



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 24, No. 12    March 24, 2005    Pages 363-382

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(Published in the Kansas Register March 24, 2005.)

**City of Overland Park, Kansas  
City of Olathe, Kansas**

**Notice of Public Information Meeting**

The cities of Overland Park and Olathe will conduct their second public meeting regarding the roadway improvement plan for 151st Street, Quivira Road to Antioch Road. This meeting has been scheduled to review the improvement plans and right-of-way plans that have been prepared for this project.

The open house public meeting will be from 6 to 7:30 p.m. Thursday, March 31, at the Blue Valley Library, 9000 W. 151st St., Overland Park.

The cities of Overland Park and Olathe want to ensure that the public is aware of this public meeting. Members of the Overland Park, Olathe and Johnson County communities are encouraged to attend and share their thoughts and ideas about this project.

For more information, contact Wayne Gudenkauf, senior civil engineer, Overland Park, at (913) 895-6042

Mary Lou McCann  
Contract Specialist  
Public Works Department  
City of Overland Park

Doc. No. 031749

**State of Kansas  
State Conservation Commission**

**Notice of Meeting**

The State Conservation Commission will meet at 9 a.m. Monday, April 11, in the commission's conference room, 109 S.W. 9th, Suite 500, Topeka. Persons requiring special accommodations should contact the commission at (785) 296-3600 at least three days prior to the meeting.

Greg A. Foley  
Executive Director

Doc. No. 031739

**State of Kansas  
Kansas Water Authority**

**Notice of Meetings**

The Kansas Water Authority will meet Thursday and Friday, March 31-April 1, at the Broadview Radisson Hotel, 400 W. Douglas, Wichita. Authority members will convene as the Committee of the Whole at 1 p.m. March 31, then meet as the full Authority at 9 a.m. April 1. For more information, see the Kansas Water Office's Web site at [www.kwo.org](http://www.kwo.org) or call (785) 296-3185.

Steve Irsik  
Chairman

Doc. No. 031731

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## 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 publicly opened. Interested bidders may call (785) 864-3416 or fax (785) 864-3454 for additional information:

**Monday, April 4, 2005**  
**IFB 85015**

Security Guard Service for KU Libraries

Barry Swanson  
Director, Purchasing and  
Business Services

Doc. No. 031754

## State of Kansas

## University of Kansas

## Notice to Bidders

Proposals for the items listed below will be received by E & I Cooperative Service, Inc., Hauppauge, New York, at the time and date indicated in the bid documents and then will be publicly opened. Interested bidders may call (631) 630-8336 or fax (631) 273-3770 for additional information:

**Monday, April 4, 2005**  
**RFP 682205**

Janitorial Supplies

Barry Swanson  
Director, Purchasing and  
Business Services

Doc. No. 031751

## State of Kansas

## Legislature

## Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 10-16 by the 2005 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at [www.kslegislature.org](http://www.kslegislature.org).

## House Bills

**HB 2520**, An act concerning the licensure of community mental health centers; amending K.S.A. 75-3307b and repealing the existing section, by Committee on Appropriations.

**HB 2521**, An act concerning cosmetologists; relating to examinations; amending K.S.A. 65-1905 and 65-1912 and repealing the existing sections, by Committee on Appropriations.

**HB 2522**, An act concerning cities; relating to annexation; amending K.S.A. 12-519 and repealing the existing section, by Committee on Utilities.

**HB 2523**, An act concerning the state payroll accounting system; authorizing certain adjustments in biweekly payroll periods and pay dates; amending K.S.A. 75-5515 and repealing the existing section, by Committee on Appropriations.

**HB 2524**, An act regulating certain amusement machines; providing duties and responsibilities of the director of alcoholic beverage control; relating to licensure; taxes; penalties for criminal acts, by Committee on Taxation.

**HB 2525**, An act concerning taxation; relating to retailers' sales tax in Neosho county; amending K.S.A. 2004 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

**HB 2526**, An act enacting the child rape protection act; requiring physicians who perform abortions to retain certain tissue samples for DNA testing; providing remedies and penalties for failure to comply, by Committee on Federal and State Affairs.

**HB 2527**, An act concerning property taxation; relating to the abatement of ad valorem property taxes, by Select Committee on School Finance.

## House Resolutions

**HR 6022**, A resolution congratulating and commending the city of Manhattan and Riley County upon their sesquicentennial.

**HR 6023**, A resolution honoring Representative Judy Showalter.

**HR 6024**, A resolution concerning information provided to royalty interest owners by oil and gas producers.

## Senate Bills

**SB 294**, An act concerning lotteries; concerning electronic gaming, lottery facility games and other lottery games; amending K.S.A. 74-8702, 74-8705, 74-8710, 74-8723, 74-8830 and 74-8832 and K.S.A. 2004 Supp. 19-101a and 74-8711 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, by Committee on Ways and Means.

**SB 295**, An act concerning taxation; relating to retailers' sales tax in Neosho county; amending K.S.A. 2004 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Ways and Means.

**SB 296**, An act concerning docket fees; relating to compensation for certain judicial personnel; amending K.S.A. 75-3120f and 75-3120h and K.S.A. 2004 Supp. 20-367, 21-4619, 22-2410, 28-172a, 60-2001, 61-2704, 61-4001, 75-3120g and 75-3120k and repealing the existing sections; also repealing K.S.A. 2003 Supp. 21-4619 as amended by section 59 of the 2004 session laws of Kansas, by Committee on Ways and Means.

**SB 297**, An act concerning alcoholic liquor; amending K.S.A. 2004 Supp. 41-719 and 41-2645 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 298**, An act concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 41-208, 41-301, 41-302, 41-710, 41-712, 41-714 and 41-2704 and K.S.A. 2004 Supp. 19-101a, 41-303, 41-347 and 41-719 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, by Committee on Federal and State Affairs.

**SB 299**, An act concerning alcoholic beverages; enacting the cereal malt beverage retailers' act; providing for an increase in the maximum permitted alcohol content of cereal malt beverage under certain circumstances; amending K.S.A. 41-103, 41-312 and 41-410 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 300**, An act concerning the Kansas partnership for faculty of distinction program; relating to earnings equivalent awards; amending K.S.A. 2004 Supp. 76-775 and repealing the existing section, by Committee on Ways and Means.

**SB 301**, An act concerning school finance; relating to local option budgets, by Committee on Ways and Means.

**SB 302**, An act concerning taxation; relating to city and county retailers' sales tax; classes of cities; amending K.S.A. 12-195b and K.S.A. 2004 Supp. 12-187, 12-188, 12-189 and 12-192 and repealing the existing sections, by Committee on Ways and Means.

## Senate Concurrent Resolutions

**SCR 1609**, A concurrent resolution urging Congress to provide funding to the Kansas Department of Transportation to improve and upgrade the department's radio communication system.

**SCR 1610**, A concurrent resolution relating to the adjournment of the senate and house of representatives for periods during the 2005 regular session of the legislature.

## Senate Resolutions

**SR 1829**, A resolution congratulating and commending the 2004 Smith Center High School football team.

**SR 1830**, A resolution congratulating and commending Brad Harris.

Doc. No. 031737

(Published in the Kansas Register March 24, 2005.)

**City of Shawnee, Kansas****Notice to Bidders**

Sealed proposals for **(1) Chevrolet Silverado, ¾-ton, CNG** for the Public Works Department will be received by the city of Shawnee, Kansas, in the City Council Chambers, City Hall, 11110 Johnson Drive, Shawnee, Kansas, until 2 p.m. Tuesday, April 19.

Bids received will be publicly opened and read aloud at the above time and place. Bids received will be considered by the city manager or city council. The city reserves the right to waive technicalities on bids. The decision as to what constitutes a technicality shall be made by the city of Shawnee. No bid may be withdrawn after opening for a period of 60 days.

Bid prices shall include delivery to the city of Shawnee, Kansas.

Detailed specifications may be obtained from the Finance Department, City Hall, 11110 Johnson Drive, Shawnee, KS 66203, (913) 631-2500.

Each proposal must be on a printed proposal form (furnished by the city) and be in a sealed envelope, the outside of which is plainly marked "TRUCK BID," and addressed to the City of Shawnee, Attn: Debbie Kelly, 11110 Johnson Drive, Shawnee, KS 66203. Bids received after 2 p.m. Tuesday, April 19, will be returned unopened.

City of Shawnee, Kansas

Doc. No. 031740

(Published in the Kansas Register March 24, 2005.)

**City of Shawnee, Kansas****Notice to Bidders**

Sealed proposals for **(2) Honda Civic GX** for the Public Works Department will be received by the city of Shawnee, Kansas, in the City Council Chambers, City Hall, 11110 Johnson Drive, Shawnee, Kansas, until 2 p.m. Tuesday, April 19.

Bids received will be publicly opened and read aloud at the above time and place. Bids received will be considered by the city manager or city council. The city reserves the right to waive technicalities on bids. The decision as to what constitutes a technicality shall be made by the city of Shawnee. No bid may be withdrawn after opening for a period of 60 days.

Bid prices shall include delivery to the city of Shawnee, Kansas.

Detailed specifications may be obtained from the Finance Department, City Hall, 11110 Johnson Drive, Shawnee, KS 66203, (913) 631-2500.

Each proposal must be on a printed proposal form (furnished by the city) and be in a sealed envelope, the outside of which is plainly marked "HONDA CIVIC GX BID," and addressed to the City of Shawnee, Attn: Debbie Kelly, 11110 Johnson Drive, Shawnee, KS 66203. Bids received after 2 p.m. Tuesday, April 19, will be returned unopened.

City of Shawnee, Kansas

Doc. No. 031741

**State of Kansas****Criminal Justice Recodification,  
Rehabilitation and Reconciliation Committee****Notice of Meetings**

The Kansas Criminal Justice Recodification, Rehabilitation and Reconciliation (3Rs) Committee will meet at noon Friday, April 1, in Room 241-N, State Capitol, 300 S.W. 10th Ave., Topeka. The Recodification, Re-entry and Behavioral Health subcommittees will meet at 10 a.m. April 1 at the same location.

The 3Rs Committee also will meet from 8 a.m. to noon Tuesday, April 19, at the Comcare Community Mental Health Center, 635 N. Main St., Wichita.

All meetings are open to the public. For more information, call Connie Burns at (785) 296-7655 or Cheryl Kingfisher at (785) 228-2079.

Rep. Ward Loyd  
Chairman

Doc. No. 031760

**State of Kansas****Attorney General****Opinion 2005-1**

**State Boards, Commission and Authorities—Kansas Water Office and Kansas Water Authority—Duties of Office; Cedar Bluff Reservoir Artificial Recharge Pool Operations. Representative Joann Lee Freeborn, 10th District, Concordia, January 13, 2005.**

Because the Artificial Recharge Pool Operations Agreement does not provide for any expenditure by the Kansas Water Office in order to fulfill its responsibilities of monitoring, communicating and requesting release of water when warranted, the Agreement itself does not violate the proviso in the 2004 omnibus appropriations bill found at L. 2004, ch. 123, § 134(i). Cited herein: Kan. Const., Art. 2, § 16; L. 2004, ch. 123, § 134(i). CN

**Opinion 2005-2**

**Unfair Trade and Consumer Protection—Supplier—Disclaimer or Limitation of Warranties. Representative John T. "Tom" Thull, 72nd District, North Newton, January 27, 2005.**

A financial institution that only occasionally sells vehicles, when necessary to dispose of repossessed collateral on a loan it has made, is not a "supplier" under the Kansas Consumer Protection Act, and therefore it may disclaim or limit warranties on such vehicles without violating K.S.A. 50-627. However, a financial institution that regularly or frequently sells repossessed vehicles may be considered a "supplier" if such sales are frequent or numerous enough to be considered within the institutions's ordinary course of business. Cited herein: K.S.A. 8-2401; 50-623; K.S.A. 2004 Supp. 50-624; K.S.A. 50-647; 79-3601; K.S.A. 2004 Supp. 79-3602. LMG

**Opinion 2005-3**

**Cities and Municipalities—Governmental Organization—Fire Districts and Fire Department; Fire District, Powers and Duties; Telephonic Board Meetings.**

**State Departments—Public Officers and Employees; Open Public Meetings; Telephonic Meetings. Pamela Campbell Burton, Legal Counsel, Leavenworth County Fire District No. 1, Lansing, January 27, 2005.**

A public body subject to the KOMA may legally conduct meetings by telephone, if it does so in compliance with all of the requirements of the KOMA. Regardless whether a meeting is to be conducted telephonically, in person, by video-conference, or even through third parties, the requirements of the KOMA remain applicable. Cited herein: K.S.A. 75-4317a; K.S.A. 2004 Supp. 75-4318; 75-4319. TMB

#### Opinion 2005-4

**Crimes and Punishments; Kansas Criminal Code; Prohibited Conduct—Crimes Against the Public Morals—Gambling; Definitions; Poker Tournaments at Locations Requiring a Cover Charge. Keith E. Schroeder, Reno County District Attorney, Hutchinson, January 27, 2005.**

Payment of a required cover charge to enter an establishment and thus be eligible to participate in a poker tournament held therein constitutes “consideration” as judicially defined for purposes of Article 15, Section 3 of the Kansas Constitution, and as defined by K.S.A. 2004 Supp. 21-4302(b), regardless whether others are required to pay the charge as well. Therefore, poker tournaments at which prizes are awarded are unlawful if held in a location that requires participants to pay to get in. Cited herein: K.S.A. 2004 Supp. 21-4302; K.S.A. 21-4303; 21-4304; 21-4305; Kan. Const., Art. 15, §§ 3, 3a, 3b and 3c; 25 U.S.C. §§ 2701 *et seq.* JLM

#### Opinion 2005-5

**State Boards, Commissions and Authorities—Kansas, Inc.; Membership; Meetings; Attendance; Quorum; Designation of Representative; Use of Proxies. Jerry Lonergan, President, Kansas, Inc., Topeka, February 24, 2005.**

Of the members of the Kansas, Inc. board of directors, the Governor, the Governor’s appointees to the board, the State Board of Regents’ appointee to the board, and the commanding general of the Kansas Cavalry cannot delegate voting authority to subordinates nor can they designate another board member as their proxy for purposes of voting or taking official board action. The Secretary of Commerce may delegate voting authority to a subordinate pursuant to statutory authorization allowing the secretary to appoint individuals in the secretary’s employ to act for and exercise the secretary’s powers. Legislators appointed to represent the Speaker of the House, the House Minority Leader, the President of the Senate, and the Senate Minority Leader can vote as board members. Absent a statute designating the number necessary for a quorum, common law dictates that a majority of the entire governing body is the minimum number necessary to transact business. As the membership of the governing body of Kansas, Inc. is 17 members, a quorum is nine members. Cited herein: K.S.A. 2004 Supp. 1-202; 12-4001; K.S.A. 17-2232; 17-6009; K.S.A. 2004 Supp. 17-6502; 20-3004; 22-4111; 46-2303; K.S.A. 65-5703; 72-60b01; K.S.A.

2004 Supp. 74-5002o; 74-8001; 74-8002; K.S.A. 74-8003; K.S.A. 2004 Supp. 74-8004; 74-9501; 75-106; K.S.A. 75-301; 75-2719a; 75-3102; Kan. Const., Art. 1, §§ 3,11, 12. MF

#### Opinion 2005-6

**Cities and Municipalities—Planning and Zoning and Subdivisions’ Regulations in Cities and Counties—Same; Zoning; Downzoning or Rezoning, Amendments and Revisions; Procedure; Notice and Hearing; Protest Petitions. Blaine Finch, Franklin County Counselor, Ottawa, February 24, 2005.**

In rezoning matters, K.S.A. 12-757(f)(1) provides only one opportunity for filing a protest petition to a proposed zoning amendment. Therefore, it is important for property owners objecting to a rezoning application to file their protest in a timely fashion *regardless* whether the planning commission recommends denial or approval. Cited herein: K.S.A. 12-756; 12-757, 12-760. JLM

#### Opinion 2005-7

**Cities and Municipalities—Insurance—Risk Management Reserve Fund Established; Schools; Transfer of Funds; Special Reserve Fund; Uses of Money.**

**Schools—Organization, Powers and Finances of Boards of Education—Special Liability Expense Fund; Special Reserve Fund; Uses of Money; Transfer of Funds; Risk Management Reserve Fund. John L. Vratil, Counsel, Unified School District No. 229, Overland Park, March 2, 2005.**

The Kansas Supreme Court has long held that Section 5 of Article 11 of the Kansas Constitution precludes the use of moneys raised through a property tax levy for any purpose other than that for which the moneys were raised. Therefore, the Kansas Constitution prohibits a unified school district from transferring that portion of moneys raised through a property tax levy for the purpose of funding the school district’s special liability expense fund to any other fund and used for different purposes. Any moneys raised through sources other than a property tax levy and deposited into a school district’s special liability expense fund that is legislatively established under K.S.A. 2004 Supp. 72-8248, rather than established in accordance with K.S.A. 2004 Supp. 75-6110, may not be transferred into the school district’s special reserve fund and used to pay costs that are not otherwise recognized in subsections (a)(1) and (a)(2) of K.S.A. 2004 Supp. 72-8248. Cited herein: K.S.A. 2004 Supp. 12-2615; 72-8248; 72-8249; 75-6110; Kan. Const., Art. 11, § 5; L. 2003, ch. 116, §§ 1, 2, 4, 17. RDS

Phill Kline  
Attorney General

Doc. No. 031744

## State of Kansas

## Board of Healing Arts

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, May 24, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider one proposed amended rule and regulation, K.A.R. 100-28a-14, and two proposed new rules and regulations, K.A.R. 100-28a-17 and 100-28a-18, dealing with the physician assistant profession. In addition, the board will consider one proposed amended regulation, K.A.R. 100-72-6, dealing with the profession of naturopathy.

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 Board of Healing Arts at the address above. Further, all interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of these 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. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Tammy Farr at (785) 296-8558. Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

The rules and regulations to be considered at the hearing and the respective economic impact are as follows:

**K.A.R. 100-28a-14. Different practice location.** This regulation defines what constitutes a different practice location and states under what conditions a physician assistant may perform acts that constitute the practice of medicine and surgery at a different practice location. This regulation is being amended to state that the responsible physician shall be a physician licensed in the state of Kansas.

**K.A.R. 100-28a-17. Limitation on number of physician assistants supervised.** This new rule and regulation specifies that a physician shall not provide direction and supervision to more than two physician assistants without the board's prior approval. The regulation further states what information will be provided to the board by the responsible physician in order to request the board's approval to supervise more than two physician assistants.

**K.A.R. 100-28a-18. Physician assistant; ownership of corporation or company.** This regulation indicates that a licensed PA shall not hold more than 49 percent of the total number of shares issued, nor 49 percent of the total amount of capital in a professional corporation that is organized to render professional services of a physician, surgeon or doctor of medicine, or osteopathic physician or surgeon.

**K.A.R. 100-72-6. Professional liability insurance.** This regulation establishes the minimum professional liability insurance coverage that a naturopath must obtain before rendering professional services in this state and further establishes the limit amounts of the insurer's liability per claim.

These regulations are not mandated by any federal law.

**Economic Impact**

**Physician Assistant Rules and Regulations**—Neither the Board of Healing Arts nor other persons or entities will bear any costs or be affected by these proposed rules and regulations.

**Naturopath Rule and Regulation**—To become registered as a naturopath in the state of Kansas, each naturopath will incur costs to purchase liability insurance prior to registration and again prior to annual renewal. The cost of coverage is not known.

There is no foreseen cost to either the board or the public to implement any of these four regulations.

Copies of the regulations to be considered at the public hearing and the associated economic impact statement may be obtained from the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, by visiting the board's Web site at [www.ksbha.org/pubinfo.html](http://www.ksbha.org/pubinfo.html) or by calling (785) 296-3680.

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 031743

## State of Kansas

## Governmental Ethics Commission

## Opinion No. 2005-03

Written March 16, 2005, to Tim R. Norton, Sedgwick County Commissioner, Wichita.

This opinion is in response to your letter received on February 14, 2005, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your questions is limited to the application of K.S.A. 25-4142 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**Factual Statement:**

We understand that you are asking for this opinion in your capacity as a Sedgwick County Commissioner. You have explained that for several years you have funded a scholarship program to give \$1,000 grants to deserving high school seniors in the district from which you are elected. You have provided over twenty scholarships to date. The money for these scholarships has come from fundraising from community events, speaking honorariums and personal funding. You would like to use your campaign funds to help pay for these scholarships.

**Question:**

Is it permissible, under the Campaign Finance Act, for you to use campaign funds to provide scholarships to high school seniors in your county commission district?

Are the funds required to be paid through a charitable organization for dispersal, such as the Wichita Community Foundation? Are you required to complete any paperwork to authorize or audit this scholarship program? Finally, can your campaign funds be used to create an endowment for funding scholarships in the future?

**Opinion:**

K.S.A. 25-4157a, which addresses the use of campaign contributions, states in pertinent part:

(a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate, and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

...

(4) any membership dues or donations paid to a community service or civic organization in the name of the candidate or candidate committee of any candidate;

...

(d) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state.

In response to your first question, while the scholarships you describe may be a worthy effort, K.S.A. 25-4157a does not allow you to make direct contributions to scholarship recipients. K.S.A. 25-4157a(a)(4) permits contributions to a community service or civic organization.

Your other questions concern the structure for distributing the scholarship money. K.S.A. 25-4157a(a)(4) does not specify the type of community service or civic organization for which campaign funds may be used. Therefore, you may use your campaign funds for scholarships to high school seniors in your county commission district by making contributions to a community service or civic organization as long as you are not terminating your campaign. There are no additional requirements in the Campaign Finance Act for authorizing or auditing a scholarship program other than the reporting requirements that apply to all campaigns.

It should be noted that K.S.A. 25-4157a(d), which addresses the use of residual campaign funds upon the termination of a campaign, contains a limitation that contributions to charity be made to "a charitable organization, as defined by the laws of the state." This limitation only applies when a campaign is terminated. If you terminate your campaign, your use of any residual campaign funds for scholarship purposes would be restricted to contributing those funds to a charitable organization as defined by State law.

Daniel Severt  
Chairman

Doc. No. 031750

(Published in the Kansas Register March 24, 2005.)

**Summary Notice of Bond Sale  
Pottawatomie County, Kansas  
\$745,000**

**General Obligation Bonds, Series 2005A  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bond Sale Particulars**

Subject to the terms and conditions of the complete official notice of bond sale and the preliminary official statement both dated March 22, 2005, of Pottawatomie County, Kansas, in connection with the issuance of the county's General Obligation Bonds, Series 2005A, as hereinafter described, sealed, written bids will be received at the office of the county clerk at the Pottawatomie County Administration Building, 207 N. First St., P.O. Box 187, Westmoreland, KS 66549, until 10 a.m. Monday, April 4, 2005, for the purchase of the bonds. All bids will be publicly opened, read aloud and tabulated on said date and at said time and will thereafter be immediately considered and acted upon by the governing body of the county.

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

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

**Details of the Bonds**

The aggregate principal amount of the bonds is \$745,000. The bonds will be dated as of April 1, 2005, and will be issued as fully registered bonds in the denomination of \$5,000, or integral multiples in excess thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their maturities as provided in the complete official notice of bond sale.

Interest on the bonds will be payable semiannually on April 1 and October 1 in each year, commencing April 1, 2006, and the bonds will mature serially on October 1 in each of the years and principal amounts as follows:

(continued)

Principal Amount	Maturity Date
\$25,000	2006
25,000	2007
25,000	2008
25,000	2009
25,000	2010
30,000	2011
30,000	2012
30,000	2013
35,000	2014
35,000	2015
35,000	2016
40,000	2017
40,000	2018
45,000	2019
45,000	2020
45,000	2021
50,000	2022
50,000	2023
55,000	2024
55,000	2025

#### Payment of Principal and Interest

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

#### Security for the Bonds

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

#### Delivery of the Bonds

The bonds, duly prepared, executed and registered, will be furnished and delivered in book-entry form only at the expense of the county through the facilities of the Depository Trust Company, New York, New York, on or before April 14, 2005.

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Jonathan P. Small, Chartered, Topeka, Kansas, bond counsel, whose fees will be paid by the county. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of sale and preliminary official statement for a discussion of tax exemption and other legal matters.)

#### Financial Matters

The county's 2004 equalized assessed tangible valuation for computation of bonded debt limitations is \$360,026,579. The county's outstanding general obligation bonded indebtedness as of the date hereof totals the

principal amount of \$2,291,829, which does not include the bonds described herein and does not include \$1,819,000 principal amount in temporary notes, of which \$769,000 will be paid off in part from the proceeds of the bonds described herein.

#### Additional Information

For additional information regarding the county, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and the official bid form, all of which may be obtained from the county clerk at the address and telephone number shown below.

Dated March 22, 2005.

Susan L. Figge, County Clerk  
County Administration Building  
207 N. First St.  
P.O. Box 187  
Westmoreland, KS 66549  
(785) 457-3314  
Fax (785) 457-3507

Doc. No. 031753

#### 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:

04/04/2005	08248	Janitorial Services
04/05/2005	08241	Construct Campsites and Utilities
04/06/2005	08243	Emergency Alert System Equipment
04/08/2005	08238	Rotary Mowers
04/12/2005	08239	Driving and Firearms Simulators
04/15/2005	08205	Business Continuity Software
04/25/2005	08220	Values Based Pre-Release Program

The above referenced bid documents may 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:

04/21/2005 A-9805 Renovation of Hashinger Hall

The above referenced bid documents may be downloaded at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/fp>

Chris Howe  
Director of Purchases

Doc. No. 031752



## State of Kansas

## Department of Commerce

Permanent Administrative  
Regulations

## Article 12.—AGRITOURISM PROMOTION ACT

**110-12-1. Definitions.** As used in these regulations and for purposes of administering the act, these terms shall have the following meanings:

(a) "Act" means the agritourism promotion act, K.S.A. 74-50,165 through K.S.A. 74-50,173, and amendments thereto.

(b) "Cost" means an expenditure directly related to insuring any agritourism activity.

(c) "Department" means the department of commerce.

(d) "Liability insurance" means a policy insuring against the following:

(1) Loss, expense, or liability by reason of bodily injury or death by accident, for which the insured could be liable or have assumed liability and loss; and

(2) damage to any goods on the premises of the insured, or the loss of or damage to the property of another for which the insured is liable.

(e) "Secretary" means the secretary of the department of commerce. (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,165, 74-50,166, 74-50,167, 74-50,168, 74-50,169, 74-50,170, 74-50,171, and 74-50,172, and 74-50,173; effective April 8, 2005.)

**110-12-2. Registration.** (a) Each provider of an agritourism activity desiring to register the activity with the secretary pursuant to the act shall provide the information requested by the department. Upon request, a registration form shall be mailed to the provider. Although no charge is made for registration, no registration shall be deemed complete until the operator provides all of the information requested by the department.

(b) If an incomplete registration form is returned to the department, a request for the missing information shall be sent to the applicant. The applicant shall have 10 business days to respond to the request. If there is no response within this period, the registration form shall be returned, and the applicant's operation shall be considered not to be registered.

(c) None of the following information from any registration form shall be disclosed by the department:

(1) The social security number;

(2) the FEIN for the business activity; and

(3) the name of the insurance company providing the activity with liability insurance, its agent, and the policy number. (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,168; effective April 8, 2005.)

**110-12-3. Liability insurance; costs qualifying for tax credits.** The following costs associated with liability insurance shall be eligible for the tax credits authorized by the act:

(a) The cost of a rider with a separate premium for specific risk for an agritourism activity; and

(b) the amount that an insurance agent certified on a tax credit form provided to the registered agritourism operator by the department of revenue and filed for the operator that represents the cost of the liability insurance covering the registered agritourism activity. (Authorized by and implementing K.S.A. 2004 Supp. 74-50,173; effective April 8, 2005.)

**110-12-4. Tax credits.** (a) No costs of liability insurance specified in K.A.R. 110-12-3 shall be allowed for consideration for tax credits unless the registered agritourism operator or the operator's authorized attorney or insurance agent provides the department of revenue with the following information and documents:

(1) The name of the agritourism operator's liability insurance company;

(2) the liability insurance policy number;

(3) the name, complete address, and phone number of the liability insurance company's agent; and

(4) a copy of the completed tax credit form provided to the registered agritourism operator under K.A.R. 110-12-3(b).

(b) If, during the first five years that an agritourism operator is registered under the act, the secretary believes for any reason that the registered agritourism operator has not complied, or is not complying, with these regulations and through such noncompliance could have jeopardized the operator's eligibility for tax benefits under the act, all relevant information shall be forwarded by the secretary to the secretary of revenue. (Authorized by and implementing K.S.A. 2004 Supp. 74-50,173; effective April 8, 2005.)

**110-12-5. New registration form.** This act shall apply only to registered agritourism activities. If a registered agritourism operator changes the agritourism activities at the operator's facility, the operator shall file a new registration form for the agritourism activity with the department in accordance with K.A.R. 110-12-2. (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,168; effective April 8, 2005.)

**110-12-6. Contracts.** Each written contract or agreement with a participant shall contain the warning notice specified in K.S.A. 74-50,169(b), and amendments thereto. This warning notice shall be printed in at least 10-point font. (Authorized by K.S.A. 2004 Supp. 74-50,173 and K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 74-50,169; effective April 8, 2005.)

Howard R. Fricke  
Secretary of Commerce

Doc. No. 031742

## 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. Anthony Municipal Power Plant 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.

Anthony Municipal Power Plant, Anthony, owns and operates a municipal power plant located at 71D S.W. 20 Road, Anthony, Harper County.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Dawn Wu, (785) 296-1615, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to 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 March 24.

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 March 24 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. 031745

## State of Kansas

**Secretary of State****Executive Appointments**

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

**Athletic Commission**

**Rep. Tom Burroughs**, 3131 S.73rd Terrace, Kansas City, KS 66106. Term expires June 30, 2006.

**State Building Advisory Commission**

**Richard L. Taylor**, 209 Bel Air, El Dorado, 67042. Term expires December 31, 2008. Succeeds Dwayne W. Peaslee.

**Governor's Mental Health Planning Council**

**Denise L. Baynham**, 5757 Rowland, Kansas City, KS 66104. Ex-officio member. Serves at the pleasure of the Governor.

**Karen Ford Manza**, P.O. Box 675, Topeka, 66601. Ex-officio member. Serves at the pleasure of the Governor.

**Valerie Merrow**, 3121 S.W. Twilight Court, #203, Topeka, 66614. Ex-officio member. Serves at the pleasure of the Governor.

**Kansas Racing and Gaming Commission**

**Glenn R. Braun**, 2705 Thunderbird Drive, Hays, 67601. Term expires January 15, 2008. Succeeds Leslie Hess.

**Southwest Kansas Regional Library System**

**Evangeline L. Orme**, 307 S. Blaine, Meade, 67864. Term expires June 30, 2005.

Ron Thornburgh  
Secretary of State

Doc. No. 031755

State of Kansas

Office of Judicial Administration  
 Supreme Court Docket

(Editor's Note: The following cases were added to the April docket,  
 which was published in the March 17, 2005 Kansas Register.)

Wednesday, April 20, 2005

Case No. / Case Name	Attorneys	Jurisdiction
<b>9:30 a.m.</b>		
<b>93,550</b> In the Matter of James D. Wenger, Respondent.	Frank D. Diehl, Deputy Discip. Admin. James D. Wenger, Pro Se	Original
<b>1:30 p.m.</b>		
<b>93,995</b> In the Matter of Steven L. Islas, Respondent.	Frank D. Diehl, Deputy Discip. Admin. J. Larry Linn Steven L. Islas, Pro Se	Original
<b>93,996</b> In the Matter of Marcus B. Potter, Jr., Respondent.	Stanton A. Hazlett, Discip. Admin. John P. Biscanin Marcus B. Potter, Jr., Pro Se	Original
<b>94,086</b> In the Matter of Marlin Johanning, Respondent.	Frank D. Diehl, Deputy Discip. Admin. John H. Fields Marlin Johanning, Pro Se	Original
<b>93,933</b> In the Matter of Lisa Ann Nathanson, a/k/a Lisa Ann Tarlowe, Respondent.	Alexander M. Walczak, Deputy Discip. Admin. Lisa Ann Nathanson, Pro Se	Original
		Carol G. Green Clerk of the Appellate Courts

Doc. No. 031746

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-05-045/046  
 Application(s) for New or Expansion of  
 Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Seaboard Farms, Inc. - Farm #67 Beachner Boar Al/Isolation Unit 9000 W. 67th St., Suite 200 Shawnee Mission, KS 66202	Seaboard Farms, Inc. Rod K. Brenneman 9000 W. 67th St., Suite 200 Shawnee Mission, KS 66202
<b>Legal Description</b> SW/4 of Section 14, T33S, R43W, Morton County Kansas Permit No. A-CIMT-S007	<b>Receiving Water</b> Cimarron River Basin
This is an application for an increase of 60 head (24 animal units) of swine weighing greater than 55 pounds for a new total maximum permitted capacity of 460 head (184 animal units) of swine weighing greater than 55 pounds. No new construction is being proposed and the existing waste control system will not be modified. A new or modified permit will not be issued without additional public notice.	
<b>Name and Address of Applicant</b> Vic and Jan McClung 3440 202nd Road Winfield, KS 67156	<b>Owner of Property Where Facility Will Be Located</b> Vic and Jan McClung 3440 202nd Road Winfield, KS 67156
<b>Legal Description</b> SE/4 of Section 09, T33S, R03E, Cowley County Kansas Permit No. A-ARCL-S001	<b>Receiving Water</b> Lower Arkansas River Basin

(continued)

This is an application for the addition of 10 hoop structures and the discontinuance of the open lots and nursery building. The new total maximum capacity will be decreased from 3,598 head (995.2 animal units) to 2,400 head (960 animal units) of swine. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-05-047/051**

**Pending Permits for Confined Feeding Facilities**

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Vic and Jan McClung 3440 202nd Road Winfield, KS 67156	SE/4 of Section 09, T33S, R03E, Cowley County	Lower Arkansas River Basin

Kansas Permit No. A-ARCL-S001

This is a renewal and modified permit for an existing, expanding and downsizing facility from 3,598 head (995.2 animal units) of swine weighing more than 55 pounds each to a new total maximum capacity of 2,400 head (960 animal units) of swine weighing more than 55 pounds each. The expansion consists of the construction of 10 hoop buildings. The downsizing is from the discontinuance of the open lots and the nursery building.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Derek T. Kats 837 W. Kiowa Road Prairie View, KS 67664	SW/4 of Section 20, T02S, R19W, Phillips County	Soloman River Basin

Kansas Permit No. A-SOPL-B006

This is a renewal permit for an existing facility for 250 head (250 animal units) of cattle weighing greater than 700 pounds and 250 head (125 animal units) of cattle weighing less than 700 pounds, for a total of 500 head (375 animal units).

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Seiler Dairy Robert Seiler 13501 W. 85th North Valley Center, KS 67147	NE/4 of Section 35, T25S, R02W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M044

This is a renewal permit for an existing facility for 200 head (280 animal units) of mature dairy cattle.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Henry Creek Farms, Inc. Doug Claassen 10636 N.W. 110th St. Whitewater, KS 67154	NE/4 of Section 36, T23S, R03E, SW/4 of Section 31, T23S, R04E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-S034

This is a renewal permit for an existing facility for 2,000 head (800 animal units) of swine more than 55 pounds and 150 head (75 animal units) of beef cattle less than 700 pounds, for a total of 875 animal units.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Husky Hogs, LLC Terry Nelson 1271 W. Fox Run Long Island, KS 67647	S/2 of NW & NE Quarters & N/2 of SW Quarter of Section 34, T01S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-H007 Federal Permit No. KS0094501

This is a modified permit for the expansion of an existing facility. The expansion consists of the construction of two new swine units and the modification of two existing swine units. The proposed expansion will increase the number of swine weighing more than 55 pounds from 6,000 head (2,400 animal units) to a maximum of 7,178 head (2,871.2 animal units). The expansion will increase the number of swine weighing less than 55 pounds from 7,280 head (728 animal

units) to a maximum of 8,320 head (832 animal units), for a total of 3,703.2 animal units of swine.

**Public Notice No. KS-05-029/033**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Alma, City of P.O. Box 444 Alma, KS 66401	Mill Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS01-IO01 Federal Permit No. KS0046345  
Legal: W<sup>1</sup>/<sub>2</sub>, SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, S15, T12S, R10E, Wabausee 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 fecal coliform. Monitoring of ammonia and pH also will be required. Contained in the permit is a schedule of compliance requiring the permittee to complete improvements to the facility by December 31, 2008. 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.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Emporia P.O. Box 928 Emporia, KS 66801	Cottonwood River, Via Unnamed Tributary	Process, Noncontact Cooling Water & Stormwater Runoff

Kansas Permit No. I-NE24-CO06 Federal Permit No. KS0094412

Facility Name: Industrial Park II Pond  
Facility Location: 1200 Block East Logan Avenue, Emporia, KS 66801

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility. Municipal potable water, used for noncontact cooling from a canned and pouched pet food producer (Menu Pet Foods, Inc.) and stormwater runoff from the industrial park area are directed to a city-owned cooling lake (earthen pond). Outfall 001a is the discharge of approximately 2.0 million gallons per day of the cooling water from the Menu Foods plant into the lake. Outfall 001 is the overflow from the lake of combined cooling water and any stormwater runoff. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, oil and grease, and pH. Monitoring of total residual chlorine, temperature, phosphorus and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Medicine Lodge, City of 114 W. First St. Medicine Lodge, KS 67104-1305	Medicine Lodge River via Elm Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR60-OO02 Federal Permit No. KS0097349

Legal: NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, S12, T32S, R12W, Barber 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 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. 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.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Oldham's LLC 2001 Butterfield Road Downers Grove, IL 60515	Delaware River via Elk Creek via Banner Creek	Process Wastewater

Kansas Permit No. I-KS23-PO01 Federal Permit No. KS0003271

Facility Location: 619 E. 4th St., Holton, KS 66436

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility. This facility is engaged in a hog slaughtering operation that processes the carcasses into various prepared meat products. The wastewater generated from slaughtering, deboning, grinding, packaging and cleanup operations is pretreated with a static screen and a grease basin. The pretreated wastewater commingles with the flow from the grit chamber serving the holding pens washing, the wastewater from the engine room, rest rooms and stormwater runoff, prior to flowing into the wastewater treatment system. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, oil and grease, fecal coliform, ammonia, total nitrogen and pH. Monitoring of nitrate, nitrite, total Kjeldahl nitrogen, total phosphorus, chloride and effluent flow also will be required. The permittee shall be required to submit a land application report annually and to perform a chronic whole effluent toxicity test once prior to October 31, 2005. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Silver Lake, City of P.O. Box 92 Silver Lake, KS 66539	Kansas River via Ensign Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS69-0001 Federal Permit No. KS0079260

Legal: NW¼, SE¼, SW¼, S16, T11S, R14E, Shawnee 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 fecal coliform. Monitoring of ammonia and pH also will be required. Contained in the permit is a schedule of compliance requiring the permittee to complete improvements to facility by December 31, 2008. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

**Public Notice No. KS-PT-05-003/005**

Name and Address of Applicant	Receiving Facility	Type of Discharge
Snorkel Holdings LLC P.O. Box 1160 St. Joseph, MO 64502	Elwood MWWTP	Processed Wastewater

Kansas Permit No. P-MO05-0001

Facility Location: 2009 Roseport Road, Elwood, KS 66024

Facility Description: The proposed action is to modify and reissue a pretreatment permit for this facility. This facility manufactures aerial lift platforms. Outfall 001 discharges from a five-stage conversion coating (phosphating) operation, which treats steel parts, prior to painting them. Outfall 002 discharges from a phosphating operation that washes and cleans large metal parts using a spray application. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH. The monitoring of flow also will be required. The permit limits are pursuant to state and federal pretreatment requirements.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Wilde Tool Company, Inc. 13th & Pottawatomie Streets Hiawatha, KS 66434	Hiawatha MWWTP	Processed Wastewater

Kansas Permit No. P-MO08-0001

Facility Description: The proposed action is to reissue a pretreatment permit for this facility. This facility operates as a captive shop when manufacturing tools such as pliers, punches and chisels. Electroplating is no longer conducted but tools are processed in a metal coloring process, which is considered a conversion coating operation. Process wastewater from the rinse tanks in the metal coloring operation is discharged to the city sanitary sewer. Wastes from the heat treating and solvent washing operations are hauled off-site for

disposal. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH. The monitoring of flow also will be required. The permit limits are pursuant to state and federal pretreatment requirements.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Peerless Products, Inc. 2403 S. Main Fort Scott, KS 66701	Fort Scott, MWWTP	Processed Wastewater

Kansas Permit No. P-MC11-0002

Facility Description: The proposed action is to modify and reissue a pretreatment permit for this facility. This facility extrudes aluminum from billets and performs conversion coating operations on aluminum to prepare the aluminum for paint and/or provide corrosion resistance. Aluminum parts are then fabricated and in some cases painted prior to shipment. Outfall 001 consists of process waste (treated rinse water) from the aluminum cleaning/etching operations and Outfall 002 consists of treated wastes from the die cleaning operation. The proposed permit includes limits for total toxic organics, chromium, zinc, total cyanide, oil and grease, and pH. The monitoring of flow also will be required. The permit limits are pursuant to state and federal pretreatment requirements.

**Public Notice No. KS-EG-05-001/003**

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the state of Kansas:

**Name and Address of Applicant**

City of Hutchinson  
P.O. Box 1567  
Hutchinson, KS 67504-1567

Facility Name: City of Hutchinson Reverse Osmosis Plant

Well and Permit Number	Location
#1 KS-01-155-008	1044' FSL and 3830' FEL of the SE¼ of Section 1, Township 23S, Range 5W, Reno County, KS
#2 KS-01-155-009	1425' FSL and 5150' FEL of the SE¼ of Section 21, Township 23S, Range 5W, Reno County, KS
#3 KS-001-155-010	1425' FSL and 4490' FEL of the SE¼ of Section 21, Township 23S, Range 5W, Reno County, KS

Facility Description: The proposed action is to issue new permits for three new waste injection wells. Injection into all three wells will be made into the Arbuckle formation through open hole from a depth of approximately 4,225 feet to 4,780 feet. Disposal will be by means of gravity flow. Wellhead pump pressure will not be allowed. The maximum rate of injection will be 2,300,000 gallons per day for each well. Injection fluids will consist of effluent from reverse osmosis water treatment and water from groundwater remediation projects approved by KDHE. All construction, monitoring and operation of these wells will meet the requirements that apply to Class I injection wells under the Kansas Underground Injection Control Regulations, K.A.R. 28-46-1 through 28-46-44.

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

*(continued)*

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 April 23 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-05-045/051, KS-05-029/033, KS-PT-05-003/005, KS-EG-05-001/003) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays,  
67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place,  
Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence,  
66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road,  
Dodge City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor,  
Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute,  
66720, (620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

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. 031747

## 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 3-21-05 through 3-27-05

Term	Rate
1-89 days	2.65%
3 months	2.78%
6 months	3.07%
1 year	3.36%
18 months	3.58%
2 years	3.67%

Derl S. Treff  
Director of Investments

Doc. No. 031738

## State of Kansas

### Department of Health and Environment

#### Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Water, will conduct a public hearing at 7:30 p.m. Tuesday, June 14, at the office of the Equus Beds Groundwater Management District #2, 313 Spruce, Halstead, to consider the adoption of the following proposed new Groundwater Management District #2 regulations, which will be incorporated into KDHE's Article 30—Water Well Constructor's License; Water Well Construction and Abandonment. The regulations being considered are **K.A.R. 28-30-200 through 28-30-207**.

K.S.A. 82a-1208 enacted in 2002 authorizes the groundwater management districts (GMD) to recommend regulations to the appropriate state agency, including KDHE, for adoption as that agency's regulations. Such regulations apply only within the boundaries of the GMD recommending the regulations.

A summary of the proposed regulations, their environmental benefit and the estimated economic impact follows:

The proposed regulations set requirements for the plugging of abandoned water wells and boreholes, establish requirements for inactive water wells, require disinfection of abandoned water wells and boreholes, and also address procedures for appeals, variances and extensions of time.

No additional costs for compliance are associated with the proposed regulations. The proposed regulations convert Abandoned Well 9007.3 and Inactive Well 9007.4 standards and policies of GMD #2 to state regulations as required by K.S.A. 82a-1903(c) in order for the groundwater management district to continue implementation of these standards and policies. The landowner or water well owner will continue to bear the cost of compliance. The Kansas Department of Health and Environment will

accrue enforcement costs if the regulations are not adopted for GMD #2. The proposed regulations are needed to efficiently continue protection of public health, safety and the environment. The proposed regulations for inactive water wells, abandoned water wells, plugging of water wells and protection of the aquifer are necessary to be protective. An abandoned water well is a groundwater contamination threat and a public health and safety hazard. The proposed regulations will significantly reduce health, safety and contamination threats or problems caused by unplugged or improperly abandoned water wells within the boundary of the GMD #2. The proposed regulations also will significantly reduce health, safety and groundwater contamination threats associated with inactive wells.

The period between publication of this notice serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed new regulations. All interested parties may submit written comments during the public comment period to Richard Harper, Geology Section, Bureau of Water, Kansas Department of Health and Environment, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, or by e-mail at rharper@kdhe.state.ks.us. All interested parties intend-

ing to provide oral comments will be given a reasonable opportunity at the hearing to present their views of the proposed new regulations. In order to give each individual or entity an opportunity to present their view, it may be necessary for the hearing officer to request that each presenter limit their presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding regulatory impact statement may be obtained on the Bureau of Water's Web site at www.kdhe.state.ks.us or by contacting the Bureau of Water at the address above, (785) 296-3565.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and regulatory impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Richard Harper at (785) 296-3565 or fax at (785) 296-0086.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031748

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes and 2004 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

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

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-8-14a	Amended (T)	V. 23, p. 900
4-8-14a	Amended	V. 23, p. 1102
4-8-27 through 4-8-37	Amended	V. 23, p. 1102, 1103
4-8-39	Amended	V. 23, p. 1103
4-8-40	Amended (T)	V. 23, p. 901
4-8-40	Amended	V. 23, p. 1103
4-8-42	Amended	V. 23, p. 1103
4-11-2	Amended	V. 23, p. 895
4-11-3	Amended	V. 23, p. 895
4-11-6	Revoked	V. 23, p. 896
4-11-7	Revoked	V. 23, p. 896
4-11-8	Amended	V. 23, p. 896
4-11-9	Amended	V. 23, p. 896
4-11-14	Amended	V. 23, p. 896

4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95
4-28-1	New (T)	V. 23, p. 1597
4-28-2	New (T)	V. 23, p. 1597
4-28-1 through 4-28-7	New	V. 24, p. 145, 146

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-3-4e	Amended (T)	V. 23, p. 1284
5-3-4e	Amended	V. 23, p. 1580
5-3-5o	New	V. 23, p. 1130
5-3-29	New (T)	V. 23, p. 1284
5-3-29	New	V. 23, p. 1580
5-17-1 through 5-17-18	New	V. 23, p. 1131-1137
5-22-1	Amended	V. 23, p. 1534
5-22-4b	New	V. 23, p. 1536
5-22-4c	New	V. 23, p. 1536
5-22-4d	New	V. 23, p. 1537
5-22-6	Amended	V. 23, p. 1634
5-22-7	Amended	V. 23, p. 1537
5-22-8	Amended	V. 23, p. 1538
5-22-9	Amended	V. 23, p. 1538
5-22-10	New	V. 23, p. 1635
5-22-13	New	V. 23, p. 1636
5-22-14	New	V. 23, p. 1636
5-22-15	New	V. 23, p. 1637
5-22-17	New	V. 23, p. 1539
5-23-1	Amended	V. 23, p. 181
5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-24-1	Amended	V. 23, p. 65
5-24-2	Amended	V. 23, p. 65
5-24-3	Amended	V. 23, p. 66
5-24-4	Amended	V. 23, p. 68
5-24-6	Amended	V. 23, p. 68
5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-18-1	Revoked	V. 23, p. 1366
7-18-2	Revoked	V. 23, p. 1366
7-18-3	Revoked	V. 23, p. 1366
7-27-1	Amended	V. 23, p. 1366

7-29-2	Amended	V. 23, p. 1366
7-34-2	New (T)	V. 24, p. 42
7-34-2	New	V. 24, p. 332

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-2-32	Amended (T)	V. 24, p. 272
9-11-10	Amended (T)	V. 24, p. 272

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-22-1	New	V. 24, p. 245

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-11-1 through 11-11-7	New	V. 24, p. 242-244

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-1-7	Amended	V. 24, p. 95
16-4-2	New	V. 24, p. 95
16-4-3	New	V. 24, p. 95
16-4-4	New	V. 24, p. 96
16-6-1	Amended	V. 24, p. 96

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-1-2	Amended	V. 23, p. 978
22-1-7	New	V. 23, p. 978

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 23, p. 202
28-1-4	Amended	V. 23, p. 203
28-1-20	Amended	V. 23, p. 360
28-4-576	Amended (T)	V. 23, p. 389
28-4-576	Amended	V. 23, p. 1255
28-4-577	Amended (T)	V. 23, p. 390
28-4-577	Amended	V. 23, p. 1257
28-4-578	Amended (T)	V. 23, p. 391
28-4-578	Amended	V. 23, p. 1257
28-4-583	Amended (T)	V. 23, p. 392

(continued)

28-4-583	Amended	V. 23, p. 1258
28-4-585	Amended (T)	V. 23, p. 392
28-4-585	Amended	V. 23, p. 1259
28-4-587	Amended (T)	V. 23, p. 394
28-4-587	Amended	V. 23, p. 1260
28-4-590	Amended (T)	V. 23, p. 396
28-4-590	Amended	V. 23, p. 1262
28-4-591	Amended (T)	V. 23, p. 397
28-4-591	Amended	V. 23, p. 1264
28-4-600		
through		
28-4-613	New	V. 23, p. 957-962
28-4-700		
through		
28-4-705	New (T)	V. 23, p. 398-400
28-4-700		
through		
28-4-705	New	V. 23, p. 1265, 1266
28-15-11	Revoked	V. 23, p. 1367
28-15-13	Revoked	V. 23, p. 1367
28-15-14	Revoked	V. 23, p. 1367
28-15-15a	Revoked	V. 23, p. 1367
28-15-16	Amended	V. 23, p. 1367
28-15-18	Amended	V. 23, p. 1367
28-15-20	Revoked	V. 23, p. 1368
28-15-21	Revoked	V. 23, p. 1368
28-15-22	Revoked	V. 23, p. 1368
28-15-35	Amended	V. 23, p. 305
28-15-36	Amended	V. 23, p. 309
28-15a-2	New	V. 23, p. 1368
28-15a-3	New	V. 23, p. 1368
28-15a-4	New	V. 23, p. 1368
28-15a-6	New	V. 23, p. 1369
28-15a-11	New	V. 23, p. 1369
28-15a-21	New	V. 23, p. 1369
28-15a-23		
through		
28-15a-29	New	V. 23, p. 1369, 1370
28-15a-31	New	V. 23, p. 1370
28-15a-33	New	V. 23, p. 1370
28-15a-41	New	V. 23, p. 1370
28-15a-42	New	V. 23, p. 1370
28-15a-43	New	V. 23, p. 1370
28-15a-60		
through		
28-15a-66	New	V. 23, p. 1370
28-15a-70	New	V. 23, p. 1370
28-15a-72		
through		
28-15a-76	New	V. 23, p. 1370, 1371
28-15a-80		
through		
28-15a-91	New	V. 23, p. 1371
28-15a-100	New	V. 23, p. 1371
28-15a-101	New	V. 23, p. 1371
28-15a-110	New	V. 23, p. 1371
28-15a-111	New	V. 23, p. 1371
28-15a-130		
through		
28-15a-135	New	V. 23, p. 1371, 1372
28-15a-151		
through		
28-15a-155	New	V. 23, p. 1372
28-15a-170	New	V. 23, p. 1372
28-15a-172		
through		
28-15a-175	New	V. 23, p. 1372, 1373
28-15a-201		
through		
28-15a-210	New	V. 23, p. 1373
28-15a-500		
through		
28-15a-503	New	V. 23, p. 1373, 1374
28-15a-530		
through		
28-15a-536	New	V. 23, p. 1374
28-15a-540		
through		
28-15a-544	New	V. 23, p. 1374
28-15a-550		
through		
28-15a-553	New	V. 23, p. 1374
28-15a-560		
through		
28-15a-564	New	V. 23, p. 1374, 1375

28-15a-570	New	V. 23, p. 1375
28-15a-571	New	V. 23, p. 1375
28-16-28b		
through		
28-16-28f	Amended	V. 24, p. 42-51
28-16-28g	New	V. 24, p. 52
28-16-58	Amended	V. 24, p. 52
28-17-1	Amended (T)	V. 23, p. 1597
28-17-1	Amended	V. 24, p. 178
28-17-6	Amended (T)	V. 23, p. 1598
28-17-6	Amended	V. 24, p. 179
28-17-20	Amended (T)	V. 23, p. 1598
28-17-20	Amended	V. 24, p. 179
28-17-22	New (T)	V. 23, p. 1600
28-17-22	New	V. 24, p. 181
28-19-202	Amended	V. 23, p. 70
28-19-720	Amended	V. 23, p. 1596
28-19-735	Amended	V. 23, p. 1596
28-19-750	Amended	V. 23, p. 1596
28-19-750a	New	V. 23, p. 1596
28-29-75		
through		
28-29-82	Amended	V. 23, p. 203-205
28-31-10	Amended	V. 23, p. 1486
28-35-145	Amended	V. 23, p. 1404
28-35-146	Amended	V. 23, p. 1404
28-35-146a	New	V. 23, p. 1404
28-35-147	Revoked	V. 23, p. 1404
28-35-147a	New	V. 23, p. 1404
(By Department of Agriculture)		
28-36-1	Revoked	V. 24, p. 146
28-36-32	Revoked	V. 24, p. 146
28-36-60	Revoked	V. 24, p. 146
28-36-120	Revoked	V. 24, p. 146

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 23, p. 894
30-4-90	Amended (T)	V. 23, p. 897
30-4-90	Amended	V. 23, p. 1104
30-5-59	Amended	V. 23, p. 1637
30-5-64	Amended	V. 24, p. 333
30-5-71	Amended	V. 23, p. 1211
30-5-81u	Amended	V. 24, p. 271
30-6-91	New	V. 23, p. 894
30-10-18	Amended (T)	V. 24, p. 23
30-10-18	Amended	V. 24, p. 334
30-46-10	Amended	V. 23, p. 977
30-46-13	Amended	V. 23, p. 978
30-46-15	Amended	V. 23, p. 978
30-46-16	Amended	V. 23, p. 978
30-46-17	Amended	V. 23, p. 978

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-41-1		
through		
36-41-5	New (T)	V. 24, p. 273, 274

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 23, p. 426
40-1-50	New (T)	V. 23, p. 244
40-1-50	New	V. 23, p. 951
40-1-51	New	V. 23, p. 361
40-2-26	Amended	V. 23, p. 151
40-2-27	New	V. 23, p. 825
40-3-6	Amended	V. 23, p. 1212
40-3-20	Revoked	V. 23, p. 693
40-3-53	New (T)	V. 24, p. 15

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-5-115	Amended (T)	V. 23, p. 384
44-5-115	Amended	V. 23, p. 952
44-7-104	Amended (T)	V. 23, p. 385
44-7-104	Amended	V. 23, p. 953
44-7-113	Amended (T)	V. 23, p. 386
44-7-113	Amended	V. 23, p. 955
44-12-313	Amended (T)	V. 23, p. 386

44-12-313	Amended	V. 23, p. 955
44-12-601	Amended (T)	V. 23, p. 387
44-12-601	Amended	V. 23, p. 955

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-4	Amended	V. 23, p. 1533
63-3-21	Amended	V. 23, p. 1533
63-5-1	Amended	V. 23, p. 1534
63-6-1	Amended	V. 23, p. 1534

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 23, p. 893
65-5-5	Revoked	V. 23, p. 1596
65-5-11	New	V. 23, p. 893
65-5-12	New	V. 23, p. 1596
65-8-5	Revoked	V. 23, p. 1596

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-4	Amended	V. 24, p. 79
66-8-5	Amended	V. 23, p. 95
66-8-8	New	V. 24, p. 80
66-9-6	Amended	V. 24, p. 80
66-9-7	New	V. 24, p. 80
66-10-14	New	V. 24, p. 80
66-14-3	Amended	V. 24, p. 80
66-14-5	Amended	V. 24, p. 81

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-3a	Amended	V. 23, p. 1739
68-7-20	New	V. 23, p. 382

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-4	Amended (T)	V. 24, p. 14

AGENCY 70: BOARD OF VETERINARY EXAMINERS

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

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-1	Revoked	V. 23, p. 151
71-1-2	Revoked	V. 23, p. 151
71-1-3	Revoked	V. 23, p. 151
71-1-8	Revoked	V. 23, p. 151
71-1-10	Revoked	V. 23, p. 151
71-1-11	Revoked	V. 23, p. 151
71-1-15	Amended	V. 23, p. 151
71-2-1	Revoked	V. 23, p. 151
71-2-2	Amended	V. 24, p. 338
71-2-4	Revoked	V. 23, p. 151
71-2-5	Amended	V. 23, p. 717
71-2-6	Revoked	V. 23, p. 718
71-2-7	Amended	V. 23, p. 718
71-2-9	Revoked	V. 23, p. 151
71-2-11	Amended	V. 23, p. 1286
71-2-12	Revoked	V. 23, p. 151
71-3-2	Amended	V. 23, p. 1286
71-3-4	Amended	V. 23, p. 1286
71-3-5	Revoked	V. 23, p. 151
71-3-9	New	V. 23, p. 1286
71-4-1	Amended	V. 23, p. 151
71-4-3	Revoked	V. 23, p. 152
71-6-1	Amended	V. 23, p. 383
71-6-5	Amended	V. 23, p. 718
71-7-1	New	V. 23, p. 152

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 23, p. 426
82-3-108	Amended	V. 23, p. 1739
82-3-123	Amended	V. 23, p. 1740
82-3-123a	Amended	V. 23, p. 1740
82-3-138	Amended	V. 23, p. 1741
82-3-208	Amended	V. 23, p. 1741
82-3-301	Revoked	V. 23, p. 1742



82-3-304	Amended	V. 23, p. 1742
82-3-312	Amended	V. 23, p. 1742
82-3-314	New	V. 23, p. 1743
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431
82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433
82-3-700		
82-3-704	Amended (T)	V. 23, p. 152-155
82-3-700		
82-3-704	Amended	V. 23, p. 538-541
82-3-705		
82-3-710	New (T)	V. 23, p. 155-158
82-3-705		
82-3-710	New	V. 23, p. 541-544
82-3-1005	Amended	V. 23, p. 1743
82-4-3	Amended (T)	V. 24, p. 97
82-4-3a		
82-4-3m	New (T)	V. 24, p. 97-122

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-16-5b	New	V. 23, p. 1595
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-26-1		
88-26-16	New	V. 23, p. 1487-1491
88-27-1	New	V. 23, p. 1491
88-27-2	New	V. 23, p. 1492

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-68a		
91-1-68e	Revoked	V. 23, p. 1111
91-1-230	New	V. 23, p. 1106
91-1-231	New	V. 23, p. 1107
91-1-232	New	V. 23, p. 1108
91-1-235	New	V. 23, p. 1108
91-1-236	New	V. 23, p. 1109
91-8-2	Revoked	V. 23, p. 1493
91-8-15	Revoked	V. 23, p. 1493
91-8-16	Revoked	V. 23, p. 1493
91-8-17	Revoked	V. 23, p. 1493
91-8-19	Revoked	V. 23, p. 1493
91-8-26	Revoked	V. 23, p. 1493
91-8-30		
91-8-33	Revoked	V. 23, p. 1493
91-9-11	Revoked	V. 23, p. 1493
91-15-1	Amended	V. 24, p. 272
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-25-1a	Revoked	V. 23, p. 1493
91-25-1c	Revoked	V. 23, p. 1493
91-25-2	Revoked	V. 23, p. 1493
91-25-3a	Revoked	V. 23, p. 1493
91-25-4a	Revoked	V. 23, p. 1493
91-25-17	Revoked	V. 23, p. 1493
91-25-18	Revoked	V. 23, p. 1493
91-25-19	Revoked	V. 23, p. 1493
91-35-1		
91-35-4	Revoked	V. 24, p. 272

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-26-4	Amended	V. 23, p. 1533

**AGENCY 94: BOARD OF TAX APPEALS**

Reg. No.	Action	Register
94-2-21	Amended (T)	V. 23, p. 896
94-2-21	Amended	V. 23, p. 1375

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 23, p. 580
100-11-1	Amended	V. 23, p. 1042
100-28a-1	Amended	V. 23, p. 1558
100-29-7	Amended	V. 23, p. 1558
100-49-4	Amended	V. 23, p. 1148
100-54-4	Amended (T)	V. 23, p. 383
100-54-4	Amended	V. 23, p. 1042
100-55-4	Amended (T)	V. 23, p. 383
100-55-4	Amended	V. 23, p. 1042
100-69-5	Amended	V. 23, p. 1558
100-72-8	New	V. 24, p. 14
100-72-9	New	V. 23, p. 1558

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-2-8	Amended	V. 23, p. 1137
102-3-3a	Amended (T)	V. 24, p. 330
102-3-7a	Amended	V. 23, p. 1139
102-4-3a	Amended	V. 23, p. 1141
102-4-4a	Amended	V. 23, p. 1143
102-4-7a	Amended	V. 23, p. 1144
102-5-4a	Amended	V. 23, p. 1145
102-5-7a	Amended	V. 23, p. 1147

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

Reg. No.	Action	Register
108-1-1	Amended	V. 23, p. 1189
108-1-4	Amended	V. 23, p. 823

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

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-8-1		
110-8-6	Revoked	V. 23, p. 1595
110-8-8		
110-8-11	Revoked	V. 23, p. 1595
110-10-1	New	V. 23, p. 180

**AGENCY 111: KANSAS LOTTERY**

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

Reg. No.	Action	Register
111-2-151		
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
111-2-163	New	V. 24, p. 15
111-2-164	New	V. 24, p. 199
111-2-165	New	V. 24, p. 296
111-2-166	New	V. 24, p. 296

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		
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		
111-4-2125	New	V. 23, p. 311-318
111-4-2126		
111-4-2146	New	V. 23, p. 459-471
111-4-2147		
111-4-2160	New	V. 23, p. 901-909
111-4-2161		
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		
111-4-2180	New	V. 23, p. 1169-1171
111-4-2181		
111-4-2185	New	V. 23, p. 1343-1346
111-4-2186		
111-4-2195	New	V. 23, p. 1434-1438
111-4-2196		
111-4-2205	New	V. 23, p. 1655-1659
111-4-2206		
111-4-2213	New	V. 24, p. 15-22
111-4-2214		
111-4-2227	New	V. 24, p. 199-207
111-4-2228		
111-4-2235	New	V. 24, p. 297-300
111-5-96	Amended	V. 23, p. 101
111-5-111		
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
111-5-116		
111-5-120	New	V. 24, p. 208, 209
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
111-6-26	New	V. 24, p. 23
111-7-188		
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		
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

(continued)

112-10-13	New	V. 23, p. 495	123-2-110	New	V. 24, p. 338	123-12-1308	New	V. 24, p. 313
112-13-2	Amended	V. 23, p. 94	123-5-101	New	V. 24, p. 339	123-13-101	New	V. 24, p. 342
<b>AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS</b>			123-5-106	New	V. 24, p. 339	123-13-101a	New	V. 24, p. 343
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	123-5-111	New	V. 24, p. 339	123-13-103	New	V. 24, p. 343
115-2-1	Amended	V. 24, p. 147	123-5-112	New	V. 24, p. 340	123-13-105	New	V. 24, p. 343
115-2-2	Amended	V. 23, p. 1581	123-5-505	New	V. 24, p. 340	123-13-106	New	V. 24, p. 343
115-2-3	Amended	V. 23, p. 1581	123-12-101			123-13-201	New	V. 24, p. 343
115-2-3a	New	V. 23, p. 1582	123-12-107	New	V. 24, p. 301, 302	123-13-201b	New	V. 24, p. 344
115-3-2	Amended	V. 24, p. 148	123-12-107			123-13-202	New	V. 24, p. 345
115-4-6	Amended	V. 24, p. 148	123-12-210	New	V. 24, p. 302, 303	123-13-203	New	V. 24, p. 345
115-4-6a	New	V. 24, p. 151	123-12-301			123-13-306	New	V. 24, p. 345
115-4-11	Amended	V. 24, p. 151	123-12-301			123-13-307	New	V. 24, p. 346
115-4-14	New	V. 23, p. 1583	123-12-315	New	V. 24, p. 303-305	123-13-401		
115-5-1	Amended	V. 24, p. 152	123-12-317	New	V. 24, p. 305	123-13-404	New	V. 24, p. 346-348
115-7-1	Amended	V. 23, p. 1584	123-12-318	New	V. 24, p. 305	123-13-405a	New	V. 24, p. 349
115-7-2	Amended	V. 24, p. 153	123-12-319	New	V. 24, p. 306	123-13-406	New	V. 24, p. 349
115-9-4	Amended	V. 24, p. 153	123-12-321			123-13-408	New	V. 24, p. 350
115-11-2	Amended	V. 24, p. 153	123-12-321			123-13-409	New	V. 24, p. 350
115-15-1	Amended	V. 24, p. 154	123-12-325	New	V. 24, p. 306	123-13-501	New	V. 24, p. 350
115-15-2	Amended	V. 24, p. 155	123-12-327	New	V. 24, p. 306	123-13-502a	New	V. 24, p. 350
115-18-1	Amended	V. 24, p. 156	123-12-328	New	V. 24, p. 307	123-13-505		
115-18-7	Amended	V. 24, p. 159	123-12-401	New	V. 24, p. 307	123-13-509	New	V. 24, p. 350, 351
115-18-10	Amended	V. 23, p. 1043	123-12-501			123-13-601	New	V. 24, p. 351
115-18-14	Amended	V. 23, p. 1585	123-12-501			123-13-602	New	V. 24, p. 351
115-20-1	Amended	V. 24, p. 159	123-12-505	New	V. 24, p. 307, 308	123-13-603	New	V. 24, p. 351
115-20-2	Amended	V. 24, p. 160	123-12-505b	New	V. 24, p. 308	123-13-610	New	V. 24, p. 351
<b>AGENCY 117: REAL ESTATE APPRAISAL BOARD</b>			123-12-506	New	V. 24, p. 308	123-13-701		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	123-12-601	New	V. 24, p. 308	123-13-701		
117-2-2	Amended	V. 23, p. 1407	123-12-602	New	V. 24, p. 310	123-13-704	New	V. 24, p. 352, 353
117-3-2	Amended	V. 23, p. 1408	123-12-702	New	V. 24, p. 310	123-13-706	New	V. 24, p. 353
117-4-2	Amended	V. 23, p. 1408	123-12-801	New	V. 24, p. 310	123-13-707	New	V. 24, p. 353
117-6-3	Amended	V. 24, p. 77	123-12-901	New	V. 24, p. 310	123-15-101	New	V. 24, p. 353
117-7-1	Amended	V. 24, p. 78	123-12-902	New	V. 24, p. 310	123-15-101a	New	V. 24, p. 354
117-8-1	Amended	V. 24, p. 78	123-12-1001	New	V. 24, p. 311	123-15-101b	New	V. 24, p. 354
117-9-1	Amended	V. 23, p. 150	123-12-1002	New	V. 24, p. 311	123-15-102	New	V. 24, p. 354
<b>AGENCY 123: JUVENILE JUSTICE AUTHORITY</b>			123-12-1101	New	V. 24, p. 311	123-15-104	New	V. 24, p. 355
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	123-12-1201	New	V. 24, p. 312	123-15-105	New	V. 24, p. 355
123-1-101	New	V. 24, p. 301	123-12-1202	New	V. 24, p. 312	123-15-105a	New	V. 24, p. 356
123-2-105	New	V. 24, p. 338	123-12-1301	New	V. 24, p. 312	123-15-106	New	V. 24, p. 356
			123-12-1302	New	V. 24, p. 312	123-15-201	New	V. 24, p. 356
			123-12-1303	New	V. 24, p. 312	123-16-102	New	V. 24, p. 356
			123-12-1306	New	V. 24, p. 312	123-16-105	New	V. 24, p. 357









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