



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Attorney General

Opinion 2004-29

Legislature—Indian Gaming Compacts—Definitions; Negotiation of Compacts; Submission to Legislature; Authority of Joint Committee on State-Tribal Relations. Senator Bill Bunten, 20th District, Topeka, October 13, 2004.

The Joint Committee on State-Tribal Relations has statutory authority to make recommendations on a proposed gaming compact submitted to it by the Governor pursuant to the provisions of K.S.A. 46-2302. For purposes of this statute, "gaming compact" is defined as any "tribal-state compact regarding class III gaming as provided by section 11 of the Indian gaming regulatory act (25 U.S.C. 2710)." Cited herein: K.S.A. 46-2301; 46-2302; K.S.A. 2003 Supp. 46-2303; K.S.A. 74-9801; 74-9802; 25 U.S.C. § 2710. JLM

Opinion 2004-30

Fees and Salaries—Fees in All Counties and Salaries in Certain Counties—Allowance of Traveling Expenses and Mileage; County Officials and Employees Driving from Residence to Work. William A. Taylor III, Cowley County Counselor, Winfield, October 13, 2004.

K.S.A. 28-169 does not require that a county reimburse public officials or employees for the costs of mileage between their place of residence and their place of work. Under K.S.A. 19-101a and K.S.A. 19-212, a board of county commissioners may discretionarily reimburse officials and employees for such costs, if the expenditure is determined to be for a valid public purpose. Cited herein: K.S.A. 19-101a; 19-212; 28-169; L. 1943, Ch. 162, § 14; 29 U.S.C.A. §254(d); 29 C.F.R. § 785.35. TMN

Opinion 2004-31

Cities and Municipalities—Compacts Between Missouri and Kansas—Kansas and Missouri Metropolitan Culture District Compact; Bistate Sales Tax; Use of Monies; STAR bonds. Senator Kay O'Connor, 9th District, Olathe, October 25, 2004.

The monies raised through Bistate II may not be used to pay STAR bonds issued by the Unified Government of Wyandotte County/Kansas City, Kansas unless: (1) the projects paid by such bonds are deemed to be arts and cultural activities, facilities and organizations; and (2) the activities, facilities and organizations are approved by the Bistate Commission upon one of the annual recommendations of the Advisory Committee. In the case of the \$25,000,000 allocation and the prorata share, the recommendation of the Citizens Advisory Committee of each Participating County also is required. The share of the monies that Wyandotte County may receive may not be used to pay the costs of sports organizations, facilities and activities. Cited herein: K.S.A. 12-2536; 12-2539; Kan. Const., Art. 11, § 5. RDS

Phill Kline
Attorney General

Doc. No. 031297

State of Kansas

Children's Cabinet and Trust Fund

Notice of Meeting

The Kansas Children's Cabinet and Trust Fund will conduct a cabinet meeting from 9 a.m. to noon Friday, November 19, in Room C of the SRS Learning Center, 2600 S.W. East Circle Drive South, Topeka. For more information, contact Dyogga Adegbore at (785) 368-7044. Public comments and questions will be a part of every Children's Cabinet meeting.

Jim Redmon
Interim Executive Director

Doc. No. 031299

State of Kansas

Kansas Dental Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, February 25, in Conference Room 530 of the Curtis State Office Building, 1000 S.W. 10th Ave., Topeka, to consider the amendment to a rule and regulation of the Kansas Dental Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendment. All parties may submit written comments prior to the hearing to the secretary-treasurer of the Kansas Dental Board, Room 564-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the amendment of the regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation proposed for amendment in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Dental Board office at the address above or by calling (785) 296-6400. Handicapped parking is located on the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Dental Board at the address and phone given above or by accessing the board's Web site at <http://www.accesskansas.org/kdb/legislation.html>. A summary of the proposed amendment is as follows:

K.A.R. 71-2-2. Branches of dentistry. This amendment eliminates unnecessary language and adds the definition of a specialty that did not previously exist. No new costs will be borne by dentists, hygienists or others.

Larry Williamson
Executive Director

Doc. No. 031283

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 30,500 cubic yard detention dam, Site 205 in Douglas County, will be received by the Wakarusa Watershed Joint District No. 35 at 305 Maple, Overbrook, 66524, until 2 p.m. December 7 and then opened. A copy of the invitation for bids and the plans and specifications can be reviewed at and/or obtained from the Wakarusa Watershed District Office, (785) 665-7231.

Greg A. Foley
Executive Director

Doc. No. 031289

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 35,174 cubic yard detention dam, Site 120 in Osage County, will be received by Ed Slusher, 22853 S. Hoch Road, Osage City, 66523, (785) 528-3674, for Salt Creek Watershed Joint District No. 104. Bids must be postmarked by December 1. Bids will be opened at 1 p.m. December 8 at the Bank of Osage City, 913 Market St., Osage City, (785) 528-5040. Bids may be hand delivered prior to bid opening. A copy of the invitation for bids and the plans and specifications may be reviewed at and/or obtained from King & Associates Engineering, 307 Montana, Holton, 66436, (785) 364-4312.

Greg A. Foley
Executive Director

Doc. No. 031302

State of Kansas

Real Estate Appraisal Board

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, January 5, in the lower level conference room at 1100 S.W. Wanamaker Road, Topeka, to consider the adoption of amendments to K.A.R. 117-8-1.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, 1100 S.W. Wanamaker Road, Suite 104, Topeka, 66604. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

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

in advance of the hearing by contacting Sally Pritchett at (785) 271-3373 or cheryl.magathan@kreab.state.ks.us.

The proposed regulation amendment is for adoption on a permanent basis. A summary of the proposed amendment and the economic impact follows:

K.A.R. 117-8-1. Uniform standards of professional appraisal practice. This regulation is being amended so that the board can adopt the current edition of Uniform Standards of Professional Appraisal Practice (USPAP) by reference with the exception of standards 6, 7, 8, 9 and 10, and the advisory opinions, which are on pages 123 through 228. There will be no economic impact to the appraisers, state agencies or the public.

Copies of the regulation and the economic impact statement may be obtained by contacting the Kansas Real Estate Appraisal Board at (785) 271-3373, fax (785) 271-3370 or e-mail at cheryl.magathan@kreab.state.ks.us, or on the board's Web site at www.accesskansas.org/kreab.

Sally Pritchett
Executive Director

Doc. No. 031282

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, November 18, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue not to exceed \$55 million principal amount of revenue bonds for the University of Kansas Center for Research, a Kansas corporation organized under Internal Revenue Code Section 501(c)(3) or an affiliated entity (the corporation). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance the costs of design and construction of a new multi-disciplinary research facility on the University of Kansas—Lawrence west campus, Lawrence, Kansas (the project).

The bonds, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bonds will be payable solely from amounts received from the developer, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

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

Steven R. Weatherford
President

Doc. No. 031293

(Published in the Kansas Register November 4, 2004.)

Heartland Works, Inc.

Request for Proposals

Heartland Works, Inc. is accepting bids for janitorial services to clean its Junction City Workforce Center. To receive a request for proposal bid packet, including all specifications, contact the Heartland Works office at 610 S.W. 10th Ave., Suite 210, Topeka, 66612-1616, (785) 234-0500. Bids must be received not later than 3 p.m. November 18. Heartland Works welcomes all interested parties to bid.

Nancy Leonard
Administrative Assistant

Doc. No. 031284

State of Kansas

University of Kansas

Notice to Bidders

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

November 15, 2004
RFQ 38669

Concrete Wide Span Mezzanine Installed at
KUFO Warehouse

Barry Swanson
Director, Business Services

Doc. No. 031295

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 11-1-04 through 11-7-04

Term	Rate
1-89 days	1.77%
3 months	1.89%
6 months	2.08%
1 year	2.21%
18 months	2.36%
2 years	2.55%

Derl S. Treff
Director of Investments

Doc. No. 031276

State of Kansas

**Criminal Justice Recodification,
Rehabilitation and Reconciliation Committee**

Notice of Meetings

The Kansas Criminal Justice Recodification, Rehabilitation and Reconciliation Committee will meet at 10 a.m. Monday, November 8, and at 9 a.m. Tuesday, November 9, at the Topeka and Shawnee County Public Library, 1515 S.W. 10th Ave., Topeka. The meetings are open to the public. For more information, call Jerry Ann Donaldson at (785) 296-4440.

Rep. Ward Loyd
Chairman

Doc. No. 031280

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) 296-2376:

11/15/2004	07863	Abandoned Well Plugging — Richmond Lease
11/15/2004	07864	Abandoned Well Plugging — LaRue Lease
11/17/2004	07860	Fabric Covered Pipe Truss Shelters
11/18/2004	07871	Law Enforcement Liaison
11/22/2004	07849	Automated Teller Machine
11/23/2004	07853	Digital Engineering Printer, Scanner, Copying System Lease
11/30/2004	07868	Aircraft Insurance
12/7/2004	07869	Bar Coding/RFID Applications Solutions

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 or to obtain the following bid documents, call (785) 296-8899:

11/23/2004	A-9683	Sewage Grinder Installation
11/23/2004	A-9912	Boiler No. 2 Replacement
12/9/2004	A-9601	Armory Building Renovation
12/9/2004	A-9604	Armory Building Renovation

Chris Howe
Director of Purchases

Doc. No. 031304

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

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

Tuesday, November 30, 2004

9:30 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
90,378	Dana L. Leedy, n/k/a Wassar, Appellant, v. Robert D. Leedy, Appellee.	Robb W. Rumsey Charles F. Harris	Sedgwick Petition for Review
91,024	Steven J. Harbutz, Appellee, v. Nancy C. Harbutz, Appellant.	T. Lynn Ward John T. Conlee	Sedgwick Petition for Review
89,547	State of Kansas, Appellee, v. Michael K. Mattox, Appellant.	Phillip D. Kline, Atty. Gen. Robert D. Hecht, District Atty. Randall L. Hodgkinson, Deputy Appellate Defender	Shawnee Petition for Review
90,221	State of Kansas, Appellee, v. Johnny McCurry, Jr., Appellant.	Phillip D. Kline, Atty. Gen. Paul J. Morrison, District Atty. Patrick H. Dunn, Asst. Appellate Defender	Johnson Petition for Review

1:30 p.m.

90,165 90,530 90,531	Carolyn Pieren-Abbott, Appellant, v. Kansas Dept. of Revenue, Appellee.	Roger L. Falk Troy V. Huser Brian Cox	Sedgwick Petition for Review
90,140	State of Kansas, Appellee, v. James Lee Carlson, Appellant.	Phillip D. Kline, Atty. Gen. Paul J. Morrison, District Atty. Cory D. Riddle, Asst. Appellate Defender	Johnson Petition for Review
90,701	Debra Back-Wenzel, Appellant, v. Louis Williams, Appellee.	Richard C. Morgan Lyndon W. Vix	Sedgwick Petition for Review
90,188	State of Kansas, Appellant, v. Matthias W. Schroeder, Jr., Appellee.	Phillip D. Kline, Atty. Gen. Ellen H. Mitchell, County Atty. Sarah Ellen Johnson, Asst. Appellate Defender	Saline Petition for Review

Wednesday, December 1, 2004

9:30 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
91,827	Becky Smith, Appellee, v. Phil Martens, Appellant.	Scott C. Long Jonathan L. Laurans	Johnson
90,340	State of Kansas, Appellee, v. Dana Mansaw, Appellant.	Phillip D. Kline, Atty. Gen. Nick A. Tomasic, District Atty. Rick Kittel, Asst. Appellate Defender	Wyandotte Petition for Review
90,853	Shawn P. McCormick, Appellant, v. City of Lawrence, et al., Appellees.	Theodore J. Lickteig Gerald L. Cooley	Douglas Petition for Review

91,129	Lucy Paul, Appellee, v. Ronald Paul, Appellant.	Randy M. Barker Jon A. Blongewicz	Bourbon Petition for Review
1:30 p.m.			
93,129	In the Matter of Kathy A. Stover, Respondent.	Stanton A. Hazlett, Discip. Admin. Kathy A. Stover, Pro Se	Original
93,128	In the Matter of Gordon M. Rock, Jr., Respondent.	Stanton A. Hazlett, Discip. Admin. Gordon M. Rock, Jr., Pro Se	Original
89,620	State of Kansas, Appellee, v. Andrew Jackson, Appellant.	Phillip D. Kline, Atty. Gen. Nick A. Tomasic, District Atty. Sandra M. Carr, Asst. Appellate Defender	Wyandotte

Thursday, December 2, 2004

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

91,868	State v. Christopher L. Johnson	92,197	State v. Daniel Meadows	92,565	State v. Kyle Edwards
92,028	State v. Ricardo Leos	92,549	State v. Robert M. Huss	92,631	Charles Wayne Crittenden

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 031279

State of Kansas

Office of the Governor

Notice of Available Grant Funding

Grant funds are available from the Federal S.T.O.P. Violence Against Women Grant Program for January 1, 2005 through December 31, 2005. The purpose of this grant program is to fund units of state or local government and not for profit organizations in developing strategies and enhancing victim services in cases involving violent crimes against women.

The allocation of grant awards must reflect that each federal grant award will be allocated to each of the following areas: 25 percent law enforcement, 25 percent prosecution, 5 percent to courts, 30 percent to not-for-profit victim service providers and 15 percent to discretionary grant projects. Federal S.T.O.P. Violence Against Women Grant funds cannot be used to supplant state and local funds that would otherwise be available for targeting violent crimes against women.

Grant applications may be obtained by contacting the office of the Governor's Federal Grants Program, Suite 212-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612-1597, (785) 291-3205. Applications also may be accessed via the Internet at www.ksgovernor.org. This is to obtain a printed copy only. Applications cannot be submitted online.

All grant applications must be received by 5 p.m. Monday, December 6. No applications will be accepted after this date.

Juliene Maska
Federal Grants Program Administrator

Doc. No. 031292

State of Kansas

Kansas Sentencing Commission

Notice of Meeting

The Kansas Sentencing Commission will meet from 1:30 to 3:30 p.m. Monday, November 22, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. For more information, call (785) 296-0923.

Patricia Biggs
Executive Director

Doc. No. 031288

State of Kansas

Kansas Judicial Council

Notice of Meetings

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

Date	Committee	Time	Location
Nov. 5	Judicial Council	9:00 a.m.	Room 259
Nov. 12	Death Penalty	9:30 a.m.	Room 259
Nov. 12	Legal Forms	9:30 a.m.	Room 269
Nov. 19	Municipal Court Manual	9:30 a.m.	Room 269
Dec. 3	Judicial Council	9:00 a.m.	Room 259
Dec. 3	Municipal Court Manual	9:30 a.m.	Room 269
Dec. 10	Legal Forms	9:30 a.m.	Room 259

Hon. Donald L. Allegrucci
Chair

Doc. No. 031285

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:

**Kansas Commission for the
Deaf and Hard of Hearing**

Lorna Alexander, 300 S. Cayuga, Frontenac, 66763. Term expires April 29, 2006. Reappointed.

Dr. Gregory A. Ator, 6535 Belinder Ave., Shawnee Mission, 66208. Term expires April 29, 2007. Reappointed.

James S. Clark, 1227 N. Manchester, Wichita, 67212. Term expires April 29, 2006. Succeeds Kim B. Kurz.

Gregory E. Heller, 4988 W. 129th Place, Leawood, 66209. Term expires April 29, 2007. Reappointed.

Brian T. Hettrick, 151 Nelson Circle, Olathe, 66061. Term expires April 29, 2007. Succeeds Lori A. Price.

Glenda J. Lickteig, 501 B W. 22nd St., Hutchinson, 67502. Term expires April 29, 2007. Reappointed.

Lorraine I. Michel, 203 Concord Road, Lawrence, 66049. Term expires April 29, 2006. Succeeds Alicia R. Troike.

Helen Van Etten, 6736 S.W. 28th St., Topeka, 66614. Term expires April 29, 2006. Reappointed.

Becky L. Yadrich, 10737 Countryside Drive, Kansas City, KS 66109. Term expires April 29, 2006. Succeeds Kimberly K. Beardslee.

**Kansas Statewide Independent
Living Council**

Larry Burnett, 441 N. Washington, #308, South Hutchinson, 67505. Term expires August 17, 2007. Reappointed.

Jason Gallagher, 16900 W. 127th St., Apt. A, Olathe, 66062. Term expires August 17, 2007. Reappointed.

Michael L. Oxford, 835 800 E Road, Lawrence, 66047. Term expires August 17, 2007. Reappointed.

Wireless Enhanced 911 Advisory Board

(Created pursuant to 2004 Session Laws of Kansas, Chapter 72. Members serve at the pleasure of the Governor.)

Bob A. Boaldin, 605 Sunset Drive, Elkhart, 67950.

Capt. Kermit J. Crane, 3003 S.W. Huntoon, Topeka, 66604.

Mayor Donald K. DeHaven, 210 N. Franklin, Sedgwick, 67135.

Diane M. Gage, 1000 E. 117th St. North, Sedgwick, 67135.

Maj. John R. Gaunt, Jr., 9902 Jamesburg St., Wichita, 67212.

James F. Jarboe, Jr., 513 O'Laughlin, Box G, Lakin, 67860.

Chief Michael J. Napolitano, 1201 Harding, Great Bend, 67530.

Thomas Pat Thetford, 6685 N.W. Nevada Ave., Parkville, MO 64152.

Richard Veach, 909 W. Wheat, Ulysses, 67880.

Ron Thornburgh
Secretary of State

Doc. No. 031301

State of Kansas

Kansas Water Authority

Notice of Meetings

The Kansas Water Authority will meet Wednesday, November 17, and Thursday, November 18, in the commissioners' room of the El Dorado City Offices Building, 220 E. First St., El Dorado (located north and east of the intersection of Highways 254, 54 and 77 in downtown El Dorado). Both meetings will begin at 9 a.m.

Final drafts of policy proposals on the Kansas Water Marketing Program, use of alternative dispute resolution to resolve water resource conflicts, and reservoir restoration demonstration projects and research will be considered.

The Committee of the Whole will meet November 17 to make recommendations on the above issues and the addition of two water bodies (Marion Reservoir and Olpe City Lake) to the Kansas Water Plan's Neosho River Basin High Priority TMDL list.

Two issues for future study are being proposed and will be considered by the Committee of the Whole November 17. They involve (1) exploration of ways to enhance public input on planning and implementation of water-related issues and (2) economic development opportunities at federal reservoirs and lakes in Kansas. The Committee of the Whole also will consider the draft 2005 Kansas Water Authority's "Report to the Governor and Legislature."

Business related to the basin advisory committee membership and an update on a proposal being developed to enhance groundwater availability for public water suppliers also will be considered.

The full Authority will consider and take action on the Committee of the Whole's recommendations when it meets at 9 a.m. November 18. Late morning activities include a presentation on the proposed Irrigation Transition Assistance Program. In addition, updates will be presented on the Circle K Ranch, the High Plains aquifer bedrock maps, the Water Plan Projects Initiative, legislative action, and FY 2006 budget and interim committee actions.

Both days' agendas may be found at the Kansas Water Office's Web site, www.kwo.org, linked to the Kansas Water Authority meeting dates listed on the Calendar page. For additional information or special accommodations at the meeting site, contact the Kansas Water Office at (888) KAN-WATER or (888) 526-9283.

Steve Irsik
Chairman

Doc. No. 031303

(Published in the Kansas Register November 4, 2004.)

City of Belleville, Kansas

Notice of Proposed DBE Program

The city of Belleville has established a disadvantaged business enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, for the Belleville Municipal Airport. The city anticipates receiving federal financial assistance from the Department of Transportation, and, as a condition of receiving this assistance, the city will sign an assurance that it will comply with 49 CFR Part 26.

The city's project-specific goal in FY 2005 is 3.8 percent of the federal financial assistance.

The proposed DBE program is available for public inspection and comment at the Belleville City Hall. The city will accept comments on the goals for 30 days from the date of this notice. Comments may be sent to Karen Dreesen, City Clerk, 1819 L. St., Belleville, 66935.

Robert Knudson
City Manager

Doc. No. 031281

State of Kansas

Department of Revenue

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 2 p.m. Friday, January 21, in Room 481-W of the Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the revocation, adoption and amendment of several rules and regulations that support the Kansas retailers' sales tax act, and the revocation of one regulation that supports the Kansas liquor control act.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed rules and regulations. All interested parties may submit written public comments on the proposed rules and regulations prior to the hearing to Tom Hatten, Attorney/Tax Specialist, Office of Policy and Research, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Tom Hatten at (785) 296-3081 or TTY (785) 296-6461. Handicap parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The east entrance to the Docking Building is handicap accessible.

All regulations and revocations are proposed for adoption on a permanent basis. The following is a summary of the proposed rules and regulations and their economic impacts:

Revocation of K.A.R. 14-14-12. Transportation of spirits by distributors. K.A.R. 14-14-12 prohibits liquor wholesalers from delivering liquor to retailers between 11 p.m. and 8 a.m. It also prohibits deliveries from being made on the same day an order is placed. This regulation does nothing to prevent liquor retailers from making unlawful purchases. It burdens honest retailers by requiring them to take time away from their normal retail activities to take delivery of their legitimate liquor purchases. Its revocation should have a nominal beneficial economic impact on liquor retailers and no impact on government agencies or units or the general public.

Revocation of K.A.R. 92-19-49a. Refunds and credits. K.A.R. 92-19-49a is being revoked and replaced by K.A.R. 92-19-49b, K.A.R. 92-19-49c and K.A.R. 92-19-49d. The three new proposals address the same subject matters as the regulation being revoked. This change will help clarify the treatment of (1) returned goods; (2) filing requirements for refund requests; and (3) administrative review of refund requests. This revocation will not cost anything to Kansas retailers, government agencies or units, or the general public. The economic impact of adopting the three proposed regulations will be discussed in the summaries for those proposals.

Adoption of K.A.R. 92-19-49b. Returned goods. K.A.R. 92-19-49b explains how retailers should reimburse sales tax to customers who return goods for cash or credit. Subsection (e) addresses how manufacturers or dealers should reimburse sales tax to customers who return vehicles under the Kansas lemon law. This is an interpretive rather than a quasi-legislative regulation. Its revision is intended to provide clearer instructions about how sales tax should be refunded on returned goods. The clearer instructions should reduce some of the confusion that was caused by discussing returned goods in a regulation for tax refunds and credits. A regulation for returned goods that is easier to comprehend will reduce expenses for Kansas retailers, government agencies or units, and the general public.

Adoption of K.A.R. 92-19-49c. Refund applications; refund claims; required forms. This regulation sets forth the requirements for documenting refund claims. It is intended to encourage refund claims to be complete and fully documented when first submitted. This will speed the processing of these claims and reduce the amount of interest paid out on refund payments. It will discourage refund practitioners from filing blanket refund claims without including adequate supporting documentation to allow the claim to be processed when received. The department's limited resources for sales tax administration are in danger of being overwhelmed by a variety of things, including voluminous and poorly documented refund claims. Requiring refund claims to be complete when they are first filed will require refund practitioners, retailers and consumers to document the basis of their refund claim before submitting it to the department. This

(continued)

additional work done up-front will help speed refund payments to retailers and consumers. Submission of poorly or undocumented refund claims and delay in providing adequate proof of the claim until the matter is heard on appeal causes a highly inefficient use of the department's limited resources. These unnecessary administrative appeals increase costs and delays for the department, BOTA, taxpayers and refund practitioners.

Adoption of K.A.R. 92-19-49d. Review of refund applications; processing of refund claims. K.A.R. 92-19-49d sets forth the department's procedure for reviewing refund claims. When a refund claim is incomplete, the department will not review its substance, but will return it along with a written statement that explains what additional information is needed to make the refund claim complete. An incomplete refund claim will not be considered to have been filed for purposes of stopping the statute of limitations from running or for purposes of interest payments. A refund claim will be considered to have been filed only when the department receives a claim that is complete and fully documented. When the department rejects an incomplete refund claim, the applicant will have the choice of either appealing the department's determination or submitting a new refund claim that is complete. If the taxpayer chooses to appeal, the sole issue on appeal will be whether the refund claim was complete when submitted. If it is determined on appeal that the claim was complete when submitted, the matter will be remanded to the department with instructions to review the merits of the claim and to treat the claim as having been complete when it was first submitted. If it is determined that the claim was incomplete when it was first submitted, the applicant will be instructed to file a new refund claim that is properly documented. It is appropriate to require the retailer or consumer to fully document their refund claims, since the erroneous tax payment and collection possibly could have been avoided at the time of the sale. Submission of poorly or undocumented refund claims and delay in providing adequate proof of the claim until the matter is heard on appeal causes highly inefficient use of the department's limited resources. These administrative appeals increase costs and delays for the department, BOTA, taxpayers and refund practitioners.

Adoption of K.A.R. 92-19-81. Abatement of final tax liabilities. K.A.R. 92-19-81 is being amended to correct an erroneous citation to K.A.R. 92-12-66 instead of K.A.R. 92-12-66a. This will assist tax services, such as CCH and RIA, that provide an electronic link from a citation in one regulation to the regulation being cited. This is the only economic impact.

Copies of the regulations and their economic impact statements may be downloaded from the department's Web site at www.ksrevenue.org or may be obtained by contacting the Kansas Department of Revenue, Office of Policy and Research, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1588.

Joan Wagon
Secretary of Revenue

Doc. No. 031300

State of Kansas

Secretary of State

Code Mortgage Rate for November

Pursuant to the provisions of K.S.A. 2003 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of November 1, 2004 through November 30, 2004, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 031278

State of Kansas

Secretary of State

Usury Rate for November

Pursuant to the provisions of K.S.A. 2003 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of November 1, 2004 through November 30, 2004, is 7.02 percent.

Ron Thornburgh
Secretary of State

Doc. No. 031277

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. McPherson Power Plant #2 has applied for a Class I operating permit renewal 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.

McPherson Power Plant #2, 400 E. Kansas Ave., McPherson, owns and operates a power plant located at 1128 West Ave. A, McPherson.

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 North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact William Stone, (785) 296-6427, at the KDHE central office; and to review the proposed permit only, contact Craig Forsberg, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to William Stone, KDHE, Bureau of Air and Radiation, 1000 SW 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 December 6.

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 December 6 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's 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 Harriet Jones, 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. 031287

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 - Sublette Station 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 - Sublette Station, 451 S. Country Estates Road, Liberal, owns and operates a

natural gas compressor station located at Section 1, Township 32 South, Range 33 West, Seward 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 December 6.

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 December 6 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's 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 Harriet Jones, 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. 031286

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 4-19. 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
Nov. 4	313-S	10:00 a.m.	Joint Committee on Children's Issues	4th: Roundtable on mental health and foster care.*
Nov. 5	313-S	9:00 a.m.		
Nov. 4	519-S	10:00 a.m.	Joint Committee on Information Technology	Review agency information technology projects.
Nov. 5	519-S	9:00 a.m.		
Nov. 8	514-S	10:00 a.m.	Long-Term Care Services Task Force	a.m.: Meet jointly with Legislative Budget Committee to discuss long-term care funding. p.m.: Long-Term Care Ombudsman.
Nov. 8	123-S	10:00 a.m.	Joint Committee on Legislative Budget	8th: Long-term care funding issues, 27th pay period, state car rental contract, polling place report, and SRS deferrals. 9th: Billing and payment practices of EDS as the Medicaid Fiscal Agent, and discussion of recommendations.
Nov. 9	123-S	9:00 a.m.		
Nov. 8	313-S	10:00 a.m.	Select Joint Committee on School Finance	If the Supreme Court does not rule by the end of business October 29, this meeting is cancelled.
Nov. 9	313-S	9:00 a.m.		
Nov. 8	519-S	10:00 a.m.	Special Committee on Local Government	8th: Topic No. 2—Open records. 9th: Topic No. 1—Annexation hearings.
Nov. 9	519-S	9:00 a.m.		
Nov. 9	241-N	3:30 p.m.	Confirmation Oversight Committee	Confirmation process.
Nov. 9	514-S	10:00 a.m.	Joint Committee on State-Tribal Relations	Agenda not available.
Nov. 15	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
Nov. 16	514-S	9:00 a.m.		
Nov. 15	313-S	9:00 a.m.	Special Committee on Assessment and Taxation <i>Please note early starting time Nov. 15.</i>	15th: Consensus revenue estimates; Topic 9—Public hearings on motor vehicle sales tax; committee discussion and final decisions on Topics 1, 2, 3, 6 and 9. 16th: Committee discussion and final decisions on Topics 4, 5, 7 and 8.
Nov. 16	313-S	9:00 a.m.		
Nov. 15	123-S	10:00 a.m.	Joint Committee on State Building Construction	15th: Review Dept. of Admin. preferential contract provisions; School for Deaf and Blind; and SRS. Tour of Insurance Dept.; discussion of joint project between Adjutant General and PSU; review of five-year capital improvement plan for Dept. of Wildlife and Parks; and tour of State Park No. 24. 16th: Review Capitol Area Complex plan and tour Kansas Juvenile Correctional Complex and Topeka Correctional Facility.
Nov. 16	123-S	9:00 a.m.		
Nov. 17	123-S	11:00 a.m.	Legislative Coordinating Council	Legislative matters.

Nov. 17	514-S	1:30 p.m.	Joint Committee on Pensions, Investments, and Benefits	17th: Review alternative plan design options for retirement.
Nov. 18	514-S	9:00 a.m.		18th: Review death and disability plan options.
Nov. 18	Committee tour of selected sites		Joint Committee on Arts and Cultural Resources	18th: Emporia
Nov. 19				19th: Cottonwood Falls
Nov. 18	241-N	10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Medical preceptors in correctional facilities; updates and reviews on: DOC health care contract, DOC visitor centers, day reporting centers, SVORI, consolidation of DOC field services, DOC reclassification project, DOC staff development training, and methamphetamine treatment programs.
Nov. 19	241-N	9:00 a.m.		

Jeffrey M. Russell
 Director of Legislative
 Administrative Services

Doc. No. 031294

State of Kansas
Department of Health and Environment
Request for Comments

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas Department of Air Quality are soliciting comments regarding a proposed air quality operating permit. Forest View Landfill 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.

Allied Waste North America, Scottsdale, Arizona, owns and operates a municipal solid waste landfill under the name of Forest View Landfill located at 4800 Kaw Drive, Kansas City, 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, Topeka, and at the Department of Air Quality, 619 Ann Ave., Kansas City, Kansas. To obtain or review the proposed permit and supporting documentation, contact Brie Wilkins, (785) 296-6422, at the KDHE central office, or William P. Stevenson, (913) 573-6700, at the Department of Air Quality. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to William P. Stevenson, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit deci-

sion, written comments must be received before the close of business December 6.

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, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, not later than the close of business December 6 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's 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 Harriet Jones, 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. 031298

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-04-299/310
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Chad Burkdoll 4146 Hamilton Road Rantoul, KS 66079	N/2 of NW/4 of Section 07, T18S, R21E, Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-S031

This is a renewal permit for an existing facility for 1,200 head (480 animal units) of swine greater than 55 pounds and 300 head of cattle 700 pounds or less, for a total of 630 animal units. The seasonal cattle operation was in existence but not described in the previous permit. It is not a significant water pollution potential.

Name and Address of Applicant	Legal Description	Receiving Water
Clint Burkdoll 4146 Hamilton Road Rantoul, KS 66079	NE/4 of Section 07, T18S, R21E, Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-S030

This is a renewal permit for an existing facility for 2,400 head (960 animal units) of swine greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Dirks Poultry Farm Wes Dirks 71 5th Ave. Inman, KS 67546	SW/4 of Section 36, T21S, R05W, McPherson County	Lower Arkansas River Basin

Kansas Permit No. A-LAMP-P004 Federal Permit No. KS0097900

This is a new permit for an existing facility for a maximum of 30,303 head of poultry with a liquid manure system (1,000 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Edwards Land Investment of Kansas, Inc. Glen Mull Route 1, Box 74 Pawnee Rock, KS 67567	S/2 & NW/4 of Section 19, T25S, R17W, Edwards County	Arkansas River Basin

Kansas Permit No. A-ARED-C004 Federal Permit No. KS0097403

This is a new permit for an existing facility for 3,000 head (3,000 animal units) of beef cattle. The permit requires the evaluation of the existing runoff control system and development of a recommended alternative to reduce extraneous drainage into the runoff control system.

Name and Address of Applicant	Legal Description	Receiving Water
Darren Grauerholz 420 S. Jackson Kensington, KS 66951	NW/4 of Section 18, T03S, R15W, Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-S003

This is a renewal permit for the downsizing of an existing facility for 1,402 head (560.8 animal units) of swine weighing greater than 55 pounds and 120 head (12 animal units) of swine weighing less than 55 pounds, for a maximum capacity of 1,522 head (572.8 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Hall Farm, Inc. Joe Hall 2732 N.W. 60th St. Newton, KS 67114	SE/4 of Section 24, T22S, R01W, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-H002

This is a renewal permit for an existing facility for 3,000 head (1,200 animal units) of swine weighing more than 55 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
Keating Farms Pat Keating 18750 Parallel Road Onaga, KS 66521	NE/4 of Section 03, T06S, R10E, Pottawatomie County	Big Blue River Basin

Kansas Permit No. A-BBPT-S007

This is a permit renewal for an existing facility for 350 head (140 animal units) of swine greater than 55 pounds and 830 head (83 animal units) of swine 55 pounds or less for a total of 223 animal units. The permit includes gestation sows on open dirt lots that were existing but not described in the previous permit and includes baby pigs not previously counted due to changes in the law or method of counting swine. There is no increase in animal head count, animal units or size of the facility.

Name and Address of Applicant	Legal Description	Receiving Water
Kniebel Farms Chuck Kniebel 2574 T Ave. Herington, KS 67449	SW/4 of Section 07, T16S, R06E, Morris County	Kansas River Basin

Kansas Permit No. A-KSMR-C001 Federal Permit No. KS0097934

This is a new permit for an existing operation for 1,000 head of cattle weighing greater than 700 pounds [1,000 animal units (a.u.)] and 375 head of cattle weighing 700 pounds or less (187.5 a.u.) for a total of 1,375 head (1,187 a.u.) of cattle. Runoff from the cattle facilities, which is currently uncontrolled, will be contained in an earthen wastewater retention structure.

Name and Address of Applicant	Legal Description	Receiving Water
Eldon Long and Sons Route 1, Box 120 Norcatour, KS 67653	NE/4 of Section 04, T03S, R27W, Decatur County	Upper Republican River Basin

Kansas Permit No. A-URDC-B001

This is a renewal permit for an existing facility for 980 head (980 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Schou Feeders Einer Schou 2758 Queen Road Cuba, KS 66940	SE/4 of Section 16, T03S, R01W, Republic County	Lower Republican River Basin

Kansas Permit No. A-LRRP-B004

This is a new permit for an existing facility for a maximum of 999 head of cattle weighing 700 pounds or more (999 animal units). A wastewater retention structure is planned to control the wastewater flow.

Name and Address of Applicant	Legal Description	Receiving Water
Stephens Farms, Inc. Charles Stephens 1551 County Road 32 Menlo, KS 67753	SW/4 of Section 20, T08S, R31W, Thomas County	Solomon River Basin

Kansas Permit No. A-SOTH-C002 Federal Permit No. KS0115614

This is a permit renewal and expansion of an existing facility from 2,000 head (2,000 animal units) of cattle weighing greater than 700 pounds to 2,999 head (2,999 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Wondraful Pork Systems Kelly Wondra 238 N.E. 40th Ave. Great Bend, KS 67530	SW/4 of Section 18, T19S, R12W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-H002 Federal Permit No. KS0094510

This is a permit renewal for an existing facility for a maximum of 4,400 head (1,760 animal units) of swine weighing more than 55 pounds.

Public Notice No. KS-04-224

Name and Address of Applicant	Waterway	Type of Discharge
Mulberry Limestone Company 325 N. 260th St. Mulberry, KS 66756	Neosho River via Lightning Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-NE12-PO03 Federal Permit No. KS0093084

Legal: NW¼, S30, T30S, R24E, Crawford County

Facility Name: Pittsburg Quarry

Facility Description: The proposed action is to issue a new permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry and crushing operation with no washing. Outfall 001 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-PT-04-005

Name and Address of Applicant	Receiving Facility	Type of Discharge
C & R Plating 1120 E. 10th St. Minneapolis, KS 67467	Minneapolis MWWTP	Processed Wastewater

Kansas Permit No. P-SO27-0001

Facility Description: The proposed action is to reissue a pretreatment permit for this facility. This facility operates a zinc electroplating and chromating operation, as a small job shop. Most of the parts plated are nuts, bolts and washers made of steel. Process wastewater is treated before being released to the city sanitary sewer (Outfall 001). The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH. The permit limits are pursuant to state and federal pretreatment requirements.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of April Romero for agricultural permits or ap-

plications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before December 4 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-299/310, KS-04-224, KS-PT-04-005) 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. 031290

State of Kansas

Board of Healing Arts

Permanent Administrative Regulations

Article 28a.—PHYSICIAN ASSISTANTS

100-28a-1. Fees. The following fees shall be collected by the board:

Table with 2 columns: Fee description and Amount. Includes items like Application for license (\$150.00), Annual renewal of license, Paper renewal (\$115.00), On-line renewal (\$110.75), etc.

(Authorized by and implementing K.S.A. 65-28a03, as amended by L. 2004, Ch. 117, Sec. 17; effective, T-100-2-13-01, Feb. 13, 2001; effective June 1, 2001; amended Nov. 15, 2002; amended Nov. 19, 2004.)

Article 29.—PHYSICAL THERAPY

100-29-7. Fees. The following fees shall be collected by the board:

Table with 2 columns: Fee description and Amount. Includes items like Application based upon certificate of prior examination (\$80.00), Application based on examination (\$100.00), Annual renewal, etc.

(Authorized by K.S.A. 2003 Supp. 65-2911; implementing K.S.A. 2003 Supp. 65-2910, as amended by L. 2004, Ch. 117, Sec. 18, and K.S.A. 2003 Supp. 65-2911; effective March 21, 1997; amended May 1, 1998; amended Sept. 29, 2000; amended Nov. 15, 2002; amended Nov. 19, 2004.)

Article 69.—ATHLETIC TRAINING

100-69-5. Fees. The following fees shall be collected by the board:

Table with 2 columns: Fee description and Amount. Includes items like Application for license (\$80.00), Annual renewal of license, Paper renewal (\$70.00), On-line renewal (\$67.00), etc.

(Authorized by K.S.A. 65-6905, as amended by L. 2004, Ch. 24, Sec. 5, and K.S.A. 65-6910, as amended by L. 2004, Ch. 24, Sec. 9; implementing K.S.A. 65-6909, as amended by L. 2004, Ch. 24, Sec. 8, and 65-6910, as amended by L.

2004, Ch. 24, Sec. 9; effective July 19, 1996; amended May 1, 1998; amended Sept. 29, 2000; amended Nov. 19, 2004.)

Article 72.—NATUROPATHIC DOCTORS

100-72-9. Written protocol. (a) Each physician entering into a written protocol with a registered naturopathic doctor shall be licensed to practice medicine and surgery in the state of Kansas and shall provide a copy of the protocol to the board within 10 days of entering into the protocol.

(b) Each written protocol between a physician and a naturopathic doctor shall contain the following information:

(1) The date on which the protocol was signed and the signatures of the physician and the naturopathic doctor;

(2) the license number of the physician and the registration number of the naturopathic doctor;

(3) the names of the drugs and substances from the naturopathic formulary, which is specified in K.A.R. 100-72-8, that the naturopathic doctor will be allowed to administer and the method of administration of each drug and substance;

(4) the usage and dosage authorized for each drug and substance;

(5) any warning or precaution associated with the administration of each drug and substance;

(6) a statement that a current copy of the protocol will be maintained at each practice location of the physician and the naturopathic doctor and that any change made to the protocol will be provided to the board within 10 days of making the change;

(7) a statement that the physician is professionally competent to order each drug and substance that the protocol authorizes the naturopathic doctor to administer and that treating the conditions identified in the protocol is within the lawful and customary practice of the physician;

(8) a statement that the authority to administer any drug or substance intravenously is limited to times when the physician either is physically present in the same building or can be present within five minutes at the location where the service is performed;

(9) the identification of any task or service that the physician delegates to any unlicensed person working with the naturopathic doctor;

(10) a statement that emergency procedures have been established by the physician and adopted by the naturopathic doctor to protect the patient in the absence of the physician and that the naturopathic doctor is competent to carry out those emergency procedures; and

(11) any conditions imposed by the physician on the naturopathic doctor before the administration of any of the drugs and substances listed in the protocol.

(c) Each written protocol shall be reviewed by the physician and naturopathic doctor at least annually, and each review shall be signed and dated on the current copy of the protocol. (Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7202; effective Nov. 19, 2004.)

Lawrence T. Buening, Jr. Executive Director

Doc. No. 031291

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. A response may be submitted by e-mail to neil@ksdot.org, or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, Topeka, 66603-3754. Responses shall be limited to four pages. Responses must be received by 5 p.m. December 2 for the consulting engineering firm to be considered.

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

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform

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

183-26 K-7422-01

Ellis County

KDOT is currently designing the replacement of the Saline River Bridge (052) as a welded girder bridge. The design is in metric units. The spans are 43-57-57-43m and the roadway is 13.4 meters. The hydraulic and hydrologic studies have been completed and the construction layout has been developed by KDOT. KDOT is seeking a consultant to design and detail a prestressed/post-tensioned, spliced girder alternative using readily available prestressed sections. The project is scheduled for letting in August 2007.

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

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

Deb Miller

Secretary of Transportation

Doc. No. 031296

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 and 2004 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-9-4	Amended	V. 23, p. 718
1-45-18	Amended (T)	V. 23, p. 424
1-45-18	Amended	V. 23, p. 1044
1-45-19	Amended (T)	V. 23, p. 424
1-45-19	Amended	V. 23, p. 1044
1-45-20	Amended (T)	V. 23, p. 424
1-45-20	Amended	V. 23, p. 1045
1-45-23	Amended (T)	V. 23, p. 425
1-45-23	Amended	V. 23, p. 1045
1-45-24	Amended (T)	V. 23, p. 425
1-45-24	Amended	V. 23, p. 1045

AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-8-14a	Amended (T)	V. 23, p. 900
4-8-14a	Amended	V. 23, p. 1102
4-8-27	through	
4-8-37	Amended	V. 23, p. 1102, 1103
4-8-39	Amended	V. 23, p. 1103
4-8-40	Amended (T)	V. 23, p. 901
4-8-40	Amended	V. 23, p. 1103
4-8-42	Amended	V. 23, p. 1103

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
4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-3-4e	Amended (T)	V. 23, p. 1284
5-3-5o	New	V. 23, p. 1130
5-3-29	New (T)	V. 23, p. 1284
5-17-1	through	
5-17-18	New	V. 23, p. 1131-1137
5-22-1	Amended	V. 23, p. 1534
5-22-4b	New	V. 23, p. 1536
5-22-4c	New	V. 23, p. 1536
5-22-4d	New	V. 23, p. 1537
5-22-7	Amended	V. 23, p. 1537
5-22-8	Amended	V. 23, p. 1538
5-22-9	Amended	V. 23, p. 1538
5-22-17	New	V. 23, p. 1539
5-23-1	Amended	V. 23, p. 181
5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-24-1	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

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7-18-2	Revoked	V. 23, p. 1366
7-18-3	Revoked	V. 23, p. 1366

7-27-1	Amended	V. 23, p. 1366
7-29-2	Amended	V. 23, p. 1366

AGENCY 22: STATE FIRE MARSHAL

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22-1-7	New	V. 23, p. 978

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28-1-20	Amended	V. 23, p. 360
28-4-576	Amended (T)	V. 23, p. 389
28-4-576	Amended	V. 23, p. 1255
28-4-577	Amended (T)	V. 23, p. 390
28-4-577	Amended	V. 23, p. 1257
28-4-578	Amended (T)	V. 23, p. 391
28-4-578	Amended	V. 23, p. 1257
28-4-583	Amended (T)	V. 23, p. 392
28-4-583	Amended	V. 23, p. 1258
28-4-585	Amended (T)	V. 23, p. 392
28-4-585	Amended	V. 23, p. 1259
28-4-587	Amended (T)	V. 23, p. 394
28-4-587	Amended	V. 23, p. 1260
28-4-590	Amended (T)	V. 23, p. 396
28-4-590	Amended	V. 23, p. 1262
28-4-591	Amended (T)	V. 23, p. 397
28-4-591	Amended	V. 23, p. 1264
28-4-600	through	
28-4-613	New	V. 23, p. 957-962
28-4-700	through	
28-4-705	New (T)	V. 23, p. 398-400
28-4-700	through	
28-4-705	New	V. 23, p. 1265, 1266
28-15-11	Revoked	V. 23, p. 1367
28-15-13	Revoked	V. 23, p. 1367
28-15-14	Revoked	V. 23, p. 1367
28-15-15a	Revoked	V. 23, p. 1367

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28-15-16	Amended	V. 23, p. 1367	30-46-10	Amended	V. 23, p. 977	71-4-3	Revoked	V. 23, p. 152
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28-15-21	Revoked	V. 23, p. 1368	30-46-16	Amended	V. 23, p. 978	71-7-1	New	V. 23, p. 152
28-15-22	Revoked	V. 23, p. 1368	30-46-17	Amended	V. 23, p. 978	AGENCY 82: STATE CORPORATION COMMISSION		
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28-15a-3	New	V. 23, p. 1368	40-1-50	New (T)	V. 23, p. 244	82-3-600a	Amended	V. 23, p. 430
28-15a-4	New	V. 23, p. 1368	40-1-50	New	V. 23, p. 951	82-3-600b	Revoked	V. 23, p. 430
28-15a-6	New	V. 23, p. 1369	40-1-51	New	V. 23, p. 361	82-3-601a	Amended	V. 23, p. 430
28-15a-11	New	V. 23, p. 1369	40-2-26	Amended	V. 23, p. 151	82-3-601b	Amended	V. 23, p. 431
28-15a-21	New	V. 23, p. 1369	40-2-27	New	V. 23, p. 825	82-3-602	Amended	V. 23, p. 431
28-15a-23	through		40-3-6	Amended	V. 23, p. 1212	82-3-603	Amended	V. 23, p. 431
28-15a-29	New	V. 23, p. 1369, 1370	40-3-20	Revoked	V. 23, p. 693	82-3-604	Amended	V. 23, p. 432
28-15a-31	New	V. 23, p. 1370	AGENCY 44: DEPARTMENT OF CORRECTIONS			82-3-605	Revoked	V. 23, p. 432
28-15a-33	New	V. 23, p. 1370	Reg. No.	Action	Register	82-3-606	Amended	V. 23, p. 432
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28-15a-42	New	V. 23, p. 1370	44-5-115	Amended	V. 23, p. 952	82-3-700	through	
28-15a-43	New	V. 23, p. 1370	44-7-104	Amended (T)	V. 23, p. 385	82-3-704	Amended (T)	V. 23, p. 152-155
28-15a-60	through		44-7-104	Amended	V. 23, p. 953	82-3-700	through	
28-15a-66	New	V. 23, p. 1370	44-7-113	Amended (T)	V. 23, p. 386	82-3-704	Amended	V. 23, p. 538-541
28-15a-70	New	V. 23, p. 1370	44-7-113	Amended	V. 23, p. 955	82-3-705	through	
28-15a-72	through		44-12-313	Amended (T)	V. 23, p. 386	82-3-710	New (T)	V. 23, p. 155-158
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28-15a-100	New	V. 23, p. 1371	AGENCY 63: BOARD OF MORTUARY ARTS			82-4-3a	New (T)	V. 23, p. 1285
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28-15a-135	New	V. 23, p. 1371, 1372	63-6-1	Amended	V. 23, p. 1534	88-23-3	Revoked	V. 23, p. 279
28-15a-151	through		AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY			88-23-3a	New	V. 23, p. 279
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28-15a-170	New	V. 23, p. 1372	65-4-3	Amended	V. 23, p. 893	88-26-16	New	V. 23, p. 1487-1491
28-15a-172	through		65-5-11	New	V. 23, p. 893	88-27-1	New	V. 23, p. 1491
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28-15a-503	New	V. 23, p. 1373, 1374	AGENCY 68: BOARD OF PHARMACY			91-1-231	New	V. 23, p. 1107
28-15a-530	through		Reg. No.	Action	Register	91-1-232	New	V. 23, p. 1108
28-15a-536	New	V. 23, p. 1374	68-7-20	New	V. 23, p. 382	91-1-235	New	V. 23, p. 1108
28-15a-540	through		AGENCY 70: BOARD OF VETERINARY EXAMINERS			91-1-236	New	V. 23, p. 1109
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28-15a-553	New	V. 23, p. 1374	AGENCY 71: KANSAS DENTAL BOARD			91-8-2	Revoked	V. 23, p. 1493
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28-31-10	Amended	V. 23, p. 1486	71-1-15	Amended	V. 23, p. 151	91-8-33	Revoked	V. 23, p. 1493
28-35-145	Amended	V. 23, p. 1404	71-2-1	Revoked	V. 23, p. 151	91-9-11	Revoked	V. 23, p. 1493
28-35-146	Amended	V. 23, p. 1404	71-2-2	Revoked	V. 23, p. 151	91-18-24	Revoked	V. 23, p. 280
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30-4-90	Amended (T)	V. 23, p. 897	71-3-2	Amended	V. 23, p. 1286	91-25-2	Revoked	V. 23, p. 1493
30-4-90	Amended	V. 23, p. 1104	71-3-4	Amended	V. 23, p. 1286	91-25-3a	Revoked	V. 23, p. 1493
30-5-64	Amended	V. 23, p. 1484	71-3-5	Revoked	V. 23, p. 151	91-25-4a	Revoked	V. 23, p. 1493
30-5-71	Amended	V. 23, p. 1211	71-3-9	New	V. 23, p. 1286	91-25-17	Revoked	V. 23, p. 1493
30-6-91	New	V. 23, p. 894	71-4-1	Amended	V. 23, p. 151	91-25-18	Revoked	V. 23, p. 1493
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94-2-21	Amended	V. 23, p. 1375

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100-54-4	Amended (T)	V. 23, p. 383
100-54-4	Amended	V. 23, p. 1042
100-55-4	Amended (T)	V. 23, p. 383
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102-3-7a	Amended	V. 23, p. 1139
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102-4-7a	Amended	V. 23, p. 1144
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102-5-7a	Amended	V. 23, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

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108-1-4	Amended	V. 23, p. 823

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AGENCY 110: DEPARTMENT OF COMMERCE

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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:

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111-2-155	Amended	V. 23, p. 262
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111-2-157	New	V. 23, p. 262
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111-3-13	Amended	V. 23, p. 1433
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
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111-4-2098	Amended	V. 23, p. 310
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111-4-2125	New	V. 23, p. 311-318
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AGENCY 112: RACING AND GAMING COMMISSION

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112-10-5	Amended	V. 23, p. 1073
112-10-6	Amended	V. 23, p. 1073
112-10-6a	New	V. 23, p. 1074
112-10-13	New	V. 23, p. 495
112-13-2	Amended	V. 23, p. 94

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
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115-18-10	Amended	V. 23, p. 1043

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
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117-3-2	Amended	V. 23, p. 1408
117-4-2	Amended	V. 23, p. 1408
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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