

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 21, No. 34 August 22, 2002 Pages 1383-1430

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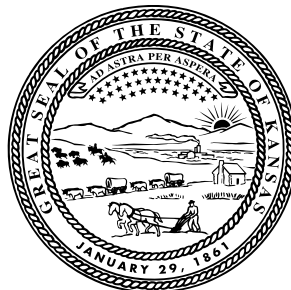
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**Ron Thornburgh**  
**Secretary of State**  
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 (785) 296-4564  
 www.kssos.org



**Register Office:**  
 1st Floor, Memorial Hall  
 (785) 296-3489  
 Fax (785) 368-8024

State of Kansas

**Kansas Sentencing Commission**

**Notice of Meeting**

The annual retreat meeting of the Kansas Sentencing Commission is scheduled from 9 a.m. to 5 p.m. Thursday, September 12, and from 9 a.m. to noon Friday, September 13, at the Wichita Marriott Hotel, Salon II, 9100 Corporate Hills Drive, Wichita. For additional information, call (785) 296-0923.

Barbara Tombs  
Executive Director

Doc. No. 028311

State of Kansas

**Advisory Committee on Trauma**

**Notice of Meeting**

The Advisory Committee on Trauma will meet from 10 a.m. to 3 p.m. Wednesday, August 28, at the Kansas Medical Society, 623 S.W. 10th Ave., Topeka. For further information, contact the KDHE Office of Local and Rural Health at (785) 296-1200.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028323

State of Kansas

**Legislature**

**Interim Committee Schedule**

The following committee meetings have been scheduled during the period of August 26 - September 8. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
August 26	123-S	10:00 a.m.	Legislative Budget Committee	Agenda not available.
August 26	Capitol Plaza Hotel	9:00 a.m. to Noon	Joint Committee on State Tribal Relations	Attend Governor's Interstate Indian Council-2002.
August 26	519-S	Noon to 1:00 p.m.	Joint Committee on State Tribal Relations	Planning for interim.
August 26	Capitol Plaza Hotel	1:30 p.m.	Joint Committee on State Tribal Relations	Attend Governor's Interstate Indian Council-2002.
August 27	Capitol Plaza Hotel	8:00 a.m.	Joint Committee on State Tribal Relations	Touring Native American reservations.
August 27	123-S	9:00 a.m.	Legislative Budget Committee	Agenda not available.
August 28	123-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
August 28	313-S	10:00 a.m.	Joint Committee on Children's Issues (Changed from August 21)	Agenda not available.
August 28	514-S	9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review rules and regulations proposed for adoption by KDHE, Historical Society, Insurance Department, Board of Accountancy, Chief Engineer - Division of Water Resources, Board of Healing Arts, Dept. of Agriculture, Board of Technical Professions, KCC and Real Estate Commission. Staff review of rules and regulations previously reviewed and now filed as permanents.
August 29	123-S	9:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
August 29	313-S	9:00 a.m.	Joint Committee on Children's Issues (Changed from August 22)	Agenda not available.

Jeff Russell  
Director of Legislative  
Administrative Services

Doc. No. 028332

## State of Kansas

## Commission on Disability Concerns

## Notice of Meeting

The Kansas Commission on Disability Concerns (KCDC) will have its annual meeting from 9 a.m. to 4 p.m. Friday, September 6, at the Topeka and Shawnee County Public Library, Irving and Peggy Sheffel Room and Room 101B, 1515 S.W. 10th Ave., Topeka. The accessible parking and entrance is located on the south side of the building. No food or drink, except bottled water, may be brought into the building. Refreshments may be purchased in the Millennium Cafe. Lunch will not be provided.

Persons requiring special accommodations are asked to call the KCDC at (785) 296-1722 (voice or TTY) or 1-800-295-5232 (toll-free voice or TTY) at least 10 working days prior to the meeting. For additional information, contact the KCDC office.

Richard E. Beyer  
Secretary of Human Resources

Doc. No. 028312

(Published in the Kansas Register August 22, 2002.)

## City of Wichita, Kansas

## Notice to Bidders

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, September 27, for the following project:

**KDOT Project No. 472-83367 (710215)**  
**(OCA Code 710215)**  
**Paving**

Remove pedestal-mounted traffic signals at three intersections downtown and replace them with pole and mast arms (south of Central east of Main)

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

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

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

Sandra Loggins  
Administrative Aide  
City of Wichita—Engineering

Doc. No. 028324

## State of Kansas

## Criminal Justice Coordinating Council

## Notice of Meeting

The Kansas Criminal Justice Coordinating Council will meet at 9 a.m. Monday, September 9, in the second floor conference room of Memorial Hall, 120 S.W. 10th Ave., Topeka. For more information, call (785) 296-0923.

Barbara Tombs  
Executive Director

Doc. No. 028334

## 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:

## Wednesday, September 4, 2002

05355

Department of Transportation—Transport Chain  
(Grade 70) and Alloy Lifting Chain (Grade 80)

05375

Kansas State University—Spectrophotometer and  
Centrifuge

## Thursday, September 5, 2002

A-9531

Wichita State University—Tuckpointing of Various  
Buildings

A-9521

Wichita State University—Floor Covering  
Replacement, Various Buildings

05343

Statewide—Tattle Tape Security Strips

05357

El Dorado Correctional Facility—Janitorial Supplies

05360

Department of Transportation—Liquid Magnesium  
Chloride (De-Icer/Anti-Icer)

05368

Department of Transportation—Survey Accessories

05380

Lansing Correctional Facility—Hollow Metal Window  
Assemblies

## Tuesday, October 8, 2002

05340

Wichita State University—Property Insurance

John T. Houlihan  
Director of Purchases

Doc. No. 028339

## State of Kansas

## Wildlife and Parks Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, October 24, at the Holiday Inn, 530 Richard Drive, Manhattan, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. October 24 at the same location. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. October 25 the same location.

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

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The administrative regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-17-6.** This regulation establishes permit application requirements for commercial mussel fishing licenses. Proposed changes would establish a 10-year moratorium on issuance of licenses and clarify other commercial uses.

Economic Impact Summary: There would be no substantial economic impact on the department, other agencies or the public as commercial mussel fishing licenses have diminished significantly in the previous decade.

**K.A.R. 115-17-7.** This regulation establishes commercial mussel harvesting legal species and size restrictions, seasons and daily and possession limits. Proposed changes would establish a 10-year moratorium on the commercial harvest of mussels.

Economic Impact Summary: There would be no substantial economic impact on the department, other agencies or the public as commercial mussel fishing licenses have diminished significantly in the previous decade.

**K.A.R. 115-17-8.** This regulation establishes commercial mussel harvesting legal equipment and taking methods. Proposed changes would establish a 10-year moratorium on the commercial harvest of mussels.

Economic Impact Summary: There would be no substantial economic impact on the department, other agencies or the public as commercial mussel fishing licenses have diminished significantly in the previous decade.

**K.A.R. 115-17-9.** This regulation establishes commercial mussel harvesting open areas. Proposed changes would establish a 10-year moratorium on the commercial harvest of mussels.

Economic Impact Summary: There would be no substantial economic impact on the department, other agencies or the public as commercial mussel fishing licenses have diminished significantly in the previous decade.

**K.A.R. 115-17-14.** This regulation establishes commercial mussel dealer permit application requirements and reporting requirements. Proposed changes would require a commercial mussel dealer permit and reporting for importing wild mussels.

Economic Impact Summary: There would be no substantial economic impact on the department, other agencies or the public as commercial mussel dealer permits have diminished significantly in the previous decade.

**K.A.R. 115-20-2.** This regulation establishes legal equipment, taking methods, possession limits and license requirements for certain wildlife on a noncommercial basis. Proposed changes would clarify the take and possession for mussels.

Economic Impact Summary: There would be no substantial economic impact on the department, other agencies or the public.

**K.A.R. 115-30-8.** This regulation establishes accident reporting requirements for boating accidents. Proposed changes would change the damage threshold for reporting accidents from \$500 to \$2,000 or when a total loss of a vessel occurs.

Economic Impact Summary: There would be no substantial economic impact on the department, other agencies or the public.

A copy of the complete text of the regulations and their respective economic impact statement may be obtained by contacting the chairman of the commission at the address above or by calling (785) 296-2281.

John R. Dykes  
Chairman

Doc. No. 028315

## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Applications

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

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike J. Hoeme, Director of Transportation, at the address above within 10 days of the date of publication of this notice.

## Applications for Certificate of Public Service:

**Kenneth L. Fedor, dba Full Circle Transport**, 36009 W. 379th S., Osawatomie, KS 66064; MC ID No. 159907; General commodities (except household goods and hazardous materials)

**Wayne Fritsche, dba Fritsche Trucking**, Route 1, Box 22, Hernon, KS 67739; MC ID No. 159909; William Barker, Attorney; General commodities (except household goods and hazardous materials)

**Gary Froese, dba ABC Towing**, 3001 S.E. Granger, Topeka, KS 66605; MC ID No. 159910; Wrecked, disabled, repossessed and replacement vehicles

**IBC Trucking Corporation**, 12 E. Armour Blvd., Kansas City, MO 64111; MC ID No. 159911; General commodities (except household goods and hazardous materials)

**William (Bill) Laufenberg, dba Laufenberg Hay Service**, Route 1, Box 88, Kinsley, KS 67547; MC ID No. 158784; General commodities (except household goods and hazardous materials)

**Jeremy C. Mueller and Amy E. Mueller**, 011 School St., Robinson, KS 66532; MC ID No. 159915; General commodities (except household goods and hazardous materials)

**Peter Neufeld, dba Neufeld Trucking**, 2308 W. Road, Copeland, KS 67837; MC ID No. 159908; General commodities (except household goods and hazardous materials)

**Johan Peters, dba Peters Trucking**, 1817 Ontario Drive, Sublette, KS 67877; MC ID No. 159904; General commodities (except household goods and hazardous materials)

**Poe Servicing, Inc.**, 215 S. York, Oberlin, KS 67749; MC ID No. 159912; General commodities (except household goods and hazardous materials)

**R-J Express, Inc.**, 109 Coates, Kiowa, KS 67070; MC ID No. 159913; William Barker, Attorney; General commodities (except household goods and hazardous materials)

**S & G Trucking, Inc.**, 1300 Douglas, Hays, KS 67601; MC ID No. 161952; General commodities (except household goods, passengers and hazardous materials)

**S & S, LLC, dba K & K Oil Co.**, West 2nd St. Road, Liberal, KS 67901; MC ID No. 153215; William Barker, Attorney; General commodities (except explosives and household goods)

**Dale L. White, dba White's Trucking**, 9319 W. 79th South, Clearwater, KS 67026; MC ID No. 159914; General commodities (except household goods and hazardous materials)

## Application for Extension of Certificate of Public Service:

**Pamela and Donny Allenbrand, Inc., dba Dale's Body Shop/Dale's Tow Service**, 300 W. Park St., Olathe, KS 66061; MC

ID No. 100752; General commodities (except household goods and hazardous materials)

## Application for Transfer of Certificate of Public Service:

**Neal D. Keeler, Brian F. Keeler and Kirk W. Keeler, dba Keeler Farms**, 16236 K-9 Hwy., Whiting, KS 66552, MC ID No. 156146, to: Neal D. Keeler and Brian F. Keeler, dba Keeler Farms, 16236 K-9 Hwy., Whiting, KS 66552; General commodities (except household goods and hazardous materials)

**Allen C. Smith, dba S & S Towing and Delivery**, 3125 E. Trail St., Dodge City, KS 67801, MC ID No. 159820, to: Earnest R. Metcalf, Jr., dba S & S Enterprises, 3125 E. Trail St., Dodge City, KS 67801; General commodities and wrecked, disabled, repossessed and replacement vehicles (except household goods and hazardous materials)

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 028336

## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. September 10 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

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

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

## Applications for Abandonment of Certificate of Public Service:

**H & S Trucking Co., Inc.**, HC 75, Box 191, Wilson, OK 73463-9714; MC ID No. 150098

**Harveyville Seed Co., Inc.**, P.O. Box 8, Harveyville, KS 66431-0008; MC ID No. 141022

**K & W Cattle, Inc.**, 7960 Road 23, Goodland, KS 67735; MC ID No. 161251

**Chip Miller**, 3000 Tuttle Creek Blvd., #51, Manhattan, KS 66502; MC ID No. 159788

**Samuel E. Thompson, dba S & C Trucking**, 1702 12th St., Dodge City, KS 67801; MC ID No. 159678

**Michael J. Van Nice, dba Van Nice Trucking**, 743 Shuey, Osage City, KS 66523; MC ID No. 159619

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 028337

## State of Kansas

## University of Kansas

## Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 864-3416 or fax (785) 864-3454 for additional information:

**September 3, 2002**

**RFQ-26297**

Broadcast Equipment

Barry Swanson  
Director of Business Services

Doc. No. 028335

## State of Kansas

## Kansas Parole Board

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 8:30 a.m. Wednesday, October 23, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Kansas Parole Board on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Marilyn Scafe, Chairperson, Kansas Parole Board, Room 452-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6000 or TTY (785) 296-4798. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance.

In response to Executive Order 00-03, the Kansas Parole Board reviewed all of its existing regulations and, as a result, is proposing a comprehensive reorganization and updating of its regulations. All of the existing regulations will be revoked as follows: K.A.R. 45-1-1; K.A.R. 45-4-4, K.A.R. 45-4-5, K.A.R. 45-4-6, K.A.R. 45-4-7 and K.A.R. 45-4-9; K.A.R. 45-6-1, K.A.R. 45-6-2, K.A.R. 45-6-3 and K.A.R. 45-6-5; K.A.R. 45-7-1, K.A.R. 45-7-2, K.A.R. 45-7-3, K.A.R. 45-7-4 and K.A.R. 45-7-5; K.A.R. 45-9-1, K.A.R. 45-9-2,

K.A.R. 45-9-3 and K.A.R. 45-9-4; K.A.R. 45-10-1; K.A.R. 45-11-1; K.A.R. 45-14-1; and K.A.R. 45-16-2, K.A.R. 45-16-3 and K.A.R. 45-16-4. In most cases, the revoked regulations will be replaced by new, updated regulations. The new regulations, as well as those revoked regulations that are no longer necessary and are not replaced, are identified below. Other than the substantive differences noted in the following summaries, the differences between revoked regulations and the new regulations that replace them simply consist of revisions to reflect statutory changes and changes in practice, as well as clarification and updating of language to meet current regulatory style and conventions. Except as noted below, the differences between the revoked and new regulations will not have an economic impact on the board, the Kansas Department of Corrections (DOC), inmates, local units of government or the general public.

**K.A.R. 45-4-5, Endorsements**, is revoked, and no new regulation will replace it. This regulation required approval from the institutional director or a designee before the board would consider parole recommendations made by institutional staff if they were offered outside of procedures established by the board's regulations. Institutional staff are not responsible for providing recommendations. As any staff member who wishes to provide a recommendation regarding an inmate can do so through the normal public comment hearing, this regulation is not necessary.

**K.A.R. 45-4-7, Reasons for parole denial, and K.A.R. 45-4-9, Medical cases**, are revoked, and no new regulations are proposed to replace them. However, proposed K.A.R. 45-400-1 contains requirements that are comparable to K.A.R. 45-4-7. Similarly, the board has adequate statutory authority to impose conditions on release such as the conditions for medical cases permitted in K.A.R. 45-4-9.

**K.A.R. 45-6-2, Docketing hearings for cases previously denied parole**, is revoked, and no new regulation is proposed to replace it. The scheduling of a hearing for an inmate passed by the board for later consideration can be handled as a request for reconsideration under K.A.R. 45-200-2 and, therefore, a separate regulation relating to scheduling of these cases is not necessary.

**K.A.R. 45-6-5, Docketing of cases when detainer cancelled**, will be revoked. No new regulation is proposed to replace it; a second hearing is unnecessary in the event a detainer is cancelled.

**K.A.R. 45-7-5, Sidetrips and stopovers**, is revoked, and no new regulation is proposed to replace it. These types of trips are not permitted due to the impact they have on field services staff and their resources.

**K.A.R. 45-100-1, Meaning of terms**, contains definitions of terms used in regulations of the board.

**K.A.R. 45-200-1, Attendance at hearings**, identifies those individuals who are authorized to attend parole hearings. The board's discretion to permit attendance at parole hearings is clarified in subsection (b) by stating that an individual who is authorized to attend a parole hearing under subsection (a) may be denied access to the meeting if the board determines that attendance by that individual is not in the interest of the state.

(continued)

**K.A.R. 45-200-2, Single board member hearings; review and appeals**, establishes procedures for review of hearings conducted by a single board member, as well as procedures regarding requests for reconsideration of a board decision and continuance of hearings for the purpose of clarifying the status of an appeal of a sentence or conviction. It clarifies that the findings of the single board member conducting a hearing must be approved as well as reviewed by another board member before the findings and decision become final. If the reviewing board member disagrees with the member who conducted the hearing, the decision is then to be submitted for review by another board member.

**K.A.R. 45-300-1** updates the procedures for docketing regular parole hearings. K.A.R. 45-300-1 clarifies that, if an offender has achieved parole eligibility status but has not been placed on the docket for a public comment session, the board may proceed with the parole hearing if the decision is deferred until the public comment session has been held. This simplified procedure provides greater scheduling flexibility, which will permit operational efficiencies for the board and the DOC and may result in a speedier decision for the inmate.

**K.A.R. 45-300-2, Absence of inmate at docketed hearing**, provides for rescheduling of a hearing when the inmate is unable to appear for a scheduled hearing.

**K.A.R. 45-400-1, General provisions**, establishes requirements relating to release on parole, including documentation and transmittal of the board's decision, the board's exclusive authority to modify or waive release conditions and the continuation of the parole hearing to obtain needed information. It also clarifies that, whether on parole or postrelease supervision, the offender remains in the continued legal custody of the secretary of corrections.

**K.A.R. 45-400-2, Parole plan**, prohibits release of an inmate who has been granted parole subject to an approved parole plan until the board or its designee approves the plan.

**K.A.R. 45-400-3, Release**, outlines procedures for determining the release date for parolees, for releasing inmates to out-of-state supervision based only on an interstate compact agreement, for handling changes in parole plans and for releasing inmates based only on a detainer. This proposed new regulation contains two provisions that were not included in the existing regulation, K.A.R. 45-7-3. Subsection (b) clarifies that, if an inmate is paroled to an interstate compact agreement only and the interstate compact agreement is disapproved by the other state, the decision to parole the inmate under the compact agreement is void. Similarly, subsection (d) clarifies that a decision to parole an inmate on the basis of a detainer only is void if the detainer is cancelled. In both cases, the inmate's suitability for parole will be reconsidered at a scheduled parole hearing.

**K.A.R. 45-400-4, Deferred release**, establishes the bases on which the board may defer or rescind an inmate's parole before release; outlines additional factors that may be considered by the board in reconsidering the inmate's parole suitability; and provides the inmate with the right to a hearing before the board, as well as the procedures for holding such a hearing. The bases for deferring or

rescinding parole that are established in K.A.R. 45-400-4 are identical to those in the existing regulation, K.A.R. 45-7-4, except that K.A.R. 45-400-4 clarifies that the scope of the board's potential findings includes findings that the parole plan "does not adequately provide for public safety or for the successful integration of the inmate." To the extent that this clarification broadens the bases for deferring or rescinding an inmate's release on parole, it may result in a longer period of incarceration and, therefore, may have a limited, undeterminable economic impact on correctional institutions and inmates whose parole is deferred or rescinded on that basis. However, it is not expected that this clarification would result in any significant increase in the number of board decisions to defer or rescind parole.

An additional difference between revoked K.A.R. 45-7-4 and new K.A.R. 45-400-4 is the acknowledgement that the offender is entitled to legal counsel at the special hearing, at the offender's expense. The regulation further provides that counsel may be appointed by the board upon request of the inmate or on the board's own motion, describes the factors to be considered by the board in making decisions regarding the appointment of counsel and states that the grounds for denial of a request for appointed counsel must be set out in writing. This provision may have a limited economic impact on inmates and organizations providing appointed counsel for inmates. Past history suggests that there typically is an average of one special hearing per month on deferring or rescinding a release on parole. It is assumed that not more than one of these hearings each year would involve appointment of counsel. The cost of the representation to offenders or organizations providing appointed counsel is unknown.

**K.A.R. 45-500-1, General provisions**, provides that each offender who is returned on a violator warrant is to be brought before the board for a final revocation hearing unless that offender is eligible to and chooses to waive the right to a hearing. If the warrant is withdrawn at the request of the secretary before the final revocation hearing, the offender may be rereleased, and the board can establish new conditions or modify the existing conditions.

**K.A.R. 45-500-2, Final revocation hearings**, establishes the procedures for final revocation hearings, including the information that must be provided to the offender before the final revocation hearing; the right of the offender to confront and cross-examine adverse witnesses and the limitations on this right; the right of the offender to have an opportunity to be heard in person and to present evidence and witnesses; the effect of a violation of conditions of release that results from a new felony or misdemeanor conviction; the conditions for appointment of legal counsel; and a requirement that the evidence relied upon and reasons for revoking the release be provided to the offender.

**K.A.R. 45-500-3, Computation of time**, outlines the period of incarceration an offender must serve after revocation of parole or conditional release, including both revocations for reasons other than conviction of a new crime and revocations due to a new conviction. It provides that good time credits earned while on parole or postrelease supervision may be forfeited by the board and addresses



computation of time served for released offenders who cannot be served with a warrant and are deemed to be a fugitive from justice. Unlike the existing regulation, K.A.R. 45-9-3, new K.A.R. 45-500-3 distinguishes between convictions for felonies and for misdemeanors, as required by K.S.A. 75-5217(d). New felony convictions require a period of confinement equal to the entire remaining balance of the postrelease supervision. However, the period of confinement to be served by offenders with a new misdemeanor conviction is determined by the board, but cannot exceed the remaining balance of the period of postrelease supervision.

**K.A.R. 45-500-4, Waiver of final revocation hearing**, establishes the conditions under which an offender is eligible to waive the final revocation hearing, the information that must be provided to the offender at the time the written waiver form is presented to the offender and the manner in which it is to be executed, the effective date of the subsequent penalty period of incarceration, the effect of discovering a new conviction that occurred during the postrelease supervision and the procedures by which an offender can petition the board to rescind a waiver. This proposed new regulation differs from the existing regulation, K.A.R. 45-9-4, in several respects.

Subsection (a) of K.A.R. 45-500-4 includes new definitions of the terms "misdemeanor" and "detainer" to clarify which types of criminal charges affect eligibility to waive the final revocation hearing. The definition of misdemeanor is limited to the more serious class A, B, or C misdemeanors or their equivalent under a city ordinance. Therefore, a minor traffic offense would not affect an offender's ability to waive a final revocation hearing. This difference provides greater flexibility in offering the opportunity to waive a final revocation hearing.

Subsections (b) and (d) identify two circumstances in which an offender who initially is not eligible to waive the hearing can become eligible: (a) if an offender is arrested on a new felony charge and formal criminal charges are not filed within 10 days of the offender's arrest; and (b) if, before the final revocation hearing, the board receives notice that the pending criminal charges or detainer have been dismissed. By addressing timing issues that delay resolution of cases under these specific circumstances, the differences provide greater flexibility in managing condition violation cases.

Subsection (g) clarifies the authority of the board to act upon the waiver by stating that, once an offender signs the waiver, the board has the discretion to continue the offender's postrelease supervision, effectively waiving the standard penalty period of incarceration. This clarification assures sufficient flexibility to address those isolated circumstances in which continuation of postrelease supervision is most appropriate.

The changes in subsections (a), (b), (d) and (g) avoid unnecessarily prolonging incarceration of violators. Therefore, they may result in minimal cost avoidance for state and county correctional institutions in a small number of circumstances, as well as providing the inmate with an earlier opportunity to return to productivity within the community.

Subsection (i) provides that a signed waiver is invalid if it is discovered that the offender has been convicted of

a new misdemeanor or felony that occurred during a period of postrelease supervision on the current active sentence. Offenders who have been convicted of a new crime are ineligible to waive the final revocation hearing. Therefore, this change provides a means to address situations in which, after a waiver is signed, it is discovered that the offender does not meet a major condition of eligibility. In those cases, the board will then hold a final revocation hearing, and the inmate may be required to serve all or a portion of the remaining time on the sentence in accordance with K.A.R. 45-500-3. Invalidation of the signed waiver may have a very limited, undeterminable economic impact on the board and on state and county correctional institutions. There also would be an undeterminable economic impact on the inmate, who would serve a longer period of time while waiting for the final revocation hearing to be scheduled and completed.

**K.A.R. 45-600-1, General provisions**, establishes the qualifications for conditional release; requires each offender on conditional release to be placed under parole supervision; provides for return to confinement of any offender who has violated the conditions of conditional release, subject to a final revocation hearing and an order of the board; and provides for parolees who achieve conditional release status while on parole to continue under supervision under the same conditions.

Two new regulations, **K.A.R. 45-700-1, Application for release**, and **K.A.R. 45-700-2, Review and consideration of application for release**, are proposed to implement the provisions of L. 2002, Ch. 57 (2002 Substitute for SB 339). L. 2002, Ch. 57 establishes a program in which inmates who are determined by the board to be "functionally incapacitated" and not to be a future risk to public safety may be granted an early release.

Under proposed regulation K.A.R. 45-700-1, "functional incapacitation" means that an inmate has a condition caused by injury, disease or illness, including dementia, that is determined, to a reasonable degree of medical certainty, to permanently render the inmate physically or mentally incapacitated to the extent that the inmate lacks effective capacity to cause physical harm.

The regulation further provides that the application submitted by the Secretary of Corrections is to be accompanied by documentation attesting to and describing the inmate's functional incapacity. The documentation is to be prepared by a medical doctor and, as needed, a mental health professional. Upon request, all medical and treatment records for the inmate are to be available for review by the board, and the board may request a second medical opinion. The application also must include a release plan, which must provide details about where the inmate will reside and identify all treatment providers and facilities to be used by the inmate. This release plan is subject to review and approval by DOC staff.

Proposed regulation K.A.R. 45-700-2 establishes confidentiality requirements associated with the notice requirements established by L. 2002, Ch. 57. Confidential copies of the medical and mental health reports associated with the application are to be provided with the written notification of the application provided by the Secretary of Corrections to each prosecuting attorney and

*(continued)*

the judge of the court or courts in which the inmate was convicted. These individuals are to maintain the confidentiality of the records. The written notification of the application provided by the Secretary of Corrections to victims or families of the victims is not to include any of the confidential medical or mental health reports, but the notification is to include a general description of the inmate's functional incapacity.

The proposed regulation requires the board to consider all available information, including the documentation required by K.A.R. 45-700-1 and any comments received from any prosecuting attorney, judge, crime victim or member of the victim's family. In addition to the criteria set out in paragraph (a)(8) of L. 2002, Ch. 57, Sec. 1, K.A.R. 45-700-2 also identifies several criteria that are to be considered by the board in taking final action on the application. Those criteria consist of the inmate's age and medical condition, the health care needs of the inmate, the inmate's custody classification and level of risk of violence and the inmate's effective capacity to cause physical harm. The regulation provides that an inmate's need for long-term care may be considered in determining that an inmate is functionally incapacitated, but is not in itself determinative. Finally, the proposed regulation provides that the board can establish terms and conditions of release as deemed necessary and that any release order is subject to the statutory requirements for voting to parole inmates sentenced for a class A or class B felony or for off-grid crimes committed on or after July 1, 1993.

A preliminary, informal review of inmates in DOC's custody suggests that there may be a pool of about 100 inmates whose condition would warrant a closer evaluation of their eligibility for early release due to a functional incapacity. Given the strict eligibility standards for functional incapacity established by K.A.R. 45-700-1 and the finding required by L. 2002, Ch. 57 and K.A.R. 45-700-2 that the inmate does not represent a future risk to public safety, it is anticipated that DOC would submit applications for a determination of functional incapacity for only a small number of inmates from this pool. After the program has been fully implemented, it is estimated that an average of five inmates a year may be approved for early release.

Implementation of this program will affect the board, the DOC, the medical services contractor for the DOC, the Department of Social and Rehabilitation Services (SRS), the Department on Aging (Aging), and the inmate or the inmate's family. In some cases, the program also may have a very limited impact on local units of government. The economic impact of the program cannot be quantified as the individual circumstances of those inmates who are granted a release are so variable that it is not possible to provide meaningful estimates. However, given the very small number of inmates who are expected to be eligible for consideration, the impact is expected to be inconsequential and can be handled within existing resources. No direct economic impact on the general public has been identified. The nature of the effect on each of those entities is expected to be as follows:

**Parole Board:** The majority of the applications are expected to be handled through a "paper review" of the documentation and records submitted with the applica-

tion, which are easier to administer and require fewer staff resources than formal hearings.

**Department of Corrections:** Implementation of this program is expected to have a negligible impact on inmate populations.

**The DOC's medical services contractor:** Implementation of this program would result in some cost avoidance for the DOC medical services contractor. The amount of cost avoidance would vary with each case and would not result in equivalent contract cost reductions for the DOC as the contract payments are not based on a straight pass-through of incurred medical costs. Therefore, any medical care cost avoidance would accrue to the benefit of the medical services contractor, at least for the remainder of the term of the current contract.

**Inmates released due to functional incapacity:** If an inmate who is granted an early release due to a functional incapacity has significant personal or family financial resources or is able to obtain health insurance coverage independently, the inmate or the inmate's family will become personally responsible for his or her financial support, living expenses and medical care. However, it is expected that the majority of eligible inmates either would have limited financial resources or would be indigent and, therefore, the plans for indigent inmates will need to incorporate plans to obtain appropriate public and medical assistance.

**Department of Social and Rehabilitation Services (SRS) and Department on Aging (Aging):** The costs to SRS and Aging for providing public and medical assistance and other services to inmates released under this program will vary, depending on the nature of the services required by the inmate, the inmate's eligibility for Medicare, SSI, SSDI or Medicaid, and, in some cases, the inmate's choice of home- and community-based services over services in a nursing facility. However, the economic impact on state-funded public assistance programs will be inconsequential given the small number of eligible inmates.

**Cities and counties:** To the extent that cities and counties operate and fund local hospitals and clinics, it is possible that an inmate who is released would need or seek services from these facilities.

**K.A.R. 45-800-1, General provisions,** establishes the conditions under which offenders must be released from supervision. It also clarifies the board's authority to generate a final order of discharge on its own motion if it is satisfied that final release is not incompatible with the best interests of society and the welfare of the offender.

**K.A.R. 45-900-1, Procedures,** establishes procedures for applications for executive clemency, as well as for review of the application by the board.

Proposed new regulation **K.A.R. 45-1000-1, Restitution,** updates provisions relating to restitution to reflect current statutory provisions that require the board to establish, as condition of parole or postrelease supervision, payment of restitution in the amount and manner provided in the journal entry of the sentencing court. The regulation provides that, if the board finds that there are compelling circumstances that would render a plan of restitution unworkable, notice of the board's finding is to be given to the court that sentenced the inmate.

Under **K.A.R. 45-1000-2, Transportation expenses**, transportation expenses incurred as a result of returning any parolee or offender on postrelease supervision to this state to answer new charges or warrants may be reported to the board. The parolee or offender may be ordered by the board to pay those expenses that the board determines were reasonable and necessary.

Under **K.A.R. 45-1000-3, Manner of payments**, payments may be monitored and adjusted by the parole officer so long as it is still possible to make all of the required payments before the offender's discharge. The parolee may apply to the board for release from the payment order if there are compelling circumstances that make the plan of reparation and schedule of payments unworkable.

Copies of the proposed regulations and the associated economic impact statement may be obtained by contacting Marilyn Scafe at the address above, (785) 296-3469.

Marilyn Scafe  
Chairperson

Doc. No. 028326

## 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 Airport Hilton, Wichita, until 2 p.m. September 11 and then publicly opened:

#### District One - Northeast

**Douglas**—10-23 K-8409-01 - Intersection of East Hills Drive and K-10 in Lawrence, intersection improvement. (State Funds)

**Douglas**—23 U-1793-01 - North Michigan from Riveridge Road to West 2nd in Lawrence, 1 mile (1.6 kilometers), grading and surfacing. (Federal Funds)

**Jefferson-Leavenworth**—192-106 K-8938-01 - K-192 from the Jefferson-Leavenworth county line east to U.S. 73; K-192 from the junction of U.S. 59 east to the Jefferson-Leavenworth county line, 16.2 miles (26.1 kilometers), seal and overlay. (State Funds)

**Wyandotte**—35-105 K-9069-01 - Interstate 35 from Southwest Boulevard northeast to Cambridge Circle, 1.1 miles (1.7 kilometers), milling and overlay. (State Funds)

**Wyandotte**—105 C-3419-01 - Nettleton Avenue between K-32 and K-7 in Bonner Springs, 1.2 miles (1.9 kilometers), surfacing. (Federal Funds)

**District**—106 -9021-01 - Various locations in Doniphan, Shawnee, Wabaunsee, Jackson, Pottawatomie and Riley counties, bridge approach maintenance. (State Funds)

**Johnson-Wyandotte**—106 K-9022-01 - Various locations in Johnson and Wyandotte counties, bridge approach maintenance. (State Funds)

#### District Two - Northcentral

**Ottawa**—106-72 K-8269-01 - K-106 Salt Creek Bridge, southwest of Minneapolis, channel relocation. (State Funds)

**Dickinson**—43-21 K-8359-01 - K-43 culverts south of Enterprise, culvert construction. (State Funds)

#### District Four - Southeast

**Labette**—50 C-3706-01 - U.S. 50, 1.8 miles (2.9 kilometers) north and 0.7 mile (1.1 kilometers) east of the junction of U.S. 59/U.S. 166, 1.5 miles (2.4 kilometers), grading and bridge. (Federal Funds)

#### District Five - Southcentral

**Comanche**—17 C-3614-01 - County road 10.3 miles (16.6 kilometers) east of Coldwater at Indian Creek, 0.24 miles (0.4 kilometer), grading and bridge. (Federal Funds)

**Pratt**—281-76 K-7725-01 - U.S. 281, north and south approaches to the railroad tracks near the north city limits of Pratt, 0.12 mile (0.2 kilometer), grading and surfacing. (State Funds)

**Sedgwick**—87 C-3729-01 - 53rd Street north over the Big Arkansas River, 0.25 mile (0.4 kilometer), grading, bridge 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. 028300

## State of Kansas

**Social and Rehabilitation Services****Notice of Basic Maximum Daily Rate  
for State Institutions**

In compliance with K.S.A. 59-200b(a), the following per patient day costs for fiscal year 2003 will be the basic maximum daily rate of charge, effective July 1, 2002, for the following state institutions:

Parsons State Hospital and Training Center	\$309
Kansas Neurological Institution	\$372

In compliance with K.S.A. 59-200b(c), the following state institutions are hereby authorized to compute an individual patient charge on the basis of rates for services based on costs incurred by such state institutions determined by application of generally acceptable hospital accounting principles: Osawatomie State Hospital; Larned State Hospital, including the State Security Hospital; and Rainbow Mental Health Facility.

Janet Schalansky  
Secretary of Social and  
Rehabilitation Services

Doc. No. 028317

## State of Kansas

**Department of Transportation****Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below:

**2 X-2274-01, Anderson County**

The scope of services is to provide a traffic safety study of the Union Pacific Railroad at-grade crossings in Garnett. The City of Garnett currently has two crossings in the program and their safety improvement will require improvement to a total of 10 crossings.

A response may be submitted by e-mail to Neil@ksdot.org, or seven signed copies of the response can 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 and must be received in Room 1084-West by 5 p.m. September 11 for the consulting engineering firm to be considered.

The Consultant Selection Committee will select a list of the most highly qualified (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 the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform

the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified 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. 028284

## State of Kansas

**Department of Transportation****Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms to provide environmental-related services on an as-needed basis. It is anticipated the majority of the work will be related to wetland investigation and the design of wetland and streambed mitigations, or the identification and remediation of hazardous waste sites.

A response may be submitted by e-mail to Neil@ksdot.org, or seven signed copies of the response can 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 and must be received in Room 1084-West by 5 p.m. September 11 for the consulting engineering firm to be considered.

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The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified 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. 028280

## State of Kansas

**Natural Resources Legacy Alliance****Notice of Meeting**

The Kansas Natural Resources Legacy Alliance will meet at 10 a.m. Wednesday, August 28, and Thursday, August 29, in Room 519-S, State Capitol, 300 S.W. 10th Ave., Topeka. A meeting agenda will be made available prior to August 28 by contacting Cathy Greene at (785) 296-3600. The meeting is open to the public. If special accommodations are needed, individuals should contact the State Conservation Commission at least three business days prior to the meeting at (785) 296-3600.

Tracy Streeter  
Executive Director  
State Conservation Commission

Doc. No. 028342

## State of Kansas

**Department of Transportation****Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms to provide geotechnical investigations on an as-needed basis, according to guidelines provided by KDOT's Bureau of Materials and Research Geotechnical Unit.

The objectives of the investigation are to identify and locate, both horizontally and vertically, significant soil and rock types and groundwater conditions present and to establish the characteristics of the subsurface materials visually, by sampling, and by laboratory and in-site testing. Locations may be statewide.

A response may be submitted by e-mail to Neil@ksdot.org, or seven signed copies of the response can 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 and must be received in Room 1084-West by 5 p.m. September 11 for the consulting engineering firm to be considered.

The Consultant Selection Committee will select a list of the most highly qualified (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 the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified 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; and
- Work load of firm; and
- Firm's performance record.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 028279

## State of Kansas

**Department of Transportation****Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below:

**10-106 K-9019-01****Douglas and Johnson Counties**

The scope of services is to provide a corridor study to analyze future capacity issues, interchange locations, transit and bike/pedestrian issues, local land use/development issues and Intelligent Transportation System (ITS) issues.

A response may be submitted by e-mail to Neil@ksdot.org, or seven signed copies of the response can 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 and must be received in Room 1084-West by 5 p.m. September 11 for the consulting engineering firm to be considered.

The Consultant Selection Committee will select a list of the most highly qualified (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 the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified 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. 028281

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 02-04 by adding the following projects:

**Project X-2218-01**, Railroad Crossing Improvement, Union Pacific Railroad and New Road to St. Marys Academy/Country Club in St. Marys, Pottawatomie County

**Project X-2272-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and 327th St. South of Paola, Miami County

**Project X-2273-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Clem Road 2 miles south of Columbus, Cherokee County

**Project X-2274-01**, Study Alternatives for Increased Highway/Railroad Crossing Safety in the City of Garnett, Anderson County

**Project X-2275-01**, Railroad Crossing Improvement, Union Pacific Railroad and 11th Terrace east of Marysville, Marshall County

**Project X-2276-01**, Railroad Crossing Improvement, Union Pacific Railroad and 1st Road west of Bremen, Marshall County

**Project X-2277-01**, Railroad Crossing Improvement, Union Pacific Railroad and Main Street in Perry, Jefferson County

**Project X-2278-01**, Railroad Crossing Improvement, Union Pacific Railroad and K-196 near Whitewater, Harvey County

**Project X-2280-01**, Railroad Crossing Improvement, Union Pacific Railroad and Dean Road west of Whiteside, Reno County

**Project X-2281-01**, Railroad Crossing Improvement, Union Pacific Railroad and Kansas Avenue in Canton, McPherson County

**Project X-2282-01**, Railroad Crossing Improvement, Union Pacific Railroad and 5th Avenue in Canton, McPherson County

**Project X-2283-01**, Railroad Crossing Improvement, Union Pacific Railroad and Hedge Lane northeast of Paola, Miami County

**Project X-2285-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Georgia Road east of Pomona, Franklin County

**Project X-2286-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and California Road west of Melvern, Osage County

**Project X-2287-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and 9th Street in Osage City, Osage County

**Project X-2288-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Holiday Street in Osage City, Osage County

**Project X-2289-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Ellinwood Street in Osage City, Osage County

**Project X-2290-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Safford Street in Osage City, Osage County

**Project X-2291-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Hoover Road south of Sedgwick, Sedgwick County

**Project X-2292-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Dean Road west of Whiteside, Reno County

**Project X-2293-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and 110th Street north of Belle Plaine, Sumner County

**Project X-2294-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and 19th Street in Winfield, Cowley County

**Project X-2295-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and 132nd Street north of Winfield, Cowley County

**Project X-2296-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and 6th Street in Douglass, Butler County

**Project X-2297-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Prairie Creek Road east of Rose Hill, Butler County

**Project X-2298-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and 170th Street east of Rose Hill, Butler County

**Project X-2299-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Meadowlark Road east of Rose Hill, Butler County

**Project X-2300-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and 160th Street east of Rose Hill, Butler County

**Project X-2301-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Indianola Road east of Rose Hill, Butler County

**Project X-2302-01**, Railroad Crossing Improvement, Burlington Northern Santa Fe Railroad and Tawakoni Road east of Rose Hill, Butler County

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

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

The comment period regarding the STIP amendment will conclude September 23.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 028314

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

Wednesday, September 4, 2002

#3025

High Resolution Infrared/Visible Mask Alignment and Exposure System

William H. Sesler
Director of Purchasing

Doc. No. 028318

State of Kansas

Department of Transportation

Request for Comments

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

The STIP is a project-specific document that includes a list of all highway and transit projects in the state for a three-year period (October 1, 2002 to September 30, 2005). The STIP has been categorized into three general sections. The sections are as follows:

- 1. All street and highway projects administered by KDOT.
2. Statewide public transit projects.
3. Federal Lands Highway Program projects.

The comprehensive list of programmed projects provided under category one above includes all projects, regardless of funding source, to be administered by KDOT. This list includes projects for counties and cities, and projects on the state highway system. This approach allows currently scheduled projects to be converted to federal aid, if necessary, without undue delay and revision to the STIP. Transportation Improvement Programs for the urbanized areas in Kansas are included in this STIP by reference (Douglas County, Johnson County, Leavenworth County, Sedgwick County, Shawnee County and Wyandotte County).

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

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

Metropolitan Planning Organization Offices:

Mid-America Regional Council (MARC), 300 Rivergate Center, 600 Broadway, Kansas City, Missouri
Wichita-Sedgwick County Metropolitan Area Planning Department, 455 N. Main, 10th Floor, Wichita

Topeka-Shawnee County Metropolitan Planning Commission, 515 S. Kansas, Suite 404, Topeka
Lawrence-Douglas County Planning Office, 6th and Massachusetts, Box 708, Lawrence
St. Joseph Metropolitan Planning Office, 1100 Frederick Ave., Room 204, St. Joseph, Missouri

KDOT District Offices:

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

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

The comment period regarding the draft STIP will conclude September 23.

E. Dean Carlson
Secretary of Transportation

Doc. No. 028322

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

Thursday, September 5, 2002

#3027

Theta X-Ray Diffraction System

William H. Sesler
Director of Purchasing

Doc. No. 028341

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 8-19-02 through 8-25-02

Table with 2 columns: Term and Rate. Rows include 1-89 days (1.75%), 3 months (1.57%), 6 months (1.60%), 1 year (1.75%), 18 months (1.95%), and 2 years (2.23%).

Derl S. Treff
Director of Investments

Doc. No. 028310

State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of Negotiations  
for Architectural/Engineering Services**

Notice is hereby given of the commencement of negotiations for architectural/engineering services for Phase 3, Fire Code Improvements for Dyche Hall at the University of Kansas, Lawrence. The project is to complete installation of a fire sprinkler system in a building on the National Register of Historic Places. An architect will be required to deal with architecturally sensitive areas. A fire protection engineer will be required to design the system. The total project budget is \$400,000.

For information regarding the scope of services, contact either Jim Modig or Bob Rombach, (785) 864-3431.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. September 6.

Joe Fritton, P.E.  
Director, Division of  
Facilities Management

Doc. No. 028338

(Published in the Kansas Register August 22, 2002.)

**Summary Notice of Bond Sale  
Pottawatomie County, Kansas  
\$385,000**

**General Obligation Bonds, Series 2002B**

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

**Bond Sale Particulars**

Subject to the terms and conditions of the complete official notice of bond sale and the preliminary official statement both dated August 22, 2002, of Pottawatomie County, Kansas, in connection with the issuance of the county's General Obligation Bonds, Series 2002B, as hereinafter described, sealed, written bids will be received at the office of the county clerk at the Pottawatomie County Administration Building, 207 N. First St., Westmoreland, KS 66549, until 11 a.m. Monday, September 9, 2002, for the purchase of the bonds. All bids will be publicly opened, read aloud and tabulated on said date and at said time and will thereafter be immediately considered and acted upon by the governing body of the county.

No oral or auction bids for the bonds will be considered, and no bids for less than the entire series of bonds will be considered.

Bids will 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 county clerk. Bids may be submitted by mail or delivered in person, and must be received at the place and not later than the date and time herein specified. Each bid must be accompanied by a good faith deposit in the form of a qualified financial surety bond or certified or cashier's check drawn on a bank located within the United States, each made payable to the order of the county and in an amount equal to 2 percent of the principal amount of the bonds.

**Details of the Bonds**

The aggregate principal amount of the bonds is \$385,000. The bonds will be dated as of September 15, 2002, and will be issued as fully registered bonds in the denomination of \$5,000, or integral multiples in excess thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will *not* receive certificates representing their interest in bonds purchased. The bonds will bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their maturities as provided in the complete official notice of bond sale.

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

Principal Amount	Maturity Date
\$10,000	2003
10,000	2004
10,000	2005
15,000	2006
15,000	2007
15,000	2008
15,000	2009
15,000	2010
15,000	2011
20,000	2012
20,000	2013
20,000	2014
20,000	2015
25,000	2016
25,000	2017
25,000	2018
25,000	2019
25,000	2020
30,000	2021
30,000	2022

**Payment of Principal and Interest**

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds, and the principal



of the bonds will be payable upon surrender at the paying agent's principal office in the City of Topeka, Kansas. Interest will be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

**Security for the Bonds**

The bonds and the the interest thereon will constitute general obligations of the county, and the full faith, credit and resources of the county will be pledged to the payment thereof. The county is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county for the purpose of paying the bonds and the interest thereon.

**Delivery of the Bonds**

The bonds, duly prepared, executed and registered, will be furnished and delivered in book-entry form only at the expense of the county through the facilities of the Depository Trust Company, New York, New York, on or before September 24, 2002.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Jonathan P. Small, Chartered, Topeka, Kansas, bond counsel, whose fees will be paid by the county. 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 sale and preliminary official statement for a discussion of tax exemption and other legal matters.)

**Financial Matters**

The county's 2001 equalized assessed tangible valuation for computation of bonded debt limitations is \$347,730,616. The county's outstanding general obligation bonded indebtedness as of the date hereof totals the principal amount of \$2,523,429, which does not include the bonds described herein, and does not include \$410,000 principal amount in temporary notes, which will be paid off in part from the proceeds of the bonds described herein.

**Additional Information**

For additional information regarding the county, 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, all of which may be obtained from the county clerk at the address and telephone number shown below.

Dated August 22, 2002.

Susan L. Figge, County Clerk  
 County Administration Building  
 207 N. First St.  
 Westmoreland, KS 66549  
 (785) 457-3314  
 Fax (785) 457-3507

Doc. No. 028340

(Published in the Kansas Register August 22, 2002.)

**Notice of Partial Redemption  
 to the Holders of  
 City of Lakin, Kansas**

**First Mortgage Revenue Bonds, Series 1978  
 (Section 8 Assisted Housing Project)**

Notice is hereby given, pursuant to the applicable redemption provisions of the governing documents of the above captioned bonds, that the herein described bonds are called for redemption prior to their maturity and will be redeemed on September 15, 2002. Redemption will be made by payment of the principal amount of each such bond, together with interest accrued to the redemption date plus applicable premium, if any. From and after September 15, 2002, interest on the bonds shall cease to accrue and any lien or interest in or to any pledge of security or collateral for the bonds hereby called shall also cease and become null on that date.

**\*CUSIP Number: 512757AW5, 7.400%**

**Due: September 15, 2008**

**Redemption Price: 100%, Total Amount Called: \$30,000**

**Bearer Bonds called in the amount of \$5,000 each:**

51 64 65 72 73 79

Payment of bonds called for redemption will be made upon presentation and surrender of such bonds together with all coupons maturing on and after September 15, 2002, in the case of bearer bonds at the location shown below.

Called bonds should be presented as follows:

**By U.S. Mail:**

BankOne Trust  
 Corporate Trust Operations  
 P.O. Box 710184  
 Columbus, OH 43271-0184

**By Overnight or Courier Delivery:**

BankOne/CTO  
 Suite I-N (OH1-0184)  
 1111 Polaris Parkway  
 Columbus, OH 43240

(Only by hand delivery on business days between the hours of 9 a.m and 3 p.m.)

Certified or registered, insured mail is suggested when submitting bonds for payment.

When inquiring about this redemption notice, please inform the customer service representative of your bond number and the bond CUSIP number (Customer Service, 1-800-346-5153).

Please furnish a properly completed and signed form W-9 when submitting your bonds. Federal law may require the payor to withhold 30 percent from the payment if a certified taxpayer (Social Security) number isn't provided.

\*No representation is made as to the accuracy of any CUSIP number either in this notice or as printed on any bond. CUSIP numbers are included solely for the convenience of the bondholders.

Dated August 15, 2002.

By: Bank One Trust Company, NA  
 As Trustee

Doc. No. 028321

## State of Kansas

## State Conservation Commission

## Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, September 9, at the Sun Dome Best Western, 11 Des Moines, Hutchinson. A copy of the agenda may be obtained by contacting Cathy Greene at the Conservation Commission office, 109 S.W. 9th, Suite 500, Topeka, 66612-1299, (785) 296-3600. If special accommodations are needed, contact the agency at least three days in advance of the meeting date.

Tracy Streeter  
Executive Director

Doc. No. 028313

## State of Kansas

Department of Health  
and Environment

## Notice of Available Grant Funding

The Kansas Department of Health and Environment announces the availability of Maternal and Child Health Block Grant funds to be used by local governmental agencies and/or community-based organizations for the purpose of reducing injuries due to motor vehicle crashes, fire/burns and drownings. Interested applicants should call (785) 296-8163 to obtain more information. The closing date for receipt of applications by the Kansas Department of Health and Environment is September 6.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028316

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is providing public notice of the intent to modify the closure plan in Pueblo Chemical and Supply Company's Resource Conservation and Recovery Act (RCRA) permit. Pueblo is located on South Star Route in Garden City. A draft closure plan has been prepared and is available for public review.

Pueblo Chemical and Supply Company, owned by United Agri Products, operates a pesticide distribution facility in Finney County. In 1969, Pueblo began formulating herbicides and insecticides at this facility. Pueblo was permitted in 1984 to operate a RCRA hazardous waste storage/treatment facility (I.D. Number KSD000819086). The permit allowed the facility to store in closed tanks and evaporate in open tanks a water-based rinsate from pesticide drums and to store dry wastes in closed drums. In the fall of 1992, Pueblo ceased formulation of agriculture chemicals and the facility was converted to a repackaging and distribution facility.

Pueblo began closure activities in 1994 and the facility's permit expired November 26, 1994.

During the initial closure activities, the facility discovered pesticide contamination in the soil. An extended closure period was approved to allow the facility to investigate the subsurface contamination and conduct corrective action. KDHE issued a consent order in October 2000 to require the facility to fully investigate and evaluate the extent of the contamination. The investigation is ongoing. The unexpected event of finding subsurface contamination has resulted in many changes to the original closure plan. The secretary of KDHE has determined that this unexpected event is cause to modify the permit per 40 CFR 270.41 and is modifying the closure plan per 40 CFR 124 to reflect current conditions and to incorporate the consent order.

The purpose of having a public comment period is to ensure that interested parties have the opportunity to evaluate the conditions specified in the closure plan and to provide their input into the decision-making process for final closure. A 45-day public comment period will begin August 26 and end October 10.

Further information may be obtained by contacting Mostafa Kamal at (785) 296-1609. In addition, the administrative record, which includes the fact sheet, draft closure plan, consent order, data submitted by the facility and other relevant documents, will be available for public review during normal business hours at the following locations:

Kansas Department of Health and Environment  
Bureau of Waste Management  
1000 S.W. Jackson, Suite 320  
Topeka, 66612-1366  
Finney County Public Library  
605 E. Walnut  
Garden City, 67846

If you would like to provide comment on the draft closure plan, submit written statements and your name, address (street, city and zip code), phone number and affiliation or neighborhood to Mostafa Kamal by fax at (785) 296-1592, by e-mail to mkamal@kdhe.state.ks.us or by mail to the Kansas Department of Health and Environment, 1000 S.W. Jackson, Suite 320, Topeka, 66612. A person may request a public hearing be held on the proposed modification. The request for a public hearing shall be in writing and set forth the basis for this request. If a public hearing is approved, advanced public notice will be given.

KDHE maintains a mailing list of interested people and organizations who have asked to be kept informed of the activities at specific RCRA facilities. All parties on the mailing list are notified when KDHE or the facility performs an activity that requires public participation. To be added to KDHE's mailing list and receive future information on RCRA activities at the Pueblo Chemical and Supply facility, contact Mostafa Kamal.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028328

## 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. MTS Components Facility (Caterpillar) has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

MTS Components Facility (Caterpillar), Peoria, Illinois, owns and operates a facility that produces rubber products for mechanical use, located at 1601 E. South Ave., Emporia, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air 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 Adam W. Kice, (785) 296-1691, 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 Adam W. Kice, 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 September 23.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 23 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity

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

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028320

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

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

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Herbert Buckland, (785) 296-6438, at the KDHE central office; or Randy Owen, (316) 268-8448, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Herbert Buckland, 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 September 23.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 23 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028327

**State of Kansas  
Speech-Language Pathology/Audiology  
Advisory Board**

**Notice of Meeting**

The Speech-Language Pathology/Audiology Advisory Board will meet at 1 p.m. Thursday, October 3, in Classroom F of the KNEA Building, 715 S.W. 10th Ave., Topeka.

Marla Rhoden, Director  
Health Occupations Credentialing

Doc. No. 028319

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

Dobson Brothers Construction Company, Lincoln, Nebraska, owns and operates a portable concrete batch plant.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 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 Herbert Buckland, (785) 296-6438, at the KDHE central office; or Joan Ratzlaff, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Herbert Buckland, 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 September 23.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 23 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028329

**State of Kansas  
Department of Health  
and Environment**

**Notice of Available Grant Funding**

The Kansas Department of Health and Environment announces the availability of federal funds to be used by local governmental agencies and/or community-based organizations for the purpose of increasing knowledge and skills related to the prevention of fire-related injuries. Funds will be used in delivering fire safety education and the installation of functional smoke detectors to Kansas communities with concerns in the area of fire-related injury and/or death.

Interested applicants should contact Lisa Tenbrink, KDHE Public Health Educator, at (785) 368-7290 to obtain more information. The closing date for receipt of applications by the Kansas Department of Health and Environment is September 1.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028265

**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-02-204/209  
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Jon Clemence 2903 17th Ave. Lindsborg, KS 67456	SE/4 of Section 01, T17S, R03W, McPherson County	Smokey Hill River Basin
Kansas Permit No. A-SHMP-B002		

This is a permit renewal for an existing facility for a maximum of 900 head of cattle weighing greater than 700 pounds [900 animal units (a.u.)].

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the previous five years. In such cases, soil sampling and analysis shall be completed at least once during the permit cycle.

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. 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
Miller Farms c/o David Miller Route 8, Box 74 Topeka, KS 66615	E/2 of Section 05, T13S, R13E, Wabaunsee County	Kansas River Basin

Kansas Permit No. A-KSWB-S004

This is a renewal, name change and reduction in animal units of a current permit for an existing facility for 420 head (168 animal units) of swine greater than 55 pounds and 400 head (40 animal units) of swine 55 pounds or less, for a total of 208 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. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Marysville Livestock Auction 1180 Hwy. 77 Marysville, KS 66508	SE/4 of Section 29, T02S, R07E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-B004

This is a new permit and change of operator for an existing weekly salebarn facility with an average weekly sale for 350 head (350 animal units) of cattle greater than 700 pounds and for 600 head (300 animal units) of cattle 700 pounds or less, for a total of 650 animal units.

Changes in Kansas regulations required this facility, with an existing certification of compliance, to apply for a waste control permit. No new construction or expansion is proposed.

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

Name and Address of Applicant	Legal Description	Receiving Water
Prairie Place Swine c/o Marvin Bell 18445 Harveyville Road Harveyville, KS 66431	SW/4 of Section 03, T14S, R13E, Wabaunsee County	Kansas River Basin

Kansas Permit No. A-KSWB-S010

This is a permit renewal of an existing facility for a maximum of 670 head of swine greater than 55 pounds (268 animal units) and for a maximum of 2330 head of swine less than 55 pounds (233 animal units), for a total of 501 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. The manure/waste management plan most recently approved by the Department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Rodney L. and Cynthia K. Strahm Route 3, Box 169 Sabetha, KS 66534	SE/4 of Section 26, T01S, R14E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-B001

This is a new permit for an existing facility for 600 head (600 animal units) of cattle greater than 700 pounds and for 350 head of swine greater than 55 pounds (140 animal units), for a total of 740 animal units.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liners have been compacted and prior to placing the earthen wastewater retention structures into service.

Dewatering equipment shall be purchased within 12 months of completion of construction of the wastewater control structures or sooner if the required storage capacity in Table 1 is infringed upon (4.5. feet from wastewater level to top of berm). It shall be capable of dewatering greater than the rate required in Table 1. Written verification of the acquisition of the equipment shall be submitted to the department.

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. 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
Withers Feed Yard 2298 90th Road Copeland, KS 67837	SW/4 of Section 10, T28S, R34W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C012 Federal Permit No. KS0096971

This is a new permit for an existing facility for 4,999 head (4,999 animal units) of beef cattle.

Permeability tests shall be conducted on both the north and south earthen wastewater retention structures. Permeability tests shall be completed within six months of permit issuance.

Dewatering equipment shall be obtained within 6 months after issuance of the permit through purchase, rental or custom application agreement. Written verification of the acquisition of the equipment shall be submitted to the department.

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

Public Notice No. KS-02-128/131

Name and Address of Applicant	Waterway	Type of Discharge
Hillsboro, City of P.O. Box 125 Hillsboro, KS 67063	Cottonwood River via South Cottonwood River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE35-0001 Federal Permit No. KS0030589

Legal: NW¼, NW¼, S3, T20S, R2E, Marion County

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

Name and Address of Applicant	Waterway	Type of Discharge
Oneida, City of P.O. Box 184 Oneida, KS 66522	South Fork Nemaha River via Harris Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO15-0001 Federal Permit No. KS0093467

Legal: NW¼, SW¼, S23, T2S, R13E, Nemaha County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits (continued)

for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Century Lubricating Oils, Inc. 2140 S. 88th St. Kansas City, KS 66111	Kansas River via Storm Sewer	Noncontact Cooling Water
Kansas Permit No. I-KS27-CO09	Federal Permit No. KS0086665	
Legal: SE½, S30, T11S, R24E, Wyandotte County		

Facility Description: The proposed action is to reissue an existing permit for a discharge of noncontact cooling water. This facility blends oils and produces grease for lubricants. Well water continuously supplies noncontact cooling water to the facility. Approximately 57,600 gallons per day of noncontact cooling water and unused well water is discharged through outfall 001. Waters discharged through outfall 001 flow into the Kansas River via the City of Kansas City storm sewer. No chemical additives are used. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Swift Beef Company (fka Monfort, Inc.) One Conagra Drive Greeley, CO 80634	Arkansas River	Treated Process Wastewater
Kansas Permit No. I-UA14-PO03	Federal Permit No. KS0092347	
Facility Location: Route 1, Farmland Road, Garden City, KS 67846		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily process wastewater. At the present time, the facility is not operating because of a major fire. The permittee is required to give KDHE 60 days notice before startup of the facility. This facility is a beef complex slaughterhouse with associated by-product processing. Animal holding pens washing, slaughtering, rendering, hide curing, paunch removal/tripe, viscera handling, blood processing, carcass cleanup, cutting and cleanup wastewater are collected in wet wells. Wastewater from wet wells is pumped into two rotary drum screens. Effluent from screens is combined with closed loop cooling water and boiler blowdown and directed to an equalization basin with a mixer and a DAF unit to two anaerobic lagoons, where it commingles with sanitary wastewater. Effluent from anaerobic lagoons is treated in a two-basin sequencing batch reactor system. The current process rate is about 4200 head per day. The design capacity is 5,600 head per day. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, oil and grease, ammonia, fecal coliform, chloride and pH. Monitoring for nitrate, nitrite, sulfates, total dissolved solids, boron, dissolved oxygen and effluent flow also will be required. A chronic whole effluent toxicity test will be required in each year the facility operates three or more months during a calendar year. A land application report shall be submitted annually. Additionally, various tests shall be required on the aerobic cell effluent/SBR effluent, groundwater monitoring wells and irrigation effluent pond. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16- 28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Glenda Newquist 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 September 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-204/209, KS-02-128/131) 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>.

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

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

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 028330

State of Kansas

## Department on Aging

Permanent Administrative  
RegulationsArticle 11.—KANSAS SENIOR PHARMACY  
ASSISTANCE PROGRAM

**26-11-1. Eligibility.** There shall be hereby established a Kansas senior pharmacy assistance program.

(a) To be eligible to participate in the Kansas senior pharmacy assistance program, each individual shall meet the following requirements:

(1) Meet the eligibility criteria specified in K.S.A. 75-5961, and amendments thereto; and

(2) be a participant in the qualified Medicare beneficiary program or low income Medicare beneficiary program, as determined by the Kansas department of social and rehabilitation services.

(b) This regulation shall be effective on and after September 1, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 75-5961; effective, T-26-9-5-01, Oct. 1, 2001; effective, T-26-12-11-01, Dec. 11, 2001; effective Sept. 6, 2002.)

**26-11-2. Benefit limitations.** (a) The drug benefit shall be limited to 70% of the individual's costs incurred for the drugs specified in subsection (b) and shall be limited to a maximum of \$1,200 per eligible individual.

(b) The drug benefit shall be limited to the costs for only the following drugs:

(1) Any legend prescription drug used to treat a chronic illness, which shall mean any drug taken regularly to treat an illness that persists over a long period of time; and

(2) insulin and those diabetic supplies not covered by Medicare.

(c) The drug benefit shall not apply toward the cost of any of the following drugs:

(1) Over-the-counter drugs;

(2) lifestyle drugs, including Viagra; or

(3) prescription drugs for acute illnesses.

(d) This regulation shall be effective on and after September 1, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 75-5961; effective, T-26-9-5-01, Oct. 1, 2001; effective, T-26-12-11-01, Dec. 11, 2001; effective Sept. 6, 2002.)

**26-11-3. Priority of funding.** (a) Not all requests for a drug benefit may be paid due to a lack of program funding.

(b) Drug benefit requests shall be prioritized according to the eligible individual's income level, and benefit payments shall be made until program funds are exhausted.

(c) Once program funds are exhausted, no eligible individual shall receive a benefit.

(d) This regulation shall be effective on and after September 1, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 75-5961; effective, T-26-9-5-01, Oct. 1, 2001; effective, T-26-12-11-01, Dec. 11, 2001; effective Sept. 6, 2002.)

Connie Hubbell  
Secretary of Aging

Doc. No. 028325

State of Kansas

## Department of Health and Environment

Temporary Administrative  
Regulations

## Article 1.—DISEASES

**28-1-18. Notification of Kansas department of health and environment by laboratories of positive reaction to tests for certain diseases.** (a) To assist in the control of disease in Kansas, each person who is in charge of a clinical laboratory shall notify the Kansas department of health and environment within 48 hours after testing, unless otherwise specified in this regulation, any specimen derived from the human body that yields microscopical, cultural, immunological, serological, or other evidence suggestive of those diseases that are significant from a public health standpoint.

(b) (1) Each notification shall include the following:

(A) The date and result of the test performed;

(B) the name of the person from whom the specimen was obtained;

(C) when available, either the date of birth or the age, and the address and telephone number of the person from whom the specimen was obtained; and

(D) when available, the name and address of the physician for whom the examination or test was performed, and any other information required by the secretary.

(2) A legible copy of the laboratory report delivered by confidential electronic transmission or mail, or a confidential telephone communication of the laboratory report shall satisfy the notification requirement of this subsection.

(c) The conditions or diseases to which this regulation applies shall include the following:

(1) All diseases listed in K.A.R. 28-1-2;

(2) all blood lead level test results as follows:

(A) Blood lead level test results greater than or equal to 10 micrograms per deciliter for persons less than 18 years of age, and greater than or equal to 25 micrograms per deciliter for persons 18 years of age or older shall be reported within 48 hours; and

(B) blood lead level test results less than 10 micrograms per deciliter for persons less than 18 years of age, and less than 25 micrograms per deciliter for persons 18 years of age or older shall be reported within 30 days; and

(3) CD4+ T-lymphocyte count of less than 500 per microliter or a CD4+ T-lymphocyte percent of total lymphocytes less than 29.

(d) Isolates of positive cultures of the following microorganisms shall be sent to the Kansas department of health and environment, division of health and environment laboratory, unless this requirement is waived under special circumstances by the secretary of health and environment:

(1) Salmonella;

(2) shigella;

(3) *Escherichia coli* 0157:H7 and other enterohemorrhagic, enteropathogenic, and enteroinvasive *E. coli*;

(continued)

- (4) *Neisseria meningitidis*;  
 (5) streptococcal invasive disease from group A *Streptococcus* or *Streptococcus pneumoniae*; and  
 (6) *Mycobacterium tuberculosis*.  
 (e) All laboratory notifications required in this regulation shall be confidential and shall not be open to public inspection, as provided in K.S.A. 65-118 and amendments thereto. (Authorized by and implementing K.S.A. 65-101, K.S.A. 2001 Supp. 65-118 and K.S.A. 65-128; effective, E-68-22, Aug. 9, 1968; effective Jan. 1, 1969; amended May 1, 1986; amended Aug. 23, 1993; amended Jan. 12, 1996; amended Dec. 1, 1997; amended Feb. 18, 2000; amended, T-28-8-9-02, Aug. 9, 2002.)

Clyde D. Graeber  
 Secretary of Health  
 and Environment

Doc. No. 028331

## State of Kansas

### Department of Corrections

#### Permanent Administrative Regulations

#### Article 6.—GOOD TIME CREDITS

**44-6-101. Definitions.** (a) For purposes of sentence computation, as used in various regulations in this article, terms dealing with good time credits shall be defined as follows:

(1) "Establishment of good time credits" means the creation of that pool of credits that decreases part of the term of actual imprisonment for good work and behavior over a period of time. Good time credits shall not forgive or eliminate the sentence but shall function only to allow the inmate to earn the privilege of being released from incarceration earlier than the full minimum, maximum, or guidelines prison sentence, subject to conditions specified and imposed pursuant to applicable law. Following a revocation of parole or conditional release, good time credits shall not be available to reduce the period of incarceration before a Kansas parole board hearing for re-parole. Following a revocation of postrelease supervision, good time credits shall be available to reduce the incarceration penalty period as authorized by applicable statutes.

(2) "Allocation of good time credits" means the breakdown of the total number of established good time credits into groups of credits that are available to the inmate in separate time periods.

(3) To "earn good time credits" means that the inmate has acted in a way that merits a reduction of the term of actual imprisonment by those credits.

(4) "Award of good time credits" means the act of the unit team, as approved by the program management committee and the warden or designee, granting all or part of the allocation of credits available for the time period under review.

(5) "Application of good time credits" means the entry of the credits of forfeitures into the official record of the inmate and the consequent adjustment of parole eligibil-

ity, conditional release, the guidelines release date, or the guidelines sentence discharge date.

(6) "Forfeiture of good time credits" means the removal of the credits and consequent reinstatement of a term of actual imprisonment by the disciplinary board according to article 12 and article 13, as published in the inmate rule book.

(b) For purposes of sentence computation, as used in various regulations in this article, terms dealing with sentence structure shall be defined as follows:

(1) "Composite sentence" means any sentence formed by the combination of two or more sentences.

(2) "Concurrent sentence" means two or more sentences imposed by the court with minimum and maximum terms, respectively, to be merged, or two or more sentencing guidelines sentences imposed by the court with their prison terms to be merged.

(3) "Consecutive sentence" means a series of two or more sentences imposed by the court in which the minimum terms and the maximum terms, respectively, are to be aggregated, or a series of two or more sentencing guidelines sentences in which the prison terms are to be aggregated pursuant to K.S.A. 21-4720 and amendments thereto.

(4) "Controlling sentence" means the sentence made up of the controlling minimum term and the controlling maximum term of any sentence or composite sentence or the sentencing guidelines sentence made up of two or more sentences, whether concurrent or consecutive, that results in the longest prison term.

(5) "Aggregated controlling sentence" means a controlling sentence composed of two or more sentences. An aggregated controlling sentence has a minimum term consisting of the sum of the minimum terms and a maximum term consisting of the sum of the maximum terms. In the case of sentencing guidelines sentences, an aggregated controlling sentence has a prison term that is the sum of all the prison terms of the sentences that are aggregated, pursuant to K.S.A. 21-4720 and amendments thereto. The term "aggregated" shall be applied only to consecutive sentences.

(c) For purposes of sentence computation, as used in various regulations in this article, terms dealing with sentence service credits, other than good time credits, shall be defined as follows:

(1) "Jail credit" and "JC" mean the time spent in confinement, pending the disposition of the case, before the sentencing to the custody of the secretary of corrections pursuant to K.S.A. 21-4614, and amendments thereto, or on or after May 19, 1988, time spent in a residential center while on probation or assignment to a community correctional residential services program, pursuant to K.S.A. 21-4614a and amendments thereto.

(2) "Maximum sentence credit" means the total period of incarceration served on a sentence beyond the limitation for credit awarded as prior penal credit. This credit shall be used to adjust the maximum expiration date of the sentence.

(3) "Prior penal credit" means the penal time credited for time the inmate previously was incarcerated on the sentence. Prior penal credit shall be given for time spent incarcerated on a sentence that has subsequently been ag-



gregated due to the imposition of a consecutive sentence. This credit shall be limited to the time spent incarcerated on the previous sentence but shall not exceed an amount equal to the previous minimum sentence less the maximum amount of good time credit that could have been earned on the minimum sentence under the law in effect at that time.

(d) For purposes of sentence computation as used in various regulations in this article, terms dealing with terms or length of sentences shall be defined as follows:

(1) "Controlling minimum term" means the length of the sentence to be served to reach the controlling minimum date as determined according to applicable case, statutory, and regulatory law.

(2) "Controlling maximum term" means the length of the maximum sentence imposed by the court that constitutes the longest required period of incarceration, determined according to applicable case and statutory law and these regulations.

(e) For purposes of sentences computation, as used in various regulations in this article, terms dealing with calculation of specific dates in the execution of sentences shall be defined as follows:

(1) "Sentencing date" means the date on which the sentence is imposed by the court upon conviction. "Sentencing date" is also known as the sentence imposition date.

(2) "Sentence begins date" means the calendar date on which service of the sentence is to begin running. This date, as established by the court, shall reflect the time allowances as defined in jail time credit. This date shall be adjusted by department of corrections staff if prior penal credit is applicable. If no jail credit is involved but prior penal credit exists, the prior penal credit shall be subtracted from the sentence imposition date to determine the sentence begins date.

(3) "Controlling minimum date" means the calendar date derived by adding the controlling minimum term to the sentence begins date.

(4) "Controlling maximum date" means the calendar date derived by adding the controlling maximum term imposed by the court to the sentence begins date.

(5) "Guidelines release date" means, for offenders with sentences imposed pursuant to the sentencing guidelines act, K.S.A. 21-4701 et seq. and amendments thereto, the date yielded by adding the prison portion of the sentence to the sentence, less any good time credits earned and awarded pursuant to K.S.A. 21-4722 and amendments thereto, plus any good time credits forfeited.

(6) "Conditional release date" and "CR date" mean the controlling maximum date minus the total number of authorized good time credits not forfeited.

(f) For purposes of sentence computation as used in various regulations in this article, terms dealing with loss of forfeiture of sentence service credit while on parole or postrelease supervision status as well as escape status shall be defined as follows:

(1) "Postincarceration supervision" means supervision of any offender released to the community after service of the requisite term of incarceration. This term shall include both parole and postrelease supervision.

(2) "Abscond" means departing without authorization from a geographical area or jurisdiction prescribed by the conditions of one's parole or postrelease supervision.

(3) "Delinquent time lost on postincarceration status" and "DTLOPIS" mean the time lost on the service of sentence from which the offender was paroled or released to postrelease supervision due to being on absconder status after a condition violation warrant was issued and until the warrant was served.

(4) "Forfeited good time on postincarceration status" means the amount of good time ordered forfeited by the Kansas parole board from the amount earned from the date of authorized release to the date delinquent time on parole or postincarceration began or to the date of admission to a department of corrections facility.

(5) "Time lost on escape" means the time not counted on the service of sentence while the inmate is on escape status. This term shall mean the time from which the escape took place to the time of apprehension. (Authorized by K.S.A. 2001 Supp. 21-4722, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 2001 Supp. 75-5217, K.S.A. 75-5251; implementing K.S.A. 21-4608, K.S.A. 2001 Supp. 21-4722, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 2001 Supp. 22-3725, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 2001 Supp. 75-5217, K.S.A. 75-5251; effective May 1, 1981; amended, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 6, 2002.)

#### **44-6-106. Authority to interpret court documents.**

(a) Department of corrections' staff, authorized by the secretary of corrections, shall have the authority to analyze and interpret the journal entry of judgment, the judgment form, and any other documents from the court to the extent necessary to execute the sentence and commitment.

(b) Authorized staff shall include wardens, records officers, classification officers, sentence computation specialists, and attorneys.

(c) If correction of a journal entry is necessary, the authorized staff shall refer the matter to the sentencing court and notify either the county or district attorney and the defense attorney. (Authorized by K.S.A. 75-5210, 75-5251; implementing K.S.A. 21-4608, K.S.A. 2001 Supp. 22-3717, K.S.A. 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991; amended Sept. 6, 2002.)

**44-6-107. Application of law on date of crime; statutes repealed still applied.** (a)(1) The statutes constituting the substantive law in effect at the time the crime is committed shall apply to compute the sentence term and the release dates. No subsequent change in the statute constituting substantive law shall be applied if that law adversely affects the inmate. Changes in statute constituting substantive law that benefit the inmate may be applied to compute the inmate's sentence term and the release dates, but shall not be required to be applied except in the computation of parole eligibility.

(2) Parole eligibility shall be computed by applying the statute in effect at the time the inmate committed the crime for which imprisoned unless subsequent changes

(continued)

in the statute provide an earlier parole date. If the amendment would yield an earlier parole eligibility date, that amendment shall be applied. Statutes establishing the formula for computation of parole eligibility shall be considered substantive law and not procedural law.

(b) Any statute or regulation that has been repealed or revoked shall continue to apply to sentences of inmates if other statutes, regulations, or the principles of constitutional law require its terms to be applied to that inmate, or if law permits its continued application and the policy of the department of corrections is to continue its application for reasons of fairness or economy.

(c) The following chart shall establish the description of categories of law systems applicable to sentences of inmates who are subject to the custody of the secretary of corrections:

TITLE OF LAW SYSTEM	EFFECTIVE DATE OF APPLICATION	SESSION LAW OR STATUTORY REFERENCE
(1) "Old code"	All before July 1970	
(2) "New code"	After July 1, 1980	
(3) Penal reform act of 1973	After July 1, 1974	S.B. 72, L. 1973, ch. 339
(4) "Firearms mandatory," "mandatory firearms," "mandatory gun," "gun act," all referring to the combination of mandatory prison term and prohibition of parole before minimum is served.	After July 1, 1976	K.S.A. 21-4618 and K.S.A. 22-3717. L. 1976, ch. 168
(5) "Parole eligibility reform law"	On and after January 1, 1979	K.S.A. 22-3717, L. 1978, ch. 120
(6) "Aid and abet parole limitation"	After July 1, 1981	K.S.A. 22-3717, L. 1981, ch. 156
(7) "Parole eligibility law split"	After July 1, 1981	K.S.A. 22-3717, 22-3717a, L. 1981, ch. 156.
(8) "Sentence toughening law" or "legislative good time credit law"	After July 1, 1982	H.B. 3104 and H.B. 2757, L. 1982, ch. 137 and 150
(9) "Previous consecutive credit limitation law"	After July 1, 1983	H.B. 2212, L. 1983, ch. 111, K.S.A. 21-4608(6), (d) and (e)
(10) "Sentencing guidelines act"	On or after July 1, 1993	S.B. 423, L. 1993, ch. 291, K.S.A. 21-4701 <i>et seq.</i> and K.S.A. 22-3717

(d) The history of the pertinent statutes shall be reviewed to determine the form of the law applicable at the time the crime was committed, as follows:

(1) K.S.A. 21-4608—Prior law: K.S.A. 62-1512, G.S. 1868, ch. 82, § 250, R.S. 1923, 62-1512, L. 1963, ch. 306, § 1, June 30, 1963, Repealed L. 1969, ch. 180, July 1, 1970; K.S.A. 62-2251, L. 1957, ch. 331, § 26; July 1, 1957, Repealed L. 1969, ch. 180; July 1, 1970; L. 1969, ch. 180, § 21-4608, July 1, 1970; L. 1978, ch. 120, § 8, January 1, 1979; L. 1982, ch. 150, § 1, July 1, 1982; L. 1983, ch. 111, § 1, July 1, 1983.

(2) K.S.A. 22-3717, L. 1970, ch. 129, § 22-3717, July 1, 1970; [L. 1972, ch. 317, § 90, Never Effective], L. 1973, ch. 339, § 88, July 1, 1974; L. 1974, ch. 403, § 10, July 1, 1974; L. 1975, ch. 203, § 1, July 1, 1975; L. 1976, ch. 168, § 2, July 1, 1976; L. 1978, ch. 120, § 13, January 1, 1979; L. 1979, ch. 94, § 2, July 1, 1979; L. 1981, ch. 156, § 1, July 1, 1981; L. 1982, ch. 137, § 3, July 1, 1982; L. 1982, ch. 150, § 2, July 1, 1982.

(3) K.S.A. 22-3717a, L. 1981, ch. 156, § 2, July 1, 1981, Repealed L. 1982, ch. 137, § 4, July 1, 1982.

(e) Statutes specifically relating to the granting of credit for time served shall be applied according to the terms, the court's order, and the statute, and their histories shall be described as follows:

(1) K.S.A. 21-4614. Prior law K.S.A. 62-1533, L. 1969, ch. 180, § 21-4614; L. 1979, ch. 124, § 13; L. 1972, ch. 317,

§ 101; L. 1973, ch. 339, § 72; L. 1980, ch. 104, § 2, April 24, 1980.

(2) K.S.A. 21-4608 [see subsection (d)].

(3) K.S.A. 22-3431. Prior law K.S.A. 62-1537; L. 1970, ch. 129, § 22-3431; L. 1971, ch. 114, § 8, July 1.

(4) K.S.A. 22-3717 [see subsection (d)].

(5) K.S.A. 22-3717a [see subsection (d)].

(6) K.S.A. 21-4614a. L. 1988, ch. 115, § 4, July 1, 1988; L. 1989, ch. 92, §5, July 1, 1989. (Authorized by K.S.A. 75-5251, K.S.A. 75-5210; implementing K.S.A. 75-5251, K.S.A. 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 6, 2002.)

**44-6-108. Application of good time credits.** (a) For the purposes of awarding and applying good time credits, all calculations shall be based upon a year, which shall be considered a 360-day period with each month consisting of 30 days.

(b) Good time credits may be awarded by the warden of the correctional facility, the regional parole director, or the interstate compact administrator, or their designees.

(c) Good time credits may be awarded only for time served on a sentence on and after the beginning date of the sentence. Good time credits shall not be awarded for any period of time served before the sentence begins date. Good time credits shall not be awarded or withheld if a sentence is not being served due to an escape, or for delinquent time lost on postincarceration supervision. (Authorized by K.S.A. 2001 Supp. 21-4722, 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 2001 Supp. 22-3725, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; implementing K.S.A. 21-4608, 21-4722, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991; amended Sept. 6, 2002.)

**44-6-114c. Parole eligibility computation.** (a) For concurrent and aggregated consecutive terms not involving class A felonies, parole eligibility shall be set at the minimum term less any award for good time credits. The minimum term, less good time credits awarded and retained, shall determine the parole eligibility date for concurrent and aggregated consecutive sentences for crimes committed before July 1, 1993, including sentences pursuant to K.S.A. 21-4618 and amendments thereto, but not including class A felonies.

(b) Concurrent class A felony sentences shall have a fixed parole eligibility date of 15 years, except as follows:

(1) For capital murder offenses committed on or after July 1, 1990 but before July 1, 1994, with a sentence imposed under former K.S.A. 21-4628, a parole eligibility date of 40 years shall be established.

(2) For capital murder offenses committed on or after July 1, 1994, but before July 1, 1999, if a death sentence is not imposed, then under K.S.A. 21-4635 and 21-4638, and amendments thereto, a parole eligibility date of 40 years shall be established.

(3) For capital murder offenses committed on or after July 1, 1999, if a death sentence is not imposed, then under K.S.A. 21-4635 and 21-4638, and amendments thereto, a parole eligibility date of 50 years shall be established.

(c) Parole eligibility for consecutive sentences that include one or more class A felonies shall be determined by the following:

(1) Computing the parole eligibility on the aggregate minimum terms for crimes that are not class A felonies; and

(2) adding an additional 15 years for each class A felony or, in the case of an offender whose class A felony was committed before July 1, 1994, and who was sentenced pursuant to the provisions of former K.S.A. 21-4628, an additional 40 years. A class A felony sentence shall be served first with the 15-year or 40-year parole eligibility period, as appropriate, added to the sentence begins date, to determine the parole eligibility date on the class A felony sentence. An additional 15 or 40 years, as appropriate, shall be added for each additional consecutive class A felony sentence. Good time credits shall not be applied to class A felony sentences. Good time credits shall be applied to non-class A felony sentences only after service of the fixed parole eligibility requirements for the class A felonies.

(d)(1) Except for a violation of K.S.A. 21-3402(a) and amendments thereto committed on or after July 1, 1996, but before July 1, 1999, parole eligibility for off-grid crimes shall be computed as follows:

(A) For off-grid crimes committed on or after July 1, 1993, but before July 1, 1994, parole eligibility shall be computed in the same manner as for class A felonies.

(B) For off-grid crimes committed on or after July 1, 1994, but before July 1, 1999, parole eligibility shall be computed in the same manner as for class A felonies except that the fixed parole eligibility date shall be at 15, 25, or 40 years, as specified by the court.

(C) For off-grid crimes committed on or after July 1, 1999, parole eligibility shall be computed in the same manner as for class A felonies except that the fixed parole eligibility date shall be at 20, 25, or 50 years, as specified by the court.

(2) For violations of K.S.A. 21-3402(a) committed on or after July 1, 1996, but before July 1, 1999, a fixed parole eligibility date of 10 years shall be established.

(3) Good time credits shall not be applied to that portion of a sentence controlled by a fixed parole eligibility date and shall be applied to sentencing grid crime sentences pursuant to K.S.A. 21-4722 and amendments thereto only after service of the fixed parole eligibility

requirements for off-grid crimes. (Authorized by K.S.A. 75-5210, 75-5251; implementing K.S.A. 2001 Supp. 22-3717, K.S.A. 75-5210, 75-5251; effective Nov. 12, 1990; amended Sept. 30, 1991; amended Sept. 6, 2002.)

**44-6-114d. Conditional release date.** When computing a conditional release date, it shall be presumed that 100% of the available good time credits are earned. Conditional release good time credits may be forfeited in accordance with applicable regulations of the secretary. The conditional release date shall be based on the controlling maximum date. No conditional release date shall be computed for a maximum sentence of life. (Authorized by and implementing K.S.A. 2001 Supp. 22-3718, 22-3725, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; effective Sept. 6, 2002.)

**44-6-114e. Guidelines release date.** (a) The prison portion of sentences for crimes committed on or after July 1, 1993 but before April 20, 1995, except for off-grid crimes, may be reduced by no more than 20% through awarded and retained good time credits.

(b) The prison portion of sentences for crimes committed on or after April 20, 1995, except for off-grid crimes, may be reduced by no more than 15% through awarded and retained good time credits. Partial days shall be rounded to the next whole number, but over the length of the sentence no more than 15% of the imprisonment portion of the sentence may be awarded as good time.

(c) Concurrent and consecutive sentences for off-grid crimes committed on or after July 1, 1993 shall not be subject to reduction through application of good time credits.

(d) For determinate sentences that are concurrent or consecutive with indeterminate sentences, good time may be awarded on the indeterminate sentence term as described in these regulations and applicable law.

(e) Good time credits awarded and retained on the prison portion of determinate sentence shall be added to the period of postrelease supervision applicable to the offender's sentence.

(f) The following charts shall establish the good time credit rate for a 20% reduction of the prison portion of a determinate sentence.

(1) Total good time credits available for the length of sentence imposed.

(2) Allocation of good time credits available during the service of sentence.

**TOTAL GOOD TIME AVAILABLE (20% RATE)  
OFFENSES COMMITTED ON OR AFTER JULY 1, 1993 THROUGH APRIL 19, 1995**

<i>Length of Sentence [Months]</i>	<i>Possible Good Time Earned</i>			<i>Time to Serve [All GT Kept]</i>		
	<i>Years</i>	<i>Months</i>	<i>Days</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
5	0	1	0	0	4	0
6	0	1	6	0	4	24
7	0	1	12	0	5	18
8	0	1	18	0	6	12
9	0	1	24	0	7	6
10	0	2	0	0	8	0
11	0	2	6	0	8	24
12	0	2	12	0	9	18

(continued)

<i>Length of Sentence [Months]</i>	<i>Possible Good Time Earned</i>			<i>Time to Serve [All GT Kept]</i>		
	<i>Years</i>	<i>Months</i>	<i>Days</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
13	0	2	18	0	10	12
14	0	2	24	0	11	6
15	0	3	0	1	0	0
16	0	3	6	1	0	24
17	0	3	12	1	1	18
18	0	3	18	1	2	12
19	0	3	24	1	3	6
20	0	4	0	1	4	0
21	0	4	6	1	4	24
22	0	4	12	1	5	18
23	0	4	18	1	6	12
24	0	4	24	1	7	6
25	0	5	0	1	8	0
26	0	5	6	1	8	24
27	0	5	12	1	9	18
28	0	5	18	1	10	12
29	0	5	24	1	11	6
30	0	6	0	2	0	0
31	0	6	6	2	0	24
32	0	6	12	2	1	18
33	0	6	18	2	2	12
34	0	6	24	2	3	6
35	0	7	0	2	4	0
36	0	7	6	2	4	24
37	0	7	12	2	5	18
38	0	7	18	2	6	12
39	0	7	24	2	7	6
40	0	8	0	2	8	0
41	0	8	6	2	8	24
42	0	8	12	2	9	18
43	0	8	18	2	10	12
44	0	8	24	2	11	6
45	0	9	0	3	0	0
46	0	9	6	3	0	24
47	0	9	12	3	1	18
48	0	9	18	3	2	12
49	0	9	24	3	3	6
50	0	10	0	3	4	0
51	0	10	6	3	4	24
52	0	10	12	3	5	18
53	0	10	18	3	6	12
54	0	10	24	3	7	6
55	0	11	0	3	8	0
56	0	11	6	3	8	24
57	0	11	12	3	9	18
58	0	11	18	3	10	12
59	0	11	24	3	11	6
60	1	0	0	4	0	0
61	1	0	6	4	0	24
62	1	0	12	4	1	18
63	1	0	18	4	2	12
64	1	0	24	4	3	6
65	1	1	0	4	4	0
66	1	1	6	4	4	24
67	1	1	12	4	5	18
68	1	1	18	4	6	12
69	1	1	24	4	7	6
70	1	2	0	4	8	0
71	1	2	6	4	8	24

Length of Sentence [Months]	Possible Good Time Earned			Time to Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
72	1	2	12	4	9	18
73	1	2	18	4	10	12
74	1	2	24	4	11	6
75	1	3	0	5	0	0
76	1	3	6	5	0	24
77	1	3	12	5	1	18
78	1	3	18	5	2	12
79	1	3	24	5	3	6
80	1	4	0	5	4	0
81	1	4	6	5	4	24
82	1	4	12	5	5	18
83	1	4	18	5	6	12
84	1	4	24	5	7	6
85	1	5	0	5	8	0
86	1	5	6	5	8	24
87	1	5	12	5	9	18
88	1	5	18	5	10	12
89	1	5	24	5	11	6
90	1	6	0	6	0	0
91	1	6	6	6	0	24
92	1	6	12	6	1	18
93	1	6	18	6	2	12
94	1	6	24	6	3	6
95	1	7	0	6	4	0
96	1	7	6	6	4	24
97	1	7	12	6	5	18
98	1	7	18	6	6	12
99	1	7	24	6	7	6
100	1	8	0	6	8	0

ALLOCATION OF GOOD TIME CREDITS AVAILABLE DURING THE SERVICE OF SENTENCE-20% RATE				MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS
OFFENSES COMMITTED ON OR AFTER JULY 1, 1993 THROUGH APRIL 19, 1995				21		5	08
				22		5	15
				23		5	23
				24		6	00
				25		6	08
				26		6	15
				27		6	23
				28		7	00
				29		7	08
				30		7	15
MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS	31		7	23
1			08	32		8	00
2			15	33		8	08
3			23	34		8	15
4		1	00	35		8	23
5		1	08	36		9	00
6		1	15	37		9	08
7		1	23	38		9	15
8		2	00	39		9	23
9		2	08	40		10	00
10		2	15	41		10	08
11		2	23	42		10	15
12		3	00	43		10	23
13		3	08	44		11	00
14		3	15	45		11	08
15		3	23	46		11	15
16		4	00				
17		4	08				
18		4	15				
19		4	23				
20		5	00				

(continued)

MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS	MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS
47		11	23	78	1	7	15
48	1	00	00	79	1	7	23
49	1	00	08	80	1	8	00
50	1	00	15	81	1	8	08
51	1	0	23	82	1	8	15
52	1	1	00	83	1	8	23
53	1	1	08	84	1	9	00
54	1	1	15	85	1	9	08
55	1	1	23	86	1	9	15
56	1	2	00	87	1	9	23
57	1	2	08	88	1	10	00
58	1	2	15	89	1	10	08
59	1	2	23	90	1	10	15
60	1	3	00	91	1	10	23
61	1	3	08	92	1	11	00
62	1	3	15	93	1	11	08
63	1	3	23	94	1	11	15
64	1	4	00	95	1	11	23
65	1	4	08	96	2	00	00
66	1	4	15	97	2	00	08
67	1	4	23	98	2	00	15
68	1	5	00	99	2	00	23
69	1	5	08	100	2	01	00
70	1	5	15				
71	1	5	23				
72	1	6	00				
73	1	6	08				
74	1	6	15				
75	1	6	23				
76	1	7	00				
77	1	7	08				

(g) The following charts shall establish the good time credit rate for a 15% reduction of the prison portion of a determinate sentence.

(1) Total good time credits available for the length of sentence imposed.

(2) Allocation of good time credits available during the service of sentence.

**TOTAL GOOD TIME AVAILABLE (15% RATE)  
OFFENSES COMMITTED ON OR AFTER APRIL 20, 1995**

Length of Sentence [Months]	Possible Good Time Earned			Time to Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
5	0	0	23	0	4	7
6	0	0	27	0	5	3
7	0	1	2	0	5	28
8	0	1	6	0	6	24
9	0	1	11	0	7	19
10	0	1	15	0	8	15
11	0	1	20	0	9	10
12	0	1	24	0	10	6
13	0	1	29	0	11	1
14	0	2	3	0	11	27
15	0	2	8	0	12	22
16	0	2	12	0	13	18
17	0	2	17	0	14	13
18	0	2	21	0	15	9
19	0	2	26	0	16	4
20	0	3	0	0	17	0
21	0	3	5	0	17	25
22	0	3	9	0	18	21
23	0	3	14	0	19	16
24	0	3	18	0	20	12
25	0	3	23	0	21	7
26	0	3	27	0	22	3

Length of Sentence [Months]	Possible Good Time Earned			Time to Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
27	0	4	2	0	22	28
28	0	4	6	0	23	24
29	0	4	11	0	24	19
30	0	4	15	0	25	15
31	0	4	20	0	26	10
32	0	4	24	0	27	6
33	0	4	29	0	28	1
34	0	5	3	0	28	27
35	0	5	8	0	29	22
36	0	5	12	0	30	18
37	0	5	17	0	31	13
38	0	5	21	0	32	9
39	0	5	26	0	33	4
40	0	6	0	0	34	0
41	0	6	5	0	34	25
42	0	6	9	0	35	21
43	0	6	14	0	36	16
44	0	6	18	0	37	12
45	0	6	23	0	38	7
46	0	6	27	0	39	3
47	0	7	2	0	39	28
48	0	7	6	0	40	24
49	0	7	11	0	41	19
50	0	7	15	0	42	15
51	0	7	20	0	43	10
52	0	7	24	0	44	6
53	0	7	29	0	45	1
54	0	8	3	0	45	27
55	0	8	8	0	46	22
56	0	8	12	0	47	18
57	0	8	17	0	48	13
58	0	8	21	0	49	9
59	0	8	26	0	50	4
60	0	9	0	0	51	0
61	0	9	5	0	51	25
62	0	9	9	0	52	21
63	0	9	14	0	53	16
64	0	9	18	0	54	12
65	0	9	23	0	55	7
66	0	9	27	0	56	3
67	0	10	2	0	56	28
68	0	10	6	0	57	24
69	0	10	11	0	58	19
70	0	10	15	0	59	15
71	0	10	20	0	60	10
72	0	10	24	0	61	6
73	0	10	29	0	62	1
74	0	11	3	0	62	27
75	0	11	8	0	63	22
76	0	11	12	0	64	18
77	0	11	17	0	65	13
78	0	11	21	0	66	9
79	0	11	26	0	67	4
80	1	0	0	0	68	0
81	1	0	5	0	68	25
82	1	0	9	0	69	21
83	1	0	14	0	70	16
84	1	0	18	0	71	12

(continued)

Length of Sentence [Months]	Possible Good Time Earned			Time to Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
85	1	0	23	0	72	7
86	1	0	27	0	73	3
87	1	1	2	0	73	28
88	1	1	6	0	74	24
89	1	1	11	0	75	19
90	1	1	15	0	76	15
91	1	1	20	0	77	10
92	1	1	24	0	78	6
93	1	1	29	0	79	1
94	1	2	3	0	79	27
95	1	2	8	0	80	22
96	1	2	12	0	81	18
97	1	2	17	0	82	13
98	1	2	21	0	83	9
99	1	2	26	0	84	4
100	1	3	0	0	85	0

ALLOCATION OF GOOD TIME CREDITS AVAILABLE DURING THE SERVICE OF SENTENCE-15% RATE OFFENSES COMMITTED ON OR AFTER APRIL 20, 1995				MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS
				36		6	10
				37		6	16
				38		6	21
				39		6	26
				40		7	02
				41		7	07
				42		7	12
				43		7	17
				44		7	23
				45		7	28
				46		8	03
				47		8	09
				48		8	14
				49		8	19
				50		8	25
				51		9	00
				52		9	05
				53		9	10
				54		9	16
				55		9	21
				56		9	26
				57		10	02
				58		10	07
				59		10	12
				60		10	17
				61		10	23
				62		10	28
				63		11	03
				64		11	09
				65		11	14
				66		11	19
				67		11	24
				68		12	00
				69		12	05
				70		12	10
				71		12	16
				72		12	21
				73		12	26
				74	1	01	01
				75	1	01	07



MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS
76	1	01	12
77	1	01	17
78	1	01	23
79	1	01	28
80	1	02	03
81	1	02	08
82	1	02	14
83	1	02	19
84	1	02	24
85	1	03	00
86	1	03	05
87	1	03	10
88	1	03	16
89	1	03	21
90	1	03	26
91	1	04	01
92	1	04	06
93	1	04	12
94	1	04	17
95	1	04	23
96	1	04	28
97	1	05	03
98	1	05	08
99	1	05	14
100	1	05	19

(Authorized by and implementing K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251, K.S.A. 2001 Supp. 21-4722; effective Sept. 6, 2002.)

**44-6-115.** (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; revoked Sept. 6, 2002.)

**44-6-115a. Awarding and withholding good time credits for incarcerated offenders.** (a) With the exception of calculation of good time credits affecting the conditional release dates, which are controlled by K.A.R. 44-6-114d, this regulation shall govern the award and withholding of good time credits.

(b) (1) At the conclusion of the initial inmate classification, 100% of the good time credits available from the sentence begins date to the date of the initial good time award shall be awarded, unless there is written documentation of maladjustment before the date of the initial award.

(2) The initial award of good time credits shall be made on the same day of the month on which the sentence was established. If a full month has not elapsed between the computed sentence begins date and the conclusion of the initial classification, good time credits shall not be awarded until the first classification review following the initial classification.

(c) Following the initial award, good time credits may be awarded at each classification review from credits available since the previous classification review.

(d) The following factors shall be considered in determining whether or not an inmate is awarded good time credits:

- (1) The inmate's performance in a work assignment;
- (2) the inmate's performance in a program assignment;
- (3) the inmate's maintenance of an appropriate personal and group living environment;
- (4) the inmate's participation in release planning activities;
- (5) the inmate's disciplinary record; and
- (6) any other factors related to the inmate's general adjustment, performance, behavior, attitude, and overall demonstration of individual responsibility and accountability.

(e) If an inmate refuses to work constructively or participate in assigned programs, 100% of the good time credits available for program classification review periods shall be withheld until the inmate participates in the assigned program at a time that permits the inmate to complete the program, unless the facility health authority determines that the inmate is physically or mentally incapable of working or participating in a particular program or detail.

(f) If an inmate fails to cooperate in the development of an acceptable release plan, the good time credits available for award during the 120-day period immediately before the inmate's projected or scheduled release date shall not be awarded.

(g) Award of good time credits shall be withheld on the basis of an inmate's disciplinary record in the following manner:

(1) If a facility disciplinary hearing officer finds the inmate guilty of a class I disciplinary offense, at least 50% of the good time credits available for that classification review period shall be withheld.

(2) If a facility disciplinary hearing officer finds the inmate guilty of a class II disciplinary offense, at least 25% but not more than 50% of the good time credits available for the classification review period shall be withheld.

(3) If a facility disciplinary hearing officer finds the inmate guilty of a class III disciplinary offense, at least 10% but not more than 25% of the good time credits available for that classification review period shall be withheld. For purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(4) If a facility disciplinary hearing officer finds the inmate guilty of multiple disciplinary violations within a single disciplinary report, only the most serious violation shall be used in determining the percentage of good time credits to be withheld.

(h) The percentage of good time credits withheld during a classification review period shall be cumulative but shall not exceed 100% of that available for that classification review period.

(i) Good time credits forfeited as a result of a penalty imposed by a facility disciplinary hearing officer shall not be restored to an inmate. (Authorized by K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251, K.S.A. 2001 Supp. 21-4722; implementing K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251, K.S.A. 2001 Supp. 21-4722; effective Sept. 6, 2002.)

**44-6-115b. Awarding and withholding good time credits for offenders on supervised release.** (a) Offend-

(continued)

ers on supervised release may be awarded good time credits at the following rates:

(1) Offenders on parole release for indeterminate sentences shall be eligible for good time credits at the rate of one day of good time for each day under supervision and provided by K.A.R. 44-6-114d.

(2) For offenders convicted of crimes that were committed on or after July 1, 1993 but before April 20, 1995 and that fall into non-drug severity levels 1 through 4 or drug severity levels 1 or 2, the period of postrelease supervision shall be 24 months plus the amount of good time awarded and retained on the imprisonment portion of a sentence for such a conviction. Good time credits shall not be available for the reduction of postrelease supervision.

(3) For offenders convicted of crimes committed on or after April 20, 1995 that fall into non-drug severity levels 1 through 4 or drug severity levels 1 or 2, the period of postrelease supervision shall be 36 months plus the amount of good time awarded and retained on the imprisonment portion of a sentence for such a conviction. The 36-month portion of the postrelease supervision period may be reduced by up to 12 months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for every two days served from the date of release from prison, but not to exceed a total of 12 months. That portion of the period of post-release supervision resulting from the addition of good time credits awarded and retained while in prison pursuant to K. S.A. 21-4722(b) and amendments thereto shall not be reduced through application of good time credits while on postrelease supervision.

(4) For offenders who are convicted of crimes committed on or after July 1, 1993 that fall into non-drug severity levels 5 or 6 or drug severity level 3 and who are sentenced to serve a period of postrelease supervision, the period of postrelease supervision shall be 24 months plus the amount of good time awarded and retained on the imprisonment portion of the sentence for any such conviction. The 24-month portion of the postrelease supervision period may be reduced by 12 months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for each day served from the date of release from prison. That portion of the postrelease supervision period resulting from application of good time credits awarded and retained while in prison shall not be subject to reduction through the application of good time credits while on postrelease supervision.

(5) For offenders who are convicted of crimes committed on or after July 1, 1993 that fall into non-drug severity levels 7 through 10 or drug severity level 4 and who are sentenced to serve a period of postrelease supervision, the period of postrelease supervision shall be 12 months plus the amount of good time awarded and retained on the imprisonment portion of the sentence for any such conviction. The 12-month portion of the period of postrelease supervision period may be reduced by six months through award of good time credits. Awarded good time credits shall be applied at the rate of one day for each day served from the date of release from prison. That portion of the postrelease supervision period resulting from ap-

plication of good time credits awarded and retained while in prison shall not be subject to reduction through the application of good time credits while on postrelease supervision.

(b) All subsequent awards during a single supervision release period shall be made at six-month intervals, unless, in the judgment of the offender's parole officer, good cause exists to shorten the interval.

(c) No good time credits shall be awarded during the time an offender is on absconder status.

(d) Factors that shall be considered in determining whether or not an offender on supervised release is awarded good time credits shall include the following:

- (1) Reporting to the parole officer as scheduled;
- (2) maintaining steady employment, participating in treatment, or both;
- (3) remaining from criminal activity;
- (4) following the conditions of release; and
- (5) maintaining appropriate behavior and demonstrating responsible and acceptable behavior.

(e) Any of the following violations, if committed by the offender during the review period, shall result in the withholding of 100% of the good time credits available during the review period:

- (1) any felonious conduct established with probable cause by a district court, or any misdemeanor conviction, including driving under the influence (DUI) or driving while suspended (DWS);
- (2) engagement in assaultive activities, violence, or threats of violence of any sort, or possession of a dangerous weapon, ammunition, or explosives as established by reliable information, including witness statements and police reports;
- (3) engagement in contact with victims or contact with specific persons with whom contact is prohibited by special condition;
- (4) violation of any specific prohibitions assigned to sex offenders;
- (5) failure to agree to be subject to a search by any parole officer as specified by the conditions of supervision;
- (6) refusal to provide urinalysis or to otherwise submit to substance abuse testing;
- (7) any documented instance of use of drugs, alcohol, or inhalant, either through positive drug test results, admission, or based upon reliable information from law enforcement officials or a special enforcement officer, including police reports that an offender was drinking, huffing, or otherwise ingesting prohibited substances;
- (8) refusal to take psychotropic medication as prescribed;
- (9) refusal to maintain employment or participate in programs during the review period; or
- (10) absconding from supervision.

(f) Any of the following violations shall result in the mandatory withholding of 50% of the good time credits available during the review period for each violation:

- (1) Failure to make initial contact with the parole officer within the time frame specified on the release certificate or as otherwise directed;
- (2) leaving the state of Kansas without permission;
- (3) failure to report as directed on two occasions;
- (4) violation of an imposed curfew;

(5) operation of a motor vehicle without a license, as established by parole officer observation; or

(6) possession of an illegal drug or commonly abused substance, including glue or paint, or of a mind-altering prescription drug prescribed for someone other than the offender as determined by admission, observation, police reports, or other reliable information.

(g) Any of the following violations shall result in the mandatory withholding of 25% of the good time credits available for the reward period for each violation:

(1) changing jobs without notifying the supervising officer;

(2) leaving the assigned supervision district without permission, but remaining in the state;

(3) failing to report once during the reporting period;

(4) moving from the place of residence without notifying the supervising officer; or

(5) failing to maintain steady employment.

(h) Failure to pay supervision fees as directed after determination that the offender is able but unwilling to pay shall result in the mandatory withholding of good time credits at the rate of 20% for each month in the review period that the offender fails to pay the monthly designated fee.

(i) The third or subsequent occurrence of one or more condition violations shall result in the withholding of an additional 50% of good time credits available, in addition to any withholding otherwise provided for by this regulation.

(j) Other violations not falling into the categories outlined in subsections (e) through (i) above may result in the withholding of 10% of the good time credits available for the reward period.

(k) If multiple violations occur resulting from the same set of circumstances, the most severe violation shall be utilized for consideration of the good time award.

(l) Violations resulting in the withholding of good time shall not serve as the basis for withholding additional good time during subsequent award periods.

(m) Good time credits shall be withheld during the award period in which the criteria for withholding good time has been met. The award of good time for a review period for which good time has already been awarded may be adjusted upon the subsequent discovery of a violation committed during the review period in question or upon discovery of any error in computing good time credits. (Authorized by K.S.A. 2001 Supp. 22-3717; implementing K.S.A. 2001 Supp. 22-3717; effective Sept. 6, 2002.)

**44-6-115c. Service of postrelease supervision revocation incarceration penalty period; awarding, withholding, and forfeiture of good time credits for offenders serving incarceration penalty period.** (a) For offenders who were convicted of committing offenses on or after July 1, 1993, but before April 20, 1995, and whose postrelease supervision is revoked for reasons other than commission of a new crime, good time credits shall not be available for the purpose of reducing the applicable 90-day incarceration penalty period.

(b) For offenders convicted of crimes committed on or after April 20, 1995, and whose postrelease supervision is

revoked for reasons other than commission of a new crime, good time credits may be earned toward reduction of the applicable six-month incarceration penalty period by up to three months. Awarded good time credits shall be applied at the rate of one day for each day served from the date of the revocation hearing or, if applicable, the effective date of waiver of the revocation hearing before the Kansas parole board.

(c) For offenders who are serving a sentencing guidelines sentence and whose postrelease supervision is revoked due to commission of a new crime, good time credits shall not be available to reduce the period of the incarceration penalty. Offenders whose postrelease supervision is revoked due to commission of a new felony shall serve the entire remaining balance of postrelease supervision in prison. Offenders whose postrelease supervision is revoked due to commission of a misdemeanor shall serve the remaining balance of postrelease supervision in prison unless released by order of the Kansas parole board.

(d) Awards of good time shall be made at 30-day intervals from the date of the revocation hearing before the board, or from the effective date of the waiver of the revocation hearing, as applicable. If an offender who waives the revocation hearing has not yet been transferred to a correctional facility when any 30-day interval occurs, the initial award shall be made when the offender is so transferred. When the offender waives the revocation hearing before the board, 100% of good time credits available for any time spent in detention from the effective date of the waiver and before the offender's transfer to a correctional facility shall be awarded, unless there is written documentation of maladjustment during the detention.

(e) For purposes of forfeiture, award, and withholding of good time credits, offenders serving a postrelease revocation penalty period for reasons other than commission of a new crime shall be subject to the provisions of articles 12 and 13 of these regulations that prescribe rules of inmate conduct, penalties for violation thereof, and the procedures employed for processing charges of rules violations.

(f) The following factors shall be considered in determining whether or not an offender is awarded good time credits:

(1) The offender's performance in a work assignment;

(2) the offender's performance in a program assignment;

(3) the offender's maintenance of an appropriate personal and group living environment;

(4) the offender's participation in release planning activities;

(5) the offender's disciplinary record, unless the offender incurred a forfeiture of good time credits based on the same disciplinary conviction; and

(6) any other factors related to the offender's general adjustment, performance, behavior, attitude, and overall demonstration of individual responsibility and accountability.

(g) If an offender refuses to work constructively or to participate in assigned programs, 100% of the good time credits available for program classification review per-

(continued)

iods shall be withheld until the inmate participates in the assigned program at a time that permits the inmate to complete the program, unless the facility health authority determines that the offender is physically or mentally incapable or working or participating in a particular program or detail.

(h) If an offender fails to cooperate in the development of an acceptable release plan, the good time credits available for award during the 30-day period immediately before the offender's scheduled release date shall not be awarded.

(i) Award of good time credits shall be withheld on the basis of an offender's disciplinary record in the following manner:

(1) If a facility disciplinary hearing officer finds the offender guilty of a class I disciplinary offense, at least 50% of the good time credits available for that classification review period shall be withheld.

(2) If a facility disciplinary hearing officer finds the offender guilty of a class II disciplinary offense, at least 25% but not more than 50% of the good time credits available for that classification review period shall be withheld.

(3) If a facility disciplinary hearing officer finds the offender guilty of a class III disciplinary offense, at least 10% but not more than 25% of the good time credits available for that classification review period shall be withheld. For purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(4) If a facility disciplinary hearing officer finds the offender guilty of multiple disciplinary violations within a single disciplinary report, only the most serious violation shall be used in determining the percentage of good time credits that shall be withheld.

(j) The percentage of good time credits withheld during a classification review period shall be cumulative but shall not exceed 100% of that available for that classification review period. Good time credits awarded and applied during the final review period shall not vest until the offender is actually released from the incarceration penalty period and may be withheld due to the offender's misconduct before actual release.

(k) Good time credits forfeited as a result of a penalty imposed by a facility disciplinary hearing officer shall not be restored to an offender. (Authorized by and implementing K.S.A. 2001 Supp. 75-5217; effective Sept. 6, 2002.)

**44-6-117.** (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; revoked Sept. 6, 2002.)

**44-6-120.** (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 1990 Supp. 21-4608, K.S.A. 22-3427; K.S.A. 1990 Supp. 22-3717, as amended by L. 1991, ch. 94, § 1; K.S.A. 1990 Supp. 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991; amended April 6, 1992; revoked Sept. 6, 2002.)

**44-6-124.** (Authorized by and implementing K.S.A. 1993 Supp. 22-3725; effective, T-84-32, Nov. 23, 1983;

amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991; amended April 6, 1992; amended Sept. 13, 1993; amended Jan. 3, 1995; revoked Sept. 6, 2002.)

**44-6-125. Good time forfeitures not restored; exceptions; limits; parole; guidelines release date.** (a) After May 1, 1981, no good time restored. For all inmates, good time that was forfeited on and after May 1, 1981 shall not be restored at a later date. An exception may be requested by the warden in order that standards of basic fairness, equity, and justice may be met. In such a case, good cause for restoration of good time credits shall be shown, in writing, by the warden to the secretary or the secretary's designee. Restoration of good time credits by exception shall be granted only upon written approval by the secretary or the secretary's designee. Good time forfeited before the first effective date of this regulation, May 15, 1980, may be restored in accordance with the secretary of corrections' policies and procedures then in force and effect.

(b) Forfeit only on minimum until parole eligibility. Before parole eligibility, forfeited good time credits shall be subtracted from the amount of good time credits earned toward the parole eligibility only, and not from those credits used to create the conditional release date. After parole eligibility is established, subsequent forfeited credits shall be subtracted from the credits used to form the conditional release date.

(c) Forfeitures limited to awards; no extension of maximum. Good time credits shall not be forfeited in an amount in excess of the good time previously earned and awarded. In cases of a new sentence conviction, disciplinary offenses occurring before the effective date of the new sentence that result in the forfeiture of good time credits shall not be applied to the computation. In no case shall forfeiture of good time credits extend the controlling maximum sentence, nor shall it interfere with or bypass any statutorily fixed parole eligibility that is not controlled by good time credits.

(d) No parole eligibility if forfeited time remains unserved. If good time credits on the term have been forfeited, an inmate shall not be eligible for parole until the inmate has served the time that otherwise would have been subtracted from the term by the application of the credits, or has obtained a restoration of those credits.

(e) In the case of an offender serving a guidelines sentence, forfeiture of good time credits shall affect the guidelines release date. Good time credits shall not be forfeited in an amount in excess of good time previously earned and awarded.

(f) Forfeitures made by disciplinary process. Forfeiture of good time credits may be ordered by the disciplinary board or hearing officer as a penalty for the inmate's commission of certain offenses as set out in articles 12 and 13 of these regulations. (Authorized by K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251, K.S.A. 2001 Supp. 21-4722; implementing K.S.A. 2001 Supp. 21-4722, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, § 5, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended April 6, 1992; amended Sept. 6, 2002.)

**44-6-126. Meritorious good time.** (a) For any inmate incarcerated for crimes committed before July 1, 1982, "meritorious" good time credits may be recommended to the Kansas parole board for any meritorious act by an inmate, if deemed appropriate by the unit team and subject to the approval of the program management committee and the warden.

(1) The action taken on this recommendation by the Kansas parole board shall be recorded in the inmate's record by the records officer at the institution.

(2) The application of these "meritorious" good time credits shall be in addition to other authorized good time credits.

(b) For any offenses committed on and after July 1, 1982, but before July 1, 1984, no meritorious good time credits shall be given.

(c) For any offenses committed on and after July 1, 1984, but before July 1, 1993, meritorious good time shall again be available, and an inmate may be awarded not more than 90 days per meritorious act by the secretary of corrections in accordance with the provisions of K.S.A. 22-3717(a) and amendments thereto. (Authorized by K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; implementing K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985; amended Nov. 12, 1990; amended Sept. 30, 1991; amended Sept. 6, 2002.)

**44-6-133.** (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427, K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991; revoked Sept. 6, 2002.)

**44-6-134. Jail credit time.** (a) Jail credit shall not be used in the sentence computation unless an authorization appears in the journal entry of judgment form. If only the number of days of jail credit earned is contained in the journal entry, the records officer shall compute the sentence begins date by subtracting jail credit from the date of sentencing. The amount of jail credit shall not adjust the sentence begins date so that it falls before the date of commission of the offense.

(b) Jail credit shall be awarded for time spent in custody by an offender pending disposition of charges on the earlier sentence if consecutive sentences are imposed on different dates. The credits on the earlier sentence shall be computed so that the credits do not overlap into the latest imposed sentence. The credits for time spent previously in custody pending disposition of charges shall be recorded as jail credit, but the credit shall not exceed an amount equal to the previous minimum sentence less the maximum number of good time credits that could have been earned on the minimum sentence. The remainder of credits shall be recorded as sentence maximum credits to apply to the maximum date. If prior penal credit was included as jail credit by the court, the credit shall be shown as jail credit.

(c) Jail credit shall be awarded for time spent in custody by an offender pending disposition of charges on an

earlier sentence if consecutive guidelines sentences are imposed on different dates. The credits on an earlier sentence shall be computed so that the credits do not overlap into any sentence imposed after the earlier sentence was imposed.

(d) Jail credit shall be awarded for time spent in custody by an offender pending disposition of charges if consecutive guidelines sentences are imposed on the same date. However, the credits shall be computed so that they do not overlap from one sentence into any other sentence. (Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4608, K.S.A. 2001 Supp. 21-4614, K.S.A. 21-4614a, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991; amended Sept. 6, 2002.)

**44-6-136. Delinquent time lost on postincarceration supervision (DTLOPIS).** (a) Delinquent time lost on postincarceration supervision shall be computed from the date on which the secretary's parole violation warrant, the conditional release violation warrant, or parole officer's arrest and detain order was issued to the date of the service of the warrant as shown on the warrant, or as reflected on the transportation memo issued pursuant to applicable internal management policy and procedure. This information shall be entered by the arresting officer on the back of the signed warrant or shall be reflected on the transportation memo. If the warrant is issued after confinement, no DTLOPIS shall be accrued. DTLOPIS shall be added to the controlling maximum date, and the conditional release date shall be adjusted by that same amount.

(b) Delinquent time lost on postincarceration supervision shall accumulate only during the period of time in which the offender is classified as an absconder. Once the initial warrant has been served, delinquent time shall stop accumulating and time after service of the warrant shall not be considered when the sentences are adjusted for delinquent time lost on postincarceration supervision. Credit shall be allowed for any time spent in jail awaiting disposition on revocation hearings.

(c) In spite of the provisions of subsection (b), if the offender is arrested in another state for reasons other than the Kansas parole violation warrant, delinquent time lost on postincarceration supervision shall continue to the date the offender is first available to be returned to Kansas.

(d) If, after the offender is located, the period of postincarceration supervision is continued without revocation, no delinquent time lost on postincarceration supervision shall be shown.

(e) The arresting officer shall endorse, on the back of the condition violation warrant or the arrest and detain order, the date or dates of service, arrest, and incarceration. For offenders apprehended in another state, this endorsement shall not be required, and the transportation memo shall instead reflect the date when the offender is first made available for return to Kansas. (Authorized by K.S.A. 75-5251; implementing K.S.A. 2001 Supp. 75-5217, K.S.A. 75-5251, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5; effective, T-84-32, Nov. 23, 1983;

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effective May 1, 1984; amended, T-86-5, March 22, 1985; amended May 1, 1986; amended May 1, 1988; amended Sept. 6, 2002.)

**44-6-136a. Forfeited good time on postincarceration supervision release.** Forfeited good time on postincarceration supervision release shall be computed from the date of release on supervision to the date on which delinquent time on postincarceration supervision release began or to admission to a Kansas department of corrections facility if DTLOPIS does not apply. Good time forfeited on or after August 1, 1989 shall be at the rate in effect on that date. Good time forfeited before August 1, 1989 shall be at the rate in effect at the time of the forfeiture. (Authorized by K.S.A. 75-5210, as amended by L. 2002, Ch. 154, Sec. 1, K.S.A. 75-5251; implementing K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5, K.S.A. 2001 Supp. 75-5217, K.S.A. 75-5251; effective Nov. 12, 1990; amended Sept. 6, 2002.)

**44-6-137. Time lost on escape.** (a)(1) Time lost on escape shall be calculated by subtracting the date of escape from the date of apprehension on the Kansas charge regardless of whether the inmate is in or out of the state. The result of this computation shall be added to the minimum date, the parole eligibility date, maximum date, conditional release date, or guidelines release date, as applicable.

(2) If the time of apprehension in the other state is not able to be determined, the date of delivery into Kansas custody shall be used. A good faith effort shall be made to determine the time of apprehension.

(b) If time held on the Kansas warrant in the other jurisdiction includes time served for a charge or conviction in the other jurisdiction, the time of delivery into Kansas custody shall be used as the point at which the lost escape time stops. (Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 6, 2002.)

**44-6-138. Sentence begins date.** (a) Jail credit. Each sentence begins date shall reflect all jail credit.

(b) Reimposed sentence, governed by date of reimposition; adjustment alternatives. The sentence begins date for reimposed sentences, including those reimposed for technical probation violators or persons returned by appellate mandates, shall be the date the court reimposed the sentence unless jail credit or prior penal credit is due. If the court instructs the inmate to surrender to correctional authorities after the sentence imposition date, that surrender date shall become the sentence begins date. This date may be further adjusted by jail credit.

(c) Multiple concurrent sentences governed by court order. The court orders in which multiple, nonconsecutive sentences were imposed shall serve as the reference to ascertain the sentence begins date for use in computing the controlling minimum, maximum, conditional release dates, or guidelines release date, as applicable, subject to the provisions of K.A.R. 44-6-137, K.A.R. 44-6-138, and K.A.R. 44-6-139.

(d) Multiple consecutive sentences. When multiple sentences are imposed on the same date with the stipulation that one is to be consecutive to another, that date

shall be used for the sentence begins date unless adjustments are necessary to allow for jail credit. Jail credits allowed shall reflect the largest amount given on any sentence.

(e) Consecutive before 1979 or after 1982. If a sentence for a crime committed before January 1, 1979 or after July 1, 1982 is to be consecutive with any previously imposed sentence, all dates shall be computed from the earliest sentence imposition date, allowing for jail credit and prior penal credit earned on that earliest sentence. If an inmate has been on probation, parole, or conditional release, as a result of a previously imposed sentence, parole eligibility, conditional release, and maximum dates shall also be adjusted to give credit for time served on probation, parole, or conditional release, subject to K.S.A. 21-4608, and amendments thereto.

(f) Consecutive sentences between 1979 and 1982. If a sentence for a crime committed on or after January 1, 1979 and through June 30, 1982 is to be consecutive with any previously imposed sentence, the sentence begins date shall be determined by the imposition date of the latest sentence. The sentence begins date shall then be moved to an earlier date by an amount of time equal to jail credit and prior penal credit earned on the earlier sentence. Credit shall also be allowed for the time on the minimum term of the earlier sentence, including any time on probation or parole, up to a maximum reduction equal to the minimum term of the earlier sentence.

(g)(1) If a sentence for a crime committed on or after July 1, 1983 is to be consecutive with some previously imposed sentence, the aggregated minimums and maximums shall be computed, and the aggregate sentence shall have the same sentence begins date as the newly imposed sentence. Credit shall be given on the aggregate in an amount equal to the time served on the earlier sentences included in the aggregate. However, for the purpose of computing the sentence begins date, the parole eligibility date, and the conditional release date, this credit shall not exceed the amount of time equal to the period from the sentence begins date, for the previous sentence, to the earliest possible parole eligibility date as if all good time credits had been earned on that previous sentence. An inmate serving a life sentence shall be allowed credit for the total time served, not to exceed 15 years. An inmate serving a mandatory minimum sentence shall be allowed credit for all time served on the sentence before July 1, 1982 plus the remaining minimum time to serve, less all good time credits allowable. When computing the maximum date, the inmate shall receive credit for all time served on the previous sentence.

(2) If the aggregate includes a sentence on which the inmate was serving probation, parole, or conditional release, no credit for time spent on that probation, parole, or conditional release shall be given in computations for the aggregate sentence.

(h) When the aggregate is being computed, the inmate shall be given credit for time spent on probation or parole if both of the following conditions are met:

(1) An inmate is returned to prison as a parole violator with multiple new charges that have identical sentences running concurrent with each other but consecutive to the previous sentence on which parole was being served.

(2) The date of offense on one or more new charges is before July 1, 1983, and another is after July 1, 1983. (Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4608, K.S.A. 2001 Supp. 22-3717, as amended by L. 2002, Ch. 163, Sec. 5; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1988; amended Sept. 6, 2002.)

**44-6-140. Controlling minimum date; for concurrent composite sentences—merge and select longest incarceration; controlling guidelines release date.** (a) For new admissions with concurrent sentences, the minimum term of each sentence shall be added to its sentence begins date. The sentence with the minimum term requiring the longest time to be served to parole eligibility shall be the sentence controlling the minimum date. Therefore, parole eligibility for each sentence shall be computed before selecting the controlling minimum sentence.

(b) Concurrent minimums applied only to sentences not parole-eligible yet. The controlling minimum date for inmates readmitted with new concurrent sentences shall be computed only for sentences on which parole eligibility has not yet been achieved.

(c) Technical parole violations. The controlling minimum date of technical parole or conditional release violators shall not change from the original computation on which parole eligibility was originally achieved.

(d) For new admissions with multiple concurrent guidelines sentences, the prison portion of each sentence shall be added to its sentence begins date. The sentence with the term requiring the longest time to be served in prison shall be the sentence controlling the guidelines release date. (Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5251, K.S.A. 21-4608; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 6, 2002.)

**44-6-140a. Controlling minimum date, for consecutive composite sentence add terms; controlling guidelines release date.** (a) To obtain the controlling minimum date for consecutive sentences, the minimum terms of those sentences that are consecutive shall be added, and the resulting sum of years shall be added to the sentence begins date. This date shall determine the controlling minimum date for the consecutive sentences but shall not be used to determine parole eligibility. Parole eligibility shall be separately computed according to K.A.R. 44-6-111.

(b) To obtain the controlling guidelines release date for consecutive guidelines sentences, all prison portions of the terms shall be added, and the resulting sum of months shall be added to the sentence begins date. (Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5251, 21-4608; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 6, 2002.)

**44-6-141. Controlling maximum date; controlling guidelines sentence discharge date.** (a) Latest conditional release sentence controls. The sentence with the longest period of incarceration shall be designated as the sentence controlling the maximum date. The maximum term of the sentence controlling the conditional release date shall be added to the sentence begins date to establish the controlling maximum date.

(b) New concurrent—longest incarceration controls. For parole and conditional release violators admitted with new sentences that are to be concurrent to the old sentences, the conditional release date of each new sentence shall be calculated. The conditional release date or dates of the old sentence shall be reviewed to assure that all good time forfeitures have been applied. The sentence that requires the longest period of incarceration to reach conditional release shall be designated as the sentence controlling the maximum term and maximum date. That term shall be added to the sentence begins date to establish the controlling maximum date.

(c) Consecutives. Inmates admitted with consecutive sentences shall have the maximum terms of those sentences added together to determine the controlling maximum sentence. If sentences imposed on different dates are to be served consecutively, the inmate shall receive credit for all time served on the previous sentence when the controlling maximum sentence is computed.

(d) Concurrent—consecutive composites. If an inmate is admitted with a composite sentence that includes both concurrent and consecutive sentences, the conditional release date for the consecutive sentence maximum term, as determined in subsection (c), shall be compared to the conditional release date of any remaining concurrent sentences. The length of the sentence or sentences requiring the longest period of incarceration to reach conditional release shall be designated as the term controlling the maximum date. The length of this term shall be added to the sentence begins date to determine the controlling maximum date.

(e) Violator returned past conditional release from concurrent sentences without new sentence. If a conditional release violator is returned without new sentences and the conditional release date has been reached on all other sentences, the maximum term of each active sentence shall be added to each of the sentence begins dates. The sentence requiring the longest period of incarceration to reach the maximum date shall be identified as the controlling maximum date, and its length of sentence shall be the controlling maximum term.

(f) Controlling guidelines sentence discharge date. For each offender with multiple guidelines sentences, the controlling guidelines sentence discharge date shall be calculated by using the principles set forth in subsections (a) through (e) above. (Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4608, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended May 1, 1988; amended Sept. 6, 2002.)

**44-6-142.** (Authorized by K.S.A. 1993 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427, K.S.A. 1993 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991; amended Jan. 3, 1995; revoked Sept. 6, 2002.)

**44-6-143. Computation of consecutive sentences.** (a) On and after May 7, 1987, if an individual is sentenced for an offense committed while on probation, parole, conditional release, or postrelease supervision for a felony, and the probation, parole, conditional release, or post-

(continued)

release supervision is subsequently revoked, the sentences shall be computed as consecutive.

(b) If a previously imposed sentence expires before the imposition of the new sentence, computation shall be made only on the basis of the new sentence. (Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4608, 75-5251; effective Nov. 12, 1990; amended Sept. 6, 2002.)

44-6-146. (Authorized by and implementing K.S.A. 1993 Supp. 21-4722; effective Sept. 13, 1993; amended Jan. 3, 1995; revoked Sept. 6, 2002.)

Charles E. Simmons  
Secretary of Corrections

Doc. No. 028292

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26-5-1	Revoked	V. 21, p. 745
26-5-6	Amended	V. 21, p. 745
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26-8-2	Amended (T)	V. 21, p. 1172
26-8-3	Revoked (T)	V. 21, p. 1173
26-8-5	Amended (T)	V. 21, p. 1173
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28-16-28e	Amended	V. 20, p. 1264-1270
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28-16-36	Amended	V. 20, p. 1277-1279
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28-16-58	Amended	V. 20, p. 1279
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28-16-82	Revoked	V. 20, p. 322
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28-17-6	Amended (T)	V. 21, p. 1171
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28-19-79	Revoked	V. 20, p. 492
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28-29-2201	New	V. 21, p. 310
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28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
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28-36-120	New (T)	V. 20, p. 1122
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28-39-144	Amended	V. 20, p. 1756
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28-39-410	Revoked	V. 20, p. 323
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30-5-64	Amended	V. 20, p. 1393
30-5-76	Amended	V. 20, p. 1846
30-5-92	Amended	V. 20, p. 1029
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40-1-43	Amended	V. 21, p. 451
40-1-43	Amended (T)	V. 20, p. 1896
40-1-46	Amended	V. 21, p. 212
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40-1-48	Amended	V. 21, p. 1056
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40-4-37	Amended	V. 21, p. 741
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40-4-37q	New	V. 21, p. 1272
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40-4-37t	New	V. 21, p. 1272
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60-3-111	Amended	V. 20, p. 1522
60-4-101	Amended	V. 20, p. 449
60-4-103	Amended	V. 21, p. 841
60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449

60-9-105 Amended V. 20, p. 449  
 60-9-106 Amended V. 20, p. 450  
 60-11-116 Amended V. 21, p. 316  
 60-11-119 Amended V. 20, p. 451  
 60-12-106 Amended V. 20, p. 1522  
 60-13-101 Amended V. 20, p. 451  
 60-13-103 Amended V. 21, p. 316  
 60-13-110 Amended V. 21, p. 317  
 60-13-112 Amended V. 20, p. 1523  
 60-16-101 Amended V. 21, p. 841  
 60-16-103 Amended V. 21, p. 842  
 60-16-104 Amended V. 21, p. 842

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-23	New	V. 21, p. 659
63-3-22	New	V. 21, p. 659
63-3-23	New	V. 21, p. 659
63-4-1	Amended	V. 21, p. 659
63-7-1 through		
63-7-8	New	V. 21, p. 660-662

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

Reg. No.	Action	Register
65-4-3	Amended	V. 21, p. 183
65-8-5	New	V. 20, p. 944

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 20, p. 1647
66-6-4	Amended	V. 20, p. 1647
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 1648
66-10-13	Amended	V. 20, p. 1648
66-14-5	Amended	V. 20 pp. 1649
66-14-10	Amended	V. 20, p. 104

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1a	Amended	V. 21, p. 746
68-1-1e	Revoked	V. 21, p. 308
68-1-2a	Amended	V. 21, p. 746
68-1-3	Revoked	V. 21, p. 308
68-1-3a	Amended	V. 21, p. 746
68-2-5	Amended	V. 21, p. 308
68-9-1	Amended	V. 21, p. 308
68-9-2	New	V. 20, p. 1020

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-3a	Amended	V. 20, p. 1650
74-4-4	Amended	V. 20, p. 1650
74-4-8	Amended	V. 20, p. 1650
74-5-2	Amended	V. 20, p. 1651
74-5-202	Amended	V. 20, p. 1652
74-5-205	Amended	V. 20, p. 1652
74-5-302	Amended	V. 20, p. 1652
74-5-404a	Amended	V. 20, p. 1652
74-7-3	New	V. 20, p. 1652
74-11-6	Amended	V. 20, p. 1653
74-11-7	Amended	V. 20, p. 1653
74-11-8 through		
74-11-14	Revoked	V. 20, p. 1653
74-11-15	New	V. 20, p. 1653
74-12-1	Amended	V. 20, p. 1654

**AGENCY 75: STATE BANKING DEPARTMENT**

Reg. No.	Action	Register
75-6-32	New	V. 20, p. 175

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-5-19 through		
80-5-22	New	V. 20, p. 1649, 1650
80-9-1	New	V. 20, p. 1650
80-9-2	New	V. 20, p. 1650

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-1	Amended	V. 20, p. 1604
81-3-2	Amended	V. 20, p. 1606

81-3-3	Revoked	V. 20, p. 1606
81-3-5	New	V. 20, p. 1606
81-4-3	Revoked	V. 20, p. 1607
81-5-7	Amended	V. 20, p. 1607
81-14-1 through 81-14-8	New	V. 20, p. 1607-1617

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-250	New	V. 20, p. 1094
82-3-105	Amended (T)	V. 21, p. 1175
82-3-111	Amended	V. 21, p. 43
82-3-113	Amended (T)	V. 21, p. 1175
82-3-114	Amended (T)	V. 21, p. 1176
82-3-117	Amended (T)	V. 21, p. 1176
82-3-120	Amended	V. 21, p. 44
82-3-120	Amended (T)	V. 21, p. 1176
82-3-120a	Revoked	V. 21, p. 45
82-3-123	Amended	V. 21, p. 45
82-3-133	Amended	V. 20, p. 771
82-3-133a	New	V. 20, p. 771
82-3-201	Amended	V. 20, p. 771
82-3-206	Amended	V. 20, p. 771
82-3-300	Amended	V. 20, p. 772
82-3-304	Amended	V. 21, p. 45
82-3-306	Amended	V. 20, p. 772
82-3-307	Amended	V. 20, p. 773
82-3-310	Amended	V. 20, p. 773
82-3-311	Amended (T)	V. 21, p. 1178
82-3-312	Amended	V. 21, p. 117
82-3-400	Amended	V. 21, p. 383
82-3-401	Amended	V. 21, p. 383
82-3-401a	Revoked	V. 21, p. 384
82-3-401b	Revoked	V. 21, p. 384
82-3-402 through 82-3-410	Amended	V. 21, p. 384-389
82-3-411	New	V. 21, p. 389
82-3-412	New	V. 21, p. 390
82-3-1000 through 82-3-1012	New (T)	V. 21, p. 1178-1188
82-4-3	Amended (T)	V. 20, p. 1723
82-4-3	Amended	V. 20, p. 1868
82-4-22	Amended (T)	V. 21, p. 1329
82-4-26a	New (T)	V. 20, p. 1723
82-4-26a	New	V. 20, p. 1869

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-10	Amended	V. 20, p. 1825

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-16-1a	Revoked (T)	V. 21, p. 501
88-16-1a	Revoked	V. 21, p. 1166
88-16-1b	New (T)	V. 21, p. 501
88-16-1b	New	V. 21, p. 1166

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-70a	Amended	V. 20, p. 1894
91-1-146a through 91-1-146e	Revoked	V. 21, p. 178
91-1-206	Amended	V. 21, p. 178
91-1-215 through 91-1-219	New	V. 21, p. 178-180
91-5-14	Amended	V. 20, p. 108
91-37-2	Amended	V. 20, p. 724
91-37-3	Amended	V. 20, p. 724
91-37-4	Amended	V. 20, p. 724
91-40-2	Amended	V. 20, p. 541
91-40-7	Amended	V. 20, p. 541
91-40-9	Amended	V. 20, p. 542
91-40-10	Amended	V. 20, p. 542
91-40-17	Amended	V. 20, p. 543
91-40-18	Amended	V. 20, p. 544
91-40-27	Amended	V. 20, p. 544
91-40-33	Amended	V. 20, p. 544
91-40-36	Amended	V. 20, p. 545

91-40-37	Amended	V. 20, p. 545
91-40-38	Amended	V. 20, p. 545
91-40-52	Amended	V. 20, p. 545
91-40-53	Amended	V. 20, p. 546
91-41-1 through 91-41-4	New	V. 20, p. 546, 547

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-1-1	Revoked	V. 21, p. 332
92-1-2	Revoked	V. 21, p. 332
92-1-3	Revoked	V. 21, p. 332
92-5-4	Revoked	V. 21, p. 312
92-5-5 through 92-5-10	Amended	V. 21, p. 312, 313
92-5-11	Revoked	V. 21, p. 313
92-5-12	Amended	V. 21, p. 313
92-5-13	Amended	V. 21, p. 313
92-8-20	Revoked	V. 21, p. 332
92-9-1	Amended	V. 21, p. 332
92-9-3	Amended	V. 21, p. 332
92-9-4	Amended	V. 21, p. 332
92-9-5	Amended	V. 21, p. 332
92-9-7	Revoked	V. 21, p. 332
92-9-8	Revoked	V. 20, p. 1124
92-11-1 through 92-11-16	Revoked	V. 21, p. 332, 333
92-12-4	Amended	V. 21, p. 586
92-12-11	Amended	V. 21, p. 586
92-12-29	Revoked	V. 21, p. 586
92-12-47	Amended	V. 21, p. 586
92-12-56	Revoked	V. 21, p. 587
92-12-58	Amended	V. 21, p. 587
92-12-66	Revoked	V. 20, p. 1124
92-12-66a	New	V. 20, p. 1124
92-12-67	Amended	V. 21, p. 587
92-12-68	Revoked	V. 21, p. 587
92-12-105	Amended	V. 21, p. 587
92-12-106	Amended	V. 21, p. 587
92-12a-1 through 92-12a-23	Revoked	V. 21, p. 333, 334
92-14-4 through 92-14-9	Amended	V. 21, p. 334, 335
92-15-3	Amended	V. 21, p. 335
92-15-4	Amended	V. 21, p. 335
92-15-6	Amended	V. 20, p. 1126
92-15-8	Amended	V. 21, p. 335
92-17-1 through 92-17-6	Amended	V. 21, p. 313, 314
92-18-1 through 92-18-7	Revoked	V. 21, p. 1307
92-19-2	Revoked	V. 21, p. 1311
92-19-2a	New	V. 21, p. 1311
92-19-4a	Revoked	V. 20, p. 1126
92-19-4b	New	V. 20, p. 1126
92-19-6	Revoked	V. 21, p. 1312
92-19-6a	New	V. 21, p. 1312
92-19-16a	New	V. 20, p. 1128
92-19-24	Amended	V. 20, p. 1129
92-19-33	Amended	V. 20, p. 1129
92-19-35a	New	V. 21, p. 1312
92-19-55	Revoked	V. 21, p. 1313
92-19-55a	New	V. 21, p. 1313
92-19-61	Revoked	V. 21, p. 1315
92-19-61a	New	V. 21, p. 1315
92-19-64	Revoked	V. 20, p. 1129
92-19-64a	New	V. 20, p. 1129
92-19-73	Amended	V. 20, p. 1130
92-19-75	Revoked	V. 20, p. 1130
92-19-82	New	V. 21, p. 1316
92-20-11	Revoked	V. 21, p. 1318
92-22-4	Amended	V. 21, p. 450
92-22-19	Revoked	V. 21, p. 450
92-22-22	Revoked	V. 21, p. 450
92-22-23	Amended	V. 21, p. 450
92-22-24	Revoked	V. 21, p. 450
92-22-25	Amended	V. 21, p. 450
92-22-33	New	V. 21, p. 450

92-22-34	New	V. 21, p. 450
92-23-10	Amended	V. 21, p. 180
92-23-15	Amended	V. 21, p. 180
92-23-16	Amended	V. 21, p. 180
92-23-17 through 92-23-23	New	V. 21, p. 181
92-23-25	New	V. 21, p. 181
92-23-30	New	V. 21, p. 181
92-23-31	New	V. 21, p. 182
92-23-38	Amended	V. 21, p. 182
92-23-38a	Amended	V. 21, p. 182
92-23-40	Amended	V. 21, p. 182
92-24-9 through 92-24-15	Amended	V. 21, p. 314, 315
92-24-18	Amended	V. 21, p. 315
92-24-22	Amended	V. 21, p. 316
92-24-23	Amended	V. 20, p. 1895
92-24-24	Amended	V. 21, p. 316
92-25-1	Amended	V. 20, p. 1130
92-51-33	Revoked	V. 20, p. 1130
92-51-40	Revoked (T)	V. 20, p. 1580
92-51-40	Revoked	V. 20, p. 1895
92-51-50	Revoked	V. 20, p. 1130
92-51-51	Revoked	V. 20, p. 1130
92-51-52	Revoked	V. 20, p. 1130
92-51-54	Revoked	V. 20, p. 1130
92-51-55	Revoked	V. 20, p. 1131
92-52-9	Amended	V. 20, p. 1603
92-52-9a	Amended	V. 20, p. 1604

**AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-1-1 through 93-1-4	Revoked	V. 20, p. 452
93-4-6	Amended	V. 20, p. 452
93-6-1 through 93-6-4	Amended	V. 20, p. 452, 453

**AGENCY 94: BOARD OF TAX APPEALS**

Reg. No.	Action	Register
94-2-1 through 94-2-18	Amended	V. 21, p. 703-708
94-2-19	New	V. 21, p. 708
94-2-20	New	V. 21, p. 708
94-3-1	Amended	V. 21, p. 709
94-3-2	Amended	V. 21, p. 709
94-4-1	New	V. 21, p. 710
94-4-2	New	V. 21, p. 710

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

Reg. No.	Action	Register
99-8-8	Revoked	V. 21, p. 12
99-8-9	Revoked	V. 21, p. 12
99-9-1	Revoked	V. 21, p. 12
99-10-1	Revoked	V. 21, p. 12
99-25-1	Amended	V. 21, p. 12
99-25-3	Amended	V. 21, p. 13
99-25-4	Amended	V. 21, p. 13
99-25-6	Amended	V. 21, p. 13
99-25-7	Amended	V. 21, p. 13
99-25-9	Amended	V. 21, p. 14
99-26-1	Amended	V. 21, p. 14

99-27-2 through 99-27-5	Amended	V. 21, p. 14, 15
99-30-2 through 99-30-6	Amended	V. 21, p. 15, 16

(continued)

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
100-11-1	Amended (T)	V. 21, p. 1131
100-15-1	Amended	V. 20, p. 1093
100-27-1	Amended	V. 21, p. 307
100-28a-1		
through		
100-28a-16	New	V. 20, p. 774-778
100-49-4	Amended (T)	V. 21, p. 1131
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
100-60-4	Revoked	V. 20, p. 778
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked	V. 20, p. 779
100-60-8		
through		
100-60-15	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
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
102-2-15	New	V. 20, p. 572
102-3-3a	Amended	V. 21, p. 1132
102-3-4a	Amended	V. 21, p. 1133
102-3-6a	Revoked	V. 21, p. 1134
102-3-12a	Amended	V. 21, p. 1134
102-3-16	New	V. 20, p. 572
102-3-17	New	V. 21, p. 1137
102-4-16	New	V. 20, p. 572
102-5-15	New	V. 20, p. 572

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

Reg. No.	Action	Register
108-1-2	Amended	V. 21, p. 1055
108-1-4	New	V. 21, p. 1366

**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
109-5-1	Amended	V. 21, p. 1368
109-6-3	Amended	V. 21, p. 1369
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. 21, p. 590
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
111-2-135	New	V. 21, p. 590
111-2-136	New	V. 21, p. 590
111-2-137	New	V. 21, p. 649
111-2-138	New	V. 21, p. 692
111-2-139	New	V. 21, p. 747
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
111-4-1886		
through		
111-4-1889	New	V. 21, p. 183-185
111-4-1890		
through		
111-4-1893	New	V. 21, p. 591-593
111-4-1894		
through		
111-4-1900	New	V. 21, p. 649-655
111-4-1894	Amended	V. 21, p. 1276

111-4-1901		
through		
111-4-1921	New	V. 21, p. 692-702
111-4-1910	Amended	V. 21, p. 747
111-4-1911	Amended	V. 21, p. 747
111-4-1913	Amended	V. 21, p. 748
111-4-1922	New	V. 21, p. 748
111-4-1923	New	V. 21, p. 749
111-4-1924		
through		
111-4-1932	New	V. 21, p. 1329-1337
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-5-78	Amended	V. 21, p. 751
111-5-79		
through		
111-5-91	New	V. 21, p. 1278-1281
111-5-92		
through		
111-5-98	New	V. 21, p. 1339-1341
111-7-119		
through		
111-7-127	Amended	V. 21, p. 594-597
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
111-7-176		
through		
111-7-180	New	V. 21, p. 656, 657
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	Amended	V. 21, p. 186
111-9-114	New	V. 21, p. 657
111-9-115	New	V. 21, p. 702
111-9-116	New	V. 21, p. 703

**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
115-2-6	Amended	V. 21, p. 451
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	Amended	V. 21, p. 452
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
115-5-1	Amended	V. 21, p. 1137
115-5-2	Amended	V. 21, p. 1138
115-5-3	Amended	V. 21, p. 1138
115-8-1	Amended	V. 20, p. 1061

115-8-4	Amended	V. 20, p. 1500	115-16-5	New	V. 21, p. 1138	117-6-4	New	V. 20, p. 863
115-8-5	Revoked	V. 20, p. 1061	115-16-6	New	V. 21, p. 1139	117-7-1	Amended	V. 20, p. 863
115-8-8	Amended	V. 20, p. 1061	115-18-5	Revoked	V. 20, p. 1504	117-8-1	Amended	V. 21, p. 659
115-8-12	Amended	V. 20, p. 1062	115-18-7	Amended	V. 21, p. 453	<b>AGENCY 118: STATE HISTORICAL SOCIETY</b>		
115-8-16	Revoked	V. 20, p. 1062	115-18-8	Amended	V. 20, p. 1504	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
115-8-18	Revoked	V. 20, p. 1062	115-18-9	Amended	V. 20, p. 1504	118-5-1		
115-8-20	Amended	V. 20, p. 1062	115-18-14	Amended	V. 20, p. 1504	through		
115-8-21	Amended	V. 20, p. 1062	115-18-17	New	V. 20, p. 1062	118-5-10	New (T)	V. 20, p. 1492-1495
115-9-4	Amended	V. 21, p. 177	115-18-17	New	V. 20, p. 1062	118-5-1		
115-11-1	Amended	V. 21, p. 177	115-20-1	Amended	V. 20, p. 1063	through		
115-11-2	Amended	V. 21, p. 177	115-20-2	Amended	V. 20, p. 1063	118-5-10	New	V. 21, p. 1205-1208
115-13-1	Amended	V. 20, p. 1500	115-21-1	Amended	V. 20, p. 1803	<b>AGENCY 125: AGRICULTURAL</b>		
115-13-2	Amended	V. 20, p. 1500	115-21-2	Amended	V. 20, p. 1804	<b>REMEDICATION BOARD</b>		
115-13-5	Amended	V. 20, p. 1501	115-21-3	Revoked	V. 20, p. 1804	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
115-14-2	Amended	V. 20, p. 1501	115-21-4	New	V. 20, p. 1804	125-1-1		
115-14-3	Amended	V. 20, p. 1502	115-22-1	New	V. 20, p. 1804	through		
115-14-5	Amended	V. 20, p. 1502	<b>AGENCY 117: REAL ESTATE</b>			125-1-9	New (T)	V. 20, p. 1496-1498
115-14-6	Amended	V. 20, p. 1502	<b>APPRAISAL BOARD</b>			125-1-1		
115-14-7	Revoked	V. 20, p. 1502	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	through		
115-14-9	Amended	V. 20, p. 1502	117-6-1	Amended	V. 21, p. 658	125-1-9	New	V. 20, p. 1891-1893
115-14-10	Amended	V. 20, p. 1503	117-6-3	Amended	V. 20, p. 862			