



# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Department of Revenue

## Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for November, 2004. Copies may be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy and Research at (785) 296-3081.

## Private Letter Rulings

No new publications

## Opinion Letters

O-2004-007 Rental and sales of various products; provision of a variety of services.

## Final Written Determination

No new publications

## Revenue Rulings

No new publications

## Notices

Notice 04-11 Streamlined Sales Tax Compliance  
 Notice 04-12 New Kansas Tax-Exempt Entity Exemption Certificates Have Been Issued.  
 Notice 04-13 Regarding an "Official Notice" dated November 8, 2004 from the Kansas Department of Revenue. Subject: Self-Audit - Sales to Nonresidents and those in the Agricultural Industry.

## Memorandums

No new publications

## Property Valuation Division Directives

No new publications

## Q&amp;A's

No new publications

## Information Guides

No new publications

Joan Wagnon  
 Secretary of Revenue

Doc. No. 031405

## State of Kansas

## Secretary of State

## Code Mortgage Rate for December

Pursuant to the provisions of K.S.A. 2003 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of December 1, 2004 through December 31, 2004, is 12 percent.

Ron Thornburgh  
 Secretary of State

Doc. No. 031397

## State of Kansas

## Secretary of State

## Usury Rate for December

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 December 1, 2004 through December 31, 2004, is 7.15 percent.

Ron Thornburgh  
 Secretary of State

Doc. No. 031396

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## State of Kansas

## Department of Administration

## Public Notice

Under requirements of K.S.A. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$4,123,574.43 in the underground petroleum storage tank release trust fund and \$92,777.57 in the aboveground petroleum storage tank release trust fund at November 30, 2004.

Duane Goossen  
Secretary of Administration

Doc. No. 031408

## State of Kansas

## Juvenile Justice Authority

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, February 9, at the offices of the Kansas Juvenile Justice Authority, 714 S.W. Jackson, Suite 300, Topeka, to consider adoption of 121 proposed rules and regulations as follows:

1. **Article 1 — General administration. Specifically 123-1-101.** This regulation contains definitions intended to apply to all regulations in the series assigned to the Juvenile Justice Authority (JJA).
2. **Article 2 — Facilities management. Specifically 123-2-105 and 123-2-110.** These regulations establish the duties and responsibilities of superintendents of JJA-operated facilities and the applicability of regulations; internal management and policy procedures; and facility orders at JJA facilities.
3. **Article 5 — Offender management. Specifically 123-5-101, 123-5-106, 123-5-111, 123-5-112 and 123-5-505.** These regulations apply to juvenile correctional facilities and include the definitions applicable within the article; specify the authority for use of force; and address the disposition of contraband, provision of medical services and visitation.
4. **Article 12 — Offender conduct and penalties. Specifically 123-12-101, 123-12-102, 123-12-103, 123-12-104, 123-12-105, 123-12-106, 123-12-107, 123-12-201, 123-12-202, 123-12-203, 123-12-204, 123-12-205, 123-12-206, 123-12-207, 123-12-208, 123-12-209, 123-12-210, 123-12-301, 123-12-302, 123-12-303, 123-12-304, 123-12-305, 123-12-306, 123-12-307, 123-12-308, 123-12-309, 123-12-310, 123-12-311, 123-12-312, 123-12-313, 123-12-314, 123-12-315, 123-12-317, 123-12-318, 123-12-319, 123-12-321, 123-12-322, 123-12-323, 123-12-324, 123-12-325, 123-12-327, 123-12-328, 123-12-401, 123-12-501, 123-12-502, 123-12-503, 123-12-504, 123-12-505, 123-12-505b, 123-12-506, 123-12-601, 123-12-602, 123-12-702, 123-12-801, 123-12-901, 123-12-902, 123-12-1001, 123-12-1002, 123-12-1101, 123-12-1201, 123-12-1202, 123-12-1301, 123-12-1302, 123-12-1303, 123-12-1306 and 123-12-1308.** These regulations apply to juvenile correctional facilities and detail the conduct prohibited of offenders committed therein and the potential penalty for a violation.

5. **Article 13 — Offender disciplinary procedure. Specifically 123-13-101, 123-13-101a, 123-13-103, 123-13-105, 123-13-106, 123-13-201, 123-13-201b, 123-13-202, 123-13-203, 123-13-306, 123-13-307, 123-13-401, 123-13-402, 123-13-403, 123-13-404, 123-13-405a, 123-13-406, 123-13-408, 123-13-409, 123-13-501, 123-13-502a, 123-13-505, 123-13-506, 123-13-507, 123-13-508, 123-13-509, 123-13-601, 123-13-602, 123-13-603, 123-13-610, 123-13-701, 123-13-702, 123-13-703, 123-13-704, 123-13-706 and 123-13-707.** These regulations apply to juvenile correctional facilities and detail the disciplinary procedures for alleging and the due process requirements for adjudging offenders charged with engaging in prohibited conduct.
6. **Article 15 — Offender grievance procedure. Specifically 123-15-101, 123-15-101a, 123-15-101b, 123-15-102, 123-15-104, 123-15-105, 123-15-105a, 123-15-106 and 123-15-201.** These regulations apply to JJA-operated facilities and establish the grievance process for the offenders placed at JJA-operated facilities.
7. **Article 16 — Offender injury and property claims. Specifically 123-16-102 and 123-16-105.** These regulations apply to JJA-operated facilities and govern the claims for loss or damage to the property of offenders placed therein.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rules and regulations. All interested parties may submit comments prior to the hearing to the Juvenile Justice Authority, 714 S.W. Jackson, Suite 300, Topeka, 66603-3722. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the regulations during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulations being considered and the economic impact statement in an accessible format. Request for accommodation should be made at least five working days in advance of the hearing by calling (785) 296-4213. Handicapped parking is located along the 700 block of S.W. Jackson, and the west entrance to the building is handicapped accessible.

No increased or decreased economic impact on any state or local entity or person is anticipated as a result of implementing the proposed regulations.

Copies of the proposed regulations and the associated economic impact statement may be obtained without cost by visiting the agency's Web site at [www.ksjja.org](http://www.ksjja.org) or at the cost of approximately \$50 (i.e., \$0.25 per page for approximately 200 pages of text) plus postage by contacting the Juvenile Justice Authority at the address above, (785) 296-4213, fax (785) 296-0124.

Denise Everhart  
Commissioner of Juvenile Justice

Doc. No. 031402

## State of Kansas

**Kansas Sentencing Commission****Notice of Meeting**

The Kansas Sentencing Commission subcommittee has scheduled a conference call meeting from 10 to 11:30 a.m. Monday, December 13. For more information, call (785) 296-0923.

Patricia Biggs  
Executive Director

Doc. No. 031407

## 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. Excel Corporation 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.

Excel Corporation, Dodge City, owns and operates a meat packing plant located at East Highway 154, Fort Dodge Road, Dodge City.

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 Herbert Buckland, (785) 296-6438, 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 Herbert Buckland, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business January 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business January 10 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. 031404

## 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. Magellan Pipe Line Company, LP - St. Joseph Terminal 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.

Magellan Pipe Line Company, LP - St. Joseph Terminal, Tulsa, Oklahoma, owns and operates a liquid petroleum pipeline located at 963 Vernon Road, Wathena, Doniphan 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 Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Xiao Wu, (785) 296-1615, at the KDHE central office; and to review the proposed permit only, contact Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Xiao Wu, 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 January 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business January 10 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. 031403

## State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment has reviewed an application from Republic County to modify its existing construction and demolition (C&D) landfill by developing a new disposal area in the eastern half of the facility. The landfill is located in the Northeast Quarter of the Northwest Quarter of Section 25, Township 3 South, Range 3 West in Republic County, about 3 miles south and 1 mile east of Belleville. The landfill includes 11 acres of closed municipal solid waste disposal area, 2.3 acres of active C&D waste disposal area, and 8.6 acres of proposed additional C&D waste disposal area on the 40-acre property.

The proposed landfill expansion is estimated to have capacity for approximately 50,000 cubic yards of C&D

waste, with the period of active landfill operation estimated at 40 years. The bottom of the landfill expansion is proposed at elevations ranging from 1,440 to 1,454 feet, and the final landfill elevations will range from 1,450 to 1,465 feet (approximately matching the natural ground surface elevations and providing for trenches 10 to 11 feet deep). Republic County has certified that the application described herein is consistent with surrounding land use. Republic County also has certified that the application is consistent with the Solid Waste Management Plan of the North Central Kansas Solid Waste Management Plan. KDHE has reviewed the application and found it to be in conformance with state solid waste statutes and regulations.

KDHE is providing public notice of its intent to issue an amended permit to Republic County for the proposed landfill modifications described herein. A copy of the administrative record including the permit application, engineering drawings, draft permit and other information regarding this permit action will be available for public review through January 10 during normal business hours at the following locations:

Kansas Department of Health and Environment  
Bureau of Waste Management  
1000 S.W. Jackson, Suite 320  
Topeka, 66612-1366  
Contact: Pete Osborn  
(785) 296-3970

Republic County Clerk's Office  
Republic County Courthouse  
1815 M St.  
Belleville, 66935  
Contact: Vicki Hall  
(785) 527-7231

Additionally, the application form is available for public viewing via the Internet at [www.kdhe.state.ks.us/waste](http://www.kdhe.state.ks.us/waste). Anyone wishing to comment on the proposed facility should submit written statements postmarked not later than January 10 to Pete Osborn of KDHE (at the address listed above). Comments also will be accepted via facsimile to (785) 296-1592 or e-mail to [posborn@kdhe.state.ks.us](mailto:posborn@kdhe.state.ks.us), provided the comments are received by 5 p.m. January 10. Comments that are postmarked by January 10 and received within one week thereafter also will be considered. KDHE will subsequently respond to all formal comments in writing.

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

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031409

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-04-327/333

Pending Permits for Confined Feeding Facilities

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Coday Dairy, SE/4 of Section 12, T26S, R20E, Allen County, Neosho River Basin.

This is a new permit for an existing facility for 80 head (86 animal units) of dairy cattle.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Hilger Dairy, SW/4 of Section 32, T30S, R03W, Sumner County, Lower Arkansas River Basin.

This is a renewal permit for an existing facility for 75 head (105 animal units) of dairy cattle.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Kelvin Blecha, SE/4 of Section 14, T01S, R03W, Republic County, Big Blue River Basin.

This is a renewal permit for an existing facility with a maximum capacity of 100 head (140 animal units) of milking dairy cattle, 40 head of dairy cattle weighing greater than 700 pounds (40 animal units) and 20 head of dairy cattle weighing 700 pounds or less (10 animal units), for a total of 160 head (190 animal units) of dairy cattle.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Joe Bruna, NW/4 of Section 29, T01S, R05E, Washington County, Big Blue River Basin.

This is a renewal permit for an existing facility for 40 head of cattle weighing 700 pounds or more (40 animal units), 40 head of cattle

weighing less than 700 pounds (20 animal units), 550 head of swine weighing less than 55 pounds (55 animal units) and 1,000 head of swine weighing 55 pounds or more (400 animal units), for a total of 1,630 head (515 animal units) of cattle and swine.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Vaughn Feedlot, NW/4 of Section 13, T07S, R31W, Thomas County, Solomon River Basin.

This is a new permit for an existing facility for a decrease in head capacity from 2,000 head (2,000 animal units) of beef cattle weighing greater than 700 pounds to 250 head (250 animal units) of beef cattle weighing greater than 700 pounds, and 1,300 head (650 animal units) of beef cattle weighing 700 pounds or less, for a maximum of 1,550 head (900 animal units) of beef cattle and for the construction of water pollution controls.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Darwin Deets/Farm, SW/4 of Section 35, T24S, R15E, Woodson County, Neosho River Basin.

This is a renewal permit for an existing facility for 3,500 head (3,500 animal units) of beef cattle.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: H2O Farms, NE/4 of Section 29, T25S, R14W, Stafford County, Lower Arkansas River Basin.

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

Public Notice No. KS-04-258/263

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: Creekstone Farms Premium Beef L.L.C., Arkansas River, Process Wastewater.

Facility Description: The proposed action to is reissue an existing permit for the operation of an existing wastewater treatment facility. This facility is classified as a beef complex slaughterhouse with associated by-product processing. The average daily design flow of 1.4 mgd over a 5.5 day period is equivalent to 1.25 mgd for the 1650 head/day design. The main wastewater stream is pretreated with fine screens and dissolved air flotation. Non-grease bearing wastewater is pretreated in a clarifier and two DAF units. The combined pretreated wastewater streams are treated in a two-cell double-lined, covered anaerobic lagoon system with a biogas collection and reuse system, a two-cell diffused air-extended aeration-activated sludge system and two final clarifiers. The effluent is either directed to a holding pond, or further treated with chlorination/dechlorination, and discharged directly to the Arkansas River. The effluent from holding pond may be recycled back to the main wastewater treatment process for further treatment. Paunch manure is either transported to a landfill or used as animal feed. Solids are dewatered in a belt filter press and hauled to a landfill. Domestic wastewater is discharged to the city sanitary sewer system. The proposed permit contains limits for ammonia, biochemical oxygen demand, total suspended solids, oil and grease, fecal coliform, total Kjeldahl nitrogen, nitrate, nitrite, total nitrogen, total residual chlorine and pH. Monitoring of chloride, phosphorus, sulfate and effluent flow also will be required. The permittee shall be required to perform an acute whole effluent toxicity test annually. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a

stormwater pollution prevention plan (SWP3) within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Hiawatha, City of 723 Oregon St. Hiawatha, KS 66434	North Fork Wolf Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO08-OO03

Federal Permit No. KS0096440

Legal: SE¼, SW¼, NW¼, S32, T2S, R17E, Brown County

Facility Description: The proposed action is to reissue an existing permit for operation of a proposed wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring of total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen and effluent flow also will be required. Contained in the permit is a schedule of compliance requiring the permittee to complete construction of facility improvements and initiate operation by December 1, 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
Holton, City of 430 Pennsylvania Ave. Holton, KS 66436	Elk Creek and Banner Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS23-OO03 Federal Permit No. KS0097951

Legal: NE¼, S3, T7S, R15E, Jackson County

Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment facility treating primarily domestic wastewater. The proposed facility is a mechanical-activated sludge wastewater treatment system that will discharge to Banner Creek. It will operate in parallel with the existing three-cell aerated lagoon system. 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. Contained in the permit is a schedule of compliance to complete construction of this new facility pursuant to the requirements of Consent Order No. 04-E-0009 issued to the city of Holton. 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
Holton, City of 430 Pennsylvania Ave. Holton, KS 66436	Elk Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS23-OO01 Federal Permit No. KS0025542

Legal: NE¼, S3, T7S, R15E, Jackson 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. The permittee has indicated its intention to construct a mechanical wastewater treatment facility, which will be permitted under a new permit. When the new mechanical facility becomes operational, the old lagoon facility will be derated to a conventional 120-day detention time lagoon and will be permitted through the new permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Mulberry Limestone Company 325 N. 260th St. Mulberry, KS 66756	Cox Creek via Dry Branch Creek	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC59-PO01 Federal Permit No. KS0096008  
Legal: SW¼, S25, T28S, R24E, Crawford County  
Facility Name: Englevale 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 quarrying 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.

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

Kansas Permit No. I-MC27-PO04 Federal Permit No. KS0095991

Legal: SW¼, S2, T29S, R25E, Crawford County

Facility Name: Mulberry 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 quarrying operation with no washing. Outfall 001 and Outfall 002 consist 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.

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 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 January 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-327/333, KS-04-258/263) 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

(continued)

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. 031406

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of December 10-15. 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
Dec. 10	519-S*	10:00 a.m.	Joint Committee on Information Technology *Please note change of room number.	Review quarterly IT reports and agency projects.
Dec. 13	514-S	10:00 a.m.	Long-Term Care Services Task Force	Review Long-Term Care Ombudsman, and review final report and recommendations.
Dec. 13	519-S	10:00 a.m.	Legislative Post Audit Committee	Performance Audit Reports: — <i>Faculty Teaching Loads at Kansas Universities: A K-GOAL Audit of the Board of Regents</i> Compliance and Control Audits: — <i>Department of Wildlife and Parks</i> FY 2004 Financial-Compliance Audits: — <i>Kansas Lottery</i> — <i>Kansas Public Employees Retirement System</i> Consideration of audit topics.
Dec. 14	514-S	9:00 a.m.	Health Care Stabilization Fund Oversight Committee	Agenda not available.
Dec. 14	123-S	11:00 a.m.	Legislative Coordinating Council	Legislative matters.
Dec. 14	519-S	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed.
Dec. 15	519-S	9:00 a.m.		
Dec. 15	123-S	10:00 a.m.	Joint Committee on Pensions, Investments, and Benefits	Review Death and Disability Plan options; review Retirement Plan decisions and fiscal note.

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

Doc. No. 031410



State of Kansas

**Attorney General****Opinion 2004-32**

**Minors—Kansas Code for Care of Children; General Provisions—Access to Court, Agency, and Law Enforcement Records; Child Abuse or Neglect Resulting in a Fatality or Near Fatality. John Badger, Chief Counsel, Kansas Department of Social and Rehabilitation Services, Topeka, November 1, 2004.**

Child in need of care (CINC) reports created prior to July 1, 2004 are subject to public disclosure. However, as a condition of disclosure, there must first be a determination that the fatality or near fatality resulted from abuse or neglect.

The Kansas Department of Social and Rehabilitation Services (SRS) is obligated only to use a method reasonably calculated to inform an affected individual that a record request has been made. In most cases, this duty will be satisfied by mailing a notice to the last known address as shown in records maintained by SRS.

Public records that fall within the ambit of any of the privileged communications identified in K.S.A. 60-423 *et seq.*, or in any other state or federal statute, are not subject to disclosure unless the privilege is waived or an exception to the privilege applies.

Regarding CINC records where the child has not been adopted, there is no statutory exception to public disclosure of a record identifying the reporter in child fatality/near fatality cases unless a court determines that K.S.A. 60-436, which creates a privilege to refuse to disclose the identity of a person reporting a violation of law to law enforcement officials, applies.

Records created prior to adoption are not subject to disclosure if the reports, records or documents concern both the child and the child's biological parents.

As the child fatality/near fatality amendment is limited only to CINC records, records involving a child placed in Kansas by another state that has continuing jurisdiction over the child are not records subject to public disclosure, unless reports are created, subsequent to the placement, involving an investigation by SRS or law enforcement into allegations of child abuse or neglect and, as a result of child abuse or neglect, the child dies or is seriously injured.

The confidentiality amendments in Chapter 178 of the Session Laws of 2004 do not place Kansas in noncompliance with the federal Child Abuse Prevention & Treatment Act, 42 U.S.C. § 5106a. Cited herein: K.S.A. 21-3501; K.S.A. 2003 Supp. 21-3604; K.S.A. 21-3608; 21-3609; K.S.A. 2003 Supp. 21-3612; K.S.A. 23-605, 38-1201, 38-1202, 38-1501, 38-1502; K.S.A. 2003 Supp. 38-1503; K.S.A. 38-1506, as amended by L. 2004, Ch. 178, § 3; K.S.A. 2003 Supp. 38-1507, as amended by L. 2004, Ch. 178, § 4; K.S.A. 38-1508, as amended by L. 2004, Ch. 178, § 5; K.S.A. 38-1556, 45-216, K.S.A. 2003 Supp. 60-206; K.S.A. 60-423, 60-426, 60-427, 60-436, 60-437, 65-1654; 65-5601; K.S.A. 2003 Supp. 65-5603; K.S.A. 65-5810, 65-6410; 74-5323, 74-5372; 42 U.S.C. § 5106a. MF

**Opinion 2004-33**

**Criminal Procedure—Aid to Indigent Defendants—Indigent Defense Services Act; State Board of Indigents'**

**Defense Services; Powers and Duties; Reimbursement Tables. Patricia A. Scalia, Executive Director, State Board of Indigents' Defense Services, Topeka, November 12, 2004.**

K.S.A. 2003 Supp. 22-4522(e)(5) is a directory, not a mandatory, provision and thus the Board of Indigents' Defense Services is not required to establish a reimbursement table for expert, investigative and other defense related services. Cited herein: K.S.A. 22-4508; K.S.A. 2003 Supp. 22-4513; 22-4522; K.A.R. 105-5-1; 105-6-1; 105-7-1; 105-8-1. CN

**Opinion 2004-34**

**Public Records, Documents and Information—Records Open to the Public—Definition of Public Agency; Sheltered Living, Inc.**

**State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Meetings of State and Subdivisions Open to Public; Definitions; Public Agency; Sheltered Living, Inc. Representative Lana Gordon, 52nd District, Topeka, November 12, 2004.**

Sheltered Living, Inc. is a not-for-profit corporation that provides group living services for special populations. It was created and is operated by private individuals. The services provided are highly regulated and the corporation receives public funds in return for providing such services to clients, however, the corporation was not created by statute or any governmental entity and it does not provide a strictly governmental service. Moreover, a majority of public funds paid to this corporation are paid in connection with services rendered to individuals who are themselves receiving public aid. Receipt of public funds alone does not subject an otherwise private not-for-profit corporation to the Kansas Open Records Act or Open Meetings Acts. Thus, it is our opinion that Sheltered Living, Inc. is not a public agency as defined in the Kansas Open Meetings Act or the Kansas Open Records Act and it therefore is not subject to these two Acts. Cited herein: K.S.A. 39-1401; 39-1801; 45-215; 45-217; 75-4317; 75-4318; K.A.R. 30-63-01; 30-64-01; 30-64-25; 30-64-26; 30-64-27. TMN

**Opinion 2004-35**

**Criminal Procedure; Kansas Code of Criminal Procedure—Uniform Mandatory Disposition of Detainers Act—Request for Final Disposition of Detainer by Prisoner; Applicability to Prisoners Serving Sentence in County Jail.**

**Criminal Procedure; Kansas Code of Criminal Procedure—Agreement on Detainers; Contents; Applicability to Prisoners Serving Sentence in County Jail. Evan H. Ice, Douglas County Counselor, Lawrence, November 16, 2004.**

The Interstate Agreement on Detainers and the Uniform Mandatory Disposition of Detainers Act do not apply to a person serving a sentence in a county jail. Cited herein: K.S.A. 19-811; K.S.A. 2003 Supp. 21-4602; 21-

*(continued)*

4603d; K.S.A. 21-4703; 22-2101; 22-2201; 22-4301; 22-4302; 22-4401; 75-5202. MF

#### Opinion 2004-36

**Schools—Capital Outlay Levy, Fund and Bonds—Capital Outlay Levy; Use of Moneys in Capital Outlay Fund; Computer and Equipment Repairs; Salaries. Representative Sharon Schwartz, 106th District, Washington, November 18, 2004.**

Monies in the capital outlay fund of a unified school district may not be used to pay the salaries of persons who provide computer or equipment repair. Cited herein: K.S.A. 72-8801; 72-8803; 72-8804. RDS

#### Opinion 2004-37

**Wildlife, Parks and Recreation—Enforcement—Procedures; Seizure of Wildlife, Devices and Equipment; Disposition. Christopher J. Tymeson, Chief Legal Counsel, Topeka, November 17, 2004.**

The Kansas Department of Wildlife and Parks may dispose of forfeited firearms by auctioning them to licensed firearms dealers in Kansas. Cited herein: K.S.A. 21-4206; K.S.A. 2003 Supp. 32-1047; K.S.A. 60-4117. CN

Phill Kline  
Attorney General

Doc. No. 031400

### 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 2005-2007 by adding the following projects:

**Project K-8801-05**, Conduct Yearly Youth Leadership Conference, Statewide

**Project K-8801-06**, Conduct Yearly Youth Leadership Conference, Statewide

**Project K-9087-05**, Conduct Sobriety Testing and Checkpoints, Hutchinson Police Department, Reno County

**Project K-9087-06**, Conduct Sobriety Testing and Checkpoints, Hutchinson Police Department, Reno County

**Project K-9097-05**, Conduct Sobriety Testing and Checkpoints, County Sheriff's Department, Saline County

**Project K-9097-06**, Conduct Sobriety Testing and Checkpoints, County Sheriff's Department, Saline County

**Project K-9103-05**, Conduct Sobriety Testing and Checkpoints, County Sheriff's Department, Reno County

**Project K-9107-05**, Conduct Sobriety Testing and Checkpoints, Junction City Police Department, Geary County

**Project K-9475-05**, Conduct Sobriety Testing and Checkpoints, County Sheriff's Department, Finney County

**Project K-9476-05**, Conduct Sobriety Testing and Checkpoints, Garden City Police Department, Finney County

**Project K-9494-05**, Provide Public Education and Information Concerning Impaired Driving, Statewide

**Project K-9916-05**, Conduct Sobriety Testing and Checkpoints, Wellington Police Department, Sumner County

**Project K-9916-05**, Conduct Sobriety Testing and Checkpoints, Wellington Police Department, Sumner County

**Project K-9919-05**, Conduct Sobriety Testing and Checkpoints, County Sheriff's Department, Jackson County

**Project K-9920-05**, Conduct Sobriety Testing and Checkpoints, Great Bend Police Department, Barton County

**Project K-9920-06**, Conduct Sobriety Testing and Checkpoints, Great Bend Police Department, Barton County

**Project K-9921-05**, Conduct Sobriety Testing and Checkpoints, Augusta Police Department, Butler County

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

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 January 10.

Deb Miller  
Secretary of Transportation

Doc. No. 031401

### State of Kansas

#### Department of Transportation

##### Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Wichita Airport Hilton, Wichita, until 2 p.m. December 15 and then publicly opened:

##### District One—Northeast

**Atchison**—3 C-3854-01—County road 4 miles north of Effingham, 0.4 mile, grading, bridge and surfacing. (Federal Funds)

**Atchison**—74-3 K-9751-01—K-74 from Potter east to the junction of U.S. 73, 3 miles, seal. (State Funds)

**Brown**—73-7 K-9750-01—U.S. 73 from the north city limits of Hiawatha north to the Kansas-Nebraska state line, 11.6 miles, overlay. (State Funds)

**Brown**—246-7 K-9754-01—K-246 from Antelope Road east to the west city limits of Morrill, 4.8 miles, overlay. (State Funds)

**Brown**—7 C-3856-01—County road 2.1 miles west and 0.7 mile south of Robinson, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

**Douglas**—23 U-1994-01—7th and Kentucky in Lawrence, intersection improvement. (Federal Funds)

**Douglas-Shawnee**—40-106 K-9781-01—U.S. 40 from the Shawnee-Douglas county line east to the junction of K-10; U.S. 40 from the junction of K-4 east to the Shawnee-Douglas county line, 16.9 miles, overlay. (State Funds)

**Marshall**—99-58 K-7390-01—K-99 Clear Fork Creek bridge, 1.6 miles north of the Pottawatomie-Marshall county line, bridge replacement. (Federal Funds)

**Nemaha**—66 C-3804-01—County road 2 miles north and 2.3 miles east of Seneca, 0.2 mile, grading and bridge. (Federal Funds)

**Shawnee**—24-89 K-9882-01—U.S. 24 bridge over old U.S. 75, bridge repair. (State Funds)

**Wabaunsee**—99 C-3824-01—County road 8 miles north and 0.8 mile east of Alta Vista, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Wyandotte**—24-105 K-9746-01—U.S. 24, 1,000 feet west of the junction of I-435, east to 94th Street, 1.3 miles, overlay. (State Funds)

#### District Two—Northcentral

**Dickinson-Morris**—106 K-9862-01—K-4 from the north city limits of Hope east to the junction of U.S. 77; U.S. 56 from the Marion-Dickinson county line north and east to the Dickinson-Morris county line; U.S. 56 from the south junction of U.S. 56 north to the south city limits of Herington, U.S. 77 from the junction of U.S. 56 north to the Dickinson-Morris county line; U.S. 77 from the Dickinson-Morris county line north to the Morris-Geary county line, 29.3 miles, overlay. (State Funds)

**Geary**—31 K-9868-01—K-57 from the north junction of U.S. 77 south and east to the four-lane divided highway; U.S. 77 from the Morris-Geary county line north to the Geary-Riley county line, 33 miles, overlay. (State Funds)

**Marion**—57 K-9864-01—K-15 from the east junction of U.S. 56 north to the Marion-Dickinson county line; U.S. 56 from the McPherson-Marion county line east to the east junction of K-15, 25.4 miles, overlay. (State Funds)

**Marion**—77-57 K-7417-01—U.S. 77 from the junction of U.S. 50 north to the junction of U.S. 56/K-150, 8.8 miles, grading, bridge and surfacing. (Federal Funds)

**McPherson**—135-59 K-8888-01—I-135, 1 mile north of county route 448 north to the McPherson-Saline county line, 10.1 miles, overlay. (State Funds)

**Morris**—64 C-3803-01—County route 1.5 miles east and 2 miles north of Latimer, 0.1 mile, grading and surfacing. (Federal Funds)

**Washington**—15-101 K-9839-01—K-15 from the west junction of U.S. 36 north to the Kansas-Nebraska state line, 13.2 miles, seal. (State Funds)

**Washington**—22-101 K-9840-01—K-22 from the junction of U.S. 36 north to the south city limits of Haddam, 3.1 miles, crack repair. (State Funds)

**Washington**—15-101 K-9907-01—K-15 Melvin Creek bridge, 0.6 mile north of the west junction of U.S. 36, bridge repair. (State Funds)

#### District Three—Northwest

**Rawlins**—77 C-3818-01—County road 3 miles south and 3.1 miles west of Atwood, 0.2 mile, grading and bridge. (Federal Funds)

**Rawlins**—77 C-3995-01—County road 3.1 miles south and 3.5 miles west of Atwood, 0.2 mile, grading and bridge. (Federal Funds)

**Rooks**—82 C-4061-01—County route 529 from U.S. 24 north to the county line, 8.6 miles, surfacing. (Federal Funds)

**Sherman**—27-91 K-6809-02—K-27, north fork Smoky Hill River bridge, 4.5 miles north of the Wallace-Sherman county line, bridge replacement. (Federal Funds)

**Wallace**—27-100 K-7375-01—K-27, Eagle Trail Creek bridge, 0.6 mile south of the U.S. 40 west junction, bridge replacement. (Federal Funds)

#### District Four—Southeast

**Anderson**—59-2 K-9803-01—U.S. 59 from the south junction of K-31 north to the south junction of U.S. 169, 12.1 miles, overlay. (State Funds)

**Chautauqua-Montgomery**—166-106 K-9835-01—U.S. 166 from Niotaze to the Chautauqua-Montgomery county line; U.S. 166 from the Chautauqua-Montgomery county line east to the north junction of U.S. 75, 5.6 miles, overlay. (State Funds)

**Crawford**—19 K-9041-01—East McKay Street from east of Santa Fe to west of the Kansas City Southern Railroad, 0.5 mile, grading and surfacing. (State Funds)

**Franklin**—30 U-1931-01—Cedar Street from First Street to 8th Street in Ottawa, 0.1 mile, grading and surfacing. (Federal Funds)

**Greenwood**—99-37 K-6819-01—K-99 Onion Creek and Willow Creek bridges, bridge replacement. (Federal Funds)

**Linn**—69-54 K-7890-01—U.S. 69, 0.7 mile north of county route 1203 north to the Linn-Miami county line, 6.4 miles, grading, bridge and surfacing. (Federal Funds)

**Linn**—152-54 K-9824-01—K-152 from the junction of K-7 east to the west city limits of LaCygne, 8 miles, overlay. (State Funds)

**Neosho**—67 C-3806-01—County road 8 miles south and 0.5 mile west of the junction of U.S.59/K-57, 0.2 mile, grading and bridge. (Federal Funds)

**Neosho**—67 C-3911-01—County road 6 miles north and 2 miles west of Erie, 0.2 mile, grading and bridge. (Federal Funds)

**Neosho-Wilson**—106 K-9831-01—K-47 from the Wilson-Neosho county line east to the junction of U.S.169; K-47 from the east city limits of Fredonia east to the junction of U.S. 75; K-47, 0.1 mile east of the junction of U.S. 75 east to the Wilson-Neosho county line; south junction of U.S. 75 north to the north junction of U.S. 75, 20 miles, overlay. (State Funds)

#### District Five—Southcentral

**Butler**—400-8 K-9774-01—U.S. 400 from the junction of U.S. 54 east to the concrete pavement east of Leon, 3.8 miles, seal. (State Funds)

**Butler**—54-8 K-9762-01—U.S. 54 from the junction of U.S. 400 east to the south city limits of El Dorado, 8.5 miles, overlay. (State Funds)

**Butler**—8 K-9788-01—U.S. 54 from the east city limits of El Dorado east to the Butler-Greenwood County line; K-177 from the junction of U.S. 54 north to 10th Street in El Dorado, 19.3 miles, overlay. (State Funds)

(continued)

**Cowley**—18 C-3953-01—County road 3 miles east and 1.5 miles north of Rock, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Cowley**—18 C-3954-01—County road 2.5 miles north of Cambridge, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Harvey**—40 C-3982-01—County road 3.7 miles south of Hesston, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Harvey**—15-40 K-9757-01—K-15 from the north city limits of Newton north to the Harvey-Marion county line, 7.6 miles, overlay. (State Funds)

**Harvey**—40 C-3831-01—County road 4.6 miles south of Hesston, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Pratt**—76 C-3994-01—County road 9 miles east and 1.1 miles north of Pratt, grading and bridge. (Federal Funds)

**Sedgwick**—54-87 K-9764-01—U.S. 54 from the junction of Ridge Road east to the junction of K-42, 3 miles, overlay. (State Funds)

**Harvey-Reno**—50-106 K-9787-01—U.S. 50 from the Reno-Harvey county line east to the 4-lane divided roadway; U.S. 50 from the east junction of K-61 east to the Reno-Harvey county line, 13 miles, overlay. (State Funds)

**Reno**—96-78 K-9874-01—K-96 from the south city limits of Hutchinson east to 0.8 mile east of Haven/Buhler Road, 14.1 miles, seal. (State Funds)

**Reno**—96-78 K-9913-01—K-96 from the junction of U.S. 50 south 2.2 miles, overlay. (State Funds)

**District Six—Southwest**

**Scott**—86 C-3998-01—County road 12 miles north of Scott City, 1.8 miles, surfacing. (Federal Funds)

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

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

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

Deb Miller  
Secretary of Transportation

Doc. No. 031384

**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 12-6-04 through 12-12-04**

Term	Rate
1-89 days	2.00%
3 months	2.21%
6 months	2.35%
1 year	2.62%
18 months	2.79%
2 years	2.91%

Derl S. Treff  
Director of Investments

Doc. No. 031398

**State of Kansas  
Kansas State University**

**Notice to Bidders**

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

**Tuesday, January 18, 2005**

**#5082**

Motion JPEG Camera System Installed

Carla K. Bishop  
Director of Purchasing

Doc. No. 031412

**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:

12/21/2004	07908	Collection Agency Service
12/22/2004	07954	Ready Mix Concrete
12/22/2004	07957	Square D Products
12/27/2004	07941	Tobacco Use Cessation Quit Line
12/27/2004	07942	Remediation Laboratory Analytical Services
12/27/2004	07947	Janitorial Services — Topeka
12/28/2004	07963	Riding Mowers
12/29/2004	07962	Seasonal Clothing
01/05/2005	07938	Electrical Supplies
01/06/2005	07951	Large Capacity Disk Subsystem
01/24/2005	07953	Family Foster Homes — JJA

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:

12/23/2004	A-9987	Replace East & West Cooling Tower for Variable Frequency Drives — Central Energy Plant
01/06/2005	A-9845	Fire Safety Modifications — Porter Hall
01/06/2005	A-9962(A)	Haymaker Hall Renovations — Mechanical
01/06/2005	A-9962(B)	Haymaker Hall Renovations — Fire Alarm

Chris Howe  
Director of Purchases

Doc. No. 031413

**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. on the date indicated and then will be opened publicly. Interested bidders may call (785) 864-3416 or fax (785) 864-3454 for additional information:

**December 20, 2004  
(Revised Closing Date)**

**IFB-05-320**

Transportation Services for KU Visitor Center

Barry Swanson, Director  
Purchasing and Business Services

Doc. No. 031414

**State of Kansas**

**Secretary of State**

**Certificate of the State Board of Canvassers  
General Election, November 2, 2004**

We the undersigned, constituting the State Board of Canvassers of the State of Kansas, do hereby certify that we have examined the certified abstract of votes on file in the office of the Secretary of State, as prescribed by law, and we find the statement given therein of the whole number of votes cast at the General Election held on November 2, 2004 for the several candidates for the various National and State offices therein named, and the votes for retention in the office of Justice of the Supreme Court, Court of Appeals Judges, District Judges and District Magistrate Judges, is true and correct as shown by such abstract.

We further certify that each of the following named persons were duly elected, or retained, to the respective offices, at the General Election held on November 2, 2004.

IN TESTIMONY WHEREOF, we have hereunto subscribed our names this 29th day of November, A.D. 2004.

KATHLEEN SEBELIUS, Governor  
RON THORNBURGH, Secretary of State  
PHILL KLINE, Attorney General

**United States President/Vice-President**

George W. Bush/Dick Cheney, Crawford, TX, Wilson, WY, Republican

**United States Senate**

Samuel D. Brownback, Topeka, Republican

**United States House of Representatives District 1**

Jerry Moran, Hays, Republican

**United States House of Representatives District 2**

Jim Ryun, Lawrence, Republican

**United States House of Representatives District 3**

Dennis Moore, Lenexa, Democratic

**United States House of Representatives District 4**

Todd Tiaht, Goddard, Republican

**Kansas Senate District 1**

Dennis D. Pyle, Hiawatha, Republican

**Kansas Senate District 2**

Marci Francisco, Lawrence, Democratic

**Kansas Senate District 3**

Roger C. Pine, Lawrence, Republican

**Kansas Senate District 4**

David Haley, Kansas City, Democratic

**Kansas Senate District 5**

Mark S. Gilstrap, Kansas City, Democratic

**Kansas Senate District 6**

Chris Steineger, Kansas City, Democratic

**Kansas Senate District 7**

David Wysong, Mission Hills, Republican

**Kansas Senate District 8**

Barbara P. Allen, Overland Park, Republican

**Kansas Senate District 9**

Kay O'Connor, Olathe, Republican

**Kansas Senate District 10**

Nick Jordan, Shawnee, Republican

**Kansas Senate District 11**

John L. Vratil, Leawood, Republican

**Kansas Senate District 12**

Pat Apple, Louisburg, Republican

**Kansas Senate District 13**

Jim Barone, Frontenac, Democratic

**Kansas Senate District 14**

Dwayne Umbarger, Thayer, Republican

**Kansas Senate District 15**

Derek Schmidt, Independence, Republican

**Kansas Senate District 16**

Peggy Palmer, Augusta, Republican

**Kansas Senate District 17**

Jim Barnett, Emporia, Republican

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**Kansas Senate District 18**

Laura Kelly, Topeka, Democratic

**Kansas Senate District 19**

Anthony Hensley, Topeka, Democratic

**Kansas Senate District 20**

Vicki Schmidt, Topeka, Republican

**Kansas Senate District 21**

Mark Taddiken, Clifton, Republican

**Kansas Senate District 22**

Roger P. Reitz, Manhattan, Republican

**Kansas Senate District 23**

Karin Brownlee, Olathe, Republican

**Kansas Senate District 24**

Pete Brungardt, Salina, Republican

**Kansas Senate District 25**

Jean Kurtis Schodorf, Wichita, Republican

**Kansas Senate District 26**

Phillip B. Journey, Haysville, Republican

**Kansas Senate District 27**

Leslie D. Donovan Sr., Wichita, Republican

**Kansas Senate District 28**

Mike Petersen, Wichita, Republican

**Kansas Senate District 29**

Donald Betts Jr., Wichita, Democratic

**Kansas Senate District 30**

Susan Wagle, Wichita, Republican

**Kansas Senate District 31**

Carolyn McGinn, Sedgwick, Republican

**Kansas Senate District 32**

Greta Goodwin, Winfield, Democratic

**Kansas Senate District 33**

Ruth Teichman, Stafford, Republican

**Kansas Senate District 34**

Terry Bruce, Hutchinson, Republican

**Kansas Senate District 35**

Jay Emler, Lindsborg, Republican

**Kansas Senate District 36**

Janis K. Lee, Kensington, Democratic

**Kansas Senate District 37**

Dennis M Wilson, Overland Park, Republican

**Kansas Senate District 38**

Tim Huelskamp, Fowler, Republican

**Kansas Senate District 39**

Stephen R. Morris, Hugoton, Republican

**Kansas Senate District 40**

Ralph Ostmeyer, Grinnell, Republican

**Kansas House of Representatives District 1**

Doug Gatewood, Columbus, Democratic

**Kansas House of Representatives District 2**

Robert "Bob" Grant, Cherokee, Democratic

**Kansas House of Representatives District 3**

Julie Menghini, Pittsburg, Democratic

**Kansas House of Representatives District 4**

Lynne Oharah, Uniontown, Republican

**Kansas House of Representatives District 5**

Bill Feuerborn, Garnett, Democratic

**Kansas House of Representatives District 6**

Jene Vickrey, Louisburg, Republican

**Kansas House of Representatives District 7**

Jeff Jack, Parsons, Republican

**Kansas House of Representatives District 8**

Jerry D. Williams, Chanute, Democratic

**Kansas House of Representatives District 9**

Bill Otto, LeRoy, Republican

**Kansas House of Representatives District 10**

Tom Holland, Baldwin City, Democratic

**Kansas House of Representatives District 11**

Virgil Peck Jr., Tyro, Republican

**Kansas House of Representatives District 12**

Frank Miller, Independence, Republican

**Kansas House of Representatives District 13**

Forrest J. Knox, Fredonia, Republican

**Kansas House of Representatives District 14**

Lance Kinzer, Olathe, Republican

**Kansas House of Representatives District 15**

Arlen Siegfried, Olathe, Republican

**Kansas House of Representatives District 16**

Jim Yonally, Overland Park, Republican

**Kansas House of Representatives District 17**

Stephanie Sharp, Lenexa, Republican

**Kansas House of Representatives District 18**

Mary Pilcher Cook, Shawnee, Republican

**Kansas House of Representatives District 19**

Thomas (Tim) C. Owens, Overland Park, Republican

**Kansas House of Representatives, District 20**

Kevin Yoder, Overland Park, Republican

**Kansas House of Representatives District 21**

Dean Newton, Prairie Village, Republican

**Kansas House of Representatives District 22**

Sue Storm, Overland Park, Democratic

**Kansas House of Representatives District 23**

Judy Morrison, Shawnee, Republican

**Kansas House of Representatives District 24**

Ed O'Malley, Roeland Park, Republican

**Kansas House of Representatives District 25**

Terrie Huntington, Mission Hills, Republican

**Kansas House of Representatives District 26**

Robert (Rob) S. Olson, Olathe, Republican

**Kansas House of Representatives District 27**

Ray Merrick, Stilwell, Republican

**Kansas House of Representatives District 28**

Pat Colloton, Leawood, Republican

**Kansas House of Representatives District 29**

Patricia Kilpatrick, Overland Park, Republican

**Kansas House of Representatives District 30**  
David Huff, Lenexa, Republican

**Kansas House of Representatives District 31**  
Bonnie Sharp, Kansas City, Democratic

**Kansas House of Representatives District 32**  
Louis E. Ruiz, Kansas City, Democratic

**Kansas House of Representatives District 33**  
Tom Burroughs, Kansas City, Democratic

**Kansas House of Representatives District 34**  
Valdenia C. Winn, Kansas City, Democratic

**Kansas House of Representatives District 35**  
Broderick Henderson, Kansas City, Democratic

**Kansas House of Representatives District 36**  
Margaret E. Long, Kansas City, Democratic

**Kansas House of Representatives District 37**  
Michael J. (Mike) Peterson, Kansas City, Democratic

**Kansas House of Representatives District 38**  
Anthony R. Brown, Eudora, Republican

**Kansas House of Representatives District 39**  
Ray L. Cox, Bonner Springs, Republican

**Kansas House of Representatives District 40**  
L. Candy Ruff, Leavenworth, Democratic

**Kansas House of Representatives District 41**  
Marti Crow, Leavenworth, Democratic

**Kansas House of Representatives District 42**  
Kenny A. Wilk, Lansing, Republican

**Kansas House of Representatives District 43**  
S. "Mike" Kiegerl, Olathe, Republican

**Kansas House of Representatives District 44**  
Barbara W. Ballard, Lawrence, Democratic

**Kansas House of Representatives District 45**  
Tom Sloan, Lawrence, Republican

**Kansas House of Representatives District 46**  
Paul Davis, Lawrence, Democratic

**Kansas House of Representatives District 47**  
Lee Tafanelli, Ozawkie, Republican

**Kansas House of Representatives District 48**  
Eric Carter, Overland Park, Republican

**Kansas House of Representatives District 49**  
Scott Schwab, Olathe, Republican

**Kansas House of Representatives District 50**  
Becky Hutchins, Holton, Republican

**Kansas House of Representatives District 51**  
Mike Burgess, Topeka, Republican

**Kansas House of Representatives District 52**  
Lana Gordon, Topeka, Republican

**Kansas House of Representatives District 53**  
Ann Mah, Topeka, Democratic

**Kansas House of Representatives District 54**  
Doug Mays, Topeka, Republican

**Kansas House of Representatives District 55**  
Annie Kuether, Topeka, Democratic

**Kansas House of Representatives District 56**  
Nancy Kirk, Topeka, Democratic

**Kansas House of Representatives District 57**  
Vaughn Flora, Topeka, Democratic

**Kansas House of Representatives District 58**  
Harold Lane, Topeka, Democratic

**Kansas House of Representatives District 59**  
Joe D Humerickhouse, Osage City, Republican

**Kansas House of Representatives District 60**  
Don A. Hill, Emporia, Republican

**Kansas House of Representatives District 61**  
Richard Carlson, St. Marys, Republican

**Kansas House of Representatives District 62**  
Bruce F. Larkin, Baileyville, Democratic

**Kansas House of Representatives District 63**  
Jerry Henry, Cummings, Democratic

**Kansas House of Representatives District 64**  
Kathe Decker, Clay Center, Republican

**Kansas House of Representatives District 65**  
Barbara Craft, Junction City, Republican

**Kansas House of Representatives District 66**  
Sydney Carlin, Manhattan, Democratic

**Kansas House of Representatives District 67**  
Tom Hawk, Manhattan, Democratic

**Kansas House of Representatives District 68**  
Shari Weber, Herington, Republican

**Kansas House of Representatives District 69**  
Deena L. Horst, Salina, Republican

**Kansas House of Representatives District 70**  
Donald L. Dahl, Hillsboro, Republican

**Kansas House of Representatives District 71**  
Carol Edward Beggs, Salina, Republican

**Kansas House of Representatives District 72**  
Tom Thull, North Newton, Democratic

**Kansas House of Representatives District 73**  
Clark Shultz, Lindsborg, Republican

**Kansas House of Representatives District 74**  
Carl Krehbiel, Moundridge, Republican

**Kansas House of Representatives District 75**  
John C. Grange, El Dorado, Republican

**Kansas House of Representatives District 76**  
Peggy Long-Mast, Emporia, Republican

**Kansas House of Representatives District 77**  
Everett L. Johnson, Augusta, Republican

**Kansas House of Representatives District 78**  
Judy Showalter, Winfield, Democratic

**Kansas House of Representatives District 79**  
Kasha Kelley, Arkansas City, Republican

**Kansas House of Representatives District 80**  
Bill McCreary, Wellington, Republican

**Kansas House of Representatives District 81**  
Ted Powers, Mulvane, Republican

*(continued)*

- Kansas House of Representatives District 82**  
Don V. Myers, Derby, Republican
- Kansas House of Representatives District 83**  
Jo Ann Pottorff, Wichita, Republican
- Kansas House of Representatives District 84**  
Oletha Faust-Goudeau, Wichita, Democratic
- Kansas House of Representatives District 85**  
Steven R. Brunk, Bel Aire, Republican
- Kansas House of Representatives District 86**  
Judith E. Loganbill, Wichita, Democratic
- Kansas House of Representatives District 87**  
Bonnie Huy, Wichita, Republican
- Kansas House of Representatives District 88**  
Jim Ward, Wichita, Democratic
- Kansas House of Representatives District 89**  
Melody McCray-Miller, Wichita, Democratic
- Kansas House of Representatives District 90**  
Steve Huebert, Valley Center, Republican
- Kansas House of Representatives District 91**  
Brenda Landwehr, Wichita, Republican
- Kansas House of Representatives District 92**  
Nile Dillmore, Wichita, Democratic
- Kansas House of Representatives District 93**  
Richard F. Kelsey, Goddard, Republican
- Kansas House of Representatives District 94**  
Joe McLeland, Wichita, Republican
- Kansas House of Representatives District 95**  
Tom Sawyer, Wichita, Democratic
- Kansas House of Representatives District 96**  
Willa DeCastro, Wichita, Republican
- Kansas House of Representatives District 97**  
Dale Swenson, Wichita, Republican
- Kansas House of Representatives District 98**  
Geraldine Flaharty, Wichita, Democratic
- Kansas House of Representatives District 99**  
Todd M. Novascone, Wichita, Republican
- Kansas House of Representatives District 100**  
Mario Goico, Wichita, Republican
- Kansas House of Representatives District 101**  
Mark R. Treaster, Pretty Prairie, Democratic
- Kansas House of Representatives District 102**  
Janice L. Pauls, Hutchinson, Democratic
- Kansas House of Representatives District 103**  
Delia Garcia, Wichita, Democratic
- Kansas House of Representatives District 104**  
Michael "Mike" R. O'Neal, Hutchinson, Republican
- Kansas House of Representatives District 105**  
Jason Watkins, Wichita, Republican
- Kansas House of Representatives District 106**  
Sharon Schwartz, Washington, Republican
- Kansas House of Representatives District 107**  
Joann Lee Freeborn, Concordia, Republican
- Kansas House of Representatives District 108**  
Joshua Svaty, Ellsworth, Democratic
- Kansas House of Representatives District 109**  
Clay Aurand, Courtland, Republican
- Kansas House of Representatives District 110**  
Dan Johnson, Hays, Republican
- Kansas House of Representatives District 111**  
Eber E. Phelps, Hays, Democratic
- Kansas House of Representatives District 112**  
John Edmonds, Great Bend, Republican
- Kansas House of Representatives District 113**  
Bob Bethell, Alden, Republican
- Kansas House of Representatives District 114**  
Mitch Holmes, St. John, Republican
- Kansas House of Representatives District 115**  
Melvin J. Neufeld, Ingalls, Republican
- Kansas House of Representatives District 116**  
Dennis McKinney, Greensburg, Democratic
- Kansas House of Representatives District 117**  
Larry R. Powell, Garden City, Republican
- Kansas House of Representatives District 118**  
Virginia B. Beamer, Oakley, Republican
- Kansas House of Representatives District 119**  
Pat George, Dodge City, Republican
- Kansas House of Representatives District 120**  
John M. Faber, Atwood, Republican
- Kansas House of Representatives District 121**  
Jim Morrison, Colby, Republican
- Kansas House of Representatives District 122**  
Gary K. Hayzlett, Lakin, Republican
- Kansas House of Representatives District 123**  
Ward Loyd, Garden City, Republican
- Kansas House of Representatives District 124**  
Bill Light, Rolla, Republican
- Kansas House of Representatives District 125**  
Carl D. Holmes, Liberal, Republican
- District Court Judge, District 13, Division 2**  
Charles M. "Chuck" Hart, Andover, Republican
- District Court Judge, District 13, Division 3**  
David A. Ricke, Rose Hill, Republican
- District Court Judge, District 14, Division 3**  
Russell D. Canaday, Independence, Republican
- District Court Judge, District 15, Division 1**  
Glenn D. Schiffner, Colby, Republican
- District Court Judge, District 15, Division 2**  
Jack L. Burr, Goodland, Republican
- District Court Judge, District 16, Division 2**  
E. Leigh Hood, Bucklin, Republican
- District Court Judge, District 16, Division 3**  
Van Z. Hampton, Dodge City, Republican
- District Court Judge, District 17**  
William B. Elliott, Hill City, Republican



**District Court Judge, District 18, Division 1**  
Karl W. Friedel, Wichita, Republican

**District Court Judge, District 18, Division 2**  
Jim Burgess, Wichita, Republican

**District Court Judge, District 18, Division 3**  
Dan Brooks, Wichita, Republican

**District Court Judge, District 18, Division 6**  
Harold E. (Hal) Flaigle, Wichita, Republican

**District Court Judge, District 18, Division 9**  
Paul W. Clark, Mulvane, Democratic

**District Court Judge, District 18, Division 10**  
Michael Corrigan, Wichita, Republican

**District Court Judge, District 18, Division 11**  
James R. Fleetwood, Wichita, Republican

**District Court Judge, District 18, Division 12**  
Eric R. Yost, Wichita, Republican

**District Court Judge, District 18, Division 13**  
Richard T. Ballinger, Derby, Democratic

**District Court Judge, District 18, Division 14**  
Rebecca Pilshaw, Wichita, Democratic

**District Court Judge, District 18, Division 16**  
Terry L. Pullman, Wichita, Republican

**District Court Judge, District 18, Division 17**  
John J. (Joe) Kisner, Wichita, Democratic

**District Court Judge, District 18, Division 20**  
Clark V. Owens II, Wichita, Republican

**District Court Judge, District 18, Division 21**  
Douglas R. Roth, Wichita, Republican

**District Court Judge, District 18, Division 22**  
Joseph Bribiesca, Wichita, Democratic

**District Court Judge, District 18, Division 23**  
William S. Woolley, Wichita, Republican

**District Court Judge, District 18, Division 24**  
Timothy H. Henderson, Wichita, Republican

**District Court Judge, District 18, Division 25**  
Warren M Wilbert, Wichita, Republican

**District Court Judge, District 18, Division 26**  
Jeff Goering, Wichita, Republican

**District Court Judge, District 19, Division 1**  
Nicholas M. St. Peter, Andover, Democratic

**District Court Judge, District 19, Division 2**  
James T. Pringle, Arkansas City, Republican

**District Court Judge, District 20, Division 1**  
Ron Svaty, Ellsworth, Democratic

**District Court Judge, District 20, Division 2**  
Hannelore Kitts, Great Bend, Republican

**District Court Judge, District 20, Division 3**  
Mike Keeley, Great Bend, Democratic

**District Court Judge, District 22, Division 2**  
John Weingart, Hiawatha, Republican

**District Court Judge, District 23, Division 1**  
Edward E. Bouker, Hays, Republican

**District Court Judge, District 23, Division 2**  
Tom Toepfer, Hays, Democratic

**District Court Judge, District 26, Division 2**  
Nels P. Noel, Lakin, Republican

**District Court Judge, District 27, Division 2**  
Timothy J. Chambers, Hutchinson, Republican

**District Court Judge, District 27, Division 4**  
Patricia Macke Dick, Buhler, Republican

**District Court Judge, District 29, Division 1**  
Robert P. Burns, Kansas City, Democratic

**District Court Judge, District 29, Division 2**  
Thomas L. Boeding, Kansas City, Democratic

**District Court Judge, District 29, Division 7**  
Robert L. Serra, Kansas City, Democratic

**District Court Judge, District 29, Division 8**  
R. Wayne Lampson, Kansas City, Democratic

**District Court Judge, District 29, Division 9**  
David Mikesic, Kansas City, Democratic

**District Court Judge, District 29, Division 13**  
Michael Grosko, Kansas City, Democratic

**District Court Judge, District 29, Division 14**  
Daniel A. Duncan, Kansas City, Democratic

**District Court Judge, District 29, Division 16**  
Muriel Yates Harris, Kansas City, Democratic

**District Magistrate Judge, District 13, Position 1**  
Martina M. Hubbell, Howard, Republican

**District Magistrate Judge, District 13, Position 2**  
Rebecca Lindamood, Virgil, Republican

**District Magistrate Judge, District 14**  
David A. Casement, Sedan, Republican

**District Magistrate Judge, District 15, Position 1**  
Robert Van Allen, Wheeler, Republican

**District Magistrate Judge, District 15, Position 2**  
Mark J. Temaat, Oakley, Republican

**District Magistrate Judge, District 15, Position 3**  
John Cahoj, Hoxie, Republican

**District Magistrate Judge, District 15, Position 4**  
Steve R. Unruh, Sharon Springs, Republican

**District Magistrate Judge, District 15, Position 5**  
Richard J. "Rick" Ress, Colby, Republican

**District Magistrate Judge, District 15, Position 6**  
Pat Carroll, Atwood, Democratic

**District Magistrate Judge, District 16, Position 1**  
Michael A. Freelove, Ashland, Republican

**District Magistrate Judge, District 16, Position 2**  
Loren L. Cronin, Coldwater, Republican

**District Magistrate Judge, District 16, Position 3**  
Joey E. Duncan, Cimarron, Republican

**District Magistrate Judge, District 16, Position 4**  
Ann L. Dixon, Greensburg, Republican

**District Magistrate Judge, District 16, Position 5**  
Keith A. Whitney, Fowler, Republican

(continued)

- District Magistrate Judge, District 17, Position 1**  
Barbara J. Stites, Hill City, Republican
- District Magistrate Judge, District 17, Position 2**  
John Bremer, Oberlin, Republican
- District Magistrate Judge, District 17, Position 4**  
Jacqueline E. Thornton, Osborne, Democratic
- District Magistrate Judge, District 17, Position 5**  
Bonnie M. Leidig, Phillipsburg, Republican
- District Magistrate Judge, District 17, Position 6**  
Michael Kirchoff, Gaylord, Republican
- District Magistrate Judge, District 20, Position 1**  
Dale L. Urbanek, Ellsworth, Democratic
- District Magistrate Judge, District 20, Position 2**  
Don L. Alvord, Sterling, Democratic
- District Magistrate Judge, District 20, Position 3**  
Marty K. Clark, Russell, Republican
- District Magistrate Judge, District 20, Position 4**  
Timarie Walters, Hudson, Republican
- District Magistrate Judge, District 22, Position 1**  
Roy Roper, Troy, Republican
- District Magistrate Judge, District 22, Position 2**  
Angela R. Hecke, Marysville, Republican
- District Magistrate Judge, District 23, Position 2**  
Douglas E. Bigge, Plainville, Republican
- District Magistrate Judge, District 23, Position 3**  
Richard A. Flax, WaKeeney, Democratic
- District Magistrate Judge, District 24, Position 1**  
Danny J. Smith, Kinsley, Republican
- District Magistrate Judge, District 24, Position 2**  
Philip T. Kyle, Jetmore, Republican
- District Magistrate Judge, District 24, Position 3**  
Shelley L. Selfridge, Dighton, Republican
- District Magistrate Judge, District 24, Position 4**  
James R. Kepple, Ness City, Republican
- District Magistrate Judge, District 24, Position 5**  
David C. Buster, Larned, Republican
- District Magistrate Judge, District 24, Position 6**  
Leonard A. Mastroni, La Crosse, Republican
- District Magistrate Judge, District 26, Position 1**  
Peggy L. Alford, Ulysses, Republican
- District Magistrate Judge, District 26, Position 2**  
Tommy B. Webb, Sublette, Republican
- District Magistrate Judge, District 26, Position 3**  
Roseanna K. Volden, Elkhart, Republican
- District Magistrate Judge, District 26, Position 4**  
Vernon L. Butt, Manter, Republican
- District Magistrate Judge, District 26, Position 5**  
Paula J. Sosa, Hugoton, Republican
- District Magistrate Judge, District 27**  
Joseph L. McCarville III, Hutchinson, Republican
- District Attorney, District 3**  
Robert D. Hecht, Topeka, Republican
- District Attorney, District 7**  
Charles E. Branson, Lawrence, Democratic
- District Attorney, District 10**  
Paul J. Morrison, Lenexa, Republican
- District Attorney, District 18**  
Nola Foulston, Wichita, Democratic
- District Attorney, District 27**  
Keith Schroeder, Hutchinson, Republican
- District Attorney, District 29**  
Jerome Gorman, Kansas City, Democratic
- Member, State Board of Education, District 2**  
Sue Gamble, Shawnee, Republican
- Member, State Board of Education, District 4**  
Bill Wagnon, Topeka, Democratic
- Member, State Board of Education, District 6**  
Kathy Martin, Clay Center, Republican
- Member, State Board of Education, District 8**  
Carol Rupe, Wichita, Republican
- Member, State Board of Education, District 10**  
Steve E. Abrams, Arkansas City, Republican
- Supreme Court Justice, Position 1**  
Carol A. Beier, Wichita
- Supreme Court Justice, Position 3**  
Lawton R. Nuss, Salina
- Supreme Court Justice, Position 4**  
Robert L. Gernon, Lawrence
- Supreme Court Justice, Position 5**  
Marla J. Luckert, Topeka
- Court of Appeals Judge, Position 3**  
G. Joseph Pierron Jr., Lawrence
- Court of Appeals Judge, Position 5**  
Christel E. Marquardt, Topeka
- Court of Appeals Judge, Position 10**  
Richard D. Greene, Wichita
- District Court Judge, District 1, Division 1**  
Gunnar A. Sundby, Leavenworth
- District Court Judge, District 1, Division 2**  
Martin Asher, Atchison
- District Court Judge, District 1, Division 3**  
Frederick N Stewart, Easton
- District Court Judge, District 1, Division 6**  
Robert J. Bednar, Leavenworth
- District Court Judge, District 2, Division 1**  
Tracy D. Klinginsmith, Holton
- District Court Judge, District 2, Division 2**  
Gary L. Nafziger, Ozawkie
- District Court Judge, District 3, Division 1**  
Jan W. Leuenberger, Shawnee
- District Court Judge, District 3, Division 2**  
Richard D. Anderson, Topeka
- District Court Judge, District 3, Division 3**  
Jean M. Schmidt, Topeka

**District Court Judge, District 3, Division 7**  
Franklin R. Theis, Berryton

**District Court Judge, District 3, Division 8**  
Frank J. Yeoman Jr., Topeka

**District Court Judge, District 3, Division 9**  
Charles E. Andrews Jr., Topeka

**District Court Judge, District 3, Division 11**  
Matthew J. Dowd, Topeka

**District Court Judge, District 3, Division 12**  
David E. Bruns, Topeka

**District Court Judge, District 3, Division 13**  
Thomas R. Conklin, Topeka

**District Court Judge, District 3, Division 14**  
Nancy Parrish, Tecumseh

**District Court Judge, District 4, Division 2**  
Thomas H. Sachse, Ottawa

**District Court Judge, District 4, Division 3**  
James J. Smith, Garnett

**District Court Judge, District 5, Division 3**  
Merlin G. Wheeler, Emporia

**District Court Judge, District 7, Division 2**  
Jack A. Murphy, Lawrence

**District Court Judge, District 7, Division 4**  
Michael J. Malone, Lawrence

**District Court Judge, District 7, Division 5**  
Paula B. Martin, Lawrence

**District Court Judge, District 8, Division 3**  
Michael F. Powers, Marion

**District Court Judge, District 9, Division 1**  
Joe Dickinson, Newton

**District Court Judge, District 9, Division 3**  
Carl B Anderson Jr., Lindsborg

**District Court Judge, District 10, Division 2**  
James F. Vano, Overland Park

**District Court Judge, District 10, Division 3**  
Thomas M. Sutherland, Lenexa

**District Court Judge, District 10, Division 4**  
Gerald T. Elliott, Overland Park

**District Court Judge, District 10, Division 5**  
Stephen R. Tatum, Olathe

**District Court Judge, District 10, Division 6**  
James Franklin Davis, Lenexa

**District Court Judge, District 10, Division 12**  
Thomas E. Foster, Leawood

**District Court Judge, District 10, Division 13**  
Brenda M. Cameron, Leawood

**District Court Judge, District 10, Division 15**  
Lawrence E. Sheppard, Olathe

**District Court Judge, District 10, Division 16**  
John Anderson III, Olathe

**District Court Judge, District 10, Division 17**  
William O. Isenhour Jr., Mission

**District Court Judge, District 10, Division 18**  
John P. Bennett, Overland Park

**District Court Judge, District 11, Division 1**  
A. J. Wachter, Pittsburg

**District Court Judge, District 11, Division 4**  
Donald R. Noland, Girard

**District Court Judge, District 11, Division 5**  
John C. Gariglietti, Pittsburg

**District Court Judge, District 11, Division 6**  
Daniel L. Brewster, Parsons

**District Court Judge, District 21, Division 1**  
Paul E. Miller, Manhattan

**District Court Judge, District 25, Division 2**  
Michael Quint, Garden City

**District Court Judge, District 25, Division 3**  
Philip C. Vieux, Garden City

**District Court Judge, District 25, Division 4**  
Thomas F. Richardson, Garden City

**District Court Judge, District 28, Division 3**  
George R. Robertson, Salina

**District Court Judge, District 28, Division 4**  
Danny D. Boyer, Salina

**District Court Judge, District 30, Division 1**  
Robert J. Schmisser, Pratt

**District Court Judge, District 30, Division 2**  
Thomas H. Graber, Belle Plaine

**District Court Judge, District 31, Division 1**  
Daniel Dale Creitz, Iola

**District Court Judge, District 31, Division 3**  
Timothy E. Brazil, Chanute

**District Magistrate Judge, District 2, Position 1**  
Dennis Lee Reiling, Oskaloosa

**District Magistrate Judge, District 2, Position 3**  
Blaine A. Carter, Alma

**District Magistrate Judge, District 4, Position 1**  
Jon Stephen Jones, Lyndon

**District Magistrate Judge, District 8, Position 1**  
John E. Barker, Abilene

**District Magistrate Judge, District 10, Position 1**  
Michael H. Farley, Leawood

**District Magistrate Judge, District 10, Position 2**  
Linda S. Trigg, Olathe

**District Magistrate Judge, District 10, Position 3**  
James Phelan, Overland Park

**District Magistrate Judge, District 11**  
Bill W. Lyerla, Galena

**District Magistrate Judge, District 12, Position 1**  
Kathryn Carter, Jamestown

**District Magistrate Judge, District 12, Position 2**  
John L. Bingham, Mankato

**District Magistrate Judge, District 12, Position 3**  
Brian V. Grace, Lincoln

*(continued)*

District Magistrate Judge, District 12, Position 5  
John Eyer, Belleville

District Magistrate Judge, District 25, Position 4  
James R. Collins, Scott City

District Magistrate Judge, District 25, Position 5  
Janna Kim DeLissa, Leoti

District Magistrate Judge, District 25, Position 6  
Peter J. Ramirez, Garden City

District Magistrate Judge, District 25, Position 7  
Rebecca W. Crotty, Garden City

District Magistrate Judge, District 28  
Adrian A. Lapka, Minneapolis

District Magistrate Judge, District 30, Position 2  
Richard Befort, Danville

District Magistrate Judge, District 31, Division 2  
Leo T. Gensweider, Yates Center

Doc. No. 031411

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

Table with 3 columns: Reg. No., Action, Register. Lists regulations 1-9-4 through 1-45-24.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations 4-8-14a through 4-28-2.

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Lists regulations 5-3-4e through 5-22-1.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 5-22-4b through 5-24-11.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations 7-18-1 through 7-29-2.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations 22-1-2 and 22-1-7.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations 28-1-2 through 28-15-11.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 28-15-13 through 28-15-571.



**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
111-2-160	New	V. 23, p. 1655
111-2-161	New	V. 23, p. 1655
111-2-162	New	V. 23, p. 1655
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
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
111-4-2161 through 111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074
111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177 through 111-4-2180	New	V. 23, p. 1169-1171
111-4-2181 through 111-4-2185	New	V. 23, p. 1343-1346
111-4-2186 through 111-4-2195	New	V. 23, p. 1434-1438
111-4-2196 through 111-4-2205	New	V. 23, p. 1655-1659
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
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
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
111-11-1	Amended	V. 23, p. 1077
111-12-1	New	V. 23, p. 914

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-10-3	Amended	V. 23, p. 93
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
115-2-2	Amended	V. 23, p. 1581
115-2-3	Amended	V. 23, p. 1581
115-2-3a	New	V. 23, p. 1582
115-3-2	Amended	V. 23, p. 1043
115-4-14	New	V. 23, p. 1583
115-7-1	Amended	V. 23, p. 1584
115-18-10	Amended	V. 23, p. 1043
115-18-14	Amended	V. 23, p. 1585

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-2	Amended	V. 23, p. 1407
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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