



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Office of the Governor

Executive Order 2004-06

WHEREAS, the Kansas Administrative Regulations 1-9-4 and 1-9-5, which stipulate the accrual rates for sick leave and vacation leave, apply to employees in the classified service; and

WHEREAS, Executive Order No. 98-07, adopted on August 28, 1998, extends the application of K.A.R. 1-9-4 to certain positions in the unclassified service under the Kansas Civil Service Act; and

WHEREAS, agencies experience difficulty recruiting for executive level positions and other positions critical to the agencies' missions;

NOW THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, I hereby enhance agencies' ability to hire unclassified executive level positions and other unclassified positions critical to the agency's mission by including up to thirty (30) days' sick leave and up to twelve (12) days' vacation leave in offers to hire, in accordance with any guidelines issued by the Secretary of Administration. Any employee receiving advanced leave shall be required to pay back the total amount of that advanced leave if he or she voluntarily leaves prior to one year of state service. Agency appointing authorities must approve this enhancement prior to an offer being extended.

This authority applies only to unclassified positions in the Executive Branch whose salaries are approved by the Governor.

Dated June 4, 2004.

Kathleen Sebelius
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 030812

State of Kansas

Office of the Governor

Executive Order 2004-07

WHEREAS, former President Ronald Reagan restored America's faith and optimism in a time of great challenge; and

WHEREAS, President Reagan's leadership helped end the Cold War, and thus made the nation and the world safer and more prosperous; and

WHEREAS, it is fitting to honor the great contribution President Reagan made to our nation; and

WHEREAS, President George W. Bush has declared Friday, June 11, 2004, a National Day of Mourning for President Reagan, and has ordered federal offices to be closed; and

WHEREAS, state offices in Kansas were closed to mourn the death of other presidents, including Presidents Kennedy, Eisenhower, Truman, and Johnson;

THEREFORE, I direct that state offices be closed on Friday, June 11, 2004, as a legal holiday in observance of the National Day of Mourning for President Ronald Reagan. State offices will reopen Monday, June 14.

This document shall be filed with the Secretary of State as Executive Order 04-07, and shall become effective immediately.

Dated June 8, 2004.

Kathleen Sebelius
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 030823

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 23-29. 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://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
June 23	123-S	10:45 a.m.	Legislative Coordinating Council	Legislative matters.
June 28 June 29	123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Review of Schools for the Deaf and Blind; information from the Department of Administration.
June 28 June 29	313-S	10:00 a.m. 9:00 a.m.	Select Joint Committee on School Finance	Overview of current formula; major changes offered to the formula during 2004 session; suitability as defined in other states; and funding formulas in other states.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 030826

State of Kansas

Social and Rehabilitation Services

Notice of Proposed ICF-MR Cost Center Limits

The following proposed ICF-MR cost center limits are being set forth for public comment. Comments should be sent to Clarissa M. Ashdown, Community Integration Manager, Community Supports and Services, Social and Rehabilitation Services, 10th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. The comment period will expire in 30 days from the publication of this notice.

K.A.R. 30-10-214 provides for the annual review and adjustment of Class II ICFs-MR cost center limits, approved by the secretary of SRS or designee, based on current cost information supplied by the enrolled, licensed providers of ICF-MR services, and formula set forth in the Kansas State Medicaid Plan (Attachment 4.19-D, Part II, Subpart O, page 1). The formula is as follows: total allowable costs, including an inflation factor, are compared to the amount to be reimbursed under the current limits. The formula threshold requires that 75 percent of all ICFs-MR are reimbursed 95 percent of their allowable costs. If less than 75 percent of the facilities are reimbursed 95 percent of their allowable costs, then the cost center limits are adjusted until the threshold is met. The inflation factor is based on the Consumer Price Index.

To determine where to make the adjustments, two major cost centers are analyzed according to the following prescription:

- Administrative costs are based on facility size.
- Habilitation costs are based on facility size and level of care (LOC).

The cost analysis for 2004 showed that 45 percent of the Class II ICFs-MR were being reimbursed 95 percent or more of their allowable costs. Per the state plan, the analysis indicates that adjustments may be necessary.

Recommendations

Based on cost report analysis and available funding, Class II ICFs-MR will not receive an increase in their cost center limits. The limits will remain as follows:

Administration:

Size	Per Diem
A	\$10.00
B	\$23.00
C	\$28.00

Habilitation:

Size	Location	Per Diem
A	2	\$118.25
B	1	\$148.00
B	3	\$133.40
C	1	\$191.00
C	2	\$158.00
C	3	\$151.00

Fiscal Impact

Maintaining rates at current levels will have no effect on services provided to persons residing in Class II ICFs-MR. The Kansas Legislature added additional funding (for FY 2005 only) to the base ICF budget for a total of \$17,839,402 for FY 2005. It is estimated that the ICF program will spend \$18,823,688.75. When patient liability and a vacancy factor (projected at 92 percent) are removed, it is estimated that the program will spend \$17,317,793.65. Maintaining rates at current levels will create a small budget surplus of an estimated \$521,608.35 or 2.9 percent.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 030822

(Published in the Kansas Register June 17, 2004.)

Leavenworth County Port Authority**Request for Proposals**

The Leavenworth County Port Authority is requesting proposals to provide civil engineering and surveying services for the final platting and construction documents associated with the final platting and construction for Urban Hess Business Center Phase III (Preliminary Plat Lots 8-13, & 20), Tonganoxie, Kansas. The property consists of approximately 17 acres, zoned industrial, located in Tonganoxie.

A preliminary plat identifying 20 lots was previously completed for the development. Final platting has been completed on the first two phases of the project covering 13 of the original lots. The remaining lots to be final platting are identified above.

The selected engineer shall comply with the preliminary plat for layout and design of all public improvements. The Phase III project includes approximately 1,300 lf of street improvements; 1,060 lf of sanitary improvements; and applicable water, storm sewer and detention improvements. The owner shall provide the selected engineer with copies of the preliminary plat and final plats of each of the previous phase improvements.

Anticipated services include the following:

- Boundary survey and topographic survey complying with Leavenworth County and city of Tonganoxie standards
- Review and necessary amendments to the project stormwater drainage study (completed in September 2002)
- Public improvements design including required revisions per city of Tonganoxie engineer comments
- Shop drawing review
- Final platting
- Construction staking
- Lot pinning
- Owner representation at required municipal and state agency meetings
- Pre-construction meeting attendance

Inspection services for all improvements shall be completed by the city of Tonganoxie and should not be included in the proposal.

Interested firms shall provide a design/survey proposal outlining the scope of work to be completed, maximum not-to-exceed fee for completing services, projected reimbursable expenses, schedule of delivery and references for similar work.

Proposals must be received by 4 p.m. June 29 in the Leavenworth County Port Authority office, 1298 Eisenhower Road, Leavenworth, 66048. Contact Deirdre Gamill-Hock at (913) 727-6111 with any questions concerning the request or to receive a copy of the location map.

Deirdre Gamill-Hock
Economic Development Coordinator

Doc. No. 030811

State of Kansas**Wichita State University****Request for Bids**

Sealed bids for the following project will be received by the Wichita State University Office of Purchasing, Room 021, Morrison Hall, 1845 Fairmount, Wichita, 67260-0012, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (316) 978-3782 for additional information:

Monday, July 12, 2004**Request for Bid Number 040124-2**

Multi-Color Pulsed Laser System for PIV-LIF

Margaret A. Haddock
Interim Director of Purchasing

Doc. No. 030830

State of Kansas**Department of Administration
Division of Purchases****Notice to Bidders**

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2113:

06/28/2004	7408R	18 GHz Microwave System Link
06/28/2004	07464	F/I Digital Dictation System
06/28/2004	07507	Bakery Products
06/28/2004	07517	Statewide Historic Preservation Contractors to Conduct Activity II, III and IV
06/28/2004	07548	Anti-Freeze and Summer Coolant
06/28/2004	07550	Aluminum Window Assemblies
06/28/2004	07553	Motor Vehicle Maintenance Service
06/30/2004	07509	Statewide Archeological Contractors
07/06/2004	07515	Pest Control Services
07/06/2004	07535	Janitorial Services
07/06/2004	07536	Janitorial Services
07/06/2004	07537	Janitorial Services
07/26/2004	07534	Personnel Service, Self-Insurance Fund Transcutaneous Electrical Nerve Stimulation (TENS) Units

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process, call (785) 296-8899. The following bid documents may be obtained by calling (785) 296-8899:

07/01/2004	A-9644	Lift Station Repairs
07/01/2004	A-9779	Fire Alarm System Upgrade

Keith Meyers
Director of Purchases

Doc. No. 030828

State of Kansas

Kansas Water Authority**Notice of Meeting**

The Kansas Water Authority will meet Wednesday and Thursday, June 23-24, at the Kansas Highway Patrol Center, 2025 E. Iron St., Salina. Both meetings will convene at 9 a.m.

The Committee of the Whole will meet June 23 for a full day of briefings on the water resource capital development fund, inter-agency water projects, 2006 State Water Plan Fund budget and water policy initiatives. The full Authority will consider the recommendations of the Committee of the Whole on June 24.

The Committee of the Whole will consider and vote on the following:

- A review of policy studies related to water marketing, alternative dispute resolution, watershed protection and restoration, and enhancement of ground water availability for public water supplies. The Committee of the Whole will recommend to the full Authority the next steps to be taken.
- The state's water resources Capital Development Plan.
- A proposed contract between the state of Kansas and the U.S. Geological Survey that will correlate the effect of land-based best management practices on the level of suspended solids in streams. Best management practices that prevent erosion will reduce sedimentation in multi-purpose small lakes and reservoirs that serve as sources of drinking water.
- The price to be paid by public water suppliers in calendar year 2005 for water obtained through the state's Water Marketing Program
- BAC memberships. Consider nominations for membership on the Cimarron Basin Advisory Committee (BAC). BACs nominate candidates for membership subject to the approval by the Kansas Water Authority.

The Committee of the Whole will hear and offer advice on the following:

- Nine Water Issue Strategic Plans that present proposed solutions to regional or basin-specific problems. The topics include:
 - Public water supply regional strategies
 - Watershed protection and restoration
 - Management of the Ozark Plateau Aquifer and Spring River
 - Water-based recreation and river access
 - Control of storage space in Keith Sebelius Reservoir for recreational purposes
 - A suite of High Plains aquifer issues, including:
 - High Plains aquifer management
 - Management of the Middle Arkansas River, Rattlesnake Creek and Pawnee-Buckner subbasin portions of the aquifer
 - Upper Arkansas River Water quality
 - Control of salt cedar and other phreatophytes (water loving plants)

- Update on the budgets of the Kansas Water Office and the State Water Plan Fund
- Basin Advisory Committees' messages to the Kansas Water Authority
- 2004 Kansas Legislature's actions

The Kansas Water Authority will recognize out-going Kansas Water Authority members Sharon Steele of Colby and George Ham of Manhattan.

Members of the Kansas Water Office staff will report on the status of the state's proposed acquisition of the Circle K Ranch in Edwards County and the proposed Grouse Creek Reservoir in Cowley County.

For further information on the agenda or meeting, turn to the Kansas Water Office Web site, kwo.org, or call the Kansas Water Office at (888) KAN-WATER.

Joseph Harkins
Acting Director
Kansas Water Office

Doc. No. 030799

State of Kansas

Secretary of State**Notice of Corporations Forfeited**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of May 2004 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

All Systems Designed Solutions, Inc., Kansas City, KS.
Alma Kay Family Limited Partnership, Dodge City, KS.
B.I.H. Plumbing & Electric, Inc., Agra, KS.
C.P. of El Dorado Inc., El Dorado, KS.
Chevy's, Inc., Salina, KS.
Countryview Enterprises, Inc., Seneca, KS.
Creative Expressions International, Inc., Olathe, KS.
Crowe Drilling Company, Inc., Wichita, KS.
Crowe Industries, Inc., Wichita, KS.
Custom Sound, Inc., Wichita, KS.
D & L Painting, Inc., Paola, KS.
Earth Song, Ltd., La Cygne, KS.
Eastman Farms, Inc., Coffeyville, KS.
Elmore-Becker Farms, Incorporated, Chetopa, KS.
Endless Season Tanning, Inc., Louisburg, KS.
Equity Services Company, Inc., Kansas City, MO.
FBN Ventures, Inc., Leawood, KS.
Felton International, Inc., Lenexa, KS.
Focus Point, Inc., Wichita, KS.
Gyp Hills Pilot Club of Medicine Lodge, Medicine Lodge, KS.
Hairworx, L.L.C., Topeka, KS.
Isodyne, Inc., Wichita, KS.
Jane E. Benson, Inc., Overland Park, KS.
Jayhawk Siding, Inc., Lawrence, KS.
Jexpo Oil & Gas, Inc., Wichita, KS.
Kaw Valley Quilters' Guild, Inc., Lawrence, KS.
KLF Construction, Inc., Overland Park, KS.
Marka, Inc., Wichita, KS.
Material Handling Corporation, Wichita, KS.

(continued)

McGill, Gaches & Associates, Inc., Topeka, KS.
 Midwest Heavy Duty Sales & Engineering, Inc.,
 Prairie Village, KS.
 Moritz Implement Co., Inc., Beloit, KS.
 National Insurance Educators, Inc., Kansas City, MO.
 Pioneer Farms, Inc., Hays, KS.
 Premier Plastics Equipment Sales, Inc., Lenexa, KS.
 Ralph Lowry Aircraft Sales, Inc., Newton, KS.
 Robert O. Dickey Company, Inc., Prairie Village, KS.
 Ronal Investments, Inc., Overland Park, KS.
 S&S Management, Inc., Leawood, KS.
 Santa Fe Congregation of Jehovah's Witnesses, Inc.,
 Olathe, KS.
 Sauvage Farms, Inc., Oberlin, KS.
 So Much Style Recordings LLC, Mission, KS.
 Southern Kansas Cotton Growers' Co-op, Inc., Winfield, KS.
 Southwest Kansas Publications, Inc., Ulysses, KS.
 Star G, Inc., Salina, KS.
 Sun Leasing, Inc., Wichita, KS.
 Sunflower Farm & Ranch, Inc., Graniteville, SC.
 Tanana Oil Corporation, Lawrence, KS.
 The Big B Inc., Ellis, KS.
 The Cramer Company, Inc., Wichita, KS.
 The Farmers Co-operative Manufacturing and Mercantile
 Association, Lucas, KS.
 The Kappa Phi Club, Topeka, KS.
 The Pallet Shack, Inc., Cimarron, KS.
 The Torres Foundation, San Antonio, TX.
 Theatre for Young America, Inc., Mission, KS.
 Three W Land & Cattle Co., Inc., Hugoton, KS.
 Tim Henry, LLC, Wichita, KS.
 Topeka Juniors Volleyball Club, Berryton, KS.

Foreign Corporations

Amsan Missouri, Inc., Deerfield, IL.
 Anadarko Development Company, Amarillo, TX.
 Arlington Securities Incorporated, St. Louis, MO.
 Bailey Builders, Inc., Lehi, UT.
 Biolife Plasma Services L.P., North Brunswick, NJ.
 Black & McDonald, Inc., Kansas City, MO.
 Certified Master Builder Corporation, Kansas City, MO.
 Charles Taylor Communications, Inc., Albuquerque, NM.
 CLS Kansas City, L.L.C., Kansas City, MO.
 Community Lending, Incorporated, Morgan Hill, CA.
 Continuum Associates, Ltd., Independence, MO.
 Custom Lighting Services, L.L.C., Kansas City, MO.
 Dial-Thru, Inc., Pacific Palisades, CA.
 First Midwest Mortgage Corporation, Kansas City, MO.
 Homegold, Inc., Columbia, SC.
 Industrial Construction Company, Inc., Brecksville, OH.
 Integrated Capital, Carson City, NV.
 Interstate Construction, Inc., Rancho Cordova, CA.
 J & L Management Corporation, Macomb, MI.
 J-W Operating Company, Dallas, TX.
 Mid-West Painting, Inc. (An Arkansas Corporation),
 Clinton, AR.
 Present Values Inc., Greenwich, CT.
 Shasta Beverages, Inc., Plantation, FL.
 Sony Electronics Inc., New York, NY.
 The Scooter Store - Tulsa, L.L.C., Topeka, KS.
 United Sprinkler, Inc., Plymouth, MN.
 United States Welding, Inc., Denver, CO.
 Western Hydro Corporation, Hayward, CA.
 Westway Trading Corporation, New Orleans, LA.

Ron Thornburgh
 Secretary of State

State of Kansas

Secretary of State

Executive Appointments

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

Information Network of Kansas

Roger L. Winfrey, 1045 Country Club Drive, Eureka, 67045. Term expires September 30, 2004. Succeeds Ronald V. Srajer, resigned.

Kansas Advisory Group on Juvenile Justice and Delinquency Prevention

Timothy R. Emert, Chair, 309 N. 4th, Independence, 67301. Term expires June 30, 2004. Succeeds Rochelle Chronister, resigned.

Kansas, Inc.

Stanley R. Ahlerich, 7585 82nd Road, Winfield, 67156. Term expires January 15, 2008. Reappointed.

Gene Argo, 3704 Thunderbird Drive, Hays, 67601. Term expires January 15, 2008. Succeeds Charles G. Comeau.

Patti Bossert, 6832 S.W. 43rd St., Topeka, 66610. Term expires January 15, 2008. Reappointed.

Donna A. Johnson, 1373 Stone Creek Drive, Lawrence, 66049. Term expires January 15, 2005. Succeeds Tamera J. Nelson, resigned.

Wil J. Leiker, 11521 S.W. Frontage Road, Topeka, 66615. Term expires January 15, 2005. Succeeds Wayne Maichel, resigned.

Board of Examiners in Optometry

Dr. Joseph B. Sullivan, 9115 Windwood, Wichita, 67226. Term expires April 20, 2007. Succeeds Larry D. Stoppel.

Kansas Real Estate Commission

Theron L. Sims, 6025 S.W. Stoneybrook Ct., Topeka, 66614. Term expires April 30, 2008. Succeeds Gerald R. Kuckelman.

Washburn University Board of Regents

James R. Roth, 7916 E. 26th St. North, Wichita, 67226. Term expires June 30, 2008. Reappointed.

Kansas Water Authority

Don D. Paxson, P.O. Box 487, Penokee, 67659. Term expires January 15, 2008. Reappointed.

Dennis F. Schwartz, 5441 S.E. 45th St., Tecumseh, 66542. Term expires January 15, 2008. Succeeds Michael V. Mayberry.

Ron Thornburgh
 Secretary of State

State of Kansas

Department of Human Resources

Notice of Maximum and Minimum
Weekly Benefit Amounts

The maximum weekly benefit amount and the minimum weekly benefit amount payable with respect to new claims filed on or after July 1, 2004, and before July 1, 2005, are respectively \$359 and \$89. I hereby certify that these maximum and minimum weekly benefit amounts have been computed in accordance with K.S.A. 44-704 of the Kansas Employment Security Law, pursuant to which this announcement is published.

Jim Garner
Secretary of Human Resources

Doc. No. 030835

State of Kansas

Attorney General

Opinion 2004-7

State Departments; Public Officers and Employees—Private Investigative or Security Operations—Licensure; Qualifications; Constitutionality of United States Citizenship Requirement. Jane E. Nohr, Assistant Attorney General, Kansas Bureau of Investigation, Topeka, April 7, 2004.

Requiring United States citizenship for licensure as a private detective violates the Equal Protection Clause of the 14th Amendment to the United States Constitution. Cited herein: K.S.A. 2003 Supp. 75-7b04; U.S. Const., Amend XIV. MF

Opinion 2004-8

Constitution of the State of Kansas—Education—Finance; Tuition; Nonresident Pupils; Charge for Attendance; Constitutionality.

Schools—General Provisions Relating to School Districts—School Residence; Nonresident Pupils; Attendance in School; Costs of Providing for Attendance; Charges; Constitutionality. Senator Kay O'Connor, 9th District, Olathe, April 12, 2004.

Any charges collected from a nonresident pupil by a receiving school district pursuant to K.S.A. 72-1046a are intended to offset the costs of the nonresident pupil's attendance. If a receiving school district has accepted general state aid based on the nonresident pupil's attendance, the receiving school district may not charge the nonresident pupil for the costs of attendance unless the general state aid is accordingly reduced. Because charges assessed pursuant to K.S.A. 72-5390 are not intended to offset the costs of the nonresident pupil's attendance, the receiving school district may receive payment of charges from a nonresident pupil for those items listed in K.S.A. 72-5389 and 72-5390 while retaining any general state aid based on the pupil's attendance in the receiving school district. Cited herein: K.S.A. 72-1046; 72-1046a; 72-1111; 72-5389; 72-5390; 72-6410; 72-6416; 72-5389; 72-5390; Kan. Const., Art. 6, § 6; L. 1993, Ch. 264, §§ 1, 2. RDS

Opinion 2004-9

Cities and Municipalities—Miscellaneous Provisions—Investment of Public Moneys by Governmental Subdivisions, Units and Entities; Conditions and Limitations; Investments in Certificates of Deposit through the Certificate of Deposit Account Registry Service (CDARS). Representative John T. "Tom" Thull, 72nd District, North Newton, April 15, 2004.

K.S.A. 12-1675(b)(2) allows specified governmental entities to invest idle public funds in certificates of deposit through FDIC-insured banks, savings and loan associations and savings banks that participate in the Certificate of Deposit Account Registry Service (CDARS). Specifically, the placement of public funds by a statutorily covered governmental entity through a participating institution would be consistent with K.S.A. 12-1675(b)(2) under the following conditions: (1) the Kansas participating institution has a main or branch office located in the investing governmental subdivision or, if applicable, in a county or counties in which all or part of the governmental entity is located; (2) the Kansas institution receives reciprocal deposits in an amount equal to the amount of funds placed by the governmental entity; (3) other participating institutions issuing certificates of deposit to the governmental entity are located throughout the United States; and (4) each certificate of deposit issued by such participating institutions is in an amount that is eligible for full FDIC insurance coverage. Cited herein: K.S.A. 12-1675; 12-1675a. CN

Opinion 2004-10

Personal and Real Property—Real Estate Brokers and Salespersons—Minimum Requirements of Seller's or Landlord's Agent.

Personal and Real Property—Real Estate Brokers and Salespersons—Prohibited Acts. Representative Steven R. Brunk, 85th District, Wichita, April 29, 2004.

A real estate broker has a duty to disclose to a customer all adverse material facts actually known by the broker. Adverse material facts are those facts that relate to the property that is the subject of a transaction, the title to the property and the client's ability to perform the terms of the contract, but not to information about who may reside in close proximity to the subject property. Consequently, the Brokerage Relationships in Real Estate Transactions Act does not impose a duty on a broker to disclose the fact that a registered sex offender resides in the neighborhood. Nevertheless, if a prospective purchaser asks a broker whether a registered sex offender resides nearby, the broker must respond truthfully concerning any known information. To respond in any other manner would subject the broker to disciplinary action by the Real Estate Commission, and possibly civil liability, for engaging in fraud or making a substantial misrepresentation.

To date, no Kansas appellate decision has addressed whether a duty should be imposed on real estate brokers, builders or developers to disclose that a registered sex offender resides in close proximity to property that a pro-

(continued)

spective purchaser is interested in buying. Consequently, we are unable to say with any degree of certainty whether a Kansas appellate court would find such a disclosure duty should a child be molested by a registered sex offender that a broker, builder or developer knew resided nearby but did not disclose that fact to a purchaser. Cited herein: K.S.A. 2003 Supp. 58-3063; 58-30,106. CN

Opinion 2004-11

Constitution of the United States—Legislative Powers—Powers of Congress; Power to Regulate Commerce; Whether State Legislation Permitting Out-of-State Wineries to Ship Product to Kansas Licensed Retailers Upon Customer Order Violates the Commerce Clause.

Amendments to the Constitution of the United States—Amendment 21—Repeal of Intoxicating Liquor Amendment; Violation of State Laws Prohibited; Whether Direct Ship Provision in State's Liquor Laws is Authorized by the 21st Amendment. Representative Joe McLeland, 94th District, Wichita, April 29, 2004.

Because the provisions in 2004 Senate Bill No. 305, 2004 House Substitute for Senate Bill No. 2 and 2004 House Bill No. 2637 dealing with the purchase of wine from wineries licensed in other states do not favor in-state wineries over out-of-state wineries or otherwise burden interstate commerce, they do not violate the Commerce Clause of the United States Constitution. Cited herein: K.S.A. 41-305; 41-306; 41-306a; 41-307; 41-308; 41-308a; 41-308b; 2004 S.B. 305; 2003 H. Subst. for S.B. 2; 2004 H.B. 2637; K.A.R. 14-11-7; U.S. Const., Art. I, § 8, Amend. 21. JLM

Opinion 2004-12

Taxation—Mortgage Registration and Intangibles; Mortgage Registration; Fee; Property in More Than One County; Timing of Filing. Paul S. Gregory, Osborne County Attorney, Osborne, May 17, 2004.

Once the proper mortgage registration fee has been paid in full to one county, and sufficient evidence of that fact provided to a subsequent county's register of deeds, the mortgage should be timely filed by the second county. We find no authority allowing the second or subsequent register of deeds to delay filing until after they receive a share of the fee, apportioned pursuant to K.S.A. 79-3105. Cited herein: K.S.A. 58-2221, 58-2223, 79-3102, 79-3105, 79-3106, and 79-3107. TMN

Opinion 2004-13

Counties and County Officers—Sheriff—Deputies and Undersheriffs; Duties; Budget; Limitations; Personnel.

Counties and County Officers—County Commissioners—Powers and Duties; Control Over Employees of County Sheriff.

State Departments—Public Officers and Employees; Personnel Rules and Regulations; Negotiating Collective Bargaining Agreements. Representative Dale A. Swenson, 97th District, Wichita, June 4, 2004.

The Kansas Supreme Court has held that a board of county commissioners may not usurp the powers of the office of sheriff by controlling the hiring or firing of the deputies and assistants appointed by the sheriff. The

board of county commissioners may adopt general employee policies not specific to individuals, and may represent the county for purposes of negotiation under the Public Employer-Employee Relations Act. However, unless the county sheriff signs the agreement, he or she is not obligated to honor it. Cited herein: K.S.A. 19-805; 75-4321; and 75-4322. TMN

Phill Kline
Attorney General

Doc. No. 030820

(Published in the Kansas Register June 17, 2004.)

Summary Notice of Bond Sale City of Maize, Kansas \$405,000

General Obligation Internal Improvement Bonds Series 2004

(General obligation bonds payable from
unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated June 14, 2004, of the city of Maize, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series 2004, hereinafter described, written bids shall be received at the office of the city clerk at City Hall, 123 Khedive, Maize, Kansas, or by telefacsimile at (316) 722-0346, at or prior to 4 p.m. Monday, June 28, 2004, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated by city staff on said date and at said time, and shall thereafter be considered and acted upon by the governing body of the city at its regular meeting at 7 p.m. on said date.

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

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city or the city's financial advisor. Bids may be submitted by mail or delivered in person at the address stated above, or may be submitted by telefacsimile at (316) 722-0346, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds will be in an aggregate principal amount of \$405,000. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing on the respective principal payment dates. The bonds shall bear a dated date of July 15, 2004. The bonds shall 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 respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 2005, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$20,000	2005
20,000	2006
20,000	2007
20,000	2008
25,000	2009
25,000	2010
25,000	2011
25,000	2012
30,000	2013
30,000	2014
30,000	2015
30,000	2016
35,000	2017
35,000	2018
35,000	2019

Redemption of Bonds

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

Payment of Principal and Interest

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

Form of Bonds

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

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city 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 city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale and the preliminary official statement for a further discussion of security for the bonds.)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to

the successful bidder, or at its direction, on or before Tuesday, July 20, 2004, to DTC for the account of the successful bidder or at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Financial Matters

The city's current equalized assessed tangible valuation for computation of bonded debt limitations is:

2003 Assessed Tangible Valuation	\$10,019,356
2003 Motor Vehicle Valuation	<u>2,108,184</u>
Total Assessed Tangible Valuation for Computation of Bonded Indebtedness Limitations	\$12,127,540
Legal limitation of Bonded Debt (30%)	3,638,262
Applicable general obligation debt as of July 15, 2004	<u>1,058,742</u>
Additional Debt Capacity	\$ 2,579,520

Official Statement

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

Additional Information

For additional information regarding the city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the undersigned or from the city's financial advisor, Dave Malone, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, (316) 685-5777.

Jean Silvestri
 City Clerk
 City Hall
 123 Khedive
 Maize, KS 67101
 (316) 722-7561
 Facsimile (316) 722-0346

Doc. No. 030827

**State of Kansas
Commission on Veterans' Affairs**

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, June 18, in the Eisenhower Building at the Kansas Soldiers' Home in Fort Dodge. The public is invited to attend. For more information, call (785) 296-3976.

George Webb
Executive Director

Doc. No. 030829

**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-04-182/192
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Farms, Inc. Williams Isolation Unit Route 1, Box 164 Optima, OK 73945	SW/4 of Section 01, T32S, R42W, Morton County	Cimarron River Basin

Kansas Permit No. A-CIMT-S008
This is a new permit for a new boar facility for 100 head (40 animal units) of swine weighing more than 55 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
TJ's Gold Jessica Bowers 1423 Chisholm Trail Hillsboro, KS 67063	SE/4 of Section 28, T20S, R01E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-M028
This is a new permit for an existing facility with a change in operator and animal type. The former dairy cattle operation is now being utilized for dairy goats. The operation is for a maximum of 150 head (15 animal units) of dairy goats. The concrete pit is to be repaired and a site visit conducted prior to utilization.

Name and Address of Applicant	Legal Description	Receiving Water
Gibson Dairy Rick Gibson 28468 "L" Road Circleville, KS 66416	NW/4 of Section 02, T06S, R14E, Jackson County	Kansas River Basin

Kansas Permit No. A-KSJA-M013
This is a new permit for an existing facility expanding from 60 head (84 animal units) of mature dairy cattle to a maximum capacity of 75 head (105 animal units) of mature dairy cattle, 70 head (70 animal units) of dry cows and dairy heifers weighing more than 700 pounds each and 70 head (35 animal units) of dairy calves weighing 700 pounds or less, for a total of 215 head (210 animal units). Proposed modifications consist of expanding and upgrading an existing dry stack structure with a 24 feet x 74 feet addition and improved gate design, and constructing concrete drainage ramps to direct leachate from a freestall barn to an earthen wastewater retention structure. Approximately 1.5 acres of existing open lots, two existing hoop structures and existing auxiliary structures also are being added to the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Thomas Shute Route 1, Box 117 Esbon, KS 66941	NW/4 of Section 07, T01S, R10W, Jewell County	Lower Republican River Basin

Kansas Permit No. A-LRJW-S012
This is a renewal permit for an existing facility for a maximum of 450 head of swine weighing less than 55 pounds (45 animal units) and 433 head of swine weighing more than 55 pounds (173.2 animal units) for a total of 883 head (218.2 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Roeser Hog Farm 910 Clarks Creek Road Junction City, KS 66441	SW/4 of Section 25, T11S, R06E, Geary County	Kansas River Basin

Kansas Permit No. A-KSGE-S007
This is a renewal permit for an existing facility for a maximum of 850 head of swine weighing 55 pounds or more (340 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Dale F. Mueting Route 1, Box 165 Centralia, KS 66415	SE/4 of Section 36, T04S, R11E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-M003
This is a renewal permit for an existing facility for 85 head (119 animal units) of dairy cows and 55 head of dairy calves weighing 700 pounds or less (27.5 animal units) for a total of 146.5 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Kroupa Feedlot 2044 260th St. Marion, KS 66861	N/2 of Section 34, T18S, R04E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B012
This is a renewal permit for an existing facility for a maximum of 950 head of cattle weighing 700 pounds or more (950 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Duane Doyle Route 1, Box 84 Lebanon, KS 66952	NE/4 of Section 23, T01S, R11W, Smith County	Republican River Basin

Kansas Permit No. A-LRSM-M001
This is a renewal permit for an existing facility for 175 head (245 animal units) of dairy cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Glenn Coberly Feedlot 691 County Road 54 Gove, KS 67736	NW/4 of Section 2, NE/4 of Section 3, T15S, R28W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-C006 Federal Permit No. KS0118567
This is a new permit for the construction of a conveyance channel and elimination of one wastewater retention structure at an existing fa-

cility for 2,999 head (2,999 animal units) of beef cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Mann's A.T.P., Inc. Ed Mann 7865 N.W. 80th St. Potwin, KS 67123	W/2 of NW/4 of Section 27, W/2 of Section 22, T24S, R04E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-C007 Federal Permit No. KS0088901
This is a renewal permit for an existing facility for 9,999 head (9,999 animal units) of beef cattle. No changes to the facility are being proposed.

Name and Address of Applicant	Legal Description	Receiving Water
Pioneer Pork Ken Goodyear 4640 S. 33rd Manhattan, KS 66502	All of Section 35, T12S, R07E, Geary County	Kansas River Basin

Kansas Permit No. A-KSGE-H001 Federal Permit No. KS0118508
This is a renewal permit for an existing facility with a maximum capacity of 2,350 head (940 animal units) of swine weighing more than 55 pounds and 3,250 head (325 animal units) of swine weighing 55 pounds or less, for a total of 1,265 animal units.

Public Notice No. KS-04-116/119

Name and Address of Applicant	Waterway	Type of Discharge
Logan, City of P.O. Box 116 Logan, KS 67646	North Fork Solomon River via Crooked Creek	Treated Domestic Wastewater

Kansas Permit No. M-SO25-OO01 Federal Permit No. KS0116891
Legal: NE¹/₄, NW¹/₄, SE¹/₄, S34, T4S, R20W, Phillips 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 and pH. Monitoring of ammonia, fecal coliform and effluent flow also will be required. Contained in the permit is a schedule of compliance requiring the permittee to complete construction of a new nondischarging wastewater lagoon system by December 31, 2005. 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
Pleasanton, City of 1608 Laurel St. Pleasanton, KS 66075	Marais des Cygnes River via Muddy Creek	Treated Domestic Wastewater

Kansas Permit No. M-MC35-OO01 Federal Permit No. KS0116653
Legal: NE¹/₄, SW¹/₄, NE¹/₄, and NW¹/₄, SE¹/₄, NE¹/₄, S25, T21S, R24E, Linn 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 and pH. Monitoring of 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
Spring Hill, City of P.O. Box 424 Spring Hill, KS 66083-0424	Bull Creek via Ten Mile Creek via Sweet Water Creek	Treated Domestic Wastewater

Kansas Permit No. M-MC45-OO04 Federal Permit No. KS0095516
Legal: NE¹/₄, NW¹/₄, SW¹/₄, S25, T15S, R23E, Miami 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, dissolved oxygen and pH. Monitoring of total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Harshman Construction Route 1, Box 21A Cedar Point, KS 66843	Marais des Cygnes River via Elm Creek	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC09-PO01 Federal Permit No. KS0080829
Legal: NW¹/₄, SW¹/₄, S32, T14S, R12E, Wabaunsee County

Facility Name: VanMeter Quarry
Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry and crushing operation with no washing. Outfall 001 and 002 consists of pit dewatering and stormwater runoff. The proposed permit includes generic water quality language to protect waters of the state. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-EG-04-006/008

In accordance with K.A.R. 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 for the use of the well(s) described below within the state of Kansas:

Name and Address of Applicant	Well and Permit Number	Location
Koch Hydrocarbon Company 1910 S. Broadacres Road Hutchinson, KS 67501	No. 2 KS-01-155-002	SE ¹ / ₄ , NW ¹ / ₄ , SW ¹ / ₄ , Section 22, Township 23S, Range 6W, Reno County
	No. 3 KS-01-155-003	NE ¹ / ₄ , SW ¹ / ₄ , SW ¹ / ₄ , Section 22, Township 23S, Range 6W, Reno County
	Hillside No. 2 KS-01-155-007	NE ¹ / ₄ , SW ¹ / ₄ , NW ¹ / ₄ , Section 28, Township 23S, Range 6W, Reno County

Facility Description: The proposed action is to reissue existing permits for deep disposal injection wells. Injection fluids are described as nonhazardous liquid waste consisting of cooling tower blowdown, stormwater runoff, filter washwater, equipment washwater, amine water, instrument air knockout water, and waste brines from the underground hydrocarbon storage operation. The permit contains limits for maximum daily injection volume, minimum allowable operating annulus pressure, benzene and pH. Monitoring of the injection pressure, injection rate, temperature, seal pot liquid level, temperature, chloride, conductivity, total alkalinity, total hardness, calcium, magnesium, sulfate, iron and total dissolved solids also is required.

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.

(continued)

Comments or objections should be submitted to the attention of April Romero 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 July 17 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-182/192, KS-04-116/119, KS-EG-04-006/008) 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.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030824

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 04-06 by adding the following projects:

Project K-9079-05, Conduct sobriety testing and checkpoints, County Sheriff's Department, Barton County

Project K-9084-05, Conduct sobriety testing and checkpoints, County Sheriff's Department, Ellis County

Project K-9091-05, Conduct sobriety testing and checkpoints, County Sheriff's Department, Pottawatomie County

Project K-9092-05, Conduct sobriety testing and checkpoints, County Sheriff's Department, Riley County

Project K-9095-05, Conduct sobriety testing and checkpoints, County Sheriff's Department, Sumner County

Project K-9101-05, Kansas Highway Patrol roving aggressive violations enforcement, statewide

Project K-9102-05, Conduct sobriety testing and checkpoints, County Sheriff's Department, Ford County

Project K-9104-05, Conduct sobriety testing and checkpoints, Hays Police Department, Ellis County

Project K-9106-05, Conduct sobriety testing and checkpoints, Kansas Highway Patrol, statewide

Project K-9474-05, Conduct sobriety testing and checkpoints, Salina Police Department, Saline County

Project K-9477-05, Conduct sobriety testing and checkpoints, Dodge City Police Department, Ford County

Project K-9478-05, Conduct sobriety testing and checkpoints, Liberal Police Department, Seward County

Project K-9479-05, Conduct sobriety testing and checkpoints, Arkansas City Police Department, Cowley County

Project K-9481-05, Conduct sobriety testing and checkpoints, Coffeyville Police Department, Montgomery County

Project K-7339-04, Statewide FY-2004 Highway Use Tax Evasion Project administered by the Kansas Department of Revenue

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 July 26.

Deb Miller
Secretary of Transportation

Doc. No. 030809

State of Kansas
Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Pioneer Natural Resources USA, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to exchange engines. Emissions of nitrogen oxide (NOx) and carbon monoxide (CO) were evaluated during the permit review process.

Pioneer Natural Resources USA, Inc., Ulysses, owns and operates the stationary source located at Section 10, Township 30 South, Range 37 West, Grant County, at which the engine is to be installed.

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 a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact David Behzadpour, (785) 291-3278, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David Behzadpour, 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 before the close of business July 19.

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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business July 19 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030817

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 6-14-04 through 6-20-04

Term	Rate
1-89 days	0.99%
3 months	1.27%
6 months	1.64%
1 year	2.06%
18 months	2.51%
2 years	2.77%

Derl S. Treff
Director of Investments

Doc. No. 030807

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. Kansas Electric Power Cooperative's Sharpe Generating Station has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of nitrogen oxide (NOx) and carbon monoxide (CO) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Kansas Electric Power Cooperative's Sharpe Generating Station, Topeka, owns and operates a power plant located at 1713 Oxen Lane N.E., Waverly.

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 a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfling, (785) 296-1576, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (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 Rick Bolfling, 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 before the close of business July 19.

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

(continued)

be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business July 19 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030816

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. Marble Creations has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Marble Creations, Olathe, owns and operates a cultured marble sink and countertop manufacturing facility located at 1401 W. Ott St., Olathe.

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 a copy of the proposed permit can be reviewed at the Johnson County Environmental Department, 11180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact David A. Peter, (785) 296-1104, at the KDHE central office; and to review the proposed permit only, contact Mike Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David A. Peter, 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 before the close of business July 19.

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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business July 19 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030825

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 23,175 cubic yard detention dam, Site A-47 in Nemaha County, will be received by the Delaware Watershed Joint District No. 10 at the District Office, P.O. Box 70, Holton, 66436, until 1 p.m. July 1, and then opened. A copy of the invitation for bids and the plans and specifications may be reviewed and/or obtained from the Delaware Watershed District Office, (785) 364-4309. There will be a \$25 charge for obtaining a copy of the plans and specifications mailed.

Tracy D. Streeter
Executive Director

Doc. No. 030819

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Oneok Field Services 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.

Oneok Field Services, Tulsa, Oklahoma, owns and operates a natural gas compressor station located at Section 22, Township 28 South, Range 5 West, Cheney Compressor Station, Kingman County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for 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 a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Tibisay Marin, (785) 296-4875, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Tibisay Marin, 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 before the close of business July 19.

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 Brie Wilkins, Bu-

reau of Air and Radiation, not later than the close of business July 19 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.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030815

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. Northern Natural Gas Company 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.

Northern Natural Gas Company, Liberal, owns and operates a Hugoton Compressor Station located at Section 6, Township 33 South, Range 35 West, Stevens County.

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 a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-

1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, 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 before the close of business July 19.

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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business July 19 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.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030818

State of Kansas
Kansas Insurance Department
**Permanent Administrative
Regulations**

Article 1.—GENERAL

40-1-50. Insurance scoring; definitions; requirements. (a) As used in this regulation and K.S.A. 40-5101 through K.S.A. 40-5114 and amendments thereto, these terms shall have the following meanings:

(1) "Farmowner insurance policy" means a policy that provides coverage for a dwelling and its contents, barns,
(continued)

stables, and other buildings. This term shall include liability coverage.

(2) "Insurer" means an insurance company.

(3) "Policy" means any personal insurance or individual farmowner insurance policy.

(4) "Premium charge" means the payment required for an insurance policy as determined by rates and rating factors.

(5) "Rerate" means to calculate premiums based on rates, rating factors, or rating procedures filed with the Kansas insurance department as required by K.S.A. 40-951 through K.S.A. 40-967 and amendments thereto.

(6) "Reunderwrite" means to reexamine insurance risks to determine whether or not to renew policies.

(7) "Third party" means any person or entity that creates an insurance score.

(8) "Underwriting" means examining, accepting, or rejecting insurance risks.

(b) No insurer authorized to write business in the state of Kansas shall use credit information or an insurance score that has an adverse premium or coverage impact on an insured, unless all of the following conditions are met:

(1) The insurer has considered applicable factors other than credit.

(2) The insurer has documented the factors considered.

(3) The insurer provides the insured with each reason for the change in the premium or coverage.

(c) Each insurer using credit information for the purpose of rating shall have specific, written criteria governing how credit information is utilized by the insurer in underwriting, tier placement, and insurance scoring.

(d) If an insurer takes an adverse action against a consumer, the insurer shall perform the following:

(1) Maintain evidence of the notice to the consumer and a record of the contents of the credit information used, for a minimum of five years after the adverse action was taken;

(2) provide to the consumer a written, electronic, or oral notice and an explanation. If an oral notice is given, the notice shall be followed by a written or electronic notice and an explanation to the consumer pursuant to K.S.A. 40-5107 and amendments thereto; and

(3) provide underwriting guidelines to the department upon request. All underwriting guidelines shall be considered trade secrets and confidential under the Kansas open records act.

(e) Any insurer may require that a consumer provide documentation to establish the existence and duration of personal circumstances justifying that certain adverse credit information not be used. (Authorized by K.S.A. 40-103 and K.S.A. 2003 Supp. 40-5113; implementing K.S.A. 40-222(a) and K.S.A. 2003 Supp. 40-5102, K.S.A. 2003 Supp. 40-5104, K.S.A. 2003 Supp. 40-5107, K.S.A. 2003 Supp. 40-5108, K.S.A. 2003 Supp. 40-5112, and K.S.A. 2003 Supp. 40-5113; effective, T-40-2-19-04, Feb. 19, 2004; effective July 2, 2004.)

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 030821

State of Kansas

Department of Corrections

Permanent Administrative Regulations

Article 5.—INMATE MANAGEMENT

44-5-115. Service fees. (a) Each inmate in the custody of the secretary of corrections shall be assessed a charge of one dollar each payroll period, not to exceed \$12.00 per year, as a fee for administration by the facility of the inmate's trust account. The facility shall be authorized to transfer the fee from each inmate's account from the balance existing on the first of each month. If an inmate has insufficient funds on the first of the month to cover this fee, the fee shall be transferred as soon as the inmate has sufficient funds in the account to cover the fee. All funds received by the facility pursuant to this subsection shall be paid on a quarterly basis to the crime victims' compensation fund.

(b) (1) Each offender under the department's parole supervision, conditional release supervision, postrelease supervision, and interstate compact parole and probation supervision in Kansas shall be assessed a supervision service fee of a maximum of \$25.00 dollars per month. This fee shall be paid by the offenders to the department's designated collection agent or agents. Payment of the fee shall be a condition of supervision. All fees shall be paid as directed by applicable internal management policy and procedure and as instructed by the supervising parole officer.

(2) A portion of the supervision service fees collected shall be paid to the designated collection agent or agents according to the current service contract, if applicable. Twenty-five percent of the remaining amount collected shall be paid on at least a quarterly basis to the crime victims' compensation fund. The remaining balance shall be paid to the department's general fees fund for the department's purchase or lease of enhanced parole supervision services or equipment including electronic monitoring, drug screening, and surveillance services.

(3) Indigent offenders shall be exempt from this subsection of the regulation, as set forth by criteria established by the secretary in an internal management policy and procedure.

(4) The fees authorized by subsection (d) of this regulation shall not be considered a portion of the monthly supervision service fee.

(c) Each inmate in the custody of the secretary of corrections shall be assessed a fee of \$2.00 for each primary visit initiated by the inmate to an institutional sick call. A primary visit shall be the initial visit for a specific complaint or condition. Inmates shall not be charged for the following:

(1) Medical visits initiated by medical or mental health staff;

(2) institution intake screenings;

(3) routinely scheduled physical examinations;

(4) clinical service reports, including reports or evaluations requested by any service provider in connection with participation in the reentry program;

- (5) evaluations requested by the Kansas parole board;
- (6) referrals to a consultant physician;
- (7) infirmary care;
- (8) emergency treatment, including initial assessments and first-aid treatment for injuries incurred during the performance of duties on a work detail or in private industry employment;
- (9) mental health group sessions;
- (10) facility-requested mental health evaluations;
- (11) follow-up visits initiated by medical staff; and
- (12) follow-up visits initiated by an inmate within 14 days of an initial visit.

No inmate shall be refused medical treatment for financial reasons. If an inmate has insufficient funds to cover the medical fee, the fee shall be transferred as soon as the inmate has sufficient funds in the account to cover the balance of the fee.

(d) Each offender shall be assessed a fee for each urinalysis or other test approved by the secretary of corrections that is administered to the offender for the purpose of determining the use of illegal substances and that has a positive result. The amount of the fee shall be adjusted periodically to reflect the actual cost of administering these tests, including staff participation.

(e) Each offender shall be assessed a fee, if applicable, for the following:

- (1) Global positioning system (GPS) tracking;
- (2) electronic monitoring;
- (3) an application for transfer under the interstate compact for adult offender supervision;
- (4) polygraph examinations;
- (5) community residential bed housing; and
- (6) sexual abuser's treatment services.

The fee for each service specified in this subsection shall be assessed only if the service is required as a part of postincarceration release supervision.

If applicable, each offender on postincarceration release supervision shall also be assessed a fee for the collection of specimens of blood and saliva for the purpose of providing DNA profiles to the Kansas bureau of investigation, pursuant to K.S.A. 21-2511 and amendments thereto. (Authorized by K.S.A. 2003 Supp. 75-5210, K.S.A. 75-5251, K.S.A. 75-52,139; implementing K.S.A. 2003 Supp. 22-3717, as amended by 2004 SB 422, § 5, K.S.A. 75-52,139; effective Jan. 3, 1995; amended, T-44-3-19-04, March 19, 2004; amended July 2, 2004.)

Article 7.—PROGRAMS AND ACTIVITIES

44-7-104. Inmate visitation. (a) Orders shall be promulgated by the warden to govern inmate communication with family, friends, relatives, and others through visits to the facility. Further elaboration of this regulation through the internal management policies and procedures shall be made by the secretary, particularly with respect to establishing a system of identifying a primary visitor for each inmate. The following procedures shall be observed by the facility in the administration of visits.

(1) A suitable area and reasonable space within the facility shall be provided for inmate visitation. All visits shall be held in this area, except when authorization is

granted by the warden to visit an inmate elsewhere. For the reasons of security and order in the facility, a visit may be directed by the warden to be allowed under circumstances in which physical contact between the inmate and visitor is not permitted. All visits shall be subject to visual and sound monitoring of conversations and actions during the visit, except any visit with an attorney or clergy member, or any other visits with persons having a statutory right of privileged communication as specified in subsection (b).

(2) Any inmate may make a list of not more than 20 friends or relatives for the purpose of visiting the inmate in the facility. All proposed visitors shall be informed of the following requirements:

(A) Persons below the age of 18 shall not be allowed to visit, unless they are members of the inmate's immediate family. For the purpose of this subsection, "immediate family" shall mean siblings, stepsiblings, children, stepchildren, grandchildren, stepgrandchildren, and spouse; and

(B) Persons below the age of 18 who are members of the immediate family, except a spouse, shall not be allowed to visit unless they are accompanied by a parent, legal guardian, or an adult who has been given the power of attorney by the parent or legal guardian vesting the person with authority to transport and supervise the minor child on the premises of the institution or facility for the purpose of visiting an inmate. In those instances in which no one has a power of attorney, an adult who is a temporary caregiver of a minor child may authorize visits by the child after providing an affidavit verifying the adult's status and relationship with the child and inmate. Whether or not the visit will be permitted shall be determined by the warden.

(3) Additional visitation guidelines.

(A) Regardless of any visiting list restrictions, an inmate's attorney or a clergy member shall be permitted to visit the inmate at reasonable times, unless a clear abuse of this privilege has occurred or unless such a visit may prove dangerous or harmful to the security and order of the facility or the rehabilitation of any inmate.

(B) Each individual who is requesting a visit with an inmate but who is not designated on the list or has not yet been approved for visitation shall be interviewed and identified by authorized personnel. If the requested visit conforms to all facility and departmental requirements, one visit may be approved pending further investigation and approval of subsequent visits.

(C) Ex-inmates shall be prohibited from visiting any facility or inmate, unless approval is given by the warden. Parolees and probationers shall first be approved by the warden and have written authorization from their supervisor before visitation. An individual involved in or convicted of any narcotic offense shall not be permitted to visit a facility without the prior approval of the warden.

(D) If an inmate refuses to see a particular visitor, the refusal shall be documented in the records of the facility.

(4) Visitors in the facility shall meet the following requirements:

(A) Wear appropriate attire as described and published by the warden;

(continued)

(B) not give or receive any written material, article, or merchandise of any sort, except in accordance with the warden's orders or departmental regulations or with the permission of the warden;

(C) be prohibited from placement on more than one inmate's visiting list, unless the visitor is a member of the immediate family, as defined in K.A.R. 44-5-113(a), of more than one inmate confined in a facility or unless the visitor is an approved mentor to an offender, without limit on number, pursuant to a mentoring program approved by the department of corrections;

(D) sign the register of the facility before and after each visitation;

(E) be subject to search, photographing, and fingerprinting;

(F) have visitation restricted or terminated if the facility security needs so warrant; and

(G) not distribute anything inside a correctional facility without written permission from the warden.

(5) Each individual who was an employee of a correctional facility, who regularly worked at a correctional facility as an employee of an entity under contract to provide services to the institution or facility, or who was a volunteer at a correctional facility shall meet the following conditions:

(A) Not be permitted to have visits with an inmate, in other than a professional capacity, for a minimum of two years after the employment or volunteer status is terminated, unless the individual is related by blood or marriage to the inmate. If the individual has a blood or marital relationship with an inmate, the ex-employee, ex-contract employee, or ex-volunteer may nonetheless be subject to the minimum two-year waiting period under the circumstance set forth in paragraph (a)(5)(B). Approval of visits after two years shall be at the discretion of the warden upon application of the inmate or ex-employee, ex-contract employee, or ex-volunteer. If the warden disapproves the visits, the inmate and ex-employee, ex-contract employee, or ex-volunteer shall be notified by the warden of the specific reasons for the denial; or

(B) if barred from a facility because of undue familiarity with an inmate or for trafficking in contraband, whether or not convicted of any criminal offense in connection with the instance of undue familiarity or trafficking, not be permitted to have visits with any inmate for a minimum of two years after the effective date of the order barring the individual from any facility. The approval of visits after two years shall be given at the discretion of the warden and with the approval of the deputy secretary of facilities management, upon application of an inmate or the ex-employee, ex-contract employee, or ex-volunteer.

(6) An individual who is currently an employee, contract employee, or volunteer and who is related by blood or marriage to an inmate may be permitted to visit the inmate, at the discretion of the warden of the facility where the individual is employed or volunteers and with the approval of the warden of the facility where the inmate is assigned.

(7) Designated personnel shall be present during all visitations and shall supervise visits to the extent appropriate to protect the nature and privacy of the relationship

between the inmate and visitor and to maintain security and control.

(8) Any visitor's visiting privileges may be suspended if the visitor violates any visitation policy and procedure or any visitation order while in the facility. An inmate's visiting privileges may likewise be suspended, whether or not the inmate is convicted of violation of any disciplinary regulation in connection with violation of any visitation policy and procedure or any visitation order.

(A) The length of any suspension shall be determined by the warden, subject to the limitations specified in paragraph (a)(8)(B).

(B) The initial length of a suspension imposed for violation of an institutional rule shall not exceed one year. At its termination, the suspension shall be subject to review by the warden and may be extended for successive periods of no more than one year each. Each extension of a suspension shall be reviewed by the warden at its termination.

(9) Any person may be permanently barred from entering on the grounds of any KDOC facility if the permanent suspension of visiting privileges meets all of the following conditions:

(A) Some credible evidence demonstrates that the person has committed, attempted, conspired regarding, or solicited any of the following types of misconduct:

(i) Facilitation of escape;

(ii) assault of an employee, contract employee, or volunteer;

(iii) communication of a threat proscribed by K.S.A. 21-3419, and amendments thereto, to an employee, contract employee, or volunteer;

(iv) engaging in sexual intercourse, sodomy, or lewd fondling and touching with an inmate while on the grounds of a correctional facility, whether or not the sexual contact at issue was consensual; or

(v) violation of K.S.A. 21-3826, and amendments thereto.

(B) The permanent suspension of the person's entry and visitation privileges is recommended by the warden of the affected facility.

(C) The permanent suspension of the person's entry and visitation privileges is approved by the deputy secretary of facilities management.

(10) Each person, including any visitor, shall be subject to search, including a strip search upon a determination of reasonable suspicion, before entering on the grounds of a correctional facility. A person's visiting privilege shall be suspended for a period of one year and restricted to noncontact visiting for an additional six months, if the person refuses to be searched before or after gaining access to facility grounds for the purpose of visiting an inmate.

(b) A place shall be provided for private consultation by attorneys, clergy members, and other persons having a statutory right of privileged communication, with the exception of spouses, to permit confidential conversation. Only those measures necessary to preserve security shall be permitted to interfere with the consultation. Sound monitoring shall not be conducted. Visual monitoring shall be permitted only if necessary to maintain security.

(c) This regulation shall apply only to the regular inmate visitation program. All visits to inmates resulting from a program otherwise implemented by the department of corrections shall be governed by policies and procedures established specifically for that program. (Authorized by and implementing K.S.A. 2003 Supp. 75-5210, K.S.A. 75-5251, 75-5252; effective May 1, 1980; amended May 1, 1987; amended May 1, 1988; amended Nov. 12, 1990; amended Jan. 11, 1993; amended July 11, 1994; amended, T-44-3-19-04, March 19, 2004; amended July 2, 2004.)

44-7-113. Religious activity. (a) Clergy members from recognized religious faiths may hold religious services in the facilities, at their own expense and at the times authorized by and in accordance with the warden's general orders.

(b) A group of two or more inmates of a common religious faith who are without the benefit of a clergy member may request that the chaplain recommend to the warden for consideration for approval a proposal allowing these inmates to meet as a group and hold religious services among themselves.

(c) Upon the request of any inmate, a bible or any other related religious text material that has been previously donated to the secretary shall be made available by the warden of the facility to the inmate. The term "bible" shall mean the main religious text of the inmate's religion. Other related religious text materials may be limited in numbers and amounts according to established correctional practice and management, including the amount of space per inmate in each cell. A religious reading section shall be established by the warden in the inmate library. A donated main text of religious doctrine for each religion may be made available by the warden in the inmate library.

(d) All religious services and meetings shall be conducted in accordance with the orders of the warden. (Authorized by K.S.A. 2003 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 75-5223 and K.S.A. 75-5251; effective May 1, 1981; amended April 20, 1992; amended, T-44-3-19-04, March 19, 2004; amended July 2, 2004.)

Article 12.—CONDUCT AND PENALTIES

44-12-313. Sexually explicit materials. (a) No inmate shall have in possession or under control any sexually explicit materials, including drawings, paintings, writing, pictures, items, and devices.

(b) The material shall be considered sexually explicit if the purpose of the material is sexual arousal or gratification and the material meets either of the following conditions:

(1) Contains nudity, which shall be defined as the depiction or display of any state of undress in which the human genitals, pubic region, buttock, or female breast at a point below the top of the areola is less than completely and opaquely covered; or

(2) contains any display, actual or simulated, or description of any of the following:

(A) Sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital, and anal-oral contact, whether between persons of the same or differing gender;

(B) masturbation;

(C) bestiality; or

(D) sadomasochistic abuse.

(c) Each violation of this regulation by inmates classified as sex offenders shall be a class I violation.

(d) Each violation of this regulation by inmates not classified as sex offenders shall be a class II violation.

(e) Each violation of this regulation by any inmate if the sexually explicit material depicts, describes, or exploits any child under the age of 18 years shall be a class I offense. (Authorized by and implementing K.S.A. 2003 Supp. 75-5210; effective May 1, 1980; amended April 20, 1992; amended Feb. 15, 2002; amended, T-44-3-19-04, March 19, 2004; amended July 2, 2004.)

44-12-601. Mail. (a) Definitions.

(1) (A) "Legal mail" means mail affecting the inmate's right of access to the courts or legal counsel. This term shall include letters between the inmate and any lawyer, a judge, a clerk of a court, or any intern or employee of a lawyer or law firm, legal clinic, or legal services organization, including legal services for prisoners.

(B) "Official mail" means any mail between an inmate and an official of the state or federal government who has authority to control, or to obtain or conduct an investigation of, the custody or conditions of confinement of the inmate.

(C) "Privileged mail" means any mail between the inmate and the inmate's physician, psychiatrist, psychologist, or other licensed mental health therapist.

(2) (A) "Censor" means to remove or change any part or all of the correspondence or literature.

(B) "Inspect" means to open, shake out, look through, feel, or otherwise check for contraband without reading or censoring. This term shall include any cursory reading necessary to verify that mail is legal or official in nature as permitted by paragraph (f)(3).

(C) "Read" means to read the contents of correspondence or literature to ascertain the content.

(b) General provisions.

(1) Each inmate shall comply with the mail procedures and restrictions established by the order of the warden of the facility. Failure to comply with mail procedures or restrictions, or circumventing or attempting to circumvent mail procedures or restrictions by any means, shall be prohibited. The delivery of mail through an employee, volunteer, teacher, or any other person who is not authorized to perform functions related to the established mail-handling system shall be prohibited.

(2) Contraband. Items identified as contraband shall be dealt with as provided in subsection (d) and then either returned to the sender at the inmate's expense or destroyed, at the inmate's option. Items illegal under Kansas or U.S. federal law shall be seized and held as evidence for other law enforcement officers.

(3) All incoming mail shall identify the inmate recipient by name and inmate identification number.

(4) Violation of mail regulations of the department of corrections, orders of the warden, or the laws of Kansas or the United States may result in additional mail restrictions upon the offender that are sufficient to prevent the continuation or reoccurrence of the violation.

(continued)

(5) All funds sent to inmates shall be in the form of a money order, a cashier's check, or a certified check.

(6) Any incoming or outgoing mail other than legal, official, or privileged mail may be inspected or read at any time.

(7) Incoming mail addressed solely to a specific inmate and not otherwise subject to censorship shall be delivered regardless of whether the mail is sent free of charge or at a reduced rate. All incoming mail shall nonetheless bear the sender's name and address on the envelope, or this mail shall not be delivered and shall be subject to censorship in accordance with subsection (d).

(8) Any outgoing first-class letters may be sent to as many people and to whomever the inmate chooses, subject to the restrictions in this regulation.

(9) Outgoing inmate mail shall bear the full conviction name, inmate number, and address of the sender, and the name and address of the intended recipient. No other words, drawings, or messages shall be placed on the outside of the envelope or package by an inmate except words describing the mail as being legal, official, privileged, or intended to aid postal officials in delivery of the item. Outgoing inmate mail shall be stamped by the facility to indicate that it was mailed from a facility operated by the department of corrections and that it has not been censored.

(10) Inmates shall not correspond with any person who has filed a written objection to the correspondence with the warden of the facility.

(A) The inmate shall be notified of the objection in writing when it is received, but shall not be required to be informed of the exact contents of the objection.

(B) In the instance of unwanted correspondence to a minor, the objection shall be filed by the parent or guardian of the minor.

(C) Orders shall be developed by the warden of each facility to prevent further correspondence from being sent to those who have filed an objection.

(D) This regulation shall not prevent an inmate from writing to the inmate's natural or adoptive child, unless the child was the victim of the crime for which the inmate is incarcerated and the person having legal custody of the child files a written objection with the warden, and the inmate has not obtained a court order permitting this written communication with the child.

(c) Legal, official, and privileged mail.

(1) Subject to the provisions of paragraph (f)(3), outgoing privileged, official, or legal mail sent by any inmate shall be opened and read only upon authorization of the warden for good cause shown. However, if any inmate threatens or terrorizes any person through this mail, any subsequent mail, including official or legal mail, from the inmate to the person threatened or terrorized may, at the request of that person, be read and censored for a time period and to the extent necessary to remedy the abuse.

(2) Incoming mail clearly identified as legal, official, or privileged mail shall be opened only in the inmate's presence. This mail shall be inspected for contraband but shall not be read or censored, unless authorized by the warden based upon a documented previous abuse of the right or other good cause.

(d) Censorship grounds and procedures.

(1) Incoming or outgoing mail, other than legal, official, or privileged mail, may be censored only when there is reasonable belief in any of the following:

(A) There is a threat to institutional safety, order, or security.

(B) There is a threat to the safety and security of public officials or the general public.

(C) The mail is being used in furtherance of illegal activities.

(D) The mail is correspondence between offenders, including any former inmate regardless of current custodial status, that has not been authorized according to subsection (e). Correspondence between offenders may be inspected or read at any time.

(E) The mail contains sexually explicit material, as defined and proscribed by K.A.R. 44-12-313.

(2) If any communication to or from an inmate is censored, all of the following requirements shall be met:

(A) Each inmate shall be given a written notice of the censorship and the reason for the censorship, without disclosing the censored material.

(B) Each inmate shall be given the name and address of the sender of incoming mail, if known, or the addressee of outgoing mail and the date the item was received in the mail room. It shall be the responsibility of the inmate to contact the sender of censored incoming mail or the addressee of censored outgoing mail, if the inmate so desires.

(C) The author or addressee of the censored correspondence shall be given a reasonable opportunity to protest that decision.

(D) All protests shall be referred to a prison official other than the person who originally disapproved the correspondence.

(e) Offender correspondence with other offenders.

Offenders sentenced to the custody of the Kansas department of corrections shall not correspond with any person who is in the custody of or under the supervision of any state, federal, county, community corrections, or municipal law enforcement agency, or with any former inmate regardless of current custodial status, unless either of these conditions is met:

(1) The proposed correspondents are members of the same immediate family or are parties in the same legal action, or one of the persons is a party and the other person is a witness in the same legal action.

(2) Permission for the correspondence is granted due to exceptional circumstances. Verification and approval of offender correspondence shall be conducted pursuant to the internal policies and procedures of the department of corrections.

(f) Writing supplies and postage.

(1) Stationery shall be available for purchase from the inmate canteen.

(2) Indigent inmates, as defined by the internal management policies and procedures of the department of corrections, shall receive reasonable amounts of free writing paper, envelopes, and postage for first-class domestic mail weighing one ounce or less, not to exceed four letters per month.

(3) All postage for legal and official mail shall be paid by the inmate, unless the inmate is indigent, as defined

by the internal management policies and procedures of the department of corrections. The cost of postage for legal or official mail paid by the facility on behalf of an indigent inmate shall be deducted from the inmate's funds, if available. Credit for postage for legal and official mail shall be extended to indigent inmates under the terms and conditions of the internal management policies and procedures of the department of corrections. Outgoing legal or official mail sent with postage provided on credit shall be subject to inspection and a cursory reading in the presence of the inmate for the purpose of ascertaining that the mail is indeed legal or official mail, and the inmate shall then be permitted to seal the envelope containing the mail.

(4) The facility shall not pay postage for inmate groups or organizations.

(g) Publications.

(1) Inmates may receive books, newspapers, and periodicals as permitted by the internal management policies and procedures of the department of corrections. All books, newspapers, and periodicals shall be purchased through special purchase orders. Only books, newspapers, and periodicals received directly from a publisher or a vendor shall be accepted. However, an inmate shall be permitted to receive printed material, including newspaper and magazine clippings, if the material is included as part of a first-class letter that does not exceed one ounce in total weight.

(2) The procedures for censorship of mail listed in subsection (d) of this regulation shall be used for censorship of publications.

(3) No publication that meets either of the following conditions shall be allowed into the facility:

(A) Contains sexually explicit material, as described in K.A.R. 44-12-313, or is otherwise illegal, in whole or in part; or

(B) meets, in whole or in part, the test for censorship of mail in subsection (d) of this regulation.

(4) Inmates shall have the option of having censored publications in their entirety either mailed out of the facility at their own expense or discarded.

(5) Before transferring between institutions or facilities, the inmate shall arrange for a change of address for newspapers and periodicals. Newspapers and periodicals shall not be forwarded for more than 30 days after the date of transfer.

(h) Each violation of this regulation shall be a class II offense. (Authorized by K.S.A. 2003 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 2003 Supp. 75-5210, K.S.A. 75-5251, 75-5256; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1986; amended May 1, 1988; amended April 20, 1992; amended Jan. 3, 1995; amended April 17, 1998; amended Feb. 15, 2002; amended, T-44-3-19-04, March 19, 2004; amended July 2, 2004.)

Roger K. Werholtz
Secretary of Corrections

Doc. No. 030813

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 4.—MATERNAL AND CHILD HEALTH

28-4-600. Definitions. (a) "Accepted medical practices" means the following:

(1) Physiologic hearing screening of all newborns;

(2) follow-up hearing assessment before three months of age for those newborns and infants who did not pass the hearing screening;

(3) follow-up medical evaluation for those newborns and infants with confirmed hearing loss; and

(4) follow-up early intervention services to meet the needs of each newborn and infant with hearing loss and each parent before the child reaches six months of age.

(b) "Audiologic assessment" means the physiological tests required to evaluate and describe hearing status.

(c) "Audiologist" has the meaning specified in K.S.A. 65-6501, and amendments thereto.

(d) "Auditory brainstem response" and "ABR" mean an objective, electrophysiologic measurement of the brainstem's response to acoustic stimulation of the ear.

(e) "Automated auditory brainstem response" and "AABR" mean an objective, electrophysiologic measurement of the brainstem's response to acoustic stimulation of the ear, obtained with equipment that automatically indicates whether the child has passed the hearing screening.

(f) "Automated otoacoustic emissions" and "AOAE" mean an objective, physiologic response from the cochlea, obtained with equipment that automatically indicates whether the child has passed the hearing screening.

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

(h) "Discharge" means a newborn's or infant's release from the premises of a medical care facility and into the care of the parent of the newborn or infant. This term shall not include transporting the newborn or infant between medical care facilities.

(i) "Early intervention services" has the meaning specified in K.S.A. 75-5648, and amendments thereto.

(j) "Follow-up" means the following:

(1) Referring newborns and infants for further hearing testing if these children either missed or did not pass the initial hearing screening;

(2) referring newborns and infants with confirmed hearing loss for ongoing audiologic services to monitor hearing;

(3) referring newborns and infants with confirmed hearing loss for speech, language, and aural habilitation services; and

(4) referring newborns and infants with confirmed hearing loss for other early intervention services, as needed by these children and their parents.

(k) "Hearing screening" means the following:

(1) The completion of an objective, physiological test or battery of tests on newborns and infants by using instru-

(continued)

mentation and procedures specified by the department; and

(2) for other than pass results, referring the newborn or infant to an audiologist for audiologic assessment.

(l) "Hearing screening state program coordinator" means the audiologist in the department who is designated to coordinate the statewide "sound beginnings" activities.

(m) "Infant" means a child from 30 days through 12 months of age.

(n) "Initial hearing screening" means the procedure or procedures employed for the purpose of screening hearing before discharge.

(o) "Medical care facility" means a hospital, birthing center, or other licensed facility that provides obstetrical and newborn services.

(p) "Newborn" means a child through 29 days of age.

(q) "Otoacoustic emissions" and "OAE" mean an objective, physiologic response from the cochlea. This term may include transient evoked otoacoustic emissions and distortion product otoacoustic emissions.

(r) "Parent" means a natural parent, adoptive parent, stepparent, foster parent, legal guardian, or other legal custodian of a child.

(s) "Primary medical care provider" means the physician or health care agent who provides the newborn's or infant's routine medical care in the locale where the child resides after discharge.

(t) "Protocol" means the guidelines followed to conduct hearing screening.

(u) "Receiving agency" means the facility that agrees to provide hearing screening for sending agencies.

(v) "Risk indicator" means a factor known to place a newborn or an infant at risk for being born with or developing a hearing loss.

(w) "Sending agency" means a hospital with fewer than 75 births averaged over three years that chooses not to do hearing screening. Each sending agency shall arrange for hearing screening to be performed at another facility.

(x) "Sound beginnings" means the Kansas program consisting of hearing screening, tracking, and follow-up for newborns and infants.

(y) "Tracking" means using information about the newborn's or infant's hearing screening status to ensure that the newborn or infant receives timely and appropriate services to complete the screening and referral process. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-601. Initial hearing screening test: technology and protocol. (a) Trained personnel at each medical care facility shall provide initial hearing screening using ABR, AABR, OAE, and AOA, in combination or alone, which objectively assesses the physiologic status of the ear and which has no greater than a 30-40 dB HL (decibel hearing level) criterion for a pass result or a referral for additional screening.

(b) Trained personnel at each medical care facility shall follow an initial hearing screening protocol that has been approved by the hearing screening state program coordinator.

(c) The initial hearing screening protocol shall include the following:

(1) The type of screening equipment to be used;

(2) the time frame for the first screening and, if needed, the second screening, before discharge;

(3) the plan for providing the results to the parent, the newborn's or infant's primary medical care provider, and the department;

(4) the methods and materials to be used to inform the parent of the following:

(A) The purpose, benefits, and limitations of hearing screening for newborns and infants;

(B) the procedures used for hearing screening;

(C) the risk indicators for delayed-onset, progressive, and acquired hearing loss;

(D) the factors that could result in a referral for further hearing screening, including debris in the ear canal and fluid in the middle ear;

(E) the effects of hearing loss on infant development, including speech and language development;

(F) the importance of follow-up hearing assessment;

(G) the benefits of early identification and intervention;

(H) the timelines for maximizing early intervention; and

(I) a list of facilities that provide audiologic assessment for newborns and for infants younger than five months of age; and

(5) the referral plan to be used if the hearing screening results are incomplete or if the newborn or infant does not pass the hearing screening. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-602. Location of hearing screening for newborns and infants. (a) Except as specified in K.A.R. 28-4-609(a), the hearing of each newborn or infant shall be screened in both ears before discharge.

(b)(1) Except as specified in paragraph (b)(2), hearing screening shall be carried out in one of the following:

(A) The medical care facility where the newborn is born;

(B) if the newborn is transferred to one or more medical care facilities before being discharged, in the last medical care facility to which the child is transferred; or

(C) if the medical care facility averages fewer than 75 births per year over a three-year period, that medical care facility or, by contract or written agreement, another facility that provides hearing screening in compliance with this article.

(2) If the newborn is born outside of a medical care facility, the newborn's primary medical care provider shall arrange for the hearing screening in compliance with this article and before the newborn is one month of age, unless a different time period is medically indicated. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-603. Responsibilities of medical care facility's administrator. (a) Each medical care facility administrator shall be responsible for the following:

(1) Designating a hearing screening manager or coordinator to be responsible for overseeing the facility's hearing screening program and ensuring compliance with the applicable statutes and regulations;

(2) designating a physician to be responsible for overseeing the medical aspects of the facility's hearing screening program;

(3) designating an audiologist on staff or a consulting audiologist to be responsible for overseeing the audiologic aspects of the facility's hearing screening program, including screening, tracking, referral for evaluation, and personnel training; and

(4) budgeting for personnel, equipment, and supplies needed to carry out the program.

(b) If the medical care facility administrator determines that the facility is a sending agency as defined in K.A.R. 28-4-600, the administrator shall ensure that the results of the hearing screening are obtained from the receiving agency for the newborn's medical record. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-604. Responsibilities of medical care facility's hearing screening manager or coordinator. Each manager or coordinator shall be responsible for the following:

(a) Writing and implementing a medical care facility policy for the newborn hearing screening program in consultation with the facility's medical director, staff audiologist or consulting audiologist, obstetrics nurse manager, and nursery nurse manager, and with the hearing screening state program coordinator;

(b) providing for the maintenance and accurate operation of the hearing screening equipment;

(c) developing a back-up hearing screening plan to ensure continuation of hearing screening if the equipment malfunctions or when there is a change in personnel administering the hearing screening;

(d) ensuring that the hearing screening is performed by appropriately trained and supervised personnel, as specified in K.A.R. 28-4-608;

(e) overseeing data management and reporting to the department, as specified in K.A.R. 28-4-605; and

(f) ensuring that the following requirements of the hearing screening program are met:

(1) Coordinating the supervision of or supervising the personnel who provide hearing screening, including the ongoing monitoring of their competency and retraining;

(2) monitoring the results of the screening program, including the number of newborns discharged before screening and the referral rates;

(3) before the newborn's or infant's discharge, informing the parent of the results of the hearing screening and providing a copy of the results;

(4) before or upon discharge of any newborn or infant who has passed the hearing screening, providing the child's parent with written information describing the following:

(A) The purpose, benefits, and limitations of hearing screening;

(B) the procedures used for hearing screening;

(C) the risk indicators for delayed-onset, progressive, and acquired hearing loss; and

(D) normal infant developmental milestones regarding hearing, speech, and language;

(5) before or upon discharge of any newborn or infant who has not passed the hearing screening, providing the

child's parent with written information describing the following:

(A) The purpose, benefits, and limitations of hearing screening;

(B) the procedures used for hearing screening;

(C) the factors that could result in a referral for further hearing screening, including debris in the ear canal and fluid in the middle ear;

(D) the effects of hearing loss on infant development, including speech and language development;

(E) the risk indicators for delayed-onset, progressive, and acquired hearing loss;

(F) the recommendation for follow-up hearing screening;

(G) a list of options of personnel or sites that provide follow-up hearing screening; and

(H) a timeline for follow-up hearing screening in accordance with accepted medical practices;

(6) before or upon discharge, informing the newborn's or infant's primary medical care provider of the results of the hearing screening and the recommendations made to the child's parent;

(7) retaining the hearing screening results in the newborn's or infant's medical record; and

(8) if a newborn or infant is discharged before hearing screening or if a newborn or infant needs additional procedures to complete the hearing screening, ensuring that the following requirements are met:

(A) Informing the parent of the need for hearing screening;

(B) providing a mechanism by which hearing screening can occur at no additional cost to the family;

(C) making a reasonable effort to ensure that the newborn has a hearing screening before the child is 30 days old. To be considered a reasonable effort, the manager or coordinator shall document at least two attempts to contact the newborn's parent by mail or phone. If necessary, the manager or coordinator shall use information available from the facility's own records, the newborn's primary medical care provider, the local public health office, or other agencies; and

(D) notifying the newborn's primary medical care provider after two unsuccessful attempts to contact the newborn's parent. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-605. Reporting to the department. Each manager or coordinator of the hearing screening program at each medical care facility shall report to the department the following:

(a) The program's protocol, policies, types of equipment, and personnel, which shall be reported annually;

(b) any changes in protocol, policies, and types of equipment, which shall be reported within 30 days of the change;

(c) the data for each newborn and infant, which shall be reported within seven days after the hearing screening;

(d) all cumulative data, which shall be reported annually; and

(e) the qualifications and training of the hearing screening administrative and support personnel, as defined in

(continued)

K.A.R. 28-4-608, which shall be reported annually. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-606. Responsibilities of the staff audiologist or consulting audiologist. Each staff audiologist or consulting audiologist shall meet the following requirements:

- (a) Be licensed to practice audiology in Kansas;
- (b) have experience in using hearing screening technology options to screen the hearing of newborns and infants;
- (c) have experience or training in developing and maintaining a hearing screening program;
- (d) recommend hearing screening equipment and a protocol to the manager or coordinator; and
- (e) work with the manager or coordinator to develop policy and procedures for the medical care facility, including the following:
 - (1) Conducting the hearing screening program;
 - (2) documenting results;
 - (3) making referrals;
 - (4) providing the screening results to the parent and the primary medical care provider;
 - (5) providing data on hearing screening and follow-up to the department;
 - (6) outlining a process for the periodic review of each screener's competency;
 - (7) monitoring the performance of the screening program, including referral rates and the competency of screening personnel; and
 - (8) providing information, training, and technical assistance to the medical care facility, as needed. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-607. Responsibilities of support personnel.

- (a) Each person who screens the hearing of newborns and infants shall meet the following criteria:
 - (1) Meet the minimum qualifications specified in K.A.R. 28-4-608;
 - (2) periodically demonstrate the competency-based skills necessary to perform the specific tasks assigned by the medical care facility;
 - (3) follow the policies and procedures of the medical care facility; and
 - (4) successfully complete the training specified in K.A.R. 28-4-608.
- (b) Support personnel shall not perform the following:
 - (1) Interpret screening results and other clinical data; and
 - (2) refer a newborn's or infant's parent to any other professional or agency without a specific policy established by the medical care facility. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-608. Qualifications and training of support personnel. (a) Each person who screens the hearing of newborns and infants and who is not licensed in Kansas for hearing screening shall meet the following criteria:

- (1) Be 18 years of age or older;
- (2) have a high school diploma or its equivalent;

(3) be current with the immunizations required by the medical care facility and be free of infectious diseases transmittable to newborns and infants; and

(4) complete the required training as specified in subsection (c).

(b) A training program for the support personnel at each medical care facility shall be established under the direction of the staff audiologist, consulting audiologist, or physician as identified in K.A.R. 28-4-603(a)(2) and (3).

(c) The training program shall include the following:

- (1) Instruction in the following:
 - (A) The operation of the screening equipment;
 - (B) the anatomy and physiology of the ear;
 - (C) the nature of the responses being measured;
 - (D) patient and non-patient factors that influence responses;
 - (E) the hearing screening procedures, including documentation of results;
 - (F) the confidentiality requirements;
 - (G) the communication skills necessary to provide accurate and appropriate information;
 - (H) safety and infection control procedures, including universal precautions for blood-borne pathogens and tuberculosis, according to the medical care facility's guidelines;
 - (I) the medical care facility's emergency procedures; and
 - (J) risk management and incident-reporting procedures; and
- (2) supervised practice and individual observation and assessment to determine the ability of the support person to perform the duties associated with hearing screening, which shall include the following:
 - (A) Working independently, accurately, and consistently;
 - (B) meeting the physical demands of the hearing screening process, including applying small objects safely to each newborn's and infant's ears and head; and
 - (C) following the precise sequence of instructions for the hearing screening protocol.

(d) All support personnel shall receive ongoing assessment of proficiency and shall receive retraining, as specified in K.A.R. 28-4-604(f)(1). (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-609. Exceptions: parental right to refuse, medical care facility, medically fragile newborns, and home births. (a) If the newborn's or infant's parent objects to the mandatory screening for the detection of hearing loss, the parent's objection shall be documented in the child's medical record.

(b) If the medical care facility meets the definition of sending agency as specified in K.A.R. 28-4-600, that sending agency shall meet the following requirements:

- (1) Have a contract or written agreement with a receiving agency that defines the responsibilities of each agency, including which agency is responsible for tracking and follow-up and for submitting the required data to the department;
- (2) have the written agreement on file with the department;

(3) before each newborn's or infant's discharge, meet the following requirements:

(A) Schedule the hearing screening for the child at the receiving agency;

(B) provide the parent with the following information:

(i) The importance of early detection of hearing loss;

(ii) the normal infant developmental milestones regarding hearing, speech, and language;

(iii) the purpose, benefits, and limitations of newborn hearing screening;

(iv) the procedures used for newborn hearing screening; and

(v) the risk indicators for delayed-onset, progressive, and acquired hearing loss; and

(C) obtain a signed consent form from the parent to permit the receiving agency to share the results of the hearing screening; and

(4) obtain the hearing screening results and place them in the newborn's medical record.

(c) If a medically fragile newborn is transferred immediately after birth to a neonatal intensive care unit and has not had the hearing screened before the transfer, the medical care facility that releases the child to the home shall be responsible for the following:

(1) Screening the child's hearing before discharge; and

(2) meeting the responsibilities specified in K.A.R. 28-4-603 through K.A.R. 28-4-605.

(d)(1) For home births at which a primary medical care provider is in attendance, the primary medical care provider shall be responsible for the following:

(A) Coordination and referral of the newborn to a licensed audiologist or medical care facility providing hearing screening; and

(B) assisting the parent to obtain hearing screening for the newborn before the child is 30 days old.

(2) For home births at which a primary medical care provider is not in attendance, the newborn's primary medical care provider shall be responsible for the coordination and referral for hearing screening following accepted medical practices. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-610. Responsibilities of the primary medical care provider. Each primary medical care provider shall be responsible for the following:

(a) Ensuring that the medical care facility implements hearing screening for the provider's patients according to accepted medical practices;

(b) ensuring that the hearing screening results are discussed with the parent;

(c) ensuring that the parent receives written information about risk indicators for hearing loss;

(d) monitoring for delayed-onset, progressive, and acquired hearing loss during the infant's routine medical care;

(e) assisting the parent of a newborn or infant who does not pass the hearing screening to obtain audiologic and other appropriate medical consultation, follow-up, and diagnosis for the child before the child is three months old;

(f) assisting the parent of a newborn or infant with confirmed hearing loss to obtain appropriate intervention

services for the child before the child is six months old; and

(g) working with other health care professionals and with the newborn's or infant's parent in the coordination of care for a child with confirmed hearing loss. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-611. Responsibilities of persons providing hearing screening after discharge. (a) Hearing screening conducted after discharge shall be completed before the newborn is 30 days old, unless a different time period is medically indicated.

(b) Each person providing hearing screening after discharge shall be responsible for the following:

(1) Following the hearing screening protocol, as specified in K.A.R. 28-4-601;

(2) providing the screening results to the following:

(A) The newborn's or infant's parent;

(B) the newborn's or infant's primary medical care provider;

(C) the department, as specified in K.A.R. 28-4-605; and

(D) with parental consent, the medical care facility or facilities where the newborn was delivered and discharged;

(3) providing information to the parent about normal hearing, speech, and language development;

(4) providing information to the parent about delayed-onset, progressive, and acquired hearing loss;

(5) providing information to the parent about follow-up audiologic assessment if the newborn or infant does not pass the hearing screening; and

(6) providing a list of audiologic assessment provider sites for infants younger than five months of age.

(c) For missed appointments, each person providing hearing screening after discharge shall make a reasonable effort to contact the parent to reschedule the hearing screening.

To be considered a reasonable effort, the person shall document at least two attempts to contact the newborn's or infant's parent by mail or phone. If necessary, the person shall use information available from the referring agency, the newborn's or infant's primary medical care provider, the local public health office, or other agencies.

(d) Each person providing hearing screening after discharge shall notify the newborn's or infant's primary medical care provider after two unsuccessful attempts to contact the child's parent. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-612. Responsibilities of persons providing audiologic assessment after discharge. Each person who determines that a newborn or infant has a hearing loss shall be responsible for the following:

(a) Being licensed to practice audiology in Kansas;

(b) providing the test results to the parent, the child's primary medical care provider, and the medical care facility where the child was born;

(c) reporting the test results to the department;

(d) providing information to the parent regarding the following topics:

(continued)

- (1) Normal hearing, speech, and language development;
- (2) progressive and acquired hearing loss;
- (3) the importance of medical evaluation and diagnosis;
- (4) the importance of early intervention;
- (5) amplification options;
- (6) assistive device options;
- (7) local early intervention services and educational programs; and
- (8) the availability and importance of parent-to-parent support;
- (e) in consultation with the newborn's or infant's primary care physician, referring the child and parent to an otolaryngologist for medical assessment;
- (f) discussing referral for additional specialty evaluations, including genetics, ophthalmology, and child development, with the parent and the child's primary care physician;
- (g) if appropriate, ensuring that medical clearance for amplification has been obtained and initiating the amplification process;

- (h) providing information and referral for funding assistance, if necessary; and
- (i) with the permission of the parent, referring the parent and the newborn or infant to early intervention services and working with the parent and providers of early intervention services in developing a service plan. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

28-4-613. Inability to pay. No newborn or infant shall be refused hearing screening because of the parent's inability to pay for the procedure or in the absence of a third-party payor. (Authorized by and implementing K.S.A. 65-1,157a; effective July 2, 2004.)

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030814

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

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1-6-21	Amended	V. 22, p. 1968
1-6-23	Amended (T)	V. 22, p. 466
1-6-23	Amended	V. 22, p. 1230
1-9-4	Amended	V. 23, p. 718
1-45-1 through 1-45-7	Revoked	V. 22, p. 226
1-45-7a	Revoked	V. 22, p. 226
1-45-8 through 1-45-14	Revoked	V. 22, p. 226
1-45-15	Revoked	V. 22, p. 226
1-45-16	Revoked	V. 22, p. 226
1-45-17	Revoked	V. 22, p. 226
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1-45-18	Amended (T)	V. 23, p. 424
1-45-19	Amended (T)	V. 23, p. 424
1-45-20	Amended (T)	V. 23, p. 424
1-45-23	Amended (T)	V. 23, p. 425
1-45-24	Amended (T)	V. 23, p. 425
1-47-1	Amended	V. 22, p. 850
1-49-1	Amended	V. 22, p. 851
1-49-12	New	V. 22, p. 851

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-4-900	Amended	V. 22, p. 1191
4-4-956	Amended	V. 22, p. 1192
4-4-982	Amended	V. 22, p. 1192
4-4-983	Amended	V. 22, p. 1192
4-4-985	New	V. 22, p. 1193
4-4-986	New	V. 22, p. 1194

4-8-14a	Amended (T)	V. 23, p. 900
4-8-40	Amended (T)	V. 23, p. 901
4-8-43	New (T)	V. 22, p. 82
4-8-43	New	V. 22, p. 432
4-11-2	Amended	V. 23, p. 895
4-11-3	Amended	V. 23, p. 895
4-11-6	Revoked	V. 23, p. 896
4-11-7	Revoked	V. 23, p. 896
4-11-8	Amended	V. 23, p. 896
4-11-9	Amended	V. 23, p. 896
4-11-14	Amended	V. 23, p. 896
4-13-1	Amended	V. 22, p. 1194
4-13-2	Amended	V. 22, p. 1195
4-13-4a	Amended	V. 22, p. 1195
4-13-6	Amended	V. 22, p. 1196
4-13-7	Amended	V. 22, p. 1196
4-13-26	Amended	V. 22, p. 1196
4-20-5	Amended	V. 22, p. 1747
4-20-11	Amended	V. 22, p. 385
4-20-15	Amended	V. 22, p. 385
4-21-1	Amended	V. 22, p. 385
4-21-3	Amended	V. 22, p. 386
4-21-4	Amended	V. 22, p. 386
4-21-5	Amended	V. 22, p. 387
4-21-6	Amended	V. 22, p. 387
4-21-7	New	V. 22, p. 387
4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 22, p. 1747
5-1-4	Amended	V. 22, p. 1751
5-1-6	Amended	V. 22, p. 1752
5-1-9	Amended	V. 22, p. 1753
5-1-12	Amended	V. 22, p. 1753
5-3-1	Amended	V. 22, p. 1753
5-3-1b	New	V. 22, p. 1754
5-3-3a	New	V. 22, p. 1754
5-3-4c	Amended	V. 22, p. 1754
5-3-4d	Amended	V. 22, p. 1754
5-3-5c	Amended	V. 22, p. 1755
5-3-7	Amended	V. 22, p. 1755
5-3-16a	New	V. 22, p. 1755
5-3-19	Amended	V. 22, p. 1756
5-5-2a	New	V. 22, p. 1756
5-5-16	Amended	V. 22, p. 1757
5-6-13a	New	V. 22, p. 1758
5-6-15	Amended	V. 22, p. 1758
5-7-1	Amended	V. 22, p. 1758
5-9-1	Amended	V. 22, p. 1759
5-9-6	Amended	V. 22, p. 1759
5-14-10	New	V. 22, p. 1759

5-14-11	New	V. 22, p. 1760
5-23-1	Amended	V. 23, p. 181
5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-23-4	Amended	V. 22, p. 1933
5-23-4a	Amended	V. 22, p. 1933
5-23-4b	Amended	V. 22, p. 1934
5-23-5	Revoked	V. 22, p. 1935
5-24-1	Amended	V. 23, p. 65
5-24-2	Amended	V. 23, p. 65
5-24-3	Amended	V. 23, p. 66
5-24-4	Amended	V. 23, p. 68
5-24-6	Amended	V. 23, p. 68
5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69
5-25-1	Amended	V. 22, p. 1819
5-25-2	Amended	V. 22, p. 1819
5-25-2a	New	V. 22, p. 1819
5-25-3	Amended	V. 22, p. 1820
5-25-4	Amended	V. 22, p. 1820
5-25-5	Amended	V. 22, p. 1820
5-25-8	Amended	V. 22, p. 1821
5-25-10	Amended	V. 22, p. 1821
5-25-11	Amended	V. 22, p. 1821
5-25-12 through 5-25-20	New	V. 22, p. 1821-1824

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-16-1	New (T)	V. 22, p. 1226
7-16-1	New	V. 22, p. 1650
7-16-2	New (T)	V. 22, p. 1226
7-16-2	New	V. 22, p. 1650

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-18-1	Amended	V. 22, p. 794
9-18-2	New (T)	V. 22, p. 1260
9-18-2	New	V. 22, p. 1850
9-18-3	New (T)	V. 22, p. 1260
9-18-3	New	V. 22, p. 1850
9-19-1 through 9-19-11	Revoked (T)	V. 22, p. 1261
9-19-1 through 9-19-11	Revoked	V. 22, p. 1816
9-19-12	New (T)	V. 22, p. 1261
9-19-12	New	V. 22, p. 1816
9-22-4	Amended (T)	V. 22, p. 1261
9-22-4	Amended	V. 22, p. 1507
9-22-5	Amended (T)	V. 22, p. 1262
9-22-5	Amended	V. 22, p. 1508

9-25-2	Amended (T)	V. 22, p. 1264
9-25-3	Amended (T)	V. 22, p. 1264
9-25-5	Amended (T)	V. 22, p. 1265
9-25-5	Amended	V. 22, p. 1817
9-25-6	Amended (T)	V. 22, p. 1266
9-25-6	Amended	V. 22, p. 1818
9-25-12	Amended (T)	V. 22, p. 1267
9-25-12	Amended	V. 22, p. 1850
9-26-1	Amended (T)	V. 22, p. 1267
9-26-1	Amended	V. 22, p. 1818

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-13-9	Amended	V. 22, p. 1929
14-15-1	New	V. 22, p. 123
14-15-2	New	V. 22, p. 123

AGENCY 17: STATE BANK COMMISSIONER (see Agency 75, this index)

Reg. No.	Action	Register
17-8-1	New	V. 22, p. 1574
17-11-18	Amended	V. 22, p. 798
17-24-1	Amended	V. 22, p. 1574
17-24-4	New	V. 22, p. 1816

AGENCY 19: GOVERNMENTAL ETHICS COMMISSION

Reg. No.	Action	Register
19-2-2	Amended	V. 23, p. 41
19-20-4	New	V. 23, p. 42
19-60-3	Amended	V. 23, p. 42
19-63-6	Amended	V. 23, p. 43

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-2-3	Amended	V. 22, p. 1258
26-2-9	Amended	V. 22, p. 1259

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended (T)	V. 22, p. 2030
28-1-2	Amended	V. 23, p. 202
28-1-4	Amended (T)	V. 22, p. 2031
28-1-4	Amended	V. 23, p. 203
28-1-20	Amended	V. 23, p. 360
28-4-576	Amended (T)	V. 23, p. 389
28-4-577	Amended (T)	V. 23, p. 390
28-4-578	Amended (T)	V. 23, p. 391
28-4-583	Amended (T)	V. 23, p. 392
28-4-585	Amended (T)	V. 23, p. 392
28-4-587	Amended (T)	V. 23, p. 394
28-4-590	Amended (T)	V. 23, p. 396
28-4-591	Amended (T)	V. 23, p. 397
28-4-700	through	
28-4-705	New (T)	V. 23, p. 398-400
28-15-35	Amended	V. 23, p. 305
28-15-36	Amended	V. 23, p. 309
28-16-28b	Amended	V. 22, p. 1760
28-16-28d	Amended	V. 23, p. 39
28-16-28e	Amended	V. 22, p. 1763
28-17-6	Amended (T)	V. 22, p. 1225
28-17-6	Amended	V. 22, p. 1711
28-19-202	Amended	V. 23, p. 70
28-29-3	Amended	V. 22, p. 798
28-29-20	Amended	V. 22, p. 801
28-29-75	through	
28-29-82	Amended	V. 23, p. 203-205
28-29-101	Revoked	V. 22, p. 802
28-29-109	Amended	V. 22, p. 802
28-29-300	New	V. 22, p. 2131
28-29-302	New	V. 22, p. 2131
28-29-304	New	V. 22, p. 2133
28-29-308	New	V. 22, p. 2134
28-29-321	New	V. 22, p. 2137
28-29-325	New	V. 22, p. 2137
28-36-30	Amended	V. 22, p. 1771
28-38-18	Amended	V. 22, p. 1575
28-38-19	Amended	V. 22, p. 1575

28-39-164	through	
28-39-168	Amended	V. 22, p. 2094-2096
28-39-169	Revoked	V. 22, p. 2096
28-39-169a	New	V. 22, p. 2096
28-39-169b	New	V. 22, p. 2097
28-39-169c	New	V. 22, p. 2098
28-39-170	through	
28-39-174	Revoked	V. 22, p. 2099
28-45-2	Revoked (T)	V. 22, p. 531
28-45-2	Revoked	V. 22, p. 1304
28-45-2a	New (T)	V. 22, p. 531
28-45-2a	New	V. 22, p. 1304
28-45-3	Revoked (T)	V. 22, p. 532
28-45-3	Revoked	V. 22, p. 1305
28-45-3a	New (T)	V. 22, p. 532
28-45-3a	New	V. 22, p. 1305
28-45-4	Revoked (T)	V. 22, p. 533
28-45-4	Revoked	V. 22, p. 1306
28-45-4a	New (T)	V. 22, p. 533
28-45-4a	New	V. 22, p. 1306
28-45-5	Revoked (T)	V. 22, p. 533
28-45-5	Revoked	V. 22, p. 1306
28-45-5a	New (T)	V. 22, p. 533
28-45-5a	New	V. 22, p. 1306
28-45-6	Revoked (T)	V. 22, p. 534
28-45-6	Revoked	V. 22, p. 1306
28-45-6a	New (T)	V. 22, p. 534
28-45-6a	New	V. 22, p. 1306
28-45-7	Revoked (T)	V. 22, p. 535
28-45-7	Revoked	V. 22, p. 1308
28-45-7a	New (T)	V. 22, p. 535
28-45-7a	New	V. 22, p. 1308
28-45-8	Revoked (T)	V. 22, p. 536
28-45-8	Revoked	V. 22, p. 1309
28-45-8a	New (T)	V. 22, p. 536
28-45-8a	New	V. 22, p. 1309
28-45-9	Revoked (T)	V. 22, p. 536
28-45-9	Revoked	V. 22, p. 1309
28-45-9a	New (T)	V. 22, p. 536
28-45-9a	New	V. 22, p. 1309
28-45-10	Revoked (T)	V. 22, p. 536
28-45-10	Revoked	V. 22, p. 1309
28-45-10a	New (T)	V. 22, p. 536
28-45-10a	New	V. 22, p. 1309
28-45-11	Revoked (T)	V. 22, p. 537
28-45-11	Revoked	V. 22, p. 1310
28-45-11a	New (T)	V. 22, p. 537
28-45-11a	New	V. 22, p. 1310
28-45-12	through	
28-45-30	New (T)	V. 22, p. 537-548
28-45-12	through	
28-45-30	New	V. 22, p. 1310-1321
28-45a-1	through	
28-45a-19	New (T)	V. 22, p. 548-557
28-45a-1	through	
28-45a-19	New	V. 22, p. 1321-1331
28-51-100	Amended	V. 22, p. 2099
28-51-108	Amended	V. 22, p. 2100
28-51-113	through	
28-51-116	New	V. 22, p. 2100-2102

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-39	Amended	V. 22, p. 1533
30-4-50	Amended	V. 23, p. 894
30-4-55	Amended	V. 22, p. 1533
30-4-90	Amended (T)	V. 23, p. 897
30-4-96	Revoked	V. 22, p. 249
30-4-110	Amended	V. 22, p. 1534
30-5-59	Amended	V. 22, p. 2087
30-5-64	Amended	V. 23, p. 694
30-5-78	Amended	V. 22, p. 2090
30-5-81u	Amended (T)	V. 22, p. 83
30-5-81u	Amended	V. 22, p. 432
30-5-89	Amended	V. 22, p. 1355
30-5-89a	Amended	V. 22, p. 1355

30-5-102	Amended (T)	V. 22, p. 83
30-5-102	Amended	V. 22, p. 2090
30-5-105	Amended (T)	V. 22, p. 83
30-5-105	Amended	V. 22, p. 2091
30-5-107	Amended	V. 22, p. 1043
30-5-107a	Amended	V. 22, p. 1044
30-5-116	Amended	V. 22, p. 2091
30-5-300	Amended	V. 22, p. 2091
30-6-65	Amended	V. 22, p. 1044
30-6-91	New	V. 23, p. 894
30-6-103	Amended (T)	V. 22, p. 84
30-6-103	Amended	V. 22, p. 433
30-6-106	Amended	V. 22, p. 249
30-6-108	Amended	V. 22, p. 1045
30-6-109	Amended	V. 22, p. 1045
30-10-14	Revoked	V. 22, p. 1355
30-10-15a	Amended	V. 22, p. 1355
30-10-17	Amended (T)	V. 22, p. 990
30-10-17	Amended	V. 22, p. 1233
30-10-18	Amended (T)	V. 22, p. 991
30-10-18	Amended	V. 22, p. 1234
30-10-19	Amended (T)	V. 22, p. 994
30-10-19	Amended	V. 22, p. 1236
30-10-21	Amended	V. 22, p. 1357
30-10-23b	Amended	V. 22, p. 1357
30-14-28	Amended (T)	V. 22, p. 84
30-14-28	Amended	V. 22, p. 434
30-44-5	New	V. 22, p. 1047
30-60-1	Amended	V. 22, p. 1090
30-60-2	Amended	V. 22, p. 1090
30-60-5	Amended	V. 22, p. 1090
30-60-6	Amended	V. 22, p. 1091
30-60-7	Amended	V. 22, p. 1092
30-60-8	New	V. 22, p. 1092
30-60-10	Amended	V. 22, p. 1093
30-60-11	Amended	V. 22, p. 1093
30-60-12	Amended	V. 22, p. 1093
30-60-13	New	V. 22, p. 1094
30-60-14	New	V. 22, p. 1094
30-60-15	New	V. 22, p. 1094
30-60-16	New	V. 22, p. 1094
30-60-17	Amended	V. 22, p. 1095
30-60-18	Amended	V. 22, p. 1095
30-16-19	Amended	V. 22, p. 1096
30-60-25	Amended	V. 22, p. 1096
30-60-26	Amended	V. 22, p. 1097
30-60-27	Amended	V. 22, p. 1097
30-60-28	Amended	V. 22, p. 1097
30-60-29	New	V. 22, p. 1097
30-60-30	New	V. 22, p. 1098
30-60-40	Amended	V. 22, p. 1098
30-60-41	Amended	V. 22, p. 1098
30-60-45	Amended	V. 22, p. 1099
30-60-46	Amended	V. 22, p. 1099
30-60-47	Amended	V. 22, p. 1099
30-60-48	New	V. 22, p. 1099
30-60-49	New	V. 22, p. 1100
30-60-50	Amended	V. 22, p. 1100
30-60-51	New	V. 22, p. 1101
30-60-55	Amended	V. 22, p. 1102
30-60-56	New	V. 22, p. 1103
30-60-57	New	V. 22, p. 1103
30-60-60	Revoked	V. 22, p. 1103
30-60-61	Revoked	V. 22, p. 1103
30-60-62	Amended	V. 22, p. 1103
30-60-63	New	V. 22, p. 1104
30-60-64	New	V. 22, p. 1105
30-60-70	Amended	V. 22, p. 1108
30-60-71	Amended	V. 22, p. 1108
30-60-72	Amended	V. 22, p. 1108
30-60-73	Amended	V. 22, p. 1108
30-60-74	Amended	V. 22, p. 1109
30-60-75	Revoked	V. 22, p. 1109
30-60-76	Amended	V. 22, p. 1109
30-61-1	Amended	V. 22, p. 1109
30-61-2	Amended	V. 22, p. 1109
30-61-5	Amended	V. 22, p. 1109
30-61-6	Amended	V. 22, p. 1110
30-61-10	Amended	V. 22, p. 1110
30-61-11	New	V. 22, p. 1110
30-61-15	Amended	V. 22, p. 1110
30-61-16	Revoked	V. 22, p. 1111

(continued)

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-40-1 through 36-40-9	New	V. 22, p. 1806, 1807

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 23, p. 426
40-1-50	New (T)	V. 23, p. 244
40-1-51	New	V. 23, p. 361
40-2-26	Amended	V. 23, p. 151
40-2-27	New	V. 23, p. 825
40-3-20	Revoked	V. 23, p. 693
40-3-48	Amended	V. 22, p. 2008
40-4-1	Amended	V. 22, p. 1709
40-4-36	Amended	V. 22, p. 465
40-5-110	Amended	V. 22, p. 1709

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-5-115	Amended (T)	V. 23, p. 384
44-6-115a	Amended (T)	V. 22, p. 383
44-6-115a	Amended	V. 22, p. 1231
44-7-104	Amended (T)	V. 23, p. 385
44-7-113	Amended (T)	V. 23, p. 386
44-12-313	Amended (T)	V. 23, p. 386
44-12-601	Amended (T)	V. 23, p. 387
44-12-1002	Amended (T)	V. 22, p. 384
44-12-1002	Amended	V. 22, p. 1232
44-13-201b	Amended (T)	V. 22, p. 384
44-13-201b	Amended	V. 22, p. 1232

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

Reg. No.	Action	Register
51-9-7	Amended	V. 22, p. 1804
51-9-17	New	V. 22, p. 2031

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-4-2	Amended (T)	V. 22, p. 1304
61-7-1	Amended (T)	V. 22, p. 1304

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 23, p. 893
65-5-6	Amended	V. 22, p. 1575
65-5-11	New	V. 23, p. 893
65-8-5	Revoked	V. 23, p. 893

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-8-5	Amended	V. 23, p. 95

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-9	Amended	V. 22, p. 118
68-2-10	Amended	V. 22, p. 118
68-2-11	Amended	V. 22, p. 118
68-2-12a	Amended	V. 22, p. 118
68-2-15	Amended	V. 22, p. 430
68-2-20	Amended	V. 22, p. 119
68-7-12	Amended	V. 22, p. 119
68-7-12a	Amended	V. 22, p. 120
68-7-12b	New	V. 22, p. 120
68-7-20	New	V. 23, p. 382
68-8-1	Amended	V. 22, p. 431
68-9-2	Amended	V. 22, p. 121
68-11-1	Amended	V. 22, p. 122
68-11-2	Amended	V. 22, p. 122
68-12-2	Amended	V. 22, p. 122
68-13-1	Amended	V. 22, p. 122

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 23, p. 360

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-1	Revoked	V. 23, p. 151
71-1-2	Revoked	V. 23, p. 151
71-1-3	Revoked	V. 23, p. 151
71-1-8	Revoked	V. 23, p. 151
71-1-10	Revoked	V. 23, p. 151
71-1-11	Revoked	V. 23, p. 151
71-1-15	Amended	V. 23, p. 151
71-2-1	Revoked	V. 23, p. 151
71-2-4	Revoked	V. 23, p. 151
71-2-5	Amended	V. 23, p. 717
71-2-6	Revoked	V. 23, p. 718
71-2-7	Amended	V. 23, p. 718
71-2-9	Revoked	V. 23, p. 151
71-2-12	Revoked	V. 23, p. 151
71-3-5	Revoked	V. 23, p. 151
71-4-1	Amended	V. 23, p. 151
71-4-3	Revoked	V. 23, p. 152
71-6-1	Amended	V. 23, p. 383
71-6-5	Amended	V. 23, p. 718
71-7-1	New	V. 23, p. 152

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-1	Amended	V. 22, p. 1894
74-1-2	Amended	V. 22, p. 1894
74-1-3	Amended	V. 22, p. 1894
74-1-6	Amended	V. 22, p. 1895
74-1-8	New	V. 22, p. 1895
74-2-1	Amended	V. 22, p. 1896
74-2-4	Revoked	V. 22, p. 1896
74-4-7	Amended	V. 22, p. 1896
74-4-8	Amended	V. 22, p. 1896
74-4-9	Amended	V. 22, p. 1897
74-5-202	Amended	V. 22, p. 1898
74-11-6	Amended	V. 22, p. 1898
74-11-7	Amended	V. 22, p. 1898
74-12-1	Amended	V. 22, p. 1898

AGENCY 75: STATE BANK COMMISSIONER—DIVISION OF CONSUMER AND MORTGAGE LENDING

Reg. No.	Action	Register
75-6-33	New	V. 22, p. 1815
75-6-34	New	V. 22, p. 1454

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-201	Revoked	V. 22, p. 1650
82-1-202	Amended	V. 22, p. 1650
82-1-204	Amended	V. 22, p. 1650
82-1-204a	New	V. 22, p. 1652
82-1-205	Amended	V. 22, p. 1652
82-1-206	Amended	V. 22, p. 1652
82-1-207	Amended	V. 22, p. 1652
82-1-208	Amended	V. 22, p. 1652
82-1-212	Amended	V. 22, p. 1652
82-1-214	Amended	V. 22, p. 1653
82-1-215	Amended	V. 22, p. 1653
82-1-216	Amended	V. 22, p. 1653
82-1-218	Amended	V. 22, p. 1653
82-1-219	Amended	V. 22, p. 1654
82-1-220	Amended	V. 22, p. 1655
82-1-221	Amended	V. 22, p. 1655
82-1-221b	Revoked	V. 22, p. 1656
82-1-222	Amended	V. 22, p. 1656
82-1-224	Amended	V. 22, p. 1656
82-1-225	Amended	V. 22, p. 1656
82-1-226	Amended	V. 22, p. 1657
82-1-227	Amended	V. 22, p. 1657
82-1-228	Amended	V. 22, p. 1657
82-1-229	Amended	V. 22, p. 1658
82-1-230	Amended	V. 22, p. 1659
82-1-230a	New	V. 22, p. 1659
82-1-231	Amended	V. 22, p. 1660
82-1-231a	Amended	V. 22, p. 1663
82-1-231b	Amended	V. 22, p. 1664
82-1-232	Amended	V. 22, p. 1665
82-1-235	Amended	V. 22, p. 1666
82-1-237	Amended	V. 22, p. 1666
82-1-238	Amended	V. 22, p. 1666

82-1-239	Amended	V. 22, p. 1667
82-3-101	Amended	V. 23, p. 426
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431
82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433
82-3-700 through 82-3-704	Amended (T)	V. 23, p. 152-155
82-3-700 through 82-3-704	Amended	V. 23, p. 538-541
82-3-705 through 82-3-710	New (T)	V. 23, p. 155-158
82-3-705 through 82-3-710	New	V. 23, p. 541-544
82-4-2	Amended	V. 22, p. 86
82-4-3a	New (T)	V. 23, p. 578
82-4-20	Amended	V. 22, p. 86
82-4-21	Amended	V. 22, p. 87
82-4-23	Amended	V. 22, p. 87
82-4-26	Amended	V. 22, p. 87
82-4-26a	Amended	V. 22, p. 88
82-4-27	Amended	V. 22, p. 88
82-4-27a	Amended	V. 22, p. 88
82-4-27e	Amended	V. 22, p. 89
82-4-28	Amended	V. 22, p. 89
82-4-28a	Amended	V. 22, p. 89
82-4-29	Amended	V. 22, p. 90
82-4-29a	Amended	V. 22, p. 90
82-4-30a	Amended	V. 22, p. 90
82-4-32	Amended	V. 22, p. 90
82-4-35	Amended	V. 22, p. 91
82-4-46	Amended	V. 22, p. 91
82-4-49b through 82-4-49e	Revoked	V. 22, p. 91
82-7-2 through 82-7-5	Revoked	V. 22, p. 91
82-8-1	Amended	V. 22, p. 91
82-8-2	Amended	V. 22, p. 91
82-8-3	Amended	V. 22, p. 92
82-11-1	Amended	V. 22, p. 1078
82-11-3	Amended	V. 22, p. 1079
82-11-4	Amended	V. 22, p. 1079
82-11-8	Amended	V. 22, p. 1084
82-11-10	Amended	V. 22, p. 1084

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-23-7	New	V. 22, p. 1709

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-201	Amended	V. 22, p. 2125
91-1-203	Amended	V. 22, p. 2126
91-1-206	Amended	V. 22, p. 2129
91-1-213	Amended	V. 22, p. 2130
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-31-16 through 91-31-30	Revoked	V. 22, p. 124
91-31-31 through 91-31-42	New	V. 22, p. 124-128

91-38-1	Amended	V. 22, p. 356
91-38-2	Amended	V. 22, p. 356
91-38-3	Amended	V. 22, p. 357
91-38-5	Amended	V. 22, p. 357
91-38-6	Amended	V. 22, p. 358
91-38-7	Amended	V. 22, p. 360

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-200		
through		
92-19-203	New	V. 22, p. 431
92-51-24	Amended	V. 23, p. 40
92-51-25	Amended	V. 23, p. 40
92-51-28	New	V. 23, p. 40
92-51-29	New	V. 23, p. 41
92-51-34a	New	V. 23, p. 41
92-52-9	Amended	V. 23, p. 41

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

Reg. No.	Action	Register
93-6-4	Amended	V. 22, p. 666
93-6-7	New	V. 22, p. 666

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-4	Amended (T)	V. 22, p. 1504
94-2-4	Amended	V. 22, p. 2009
94-2-19	Amended (T)	V. 22, p. 1504
94-2-19	Amended	V. 22, p. 2009
94-2-20	Amended (T)	V. 22, p. 1504
94-2-20	Amended	V. 22, p. 2010
94-2-21	New	V. 22, p. 2010
94-2-21	Amended (T)	V. 23, p. 896

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 23, p. 580
100-22-4	New	V. 22, p. 690
100-29-9	Amended	V. 22, p. 1892
100-29-10	Amended	V. 22, p. 1893
100-54-2		
through		
100-54-8	Amended	V. 22, p. 1926-1929
100-54-4	Amended (T)	V. 23, p. 383
100-55-4	Amended (T)	V. 23, p. 383
100-55-5	Amended	V. 22, p. 690
100-55-9	Amended	V. 22, p. 690
100-72-1		
through		
100-72-7	New (T)	V. 22, p. 79-81
100-72-1		
through		
100-72-6	New	V. 22, p. 691, 692
100-72-7	New	V. 22, p. 1893
100-75-1	New (T)	V. 22, p. 82
100-75-1	New	V. 22, p. 693

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-3a	Amended (T)	V. 22, p. 1267
102-1-3a	Amended	V. 22, p. 1808
102-1-3b	New (T)	V. 22, p. 1268
102-1-3b	New	V. 22, p. 1809
102-1-8	Amended	V. 22, p. 1148
102-1-10a	Amended	V. 22, p. 2179
102-1-15	Amended	V. 22, p. 1149
102-2-2b	New (T)	V. 22, p. 1269
102-2-2b	New	V. 22, p. 1810
102-2-2c	New (T)	V. 22, p. 1270
102-2-2c	New	V. 22, p. 1811
102-2-4a	Amended	V. 22, p. 1150
102-2-7	Amended	V. 22, p. 2182
102-2-9	Amended	V. 22, p. 1151
102-2-11	Amended	V. 22, p. 1151
102-2-12	Amended	V. 22, p. 1084

102-3-3a	Amended	V. 22, p. 1302
102-3-4b	New (T)	V. 22, p. 1271
102-3-4b	New	V. 22, p. 1811
102-3-7a	Amended	V. 22, p. 1085
102-3-9a	Amended	V. 22, p. 1151
102-3-10a	Amended	V. 22, p. 1152
102-3-12a	Amended	V. 22, p. 2184
102-4-4b	New (T)	V. 22, p. 1272
102-4-4b	New	V. 22, p. 1812
102-4-6a	Amended	V. 22, p. 2186
102-4-9a	Amended	V. 22, p. 1153
102-4-10a	Amended	V. 22, p. 1153
102-4-12	Amended	V. 22, p. 2187
102-5-3	Amended	V. 22, p. 1087
102-5-4b	New (T)	V. 22, p. 1273
102-5-4b	New	V. 22, p. 1813
102-5-7a	Amended	V. 22, p. 1088
102-5-9	Amended	V. 22, p. 1155
102-5-10	Amended	V. 22, p. 1155
102-5-12	Amended	V. 22, p. 2189
102-5-16	New	V. 22, p. 1158
102-6-9	Amended	V. 22, p. 1159
102-6-10	Amended	V. 22, p. 1159

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

Reg. No.	Action	Register
108-1-4	Amended	V. 23, p. 823

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

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202
109-5-4	Amended	V. 22, p. 1805
109-7-1	Amended	V. 22, p. 1805

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1		
through		
110-8-6	New	V. 22, p. 2032, 2033
110-8-8		
through		
110-8-11	New	V. 22, p. 2033, 2034
110-10-1	New (T)	V. 22, p. 1815
110-10-1	New	V. 23, p. 180

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151		
through		
111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095		
through		
111-4-2115	New	V. 23, p. 264-275

111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116		
through		
111-4-2125	New	V. 23, p. 311-318
111-4-2126		
through		
111-4-2146	New	V. 23, p. 459-471
111-4-2147		
through		
111-4-2160	New	V. 23, p. 901-909
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910
111-1-1		
through		
111-11-11	New	V. 23, p. 911-914
111-12-1	New	V. 23, p. 914

**AGENCY 112: RACING AND GAMING
COMMISSION**

Reg. No.	Action	Register
112-3-11	Amended	V. 22, p. 1427
112-4-1	Amended	V. 22, p. 2057
112-4-1a	New	V. 22, p. 278
112-4-1b	New	V. 22, p. 279
112-6-4	Amended	V. 22, p. 85
112-8-4	Amended	V. 22, p. 1428
112-8-5	Amended	V. 22, p. 1428
112-9-44	Amended	V. 22, p. 279
112-10-2	Amended	V. 22, p. 85
112-10-3	Amended	V. 23, p. 93
112-10-13	New	V. 23, p. 495
112-11-20	Amended	V. 22, p. 281
112-12-10	Amended	V. 22, p. 86
112-13-2	Amended	V. 23, p. 94
112-18-9	Amended	V. 22, p. 1710
112-18-11	Amended	V. 22, p. 1710
112-18-18	Amended	V. 22, p. 1710

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

Reg. No.	Action	Register
115-1-1	Amended	V. 22, p. 1930
115-2-1	Amended	V. 22, p. 1932
115-4-6	Amended	V. 22, p. 1227
115-4-11	Amended	V. 22, p. 436
115-17-6		
through		
115-17-9	Amended	V. 22, p. 437-439
115-18-8	Amended	V. 22, p. 1229
115-18-10	Amended	V. 22, p. 439
115-21-1	Amended	V. 22, p. 1506
115-21-2	Amended	V. 22, p. 1507

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 22, p. 684
117-2-1	Amended	V. 22, p. 684
117-3-1	Amended	V. 22, p. 685
117-4-1	Amended	V. 22, p. 686
117-5-2	Amended	V. 22, p. 2007
117-6-1	Amended	V. 22, p. 687
117-6-2	Amended	V. 22, p. 688
117-6-3	Amended	V. 22, p. 688
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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