under oath. Copies of the report shall be provided to the inmate, and it shall be read aloud at the hearing unless confidentiality is required to protect an inmate accuser, informant, or witness.

(2) If an inmate has been transferred to another facility after a disciplinary report was written in a class I case, the testimony of the charging officer and other witnesses regarding that report may be taken by telephone at the discretion of the hearing officer. Except as provided in K.A.R. 44-13-403(m) and (q), any testimony taken by telephone shall be taken in a manner that can be heard by all those present at the hearing, and shall be subject to the same procedures as though the witness were personally present at the hearing.

(c) (1) In class II and III cases, the officer's attendance shall not be required unless deemed necessary by the hearing officer. The officer's report and statement shall be submitted to the hearing officer in writing under oath. It shall be read aloud at the hearing, and a copy shall be given to the inmate unless confidentiality is required to protect an inmate accuser, informant, or witness according to K.A.R. 44-13-403(m). If such confidentiality is required, but it is possible to protect the inmate accuser, informant, or witness by editing out certain portions of the report and statement, then those portions shall be edited and the inmate provided with a copy. The hearing officer may contact the officer, by telephone or radio, to ask questions or clarify the facts while the hearing is being conducted or while the matter is being considered for decision.

(2) In all class II and III cases, if the charging officer requests, the hearing officer shall allow the charging officer to be present. In such a case, the officer shall be present throughout and shall be subject to direct examination, confrontation, and cross-examination unless restricted by the hearing officer according to these regulations.

(d) (1) The officer's statement under oath shall consist of the officer's rendition of all the facts of the case resulting from the charging officer's complete fact investigation. To the best of the officer's ability, it shall show all relevant and material facts that might be used to support both the facility's case against the inmate and the inmate's defense. If the officer is uncertain of a fact, the officer shall state that with respect to the fact. The charging officer may either adopt or defer under oath to any official neutral fact investigation report that might be conducted by another person or may submit the charging officer's own statement in addition to the investigation report.

(2) Confidential inmate testimony may be deleted from the statement in lieu of testimony and reported separately. The hearing officer shall receive any confidential inmate testimony in accordance with K.A.R. 44-13-403.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-

5210, 75-5251; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-1, Jan. 5, 1983; amended May 1, 1984; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-405a. Calling witnesses. (a) In determining whether to allow the inmate to call a witness from the prison population or from among prison employees, the hearing officer shall balance the inmate's interest in avoiding loss of good time and assessment of a fine or placement in disciplinary segregation against the needs of the prison. These needs of the prison shall include the following:

(1) The need to keep the hearing within reasonable time limits;

(2) the need to prevent the creation of a risk of retaliation and reprisal;

(3) the need to prevent the undermining of authority;

(4) the need to limit, to a reasonable level, access to other inmates for the purpose of collecting statements or compiling documentary evidence;

(5) the need to prevent disruption;

(6) the need to administer swift punishment;

(7) the need to avoid irrelevant, immaterial, or unnecessary testimony and evidence;

(8) the need to reduce or prevent security hazards that could be presented in individual cases;

(9) the need to use the disciplinary process as a rehabilitative tool to modify inmate behavior;

(10) the need to prevent the creation of undue risk to personal or facility safety;

(11) the need to reduce the chances of seriously inflaming tension, frustration, resentment, and antagonism in the relationship between inmates and institution personnel;

(12) the need to correct the behavior of inmates and develop in them a value system in order to foster their eventual return to the community; and

(13) the need for the prompt, efficient, and effective resolution of the disciplinary case with accurate and complete fact-finding consistent with the level of process required by law for prison disciplinary cases.

(b) The hearing officer shall have broad discretion in permitting or denying the witness request. In exercising the discretion, the hearing officer shall balance the inmate's request and wishes against the needs of the facility. The goal of the hearing officer shall be to conduct the fact-finding process in a manner leading to the discovery of the truth.

(c) The hearing officer shall neither abuse the discretion entrusted to that officer nor interfere with the level of process that is reasonably necessary to find the truth.

(d) With the charged inmate's consent, the hearing officer may admit the affidavit of a non-party witness in lieu of an appearance by the witness. If a witness is denied or cannot attend in a timely manner, the hearing officer may also admit the affidavit of this witness.

(e) If a request to call a witness is denied, a written explanation shall be made on the record unless it would endanger any person. In this case, a written explanation shall be made to the warden with a copy, on appeal, to the secretary of corrections for confidential review.

(continued)

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1984; amended May 1, 1987; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-406. Disposition. (a) The disposition shall be rendered by the hearing officer in an official session with the inmate present unless otherwise provided by law or regulation. The disposition shall be made without unreasonable delay following the hearing, preferably at the conclusion of the hearing.

(b) The disciplinary hearing officer may perform either of the following:

(1) Impose a sentence of a specific number of days, within the limits set in the disciplinary code; or

(2) in the case of multiple offences, order the sentences for two or more rule violations to be served on a concurrent or consecutive basis. If the hearing officer makes no specific order in this regard, the sentences shall be computed on a concurrent basis.

(c) The hearing officer may suspend all or part of the sentence imposed.

(d) The hearing officer may make a recommendation regarding disposition of personal property that has been found to be the subject of a violation of one or more disciplinary rules in accordance with K.A.R. 44-5-111 to the warden on a separate form or in a separate space on the disposition form as designated for these purposes.

(e) Upon request, the reporting staff person may be notified of the disposition.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended, T-86-4, March 22, 1985; amended May 1, 1986; amended May 1, 1987; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-408. Assistance from staff. If the hearing officer finds that the charged inmate is incapable of representing that individual at any stage of the disciplinary hearing, the hearing officer shall appoint a staff member from an approved list to act as staff assistant to aid the inmate at the disciplinary hearing and to question relevant witnesses. A list of staff members to aid the inmate as staff assistants shall be made available to the hearing officer by the warden.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended April 20, 1992; amended Jan. 3, 1995; amended Feb. 15, 2002.)

44-13-409. Standard of proof. No finding of guilty shall be made in a disciplinary proceeding unless the institution or facility has produced evidence and testimony sufficient to show guilt of the inmate by a preponderance of the evidence. "Preponderance of the evidence" shall be that standard of proof by which a factual proposition is shown to be more likely true than not.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended Feb. 15, 2002.)

44-13-501. Preservation of all reports. No disciplinary reports or summary judgment citations shall be destroyed for any reason. If written in error or incorrectly written, the report or citation with the case number shall be marked "void" and placed in the disciplinary chronological file at the facility. If the charge was dismissed or a finding of not guilty was made by the disciplinary hearing officer, then the report shall be marked accordingly and placed in the disciplinary chronological file at the facility.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1984; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-502a. Hearing record. A complete written record shall be made of the disciplinary hearing by the hearing officer who conducted the hearing. The written record shall include the following information:

(a) A summary of the disciplinary hearing showing compliance with the provisions of K.A.R. 44-13-403, K.A.R. 44-13-404, and K.A.R. 44-13-405a;

(b) a summary of compliance with the provisions of K.A.R. 44-13-101a and K.A.R. 44-13-403 if the inmate pleads guilty or no contest, including attachment of the required waiver form and acceptance of the plea by the hearing officer;

(c) a complete summary of all the evidence and arguments relied on to find the inmate guilty of the charge at the conclusion of the hearing, including the following:

(1) A summary of the testimony or sworn statement of the reporting officer, subject to applicable provisions of K.A.R. 44-13-403;

(2) a summary of the testimony or sworn statements of all other witnesses;

(3) any investigative reports;

(4) a list of all physical evidence;

(5) a list of any witnesses whose testimony was requested and denied and the reasons for that denial;

(6) the reasons for the denial of confrontation and cross-examination of any witness by the inmate; and

(7) the reasons for the denial of any request for assistance by the inmate at any stage of the hearing; and

(d) the disposition of the case provided for in K.A.R. 44-13-406, including a summary of the evidence and arguments heard and the reasons for the penalties imposed during the penalty phase of the hearing.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective April 20, 1992; amended Feb. 15, 2002.)

44-13-506. Preparation of the record in 10 working days. The record of the disciplinary hearing shall be caused by the warden or designee to be prepared within 10 working days after the rendering of the disposition by the hearing officer, unless extenuating circumstances arise. If such circumstances arise, the record shall be prepared as soon as possible, and the reason for the delay shall be attached in writing and delivered to the inmate upon completion of administrative review by the warden.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-

5210, 75-5251; effective May 1, 1980; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-507. Docket. (a) A docket of disciplinary cases shall be maintained, showing the following:

- (1) The case number;
- (2) the inmate's name;
- (3) the inmate's number;
- (4) the cell house;
- (5) the offense and its classification; and
- (6) the name and title of the reporting officer.

Space shall be left on each line on the docket to enter the plea of the inmate, the findings of the hearing officer, and the sentence imposed.

(b) A copy of this docket shall be maintained in the facility.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-508. Disciplinary reports in file. The case disposition report and disciplinary report shall be placed in the inmate's file if there is a finding of guilty. No reference to the case shall be made in the inmate's file if the inmate is not found to be guilty or if the case is dismissed.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended May 1, 1984; amended Feb. 15, 2002.)

44-13-509. Disciplinary case log. The disciplinary administrator shall keep a continuous log of all disciplinary reports. The reports shall be numbered and recorded. If any disciplinary report is voided, dismissed, or otherwise terminated, the log and the report shall reflect that fact. No numbers or entries shall be altered, nor any report destroyed.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1984; amended Feb. 15, 2002.)

44-13-601. Serving sentence. Each inmate shall begin serving the sentence immediately upon imposition of sentence by the hearing officer, unless the warden or designee determines that space in the disciplinary segregation area is not immediately available or that immediate placement of the inmate in segregation is not otherwise feasible. If either determination is made, the sentence shall be served when the space is available or when placement of the inmate in segregation becomes feasible.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-603. Absence from facility. (a) If the inmate is sentenced to disciplinary segregation, restriction to cell, or restriction from privileges or extra work, and if the inmate is then transferred out to court or to a mental hospital before commencing or completing the sentence, that time spent outside the facility shall not be credited against the service of the sentence. Upon return to the facility, the

inmate shall serve the remainder of the sentence, unless the warden determines that the best interests of the inmate or facility warrant that the sentence be suspended.

(b) If the inmate is paroled or conditionally released, or released on postrelease supervision before completion of serving the sentence, the inmate may be required to complete serving the sentence upon the inmate's subsequent return to a facility.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1986; amended April 20, 1992; amended July 11, 1994; amended Feb. 15, 2002.)

44-13-610. Collection of fines. (a) Upon disposition of the case, a fine may be collected immediately, without further hearing process, from the inmate's trust account. The fine shall be collected only on written order of the disciplinary administrator.

(b) The fine shall be taken from any money that the inmate has credited to the trust account administered by the department of corrections or the contract facility. The fine shall not be deducted or taken from the gratuity, travel, or clothing allowance provided to the inmate upon release.

(c) No inmate, while released from incarceration, shall be required to continue payment on any fine imposed under these regulations. Upon any subsequent admission, the fine may be collected.

(d) If the inmate is transferred to another department of corrections or contract facility before collection, collection may be made by the receiving facility on order of the warden of the sending facility, as approved and confirmed by the warden of the receiving institution. The proceeds of the fine shall be deposited to the inmate benefit fund at the facility where the collection is made.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1984; amended May 1, 1985; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-701. Administrative review. (a) In class I and II offense cases, within seven working days after preparation of the record, there shall be a review of the case, without the presentation of further arguments from either side, regarding compliance with the disciplinary procedure. One of the following shall be performed by the warden:

- (1) Approve the decision;
- (2) disapprove the decision;
- (3) amend the charge in accordance with the provisions of K.A.R. 44-13-202 and remand to the hearing officer;
- (4) disapprove the decision and dismiss the case;
- (5) reduce the penalty;
- (6) provide for disposition of personal property that has been found to be the subject of a violation of one or more disciplinary regulations in accordance with K.A.R. 44-5-111;
- (7) remand the case to the hearing officer and order a new hearing; or
- (8) remand the case to the hearing officer for clarification of the record, and return the case to the warden for further consideration.

(continued)

(b) The inmate shall be notified by the warden of the results of the review by way of service of a copy of the disciplinary case record, without unnecessary delay, but in no case later than seven working days after review of the record. The date of review shall not be counted.

(c) In class III cases, if possible, the reviewer shall not be the warden. An impartial employee of suitable rank and experience shall be designated by the warden to perform the review. A person who was the hearing officer shall not act as reviewing authority, nor shall the reviewer be any person involved in the offense as witness or reporting officer.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-702. Appeal on the record to the warden of the facility in class III offense cases. (a) In class III offense cases, the inmate shall have a right of appeal to the warden of the facility, and shall not have a right of appeal to the secretary of corrections.

(b) The procedure for appeal to the warden of the facility shall be the same as that for appeal to the secretary of corrections in class I and II offense cases.

(c) The same time to answer the appeal shall be provided to the warden as that provided for the secretary of corrections in class I and II offense cases.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-703. Appeal on the record to secretary of corrections in class I and II offense cases only. (a) In class I and II cases, the inmate shall have the right to appeal on the record to the secretary of corrections from a final decision made by the disciplinary hearing officer, after review of the decision by the warden. The inmate shall be notified of the right of appeal before or immediately following the warden's review.

(b) The inmate may, on forms provided by the unit team, prepare the inmate's own appeal. The unit team shall ensure that all data necessary to identify and properly log the appeal is provided and forwarded to the disciplinary administrator.

(c) The inmate shall submit the appeal within 15 days of the date of receiving the inmate's copy of the final action.

(d) If the inmate pleads guilty or no contest at the hearing, an appeal of the penalty imposed may be brought, but no appeal of the finding of guilt shall be permitted unless the inmate alleges and shows any of the following:

(1) The inmate was under duress at the time of the plea.

(2) Fraud or substantial error was involved in the inmate's plea of guilty or no contest.

(3) The inmate was not advised of the nature of the hearing and the rights that the inmate would waive by that plea.

(e) (1) In an appeal, each side may submit a written argument and shall serve a copy of the argument on the opposing side.

(2) The inmate shall serve a copy of the argument on the unit team, with the appeal papers, and the argument shall be made part of the appeal record. Within two working days, the unit team shall forward a copy to the institution's disciplinary administrator so that a responsive argument may be made.

(3) (A) The inmate's appeal papers and arguments shall be promptly forwarded to the facility's legal counsel for review and, as deemed necessary by legal counsel, preparation of a responsive argument on behalf of the facility. Each responsive argument so prepared shall be made a part of the record and shall be forwarded by the disciplinary administrator to the secretary of corrections within 15 working days after the inmate's notice of appeal. A copy of the responsive argument shall be served upon the inmate within five working days after receipt by the disciplinary administrator.

(B) In any case in which no responsive argument is submitted by the facility, this argument may be requested by the secretary of corrections to be prepared, submitted, and served on the inmate within five calendar days of the request. This request shall not delay the time limits established in K.A.R. 44-13-704 for the secretary of corrections' review on appeal.

(4) Each argument shall identify, on its face, the disciplinary case and number to which it is to be attached.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1985; amended May 1, 1987; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-704. Secretary of corrections' final review on appeal. (a) Within 15 working days after an appeal is received, all cases appealed to the secretary shall be reviewed by the secretary or designee. The following actions may be taken by the secretary or designee:

(1) Approving the decision as rendered;

(2) revoking it entirely;

(3) reducing the penalty;

(4) ordering a new hearing; or

(5) remanding for clarification of the record, with return to the secretary for further consideration.

The date of receipt shall not be counted. The secretary's decision shall be final. A copy of the written appeal decision shall be given to the inmate within 15 working days following the secretary's decision. If the appeal is denied, the reason for that decision shall be included in the written appeal decision.

(b) The secretary's review shall determine the following:

(1) Whether there was substantial compliance with departmental and facility standards and procedures;

(2) whether the hearing officer's decision was based on some evidence; and

(3) whether, under the circumstances, the penalty imposed was appropriate and proportionate to the offense.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-

5210; effective May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1988; amended April 20, 1992; amended Jan. 3, 1995; amended Feb. 15, 2002.)

44-13-705. This revocation shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 1990 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992; revoked Feb. 15, 2002.)

44-13-706. Administrative review board to review and make recommendations. The administrative segregation review board established under the applicable internal management policy and procedure of the secretary may review the inmates held in disciplinary segregation. This board may, at any time, recommend to the warden or designee that the disciplinary segregation sentence of an inmate be modified to suspend the remaining segregation time based on a finding of the administrative disciplinary segregation review board that the inmate has maintained exceptionally good behavior while in segregation. The remaining segregation time of the inmate's sentence may be suspended by the warden or designee, acting on the recommendation of the administrative segregation review board.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended April 20, 1992; amended Feb. 15, 2002.)

44-13-707. Harmless error; plain error. None of the following types of errors shall be grounds for granting a new hearing, for setting aside a finding, or for vacating, modifying or otherwise disturbing a disposition or order, unless refusal to take that action appears to the hearing officer or the reviewing authority inconsistent with substantial justice: (a) An error in either the admission or exclusion of evidence;

(b) an error or defect in any ruling or order;

(c) an error in anything done or omitted by the hearing officer or by any of the facility officials in processing the disciplinary case; or

(d) an error by the inmate in processing the inmate's defense of the case.

Throughout the disciplinary process, the hearing officer or the reviewing authority shall disregard any error or defect in the proceeding that does not affect the substantial rights of the inmate or the facility.

This amendment shall be effective on and after February 15, 2002. (Authorized by and implementing K.S.A. 75-

5210, 75-5251; effective, T-83-23, Aug. 11, 1982; effective, T-84-6, May 1, 1983; effective May 1, 1984; amended April 20, 1992; amended Feb. 15, 2002.)

Charles E. Simmons
Secretary of Corrections

Doc. No. 027485

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, February 14, in the conference room of Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority (K DFA) to issue approximately \$13,000,000 principal amount of Athletic Facilities Revenue Bonds for the Intercollegiate Athletic Council of Kansas State University (the council), a Kansas corporation organized under Internal Revenue Code Section 501 (c)(3). The bonds will be issued pursuant to K.S.A. 74-8901 *et seq.* to finance additions and improvements to certain athletic facilities owned by Kansas State University or the State of Kansas on the Manhattan campus of Kansas State University and operated by the council, including improvements and additions to the KSU Stadium, Frank Myers Field and RV Christian Track, all located at 1800 College Ave., Manhattan, Kansas, and to refinance K DFA Athletic Facilities Revenue Bonds, Series 1998R, currently outstanding in the principal amount of \$7,225,000.

The bonds, when issued, will be limited obligations of K DFA and will not constitute a general obligation or indebtedness of the State of Kansas, Kansas State University or any political subdivision of the State of Kansas, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received from the council.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments filed with K DFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the bonds may be obtained by contacting K DFA.

Jack H. Brier
President

Doc. No. 027525

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*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-8	Amended	V. 20, p. 730
1-5-9	Amended	V. 20, p. 730
1-5-19b	Amended	V. 20, p. 730
1-5-19c	Amended	V. 20, p. 730
1-5-20	Amended	V. 20, p. 731

1-18-1a	Amended	V. 20, p. 1602
1-45-1	Amended	V. 20, p. 1602
1-45-7	Amended	V. 20, p. 1603
1-45-7a	New	V. 20, p. 1603

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-3-47	Amended	V. 20, p. 861
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

(continued)

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Row 1: 5-25-4, Amended, V. 20, p. 294

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Rows include 7-17-1 through 7-41-13 with various actions like New, Revoked, Amended.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Rows include 9-7-19 through 9-29-15 with actions like New (T), Amended (T), New (T).

AGENCY 16: ATTORNEY GENERAL

Table with 3 columns: Reg. No., Action, Register. Rows include 16-7-1 through 16-7-9 with actions like Revoked.

AGENCY 17: STATE BANK COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Rows include 17-11-14 through 17-24-2 with various actions like Amended, Revoked.

AGENCY 20: CRIME VICTIMS COMPENSATION BOARD

Table with 3 columns: Reg. No., Action, Register. Rows include 20-8-1 through 20-13-3 with various actions like Revoked.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Rows include 22-24-1 through 22-24-18 with actions like New (T).

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Table with 3 columns: Reg. No., Action, Register. Rows include 23-1-11, 23-8-27 with actions like Revoked.

AGENCY 26: DEPARTMENT ON AGING

Table with 3 columns: Reg. No., Action, Register. Rows include 26-11-1 through 26-11-3 with actions like New (T).

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Rows include 28-10-15 through 28-16-76 with various actions like Revoked, Amended, New.

Table with 3 columns: Reg. No., Action, Register. Rows include 28-16-77 through 28-39-155 with various actions like Revoked, Amended, New.

Table with 3 columns: Reg. No., Action, Register. Rows include 28-39-410 through 28-61-11 with various actions like Revoked, Amended, New.

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with 3 columns: Reg. No., Action, Register. Rows include 30-4-64 through 30-64-34 with various actions like Amended, Revoked, New.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Rows include 40-1-8 through 40-12-1 with various actions like Revoked, Amended, New.

AGENCY 44: DEPARTMENT OF CORRECTIONS

Table with 3 columns: Reg. No., Action, Register. Rows include 44-12-103 through 44-12-326 with various actions like Amended, Revoked.

Table with 3 columns: Reg. No., Action, Register. Rows include 44-12-327 through 44-16-108.

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Table with 3 columns: Reg. No., Action, Register. Rows include 50-1-2 through 50-4-2.

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Table with 3 columns: Reg. No., Action, Register. Row includes 51-9-7.

AGENCY 60: BOARD OF NURSING

Table with 3 columns: Reg. No., Action, Register. Rows include 60-3-111 through 60-16-104.

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Table with 3 columns: Reg. No., Action, Register. Row includes 65-8-5.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with 3 columns: Reg. No., Action, Register. Rows include 66-6-1 through 66-10-1.

Table with 3 columns: Reg. No., Action, Register. Rows include 66-10-4 through 66-14-10.

AGENCY 68: BOARD OF PHARMACY

Table with 3 columns: Reg. No., Action, Register. Row includes 68-9-2.

AGENCY 74: BOARD OF ACCOUNTANCY

Table with 3 columns: Reg. No., Action, Register. Rows include 74-4-3a through 74-12-1.

AGENCY 75: STATE BANKING DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Row includes 75-6-32.

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Table with 3 columns: Reg. No., Action, Register. Rows include 80-5-19 through 80-9-2.

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Rows include 81-3-1 through 81-14-8.

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 82-1-250 through 82-4-26a.

AGENCY 86: REAL ESTATE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Row includes 86-1-10.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with 3 columns: Reg. No., Action, Register. Rows include 91-1-70a through 91-5-14.

Table with 3 columns: Reg. No., Action, Register. Rows include 91-37-2 through 91-41-4.

AGENCY 92: DEPARTMENT OF REVENUE

Table with 3 columns: Reg. No., Action, Register. Rows include 92-9-8 through 92-54-5.

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Table with 3 columns: Reg. No., Action, Register. Rows include 93-1-1 through 93-6-4.

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

Table with 3 columns: Reg. No., Action, Register. Rows include 99-8-8 through 99-27-5.

(continued)

99-30-2		
through		
99-30-6	Amended	V. 21, p. 15, 16
99-31-2		
through		
99-31-6	Amended	V. 21, p. 16
99-40-1	Revoked	V. 21, p. 16
99-40-3	Amended	V. 21, p. 17
99-40-21		
through		
99-40-47	Revoked	V. 21, p. 17
99-40-100	Revoked	V. 21, p. 17
99-40-101	Revoked	V. 21, p. 18
99-40-104	Revoked	V. 21, p. 18
99-40-105	Revoked	V. 21, p. 18

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-15-1	Amended	V. 20, p. 1093
100-27-1	New	V. 20, p. 773
100-28a-1		
through		
100-28a-16	New	V. 20, p. 774-778
100-60-1	Revoked	V. 20, p. 778
100-60-2	Revoked	V. 20, p. 778
100-60-4	Revoked (T)	V. 20, p. 251
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked	V. 20, p. 779
100-60-8		
through		
100-6-15	Revoked	V. 20, p. 779

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 20, p. 1897
102-1-10	Revoked	V. 20, p. 1898
102-1-10a	New	V. 20, p. 1898
102-1-19	New	V. 20, p. 572
102-1-20	New	V. 20, p. 1900
102-2-15	New	V. 20, p. 572
102-3-16	New	V. 20, p. 572
102-4-16	New	V. 20, p. 572
102-5-15	New	V. 20, p. 572

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-9-1	Amended	V. 20, p. 1675
109-9-4	Amended	V. 20, p. 1677
109-10-1	Amended	V. 20, p. 1677
109-11-10	New	V. 20, p. 1679

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1	Amended	V. 20, p. 1392
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180
110-7-1		
through		
110-7-4	Revoked	V. 20, p. 1426
110-7-5	New	V. 20, p. 1426
110-7-6	New	V. 20, p. 1426
110-7-8	New	V. 20, p. 1426
110-7-9	New	V. 20, p. 1426
110-7-10	New	V. 20, p. 1426

AGENCY 111: KANSAS LOTTERY

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

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119		
through		
111-2-124	New	V. 20, p. 416-419

111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 20, p. 1343
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
111-2-132	New	V. 20, p. 1901
111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189

111-4-1795		
through		
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814		
through		
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825		
through		
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840		
through		
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845		
through		

111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854		
through		
111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1867	Amended	V. 20, p. 1601
111-4-1869	Amended	V. 20, p. 1601
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572
111-4-1874		
through		
111-4-1877	New	V. 20, p. 1779-1781
111-4-1877	Amended	V. 20, p. 1902
111-4-1878		
through		

111-4-1885	New	V. 20, p. 1902-1906
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-7-123	Amended	V. 20, p. 48
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
111-7-158		
through		
111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944

111-7-163		
through		
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194
111-7-171		
through		
111-7-175	New	V. 20, p. 1782, 1783
111-8-101		
through		
111-8-126	New	V. 20, p. 1573-1579
111-9-111	New	V. 20, p. 1406
111-9-112	Amended	V. 20, p. 1579
111-9-113	New	V. 20, p. 1906

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547
112-10-3	Amended	V. 20, p. 1728
112-10-6	Amended	V. 20, p. 1728
112-11-20	Amended	V. 20, p. 945
112-17-4	Amended	V. 20, p. 1729
112-18-11	Amended	V. 20, p. 1922

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 20, p. 1499
115-2-4	Amended	V. 20, p. 1499
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	New	V. 20, p. 768
115-4-5	Revoked	V. 20, p. 769
115-4-7		
through		
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-8-1	Amended	V. 20, p. 1061
115-8-4	Amended	V. 20, p. 1500
115-8-5	Revoked	V. 20, p. 1061
115-8-8	Amended	V. 20, p. 1061
115-8-12	Amended	V. 20, p. 1062
115-8-16	Revoked	V. 20, p. 1062
115-8-18	Revoked	V. 20, p. 1062
115-8-20	Amended	V. 20, p. 1062
115-8-21	Amended	V. 20, p. 1062
115-13-1	Amended	V. 20, p. 1500
115-13-2	Amended	V. 20, p. 1500
115-13-5	Amended	V. 20, p. 1501
115-14-2	Amended	V. 20, p. 1501
115-14-3	Amended	V. 20, p. 1502
115-14-5	Amended	V. 20, p. 1502
115-14-6	Amended	V. 20, p. 1502
115-14-7	Revoked	V. 20, p. 1502
115-14-9	Amended	V. 20, p. 1502
115-14-10	Amended	V. 20, p. 1503
115-18-5	Revoked	V. 20, p. 1504
115-18-8	Amended	V. 20, p. 1504
115-18-9	Amended	V. 20, p. 1504
115-18-14	Amended	V. 20, p. 1504
115-18-17	New	V. 20, p. 1062
115-20-1	Amended	V. 20, p. 1063
115-20-2	Amended	V. 20, p. 1063
115-21-1	Amended	V. 20, p. 1803
115-21-2	Amended	V. 20, p. 1804
115-21-3	Revoked	V. 20, p. 1804
115-21-4	New	V. 20, p. 1804
115-22-1	New	V. 20, p. 1804

AGENCY 117: REAL ESTATE APPRAISAL BOARD

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

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-5-1		
through		
118-5-10	New (T)	V. 20, p. 1492-1495

AGENCY 125: AGRICULTURAL REMEDIATION BOARD

Reg. No.	Action	Register
125-1-1		
through		
125-1-9	New (T)	V. 20, p. 1496-1498
125-1-1		
through		
125-1-9	New	V. 20, p. 1891-1893