

# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Wildlife and Parks Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, April 27, at the Courtyard Marriott, 310 Hammons Drive, Junction City, to consider the approval and adoption of a proposed administrative regulation of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. April 27 at the location listed above. The meeting will recess at 5:30 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. April 28 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at (800) 432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulation.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, 66612, or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

The regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

**K.A.R. 115-4-4.** This permanent regulation sets legal equipment types and taking methods for big game. The proposed amendment includes allowing the use of shotgun slugs for elk during the firearms season.

**Economic Impact Summary:** The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies or the public.

Copies of the complete text of the regulation and the economic impact statement may be obtained by writing the chairman of the commission at the address above, electronically on the department's Web site at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us), or by calling (785) 296-2281.

John R. Dykes  
Chairman

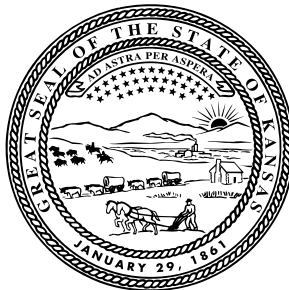
Doc. No. 032884

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State of Kansas

Department of Wildlife and Parks

Public Notice

The Kansas Department of Wildlife and Parks has reached an agreement for the purchase of a tract of land in Cloud County. The parcel consists of 80 acres in the NE/4 S15-T5S-R5W and the NW/4 S16-T5S-R5W. This tract was appraised at \$1,125 an acre, resulting in an appraised value of \$90,000, and will be purchased for \$90,000. This tract will be part of the Jamestown Wildlife Area and will remain on the county tax rolls.

J. Michael Hayden  
Secretary of Wildlife and Parks

Doc. No. 032875

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 2-20-06 through 2-26-06

Term	Rate
1-89 days	4.47%
3 months	4.46%
6 months	4.66%
1 year	4.69%
18 months	4.67%
2 years	4.63%

Derl S. Treff  
Director of Investments

Doc. No. 032876

State of Kansas

Department on Aging

Request for Applications for PEANE Special Project Grants

Special project grant applications are now being accepted for the Prevention of Elder Abuse, Neglect and Exploitation (PEANE). The project proposal should address either education, training or research for the prevention of elder abuse, neglect, financial abuse or exploitation of older individuals.

Only project proposals requesting \$7,000 or less will be considered. The grant period is from April 1, 2006 through March 31, 2007. Any Kansas public agency or private not-for-profit corporation registered with the office of the Secretary of State may apply for these funds.

To request a PEANE Special Project Grant Application, contact Merlene Smith at (785) 368-7230 or (800) 432-3535. The completed application must be returned to the Kansas Department on Aging, 503 S. Kansas, Topeka, 66603-3404, by 5 p.m. Thursday, March 23.

Kathy Greenlee  
Acting Secretary of Aging

Doc. No. 032887

(Published in the Kansas Register February 23, 2006.)

Heartland Works, Inc.

Request for Proposals

Heartland Works, Inc. is issuing a request for proposals to provide year-round youth activities (including a summer component) for eligible youth under Title I of the Workforce Investment Act (U.S. Department of Labor federal funding). Heartland Works is seeking providers throughout the 17 counties of Local Area II (Atchison, Brown, Clay, Doniphan, Douglas, Franklin, Geary, Jackson, Jefferson, Marshall, Nemaha, Osage, Pottawatomie, Riley, Shawnee, Wabaunsee and Washington).

To request a bid package including all specifications, contact the Heartland Works office at 610 S.W. 10th Ave., Suite 210, Topeka, 66612-1616, (785) 234-0500. A pre-bid conference will be held from 1 to 3 p.m. Tuesday, March 14, at the Topeka Workforce Center, 1430 S.W. Topeka Blvd., Topeka. Please RSVP for the pre-bid conference by calling (785) 234-0500. All bid proposals must be received by 3 p.m. March 24. Heartland Works, Inc. welcomes all interested organizations to bid. Heartland Works is an equal opportunity employer/provider.

Nancy Leonard  
Administrative Assistant

Doc. No. 032899

State of Kansas

Children's Cabinet and Trust Fund

Request for Letters of Intent

The Department of Social and Rehabilitation Services and the executive director of the Kansas Children's Cabinet and Trust Fund announce the request for Letters of Intent to apply for the Pilot Pre-Kindergarten Request for Proposals. This request is open only to interested parties in the following Kansas counties: Finney, Geary, Johnson, Reno, Sedgwick, Shawnee and Wyandotte. It is anticipated that 7-9 pilots will be funded covering 30-60 classrooms. Programs will follow standards of documented evidence-based educational programs. Funding will come from the Children's Initiative Fund, business and foundation sources and be administered by the Kansas Children's Cabinet and Trust Fund. Those Letters of Intent approved will be eligible for applying for the Pilot Pre-K RFP on April 14. Funding is contingent upon fiscal year 2007 budget approval.

Interested parties in the above-referenced counties can download and complete the Letter of Intent on the Kansas Children's Cabinet and Trust Fund Web site at [kschildrenscabinet.org](http://kschildrenscabinet.org). A copy of the Letter of Intent also may be obtained by contacting Dyogga Adegboro, Program Consultant, Kansas Children's Cabinet and Trust Fund, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7044, fax (785) 296-8694, or e-mail: [dsxa@srskansas.org](mailto:dsxa@srskansas.org). Letters of Intent must be received by 5 p.m. March 3.

Jim Redmon  
Executive Director

Doc. No. 032882

(Published in the Kansas Register February 23, 2006.)

## City of Herington, Kansas

### Notice of Proposed DBE Program

The city of Herington has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26, for the Herington Regional Airport. The city anticipates receiving federal financial assistance from the Department of Transportation and, as a condition of receiving this assistance, the city will sign an assurance that it will comply with 49 CFR Part 26.

The city's project-specific goal in FY 2006 is 0.5 percent of the federal financial assistance.

The proposed DBE program is available for public inspection and comment at the Herington City Hall. The city will accept comments on the goals for 30 days from the date of this notice. Comments may be sent to Carol Albrecht, City Treasurer, 17 N. Broadway, P.O. Box 31, Herington, 67749.

Carol L. Albrecht  
Herington City Treasurer

Doc. No. 032883

## 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:

03/08/2006	09203	Consultant for Electric and Gas Cases
03/09/2006	09192	Pre-Engineered Metal Building
03/23/2006	09172	Internal Balance for NIAR Wind Tunnel
03/23/2006	09173	Sting Mount System for WSU/NIAR Tunnel
03/27/2006	09187	Open URL Link Resolving Software

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:

03/14/2006	A-010120	Reroof Construction Office — Emporia — Dept. of Transportation
03/14/2006	A-010124	Reroof Area Office — Dodge City — Dept. of Transportation
03/14/2006	A-010183	Metal Roof Retrofit — Pinecrest Bldg. — Winfield Correctional Facility
03/15/2006	A-010186	South Wing Roof Replacement — Custer Hall — Fort Hays State University

03/15/2006	A-010187	Masonry Cleaning and Sealing — Rarick Hall — Fort Hays State University
03/15/2006	A-010188	Masonry Cleaning and Sealing — Stroup Hall — Fort Hays State University
03/21/2006	A-010125	Reroof District Office — Garden City — Dept. of Transportation

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):

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

Chris Howe  
Director of Purchases

Doc. No. 032896

## State of Kansas

### Department of Administration Division of Facilities Management

#### Notice of Commencement of Negotiations for On-Call Engineering Services

Notice is hereby given of the commencement of negotiations for "on-call" mechanical-electrical-plumbing engineering services for small projects for the Department of Social and Rehabilitation Services. Three firms will be selected, one for each of the following groups:

#### Group 1

Larned State Hospital, Larned  
(and other SRS facilities as needed)

#### Group 2

Kansas Neurological Institute, Topeka  
Rainbow Mental Health Facility, Kansas City  
(and other SRS facilities as needed)

#### Group 3

Osawatomie State Hospital, Osawatomie  
Parsons State Hospital and Training Center, Parsons  
(and other SRS facilities as needed)

Please indicate which group or groups you are submitting a proposal for. Contracts will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Gary LaShell, (785) 296-3771.

To be considered, five bound proposals of the following should be provided: a letter of interest, a copy of the firm's certificate of insurance, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Also required is one CD with one PDF file of the same information. Proposals should be concise and follow the 2005 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796. Submittals should be received by Phyllis Fast before noon March 10.

D. Keith Meyers  
Director, Division of  
Facilities Management

Doc. No. 032895

## State of Kansas

## Kansas State University

## Notice to Bidders

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

**Wednesday, March 8, 2006**  
**#6106**

High Performance Quadrupole Mass  
Spectrophotometer System

Carla K. Bishop  
Director of Purchasing

Doc. No. 032891

(Published in the Kansas Register February 23, 2006.)

## City of Overland Park, Kansas

## Notice to Bidders

Sealed bids for **133rd Street & Lamar Avenue Roundabout (ST0662), KDOT No. 46 N-0310-01**, will be received by the city of Overland Park, Kansas, at the office of the City Clerk, City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until 2 p.m. local time March 28, 2006. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "BID FOR: 133RD STREET & LAMAR AVENUE ROUNDABOUT." Copies of plans, specifications, bid documents and other contract documents are on file at the office of the consulting engineer. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from Bucher, Willis & Ratliff, 903 E. 104th St., Suite 900, Kansas City, MO 64131, (816) 363-2696, upon payment of \$100, which amount is not refundable.

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC-3 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be

no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures, the signature shall be long hand, and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

The following items must be included in the sealed envelope with the bid:

- a. Bid.
- b. 5% Bid Security — Bid Bond, Cashier's Check or Certified Check (see below).
- c. Signed Documents (KDOT Certifications).
  - Certification — Noncollusion & History of Debarment
  - Certifications — Federal Funds for Lobbying
  - Required Contract Provisions — Certification — Contractual Services with Current Legislator or Legislator's Firm
  - Required Contract Provision — DBE Goals

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the city of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the city of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk, prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection. It is understood by all bidders that an unsuccessful bidder has no cause of action against the city for bid preparation costs. The filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

Nancy Sappington  
Contract Specialist  
City of Overland Park, Kansas

Doc. No. 032900

## State of Kansas

**Kansas Housing Resources Corporation****Notice of Annual Performance Report  
on the Kansas Consolidated Plan**

The Kansas Housing Resources Corporation will publish a preliminary draft of the Annual Performance Report on the Kansas Consolidated Plan, Revised for community and housing development for program year 2005. The Annual Performance Report on the 2005 Kansas Consolidated Plan, Revised will be available for public review and comment from March 8-23. To obtain a copy of the Annual Performance Report, contact the Kansas Housing Resources Corporation, 611 S. Kansas Ave., Suite 300, Topeka, 66603, (785) 296-5865, fax (785) 296-8985, e-mail: info@kshousingcorp.org, Web site: www.kshousingcorp.org.

Erica Dobreff  
Executive Director

Doc. No. 032893

## State of Kansas

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

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

**Barton County Register of Deeds**

**Pam Hyde**, 292 N. Washington Ave., Great Bend, 67530. Succeeds Marcia Johnson, resigned.

**Nemaha County Sheriff**

**Richard D. Vernon**, 218 Mulberry St., Centralia, 66415. Succeeds David W. Mee, deceased.

**Credit Union Council**

**Mark C. Bezdek**, 4230 S.E. Iowa, Topeka, 66609. Term expires March 15, 2007. Reappointed.

**Cheryl Bonner**, 325 Homestead Drive, Lawrence, 66049. Term expires March 15, 2008. Succeeds Steve Ray.

**Mark S. Kolarik**, 2904 Oakview Drive, Pittsburg, 66762. Term expires March 15, 2009. Reappointed.

**William D. McCurley**, 7501 W. 97th St., Shawnee Mission, 66212. Term expires March 15, 2008. Succeeds Antonio Augusto.

**Erich Schaefer**, 2704 Easy St., Garden City, 67846. Term expires March 15, 2007. Reappointed.

**Garth B. Strand**, 8901 E. 43rd, Buhler, 67522. Term expires March 15, 2009. Succeeds Gilbert E. Benton.

**Alvis Williams**, 2105 Sierra Hills, Wichita, 67230. Term expires March 15, 2008. Succeeds Gary A. Regoli.

**Governor's Military Council**

(Established by Executive Order 06-02. Members serve at the pleasure of the Governor.)

**Lt. Gen. (Retired) Robert Arter**, 300 Kansas Ave., Fort Leavenworth, 66027.

**U.S. Sen. Sam Brownback**, 303 Hart Senate Office Building, Washington, DC 20510.

**Maj. Gen. Tod M. Bunting**, The Adjutant General, 2800 S.W. Topeka Blvd., Topeka, 66611.

**Neil Fisher**, 3701 S.W. Kings Forest Road, Topeka, 66610.

**Sen. Mark S. Gilstrap**, 1813 N. 79th Terrace, Kansas City, KS 66112.

**Charlie Gregor**, P.O. Box 44, Leavenworth, 66048.

**Alonzo Harrison**, 729 S.E. Wear Ave., Topeka, 66607.

**Rep. Tom D. Hawk**, 3115 Harahey Ridge, Manhattan, 66502.

**Doug Kinsinger**, 1032 S.W. Dartmoor Lane, Topeka, 66604.

**Steven J. Martens**, 810 N. Cypress, Wichita, 67206.

**John G. Montgomery**, 510 Redbud Drive, Junction City, 66441.

**U.S. Rep. Dennis Moore**, 431 Cannon House Office Building, Washington, DC 20515.

**U.S. Rep. Jerry Moran**, 1519 Longworth House Office Building, Washington, DC 20515.

**Lana Oleen**, 3000 Stagg Hill Road, Manhattan, 66502.

**Sen. Roger Reitz**, 1332 Sharingbrook, Manhattan, 66503.

**U.S. Sen. Pat Roberts**, 109 Hart Senate Office Building, Washington, DC 20515.

**U.S. Rep. Jim Ryun**, 2433 Rayburn House Office Building, Washington, DC 20515.

**Andrew Schlapp**, 525 N. Main, Suite 365, Wichita, 67203.

**Mike Shilling**, 555 Poyntz Ave., Suite 260, Manhattan, 66502.

**Robin Spurrier**, Spurrier Chemicals Companies, Inc., P.O. Box 2812, Wichita, 67201.

**David S. Stuckey**, 103 N. Bunker Hill Drive, Junction City, 66441.

**Rep. Lee Tafanelli**, 7075 122nd St., Ozawie, 66070.

**U.S. Rep. Todd Tiahrt**, 2441 Rayburn House Office Building, Washington, DC 20515.

**Col. Robert R. Ulin**, 131 Meadow Court, Lansing, 66043.

**Kansas Sentencing Commission**

**Junius Dotson**, 5303 E. 27th North, Wichita, 67220. Term expires June 30, 2007. Succeeds Don Jackson.

**Dale Finger**, 4313 S.W. Aylesbury Road, Topeka, 66610. Term expires June 30, 2007. Succeeds Jaime Richardson.

**Annie Grevas**, 1223 Fredrich Drive, Salina, 67401. Term expires June 30, 2007. Reappointed.

**Rick Kittel**, 1705 Troon Lane, Lawrence, 66047. Term expires June 30, 2007. Reappointed.

**Kathleen M. Lynch**, 8331 Cleveland Cove, Kansas City, KS 66109. Term expires June 30, 2007. Reappointed.

**Paul J. Morrison, Vice Chair**, 7929 Greenwood, Shawnee Mission, 66215. Term expires June 30, 2007. Reappointed.

Ron Thornburgh  
Secretary of State

Doc. No. 032898

State of Kansas

Department of Labor

Notice of Medical Record Fees

K.S.A. 65-4971(b) established the maximum fees that medical care providers can charge for reproduction of medical records (non-workers compensation records). By law, these fees are adjusted on January 1 of each year by the Secretary of Labor "in accordance with the all-items Consumer Price Index published by the United States Department of Labor."

The all-items Consumer Price Index (CPI) rose from 188.9 in 2004 to 195.3 in 2005. This represents an increase of 3.4 percent. This change is applied to the medical fee cost schedule below:

	January 2005	January 2006
Cost of supplies and labor	\$15.75	\$16.29
First 250 pages	\$ 0.52	\$ 0.54
Additional pages	\$ 0.37	\$ 0.38

The release of the 2006 CPI data is scheduled for January 18, 2007.

For more information or assistance, contact the Kansas Department of Labor, Labor Market Information Services, 401 S.W. Topeka Blvd., Topeka, 66603, (785) 296-5058.

Jim Garner  
Secretary of Labor

Doc. No. 032879

State of Kansas

Attorney General

Opinion 2006-1

**Counties and County Officers—County Clerk—Duties of County Clerk; Keeping Records; Taking County Commission Minutes.**

**Counties and County Officers—County Commissioners—Powers of Board of Commissioners; Control Over County Records; County Commission Minutes. Blaine Finch, Franklin County Counselor, Ottawa, January 4, 2005.**

The board of county commissioners is the entity authorized to determine the form and content of finalized minutes for a such board, not the county clerk. A board of county commissioners may not substantially alter the statutorily assigned duties of a county clerk under K.S.A. 19-305 without compliance with K.S.A. 12-3901 *et seq.* The county clerk, or a deputy or assistant assigned by the clerk, remains the person officially responsible for taking

such minutes. Once the minutes are in a form approved by the commission, K.S.A. 19-305 requires the county clerk to record those finalized minutes in "a book provided for that purpose." Cited herein: K.S.A. 12-3901; 19-212; and 19-305. TMB

Opinion 2006-2

**Intoxicating Liquors and Beverages—Division of Alcoholic Beverage Control—Power to Regulate Alcoholic Liquor; Powers of Cities; Ordinary Ordinances Allowing Sunday and Summer Holiday Sales of Packaged Alcoholic Liquor and Cereal Malt Beverage; Restricting Retail Store Hours on Sunday. Robert H. Gale, Jr., Syracuse City Attorney, Syracuse, January 4, 2006.**

A city must adopt an ordinary ordinance in accordance with the provisions of Section 9 of L. 2005, Ch. 201 in order to continue in effect the provisions of a charter ordinance adopted prior to November 15, 2005 that expanded the days of sale at retail of alcoholic liquor to include Sundays and/or Memorial Day, Independence Day, and Labor Day. A city cannot enact an ordinary ordinance authorizing the retail sale of packaged alcoholic liquor on Memorial Day, Independence Day, and Labor Day without also allowing such sales on Sunday, except Easter. A city may, however, further restrict the hours of operation on Sunday for the retail sale of packaged alcoholic liquor and packaged cereal malt beverage. Cited herein: K.S.A. 41-208, as amended by L. 2005, Ch. 201, § 2; 41-712, as amended by L. 2005, Ch. 201, § 8; 41-2601; 41-2631; 41-2701; 41-2704, as amended by L. 2005, Ch. 201, § 13; L. 2005, Ch. 201, §§ 9, 12. MF

Opinion 2006-3

**Kansas Constitution—Legislative—Laws Enacted Only by Bill; All Bills Passed Presented to the Governor; Separation of Powers Doctrine. Representative John M. Faber, 120th District, Brewster, January 9, 2006.**

Statutorily requiring executive and judicial branch agencies to obtain approval of a legislative committee before expending previously appropriated moneys on certain types of information technology projects would run afoul of the Separation of Powers Doctrine and the Presentment Clause. However, the Legislature may place limitations on specific expenditures through appropriations and through enactment of substantive laws. Cited herein: K.S.A. 12-340; Kan. Const., Art. 2, § 14. JLM

Opinion 2006-4

**Cities and Municipalities—Libraries—City, County, and Township Libraries; Election to Establish; Annual Tax Levy.**

**Counties and County Officers—General Provisions—Home Rule Powers; Limitations, Restrictions and Prohibitions; Procedure; Chartering Out of Municipal Library Statutes. Daniel H. Diepenbrock, Seward County Counselor, Liberal, February 9, 2006.**

A board of county commissioners may establish a county library pursuant to K.S.A. 12-1218 *et seq.*, but may not impose a cap on the amount of the tax levy determined by the library board to be necessary to maintain

(continued)

the library. However, because the municipal library statutes do not apply uniformly to all counties, a county may charter out of certain provisions and establish a tax levy for the maintenance of the county library. Cited herein: K.S.A. 12-1218; 12-1220; K.S.A. 2005 Supp. 12-1222; K.S.A. 12-1223; 12-1225; 12-1225a; 12-1225b; 12-1225c; K.S.A. 2005 Supp. 12-1226; 19-101a; K.S.A. 19-1701 (repealed, L. 1951, Ch. 485, § 24); K.S.A. 2005 Supp. 21-3105; K.S.A. 79-1947 (repealed L. 1999, Ch. 154, § 78); Kan. Const., Art. 12, § 5. MF

#### Opinion 2006-5

**Counties and County Officers—General Provisions—Home Rule Powers; Limitations, Restrictions and Prohibitions; Procedure; Power to Exempt County From Any Statute Authorizing or Requiring the Levy of Taxes.**

**Counties and County Officers—County Commissioners—Powers of Board of Commissioners; Control over County Sheriff Budget.**

**Taxation—Miscellaneous Provisions—Budgets of Taxing Bodies; Application of Act; Exceptions; Definitions. Gary Thompson, Linn County Counselor, Mound City, February 9, 2006.**

A county is subject to uniform statutes concerning taxation and budgeting. Absent a specific provision in those statutes so authorizing, a county may not create a special county sheriff fund or taxes. If a county wishes to hold a county officer to greater accountability standards, a line-item budget may serve that purpose. Cited herein: K.S.A. 12-11a01; 19-101; K.S.A. 2005 Supp. 19-101a; K.S.A. 19-117; 19-212; 19-241; 79-2925; 79-2929; K.S.A. 2005 Supp. 79-2929a; K.S.A. 79-2934; Kan. Const., Art. 9, §1, Art. 12, § 5. TMB

#### Opinion 2006-6

**Drainage and Levees—Watershed Districts; General Powers and Duties of District—Corporate Powers and Duties; Power to Levy Taxes and Assessments, Issue Bonds and Incur Indebtedness; Limits. Tracy Streeter, Director, Kansas Water Office, Topeka, February 9, 2006.**

K.S.A. 24-1201 *et seq.* contain several statutes authorizing a watershed district to tax or assess property located within the district in order to pay for certain costs. These costs may include expenses incurred for dam maintenance, improvements to existing dams, or building new dams within the district. The correct procedures to be followed depend upon the statutory authority being utilized to make such assessments. However, property that lies outside the district is not subject to the taxing or assessment authority of a watershed district board, even if such property eventually benefits from a watershed district project. Cited herein: K.S.A. 24-1201; 24-1209; 24-1214; 24-1219. TMB

Phill Kline  
Attorney General

Doc. No. 032885

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Ash Grove Cement Company is located at 1801 N. Santa Fe, Chanute. The proposed construction permit authorizes Ash Grove to modify the existing plant operations to include burning petroleum coke, an alternative nonhazardous waste fuel. The plant's clinker production capacity will not be increased as a result of this modification.

The proposed permit is to be issued in accordance with the provisions of K.A.R. 28-19-350, prevention of significant deterioration (PSD), which adopt the federal standards, procedures and requirements of 40 CFR 52.21 by reference. These air quality regulations apply to major stationary emission sources located in areas designated as "attainment" under the federal Clean Air Act (CAA). Attainment areas are areas where the air quality meets or exceeds the national ambient air quality standards (NAAQS).

The PSD regulations require evaluation of emission reduction techniques to identify the best available control technology (BACT) for each pollutant for which there will be a significant net emissions increase. The purpose of BACT is to affect the maximum degree of reduction achievable, taking into account energy, environmental and economic impacts for each pollutant under review. Evaluation of the estimated emissions for the proposed Ash Grove modifications indicates that there will be a significant net emissions increase for carbon monoxide (greater than 100 tons per year). Ash Grove conducted the required BACT analysis for carbon monoxide.

The analysis determined that the most efficient and cost effective control technology would consist of installation, operation and maintenance of a computerized network of process control and emissions monitoring equipment, combined with a comprehensive employee training program. Operation of the cement plant by trained personnel using computer aided process control and monitoring equipment is commonly referred to as implementation of "good combustion practices" or GCP. Using GCP, the BACT emission limit for the Ash Grove Chanute plant is 1,409 tons of carbon monoxide per year. This limit has not changed from the existing permitted emission limit for carbon monoxide.

The PSD regulations also require an evaluation of the impacts, if any, that emissions from the proposed modifications may have on the ambient air quality, visibility, vegetation and soils. Ash Grove has conducted the required analyses in accordance with methods approved by the United States Environmental Protection Agency. The results of the analyses conclude that there should be no significant impacts on the ambient air quality, visibility, local vegetation or soils.

A public comment period has been established until March 25 to allow citizens the opportunity to express any concerns or comments they may have about this permit-



ting action. A public hearing has been tentatively scheduled by the Kansas Department of Health and Environment at 7 p.m. March 27 at the Neosho County Community College Student Union, 800 W. 14th St., Room 209, Chanute, to receive comments on the proposed issuance of the draft air quality construction permit. All comments should be submitted in writing to Mindy Bowman, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, or at the public hearing.

Requests to speak at the public hearing should be sent to the attention of Sherry Walker at the address listed above or by fax to (785) 291-3953, and must be received by noon March 25. If no requests to speak at the public hearing are received by this date and time, the public hearing will be cancelled. For more information concerning the hearing, call the Bureau of Air and Radiation's Permitting Unit at (785) 296-1570.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Mindy Bowman, (785) 296-6421, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032892

#### 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. Schwan's Global Supply Chain — Tony's Pizza Service has applied for an air quality operating permit in accordance with the provisions of K.A.R. 28-19-500 to operate a frozen pizza and other frozen specialty foods manufacturing facility. Emissions of particulate matter (PM), PM equal to or less than 10 microns in diameter (PM<sub>10</sub>), volatile organic compounds (VOCs), oxides of nitrogen (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), hazardous air pollutants (HAP) and carbon monoxide (CO) were evaluated during the permit review process.

Schwan's Global Supply Chain — Tony's Pizza Service, 3019 Scanlan Ave., Salina, owns the existing bakery.

A public comment period has been established until March 27 to allow citizens the opportunity to express any concerns or comments they may have about this permitting action. A public hearing has been tentatively sched-

uled by the Department of Health and Environment at 7 p.m. March 29 in Salina to receive comments on the proposed issuance of the draft air quality operating permit. All comments should be submitted in writing to Sherry Walker, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, or at the public hearing.

Requests to speak at the public hearing should be sent to the attention of Sherry Walker at the address listed above or by fax to (785) 291-3953, and must be received by noon March 27. If no requests to speak at the public hearing are received by this date and time, the public hearing will be cancelled. For more information concerning the hearing, call the Bureau of Air and Radiation's Permitting Unit at (785) 296-1570.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Jeff Nash, (785) 296-1615, at the KDHE central office; and to review the proposed permit only, contact Stan Marshall, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032888

#### State of Kansas

### Department of Health and Environment

#### Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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, various draft water pollution control documents (permits, notices to revoke and/or reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

(continued)

**Public Notice No. KS-AG-06-031/033**  
**Application(s) for New or Expansion of**  
**Existing Swine Facilities**

<b>Name and Address of Applicant</b>	<b>Owner of Property Where Facility Will Be Located</b>
Donald Reith/DBK, LLC 1743 10th Road Linn, KS 66953	DBK, LLC 1743 10th Road Linn, KS 66953
<b>Legal Description</b>	<b>Receiving Water</b>
SW/4 of Section 11, T04S, R03E, Washington County Kansas Permit No. A-BBWS-S054	Big Blue River Basin

This is an application for a permit for a new swine facility consisting of two swine buildings. The total maximum capacity will be 2,498 head (999.2 animal units) of swine weighing more than 55 pounds each. Wastes will be collected in concrete pits underneath the buildings for later application onto agricultural land. A new or modified permit will not be issued without additional public notice.

<b>Name and Address of Applicant</b>	<b>Owner of Property Where Facility Will Be Located</b>
Joseph A. Kramer P.O. Box 170 Seneca, KS 66538	Joseph A. Kramer P.O. Box 170 Seneca, KS 66538
<b>Legal Description</b>	<b>Receiving Water</b>
SE/4 of Section 16, T03S, R04E, Washington County Kansas Permit No. A-BBWS-S055	Big Blue River Basin

This is an application for a permit for the construction of a new swine facility. A new or modified permit will not be issued without additional public notice. The new facility will have a maximum capacity for 2,400 head (960 animal units) of swine weighing greater than 55 pounds. The waste control system will consist of deep concrete pits beneath slatted-floor enclosed buildings.

<b>Name and Address of Applicant</b>	<b>Owner of Property Where Facility Will Be Located</b>
Jeffrey A. Kramer P.O. Box 170 Seneca, KS 66538	J-Six Enterprises LLC P.O. Box 170 Seneca, KS 66538
<b>Legal Description</b>	<b>Receiving Water</b>
NW/4 of Section 23, T04S, R01E, Washington County Kansas Permit No. A-LRWS-S030	Lower Republican River Basin

This is an application for a permit for the construction of a new swine facility. A new or modified permit will not be issued without additional public notice. The new facility will have a maximum capacity for 2,400 head (960 animal units) of swine weighing greater than 55 pounds. The waste control system will consist of deep concrete pits beneath slatted-floor enclosed buildings.

**Public Notice No. KS-AG-06-034/042**  
**Pending Permits for Confined Feeding Facilities**

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Joseph A. Kramer P.O. Box 170 Seneca, KS 66538	SE/4 of Section 16, T03S, R04E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S055

This is a new permit for a new facility for 2,400 head (960 animal units) of swine weighing greater than 55 pounds. Waste accumulations will be controlled through the use of deep concrete pits below enclosed buildings with slatted floors.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Jeffrey A. Kramer P.O. Box 170 Seneca, KS 66538	NW/4 of Section 23, T04S, R01E, Washington County	Lower Republican River Basin

Kansas Permit No. A-LRWS-S030

This is a new permit for a new facility for 2,400 head (960 animal units) of swine weighing greater than 55 pounds. Waste accumulations will be controlled through the use of deep concrete pits below enclosed buildings with slatted floors.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Sunflower Hills, LLC Pete Sherlock, DVM 312 N. B St. Washington, KS 66968	SW/4 of Section 17, T01S, R04E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-H009      Federal Permit No. KS0098612

This is a new permit for a new facility for 4,660 head (466 animal units) of swine weighing 55 pounds or less each and 2,824 head (1,129.6 animal units) of swine weighing more than 55 pounds each, for a total permitted capacity of 7,484 head (1,595.6 animal units) of swine. The facilities will include two swine buildings and one composting building. Wastes will be collected in pits under the swine buildings.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Freeman Yoder 15006 W. Irish Creek Road Arlington, KS 67514	SE/4 of Section 12, T25S, R08W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M051

This is a new permit for a new facility for 550 head (730 animal units) of dairy cattle. Solids storage structures and an earthen retention structure are being proposed in accordance with approved plans for the control of accumulated wastes at the site.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Troy Kramer P.O. Box 170 Seneca, KS 66538	W/2 of Section 10, T05S, R12E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S027

This is a new permit for a new facility for two buildings 41 ft. x 253 ft. each. The buildings will house 1,200 head (480 animal units) of swine greater than 55 pounds per building, for a total of 2,400 head (960 animal units), where all manure and wastewater will drop to a concrete pit beneath slotted floors.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Daniel E. Gerety II P.O. Box 170 Seneca, KS 66538	NW/4 of Section 26, T05S, R12E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S028

This is a new permit for a new facility for two buildings 41 ft. x 253 ft. each. The buildings will house 1,200 head (480 animal units) of swine greater than 55 pounds per building, for a total of 2,400 head (960 animal units), where all manure and wastewater will drop to a concrete pit beneath slotted floors.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Mid America Feeders, LLC Jerry Anderson 251 N.W. 10th Ave., #4 Great Bend, KS 67530	Section 18, T19S, R13W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C001      Federal Permit No. KS0040606

This is a permit modification for an existing facility for 28,000 head (28,000 animal units) of beef cattle weighing greater than 700 pounds. One of the wastewater retention structures will be replaced with a larger structure, and two additional wastewater retention structures will be constructed. The system of collection channels will be upgraded and various freshwater diversion structures will be

constructed to reduce the extraneous drainage area controlled by the wastewater retention structures.

Name and Address of Applicant	Legal Description	Receiving Water
Russell Bunnell 16118 S.W. Maryland Road Welda, KS 66091	SW/4 of Section 14, T22S, R19E, Anderson County	Neosho River Basin

Kansas Permit No. A-NEAN-B001

This is a modification and expansion of an existing facility that is converting from a 136-head (190 animal units) dairy operation to a 250-head (250 animal units) beef feedlot.

Name and Address of Applicant	Legal Description	Receiving Water
Wilfred and Agnes Doll 4015 N. 151st West Colwich, KS 67030	SE/4 of Section 27, T26S, R02W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M033

This is a renewal permit for an existing facility for 100 head (140 animal units) of mature dairy cattle.

**Public Notice No. KS-06-025/026**

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Wakarusa River via Clinton Lake	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-KS88-PO01 Federal Permit No. KS0117901

Legal: SW¼, S35, T13S, R18E, Douglas County

Facility Name: Harrell Quarry #53

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry and crushing operation with no washing. Outfall 001 consists of pit dewatering and stormwater runoff. Included in the permit is generic water-quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan 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
Paragon Services, Inc. 1015 S. West St. Wichita, KS 67213	Wichita Valley Center Flood Way via Storm Sewer	Groundwater Remediation

Kansas Permit No. I-AR94-PO95 Federal Permit No. KS0097306

Legal Description: NW¼, S36, T27S, R1W, Sedgwick County

Facility Description: The proposed action is to issue a new permit for an existing groundwater remediation facility. Chlorinated hydrocarbon-contaminated groundwater from three recovery wells located along Knight Street between Harry Street and Merton Avenue, Wichita, is treated with a particulate filter and an air stripper prior to discharge. The proposed permit includes limits for cis 1,2 dichloroethylene, trichloroethylene and pH. Monitoring for toxic metals 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.

**Public Notice No. KS-ND-06-004/005**

Name and Address of Applicant	Legal Location	Type of Discharge
Englewood, City of P.O. Box 46 Englewood, KS 67840	SE¼, SE¼, SE¼, S36, T34S, R25W, Clark County	Nonoverflowing

Kansas Permit No. M-CI05-NO01 Federal Permit No. KSJ000422

Facility Description: The proposed action is to reissue an existing permit for operation of a nonoverflowing lagoon wastewater treatment facility treating primarily domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
First United Methodist Church 946 Vermont St. Lawrence, KS 66044	NE¼, NE¼, S31, T12S, R19E, Douglas County	Nonoverflowing

Kansas Permit No. C-KS31-NO08 Federal Permit No. KSJ000627

Facility Description: The proposed action is to issue a new permit for operation of a new nonoverflowing lagoon wastewater treatment facility treating primarily domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Persons wishing to comment on the draft documents 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 considered in the decision making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section 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 documents or application notices received on or before March 25 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-06-031-042, KS-06-025/026, KS-ND-06-004/005) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdhe.state.ks.us/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032889

State of Kansas

**Office of Judicial Administration  
Court of Appeals Docket**

**Kansas Court of Appeals  
U.S. Courthouse  
Courtroom 643  
500 State Ave.  
Kansas City, Kansas**

**Before Elliott, P.J.; Johnson and McAnany, JJ.**

**Tuesday, March 21, 2006**

**9:30 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>93,891</b> Charter Funeral, Inc., et al., Appellants v. Alderwoods Group, Inc., et al., Appellees	Cynthia F. Grimes William E. Pray Thomas M. Franklin Michael Crow James P. Karen	Leavenworth
<b>93,091</b> In the Matter of the Appeal of Garden City Medical Clinic, P.A., for Exemption from Ad Valorem Taxation in Finney County, Kansas	Janet Huck Ward Linda A. Terrill	Tax Appeal
<b>92,699</b> Estate of Michael B. McDonald, Appellee v. Unified Government of Wyandotte County/Kansas City, Kansas, Appellant	J. R. Russell Kenneth Moore, Asst. City Atty	Wyandotte
<b>93,443</b> City of Merriam, Kansas, Appellee v. Susan K. Christie, a/k/a Susan K. Head, Appellant	Jacquelyn Rokusek, City Prosecutor Louis A. Silks Jr.	Johnson

**1:30 p.m.**

<b>94,772</b> Graceland College Center for Professional Development and Life-Long Learning, Inc., d/b/a Skill Path Seminars, Appellant v. Kansas Department of Labor and Connie Swafford, Appellees	J. Nick Badgerow Darren E. Root Connie Swafford, Pro Se	Johnson
<b>92,218</b> State of Kansas, Appellee v. Raphael L. Donnell, Appellant	Attorney General Jerome A. Gorman, D.A. Alice Craig White	Wyandotte
<b>95,081</b> In the Matter of S.D.S., DOB: 09/25/1987	Sheri L. Courtney, Asst. D.A. John P. Gerstle	Wyandotte
<b>94,157</b> State of Kansas, Appellee v. Michael T. Leach, Appellant	Attorney General Gerald R. Kuckelman, C.A. Nathan B. Webb, Asst. A.D.	Atchison

**Wednesday, March 22, 2006**

**9:30 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>94,311</b> Brougham Estate Limited Partnership II, Appellee v. Board of Trustees Kansas City Kansas Community College, Appellant	Robert G. Scott John J. Jurcyk Jr. Gregory P. Goheen	Wyandotte

<p><b>93,438</b> State of Kansas, Appellee v. Harold Christian, Appellant</p>	<p>Attorney General Steven J. Obermeier, Asst. D.A. Michael J. Bartee</p>	<p>Johnson</p>
<p><b>92,432</b> Mark Weldon Kargus, Appellant v. State of Kansas, Appellee</p>	<p>Brent Getty, Asst. A.D. Attorney General Steven J. Obermeier, Asst. D.A.</p>	<p>Johnson</p>
<p><b>92,524</b> Wesley I. Purkey, Appellant v. State of Kansas, Appellee</p>	<p>Sandra Carr, Asst. A.D. Attorney General Sheryl L. Lidtke, Asst. D.A.</p>	<p>Wyandotte</p>

**Summary Calendar — No Oral Argument**

(These cases shall be deemed submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of Judges.)

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>94,841</b> State of Kansas, Appellee v. Charles Callaway, Appellant</p>	<p>Attorney General Don L. Scott, C.A. Charles Callaway, #62813, Pro Se</p>	<p>Seward</p>
<p><b>93,021</b> Kenneth R. Miller, Appellant v. State of Kansas, Appellee</p>	<p>Virginia A. Girard-Brady, Asst. A.D. Attorney General Kristi L. Barton, Asst. D.A.</p>	<p>Sedgwick</p>
<p><b>93,073</b> State of Kansas, Appellee v. Renee Jones, Appellant</p>	<p>Attorney General Steven J. Obermeier, Asst. D.A. Rick Kittel, Asst. A.D.</p>	<p>Johnson</p>
<p><b>94,345</b> Kenneth J. Holthaus, Appellant v. Michele M. Thorne, Appellee</p>	<p>William C. O'Keefe Martin W. Mishler</p>	<p>Nemaha</p>
<p><b>94,946</b> State of Kansas, Appellant v. Eduardo Franco, Appellee</p>	<p>Attorney General Sean Baker, Asst. D.A. John M. Duma</p>	<p>Wyandotte</p>
<p><b>93,835</b> State of Kansas, Appellee v. Edward S. Hurst, Appellant</p>	<p>Attorney General David Lowden, Chief Atty J. Patrick Lawless, Jr., Chief A.D.</p>	<p>Sedgwick</p>
<p><b>94,988</b> Claire Johnstone, Appellee v. Lifeline Systems, Inc. and Wausau Insurance Co., Appellants</p>	<p>George H. Pearson John M. Graham Jr.</p>	<p>Work Comp.</p>
<p><b>93,767</b> State of Kansas, Appellee v. Lamar A. Akins, Appellant</p>	<p>Attorney General Christopher R. Cuevas, Asst. D.A. Korey A. Kaul, Asst. A.D.</p>	<p>Wyandotte</p>
<p><b>94,393</b> State of Kansas, Appellee v. Thomas D. Watkins, Jr., Appellant</p>	<p>Attorney General Steven J. Obermeier, Asst. D.A. Michael J. Bartee</p>	<p>Johnson</p>
<p><b>93,777</b> State of Kansas, Appellee v. Bamish J. Peterson, Appellant</p>	<p>Attorney General Kristi L. Barton, Asst. D.A. Carl Maughan</p>	<p>Sedgwick</p>
<p><b>94,972</b> Kristi L. Sargent, Appellant v. Jason B. Collins, Appellee</p>	<p>L. J. Leatherman William J. Bahr</p>	<p>Riley</p>

(continued)

<b>94,519</b> State of Kansas, Appellee v. Kimberly A. Henderson, Appellant	Attorney General Vernon E. Buck, Asst. C.A. Matthew J. Edge, Asst. A.D.	Lyon
<b>93,908</b> State of Kansas, Appellee v. Juan Pedro Fonseca, Appellant	Attorney General Renee S. Henry, Asst. D.A. Matthew J. Edge, Asst. A.D.	Wyandotte
<b>94,247</b> State of Kansas, Appellee v. Scot Wasson, Appellant	Attorney General Steven J. Obermeier, Asst. D.A. Michael J. Bartee	Johnson
<b>94,905</b> In the Interest of: C.J., DOB: 12-30-93 J.J., DOB: 03-04-95 J.J., DOB: 05-09-97	Patricia Aylward Kalb Sheryl A. Bussell, Asst. D.A.	Wyandotte
<b>95,002</b> Ronald Murray, #800060, Appellant v. Ray Roberts, Warden, Appellee	Ronald L. Murray, #80060, Pro Se	Leavenworth
<b>94,554/94,555/94,556</b> In the Matter of P.W.R.	Dionne M. Scherff Steven J. Obermeier, Asst. D.A.	Johnson
<b>94,450</b> State of Kansas, Appellant v. Tyrone McGee, Appellee	Attorney General John J. Bryant, Asst. D.A. Mark J. Sachse	Wyandotte

**Kansas Court of Appeals  
Court of Appeals Courtroom  
Kansas Judicial Center  
301 S.W. 10th Ave.  
Topeka, Kansas**

**Before Rulon, C.J.; Marquardt and Hill, JJ.**

**Tuesday, March 21, 2006**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>94,894</b> Board of County Commissioners, Appellees v. Judith M. Adcox, et al., Appellants	Steven C. Montgomery Vernon L. Jarboe	Jefferson
<b>94,926</b> Jim Warren, Trustee of Joe E. Warren Trust, Appellant v. Ann Duffy, Latisha Duffy, and Unknown Individuals Residing at 2805 Fairway Drive, Topeka, KS, 66611, Appellees	Vernon L. Jarboe Martha A. Peterson Christopher Kelsey	Shawnee
<b>93,965</b> State of Kansas, Appellee v. Carnell Atkins, Appellant	Attorney General Trevor D. Riddle, Asst. D.A. Patrick H. Dunn, Asst. A.D.	Douglas
<b>92,269</b> State of Kansas, Appellee v. Jessie D. Hughes, Appellant	Attorney General Robert D. Hecht, D.A. Shawn E. Minihan, Asst. A.D.	Shawnee

**94,246**  
 John K. Craven and Judith L. Craven,  
 Appellees  
 v.  
 L & F, Inc., et al., Appellants

Barry D. Martin  
 Allan E. Coon  
 Kevin D. Wait

Miami

**1:30 p.m.**

**93,080**  
 In the Interest of the C. Children,  
 Children Under the Age of 18 Years  
 To Wit: N.C., DOB: 08/05/96, C.C.,  
 DOB: 01/10/01

Juanita M. Carlson  
 Brenda J. Clary, Asst. D.A.  
 James T. George, G.A.L.

Douglas

**94,525**  
 City of Manhattan, Appellee  
 v.  
 Carl W. Feril, Appellant

Matthew Richter, City Prosecutor  
 John Thurston

Riley

**94,977**  
 Sppearl Ellison, Appellees  
 v.  
 Mano Industries, Inc., et al., Appellants

Peter S. Johnston  
 Robert D. Crangle

Saline

**94,283**  
 State of Kansas, Appellee  
 v.  
 Catherine Bieker, Appellant

Attorney General  
 Bobby J. Hiebert, Jr., Asst. C.A.  
 Roger D. Struble

Saline

**Wednesday, March 22, 2006**

**9:00 a.m.**

Case No. / Case Name  
**93,454**  
 State of Kansas, Appellee  
 v.  
 Jason Chesbro, Appellant

Attorneys  
 Attorney General  
 Jon P. Whitton, Asst. C.A.  
 Julie McKenna

Jurisdiction  
 Saline

**94,065**  
 In the Matter of the Marriage of Mark F.  
 Yockers, Appellant  
 and  
 Claudine Dombrowski, Appellee

Michael C. Gillespie  
 Kevin Cook

Riley

**Summary Calendar — No Oral Argument**

(These cases shall be deemed submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of Judges.)

Case No. / Case Name  
**92,530/92,531**  
 State of Kansas, Appellee  
 v.  
 Ronald Donaldson, Appellant

Attorneys  
 Attorney General  
 Thomas R. Stanton, Deputy D.A.  
 Michelle Davis, Asst. A.D.

Jurisdiction  
 Reno

**94,130**  
 State of Kansas, Appellee  
 v.  
 Nicomedes Barahona, Appellant

Attorney General  
 Bryant T. Barton, Asst. C.A.  
 Heather Cessna, Asst. A.D.

Riley

**94,543**  
 State of Kansas, Appellee  
 v.  
 Travis L. Barger, Appellant

Frank E. Kohl, C.A.  
 Edward C. Gillette

Leavenworth

**94,043**  
 State of Kansas, Appellee  
 v.  
 Nathan Fife, Appellant

Attorney General  
 Amy L. Aranda, Asst. C.A.  
 Nathan B. Webb, Asst. A.D.  
 Robert G. Shivley, Legal Intern

Lyon

(continued)

<b>94,434</b> Rusty Kent, Appellant v. State of Kansas, Appellee	Michelle Davis, Asst. A.D. Attorney General Ann L. Smith for F. William Cullins, C.A.	Montgomery
<b>94,306</b> Lisa Jane Graham, Appellant v. State of Kansas, Appellee	Sam S. Kepfield Attorney General Ellen Mitchell, C.A.	Saline
<b>94,039</b> State of Kansas, Appellee v. Chester W. Brockman, Appellant	Attorney General Brenda J. Clary, Asst. D.A. Deborah L. Moody, Legal Intern Nathan B. Webb, Asst. A.D.	Douglas
<b>94,323</b> David Hall, Appellant v. Kansas Department of Revenue, Appellee	Darrell L. Smith Ted Smith	Miami
<b>94,251</b> Dennis E. Shaw III, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Boyd K. Isherwood, Asst. D.A.	Sedgwick
<b>93,628</b> State of Kansas, Appellee v. Cory Huff, Appellant	Attorney General Daryl E. Hawkins, Asst. C.A. Brent Getty, Asst. A.D.	Dickinson
<b>94,398</b> State of Kansas, Appellee v. Johnny Ray Davis, Appellant	Attorney General Frank E. Kohl, C.A. Michael G. Highland	Leavenworth
<b>94,154</b> Timothy A. Clinton, Appellant v. State of Kansas, Appellee	Virginia A. Girard, Asst. A.D. Attorney General John D. Gutierrez, C.A.	Crawford
<b>94,161</b> City of Dodge City, Appellee v. Raul Ibarra, Appellant	Terry J. Malone Leslie A. Hess	Ford
<b>93,502</b> State of Kansas, Appellee v. Christina H. Campbell, aka Christina H. Pinaire, Appellant	Attorney General Jeffrey E. Evans, Asst. D.A. Sarah Ellen Johnson, Asst. A.D.	Sedgwick
<b>94,507</b> State of Kansas, Appellee v. Larry Petry, Appellant	Attorney General Ellen Mitchell, C.A. B. Joyce Yeager	Saline
<b>93,862</b> State of Kansas, Appellant v. Ernest Martinez, Appellee	Attorney General Benjamin J. Fisher, Asst. D.A. Charles A. O'Hara	Reno
<b>94,882</b> In the Matter of A.S.E., a Child Under Age Eighteen	Richard W. Benson Robert D. Hecht, D.A.	Shawnee
<b>94,155</b> Garland Glenn Williams, Appellant v. State of Kansas, Appellee	Randall L. Hodgkinson, Deputy A.D. Attorney General Ty Kaufman, C.A.	McPherson



Kansas Court of Appeals  
 U.S. Courthouse  
 Courtroom 408  
 401 N. Market  
 Wichita, Kansas

Before Malone, P.J.; Green and Buser, JJ.

Tuesday, March 21, 2006

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
93,837 State of Kansas, Appellee v. Richard D. Walker, Appellant	Attorney General Matt J. Maloney, Asst. D.A. Carl Maughan	Sedgwick
94,730 In the Interest of K.M., D/O/B 11/26/90	S. Philip Stover Craig S. Crosswhite, C.A.	Ness
94,075 State of Kansas, Appellee v. Edward A. Sykes, Appellant	Attorney General Matt J. Maloney, Asst. D.A. Heather Cessna, Asst. A.D.	Sedgwick
93,824 Matthew D. Martinez, Appellant v. State of Kansas, Appellee	Mary Curtis, Asst. A.D. Attorney General Ty Kaufman, C.A.	McPherson
94,064 Dartenell W. Garnes, #80377, Appellant v. State of Kansas, Appellee	Brent Getty, Asst. A.D. Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
93,997 State of Kansas, Appellee v. Richard M. Franklin, Appellant	Attorney General Kristi L. Barton, Asst. D.A. Matthew J. Edge, Asst. A.D.	Sedgwick
94,096 State of Kansas, Appellee v. Leon Conley, Appellant	Attorney General John Sauer, C.A. Michelle Davis, Asst. A.D.	Ford
93,084 State of Kansas, Appellee v. Nicholas Moody, Appellant	Attorney General Don L. Scott, C.A. Steven D. Rosel	Seward
93,713 In the Matter of the Marriage of Doyce D. Adamson, Appellant and Pamela A. Adamson, Appellee	Jennifer A. Wagle Michael P. Whalen	Sedgwick

1:30 p.m.

Wednesday, March 22, 2006

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
94,051 Evangeline Grajeda, Appellee v. Aramark Corporation and Bankers Standard Insurance, Appellants	Kelly W. Johnston Vincent A. Burnett	Work Comp.
94,063 State of Kansas, Appellee v. William K. Bemis, Appellant	Attorney General Thomas R. Stanton, Deputy D.A. Patrick H. Dunn, Asst. A.D.	Reno

(continued)

## Summary Calendar — No Oral Argument

(These cases shall be deemed submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of Judges.)

Case No. / Case Name	Attorneys	Jurisdiction
<b>93,858</b> Timothy L. Collins, Appellant v. State of Kansas, Appellee	Shawn Minihan, Asst. A.D. Attorney General Lesley A. Isherwood, Asst. D.A.	Sedgwick
<b>93,295</b> Dennis Munkirs, Appellant v. State of Kansas, Appellee	Mary Curtis, Asst. A.D. Attorney General Karen S. Smart, Asst. D.A.	Reno
<b>94,146</b> State of Kansas, Appellee v. Rickey L. Cope, Appellant	Attorney General Boyd K. Isherwood, Asst. D.A. Matthew J. Edge, Asst. A.D.	Sedgwick
<b>94,364</b> State of Kansas, Appellee v. Mark A. Anderson, Appellant	Attorney General Jeffrey E. Evans, Asst. D.A. Kevin Mark Smith	Sedgwick
<b>93,806</b> State of Kansas, Appellant v. Tiffany Bolden, Appellee	Attorney General Melissa G. Johnson, Asst. C.A. Brent Getty, Asst. A.D.	Seward
<b>95,114</b> In the Matter of J.F.N.	Richard E. James, C.A. Dustin W. Mullin	Clay
<b>94,207</b> Nathaniel L. Swenson, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
<b>94,105</b> Charles D. Brown, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
<b>93,932</b> State of Kansas, Appellee v. Randall French, Appellant	Attorney General Karen S. Smart, Asst. D.A. Cory D. Riddle, Asst. A.D.	Reno
<b>94,229</b> Jose M. Chavez, Appellant v. State of Kansas, Appellee	Korey A. Kaul, Asst. A.D. Attorney General Jeffrey E. Evans, Asst. D.A.	Sedgwick
<b>94,252</b> State of Kansas, Appellee v. Roger L. Moss, Appellant	Attorney General Lesley A. Isherwood, Asst. D.A. Carl Maughan	Sedgwick
<b>94,506</b> State of Kansas, Appellee v. Raymond A. Rhodeman, Appellant	Attorney General Ellen Mitchell, C.A. B. Joyce Yeager	Saline
<b>94,081</b> State of Kansas, Appellee v. Derrick Smith, Appellant	Attorney General Thomas R. Stanton, Deputy D.A. Randall L. Hodgkinson, Deputy A.D.	Reno
<b>93,578</b> Leburn H. Timmerman, Appellant v. State of Kansas, Appellee	Brent Getty, Asst. A.D. Attorney General Jeffrey E. Evans, Asst. D.A.	Sedgwick

<p><b>93,954</b> Chris L. Williams, Appellant v. State of Kansas, Appellee</p>	<p>J. Patrick Lawless, Asst. A.D. Attorney General Kristi L. Barton, Asst. D.A.</p>	<p>Sedgwick</p>
<p><b>94,211</b> Robert L. Reese, Appellant v. State of Kansas, Appellee</p>	<p>Michael P. Whalen Attorney General Kristi L. Barton, Asst. D.A.</p>	<p>Sedgwick</p>
<p><b>95,417</b> Richard Sullivan, Inmate No. 33863, Appellant v. Louis Bruce, Warden, Appellee</p>	<p>Richard Sullivan, #33863, Pro Se Jon D. Graves</p>	<p>Reno</p>
<p><b>94,641</b> In the Interest of: H.M.H., DOB: 12/22/1992 J.M.H., DOB: 07/08/1995 T.A.H., DOB: 09/24/2001 Children Under Eighteen (18) Years of Age</p>	<p>Verlin A. Ingram Larry S. Vernon</p>	<p>Sedgwick</p>
<p><b>94,549</b> State of Kansas, Appellee v. Terril L. Cooks, Appellant</p>	<p>Attorney General District Attorney Shirla R. McQueen</p>	<p>Sedgwick</p>

**Kansas Court of Appeals  
Old Sedgwick County Courthouse  
510 N. Main, 3rd Floor  
Wichita, Kansas**

**Before Greene, P.J.; Pierron and Caplinger, JJ.**

**Tuesday, March 21, 2006**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>93,953</b> Tom Wenrich and Sherry Wenrich, Appellees v. Employers Mutual Insurance Companies, Appellant</p>	<p>Stephen W. Brown Marc A. Powell Jennifer M. Hill</p>	<p>Pratt</p>
<p><b>93,585</b> Dale A. Zogleman, Trustee of the Dale A. Zogleman Revocable Living Trust, Appellee v. Ninnescah Township, Appellant</p>	<p>Nicholas S. Daily Steve R. Fabert Teresa L. Sittenauer</p>	<p>Sedgwick</p>
<p><b>93,756</b> State of Kansas, Appellee v. James R. McKillip, Appellant</p>	<p>Attorney General Boyd K. Isherwood, Asst. D.A. Korey A. Kaul, Asst. A.D.</p>	<p>Sedgwick</p>
<p><b>93,472</b> State of Kansas, Appellee v. Ryan A. Simmons, Appellant</p>	<p>Attorney General Boyd K. Isherwood, Asst. D.A. Sandra Carr, Asst. A.D.</p>	<p>Sedgwick</p>
<p><b>93,848</b> State of Kansas, Appellee v. Waylon Quinones, Appellant</p>	<p>Attorney General Lois K. Malin, Asst. C.A. Rick Kittel, Asst. A.D.</p>	<p>Finney</p>
<b>1:30 p.m.</b>		
<p><b>94,027</b> State of Kansas, Appellee v. Michael D. Davis, Appellant</p>	<p>Attorney General Boyd K. Isherwood, Asst. D.A. Mary Curtis, Asst. A.D.</p>	<p>Sedgwick</p>

*(continued)*

<p><b>94,224</b> Jeremiah 29:11, Inc., Appellee v. Ernest Douglas (Doug) Seifert and Leslie R. Seifert, Appellants</p>	<p>Jeffrey A. Chubb Kenneth G. Gale Darryl D. Ahlquist</p>	<p>Montgomery</p>
<p><b>91,353</b> State of Kansas, Appellee v. Billy Ray Noah, Appellant</p>	<p>Attorney General Edward C. Hageman, C.A. Quentin J. Boone</p>	<p>Rooks</p>
<p><b>94,025</b> State of Kansas, Pratt County Sheriff's Department, Appellant v. 1997 Chevrolet Monte Carlo, (VIN#2G1WX12X3V9301308), \$415.00 U.S. Currency, Appellees</p>	<p>Ernest H. Richardson, C.A. Michael S. Holland</p>	<p>Pratt</p>
<p><b>94,245</b> Alliance Steel, Inc., Appellant v. Troy Piland, Terrence Lee Piland, and Douglas Grooms, d/b/a Associated Construction Service, and Robert D. Dunlap, d/b/a Dunlap Construction, Appellees</p>	<p>Douglas M. Crotty III Ross A. Plourde William I. Heydman Gerald O. Schultz</p>	<p>Finney</p>

### Wednesday, March 22, 2006

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>93,880</b> The City of Park City, Kansas, Appellee v. The City of Valley Center, Kansas, et al., Appellants</p>	<p>Ray E. Simmons Mark G. Ayeshe Barry L. Arbuckle</p>	<p>Sedgwick</p>
<p><b>94,383</b> State of Kansas, Appellee v. Robert M. Ladd, Appellant</p>	<p>Attorney General Matt J. Maloney, Asst. D.A. Christopher J. Angles</p>	<p>Sedgwick</p>

### Summary Calendar — No Oral Argument

(These cases shall be deemed submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of Judges.)

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>93,745</b> Michael D. Carrier, Appellant v. State of Kansas, Appellee</p>	<p>Virginia A. Girard-Brady, Asst. A.D. Michael D. Carrier, #47423, Pro Se Attorney General Heather R. Jones, C.A.</p>	<p>Franklin</p>
<p><b>93,668</b> State of Kansas, Appellee v. James Campbell, Appellant</p>	<p>Attorney General Kristi L. Barton, Asst. D.A. Sandra Carr, Asst. A.D.</p>	<p>Sedgwick</p>
<p><b>94,055</b> In the Interest of: M.W., DOB: 10/13/90 K.R., DOB: 01/27/98 Minor Children Under Eighteen (18) Years of Age</p>	<p>Roger Batt Thomas C. McDowell</p>	<p>Sedgwick</p>
<p><b>94,406</b> Derward Johnson, Appellant v. State of Kansas, Appellee</p>	<p>Michael P. Whalen Attorney General Kristi L. Barton, Asst. D.A.</p>	<p>Sedgwick</p>

94,381 Marlin D. Long, Appellant v. Ray Roberts, et al., Appellees	Marlin D. Long, #6002628, Pro Se Julie St. Peter	Butler
94,896 Charlie J. McEndree, Appellant v. B&W Custom Truck Beds, Inc. and Patrons Insurance Company, Appellees	William L. Phalen Scott J. Mann	Work Comp.
94,885 State of Kansas, Appellee v. Douglas R. Close, Appellant	Attorney General John Sauer, C.A. Linda L. Eckelman	Ford
94,536 State of Kansas, Appellee v. Jose R. Orozco, Appellant	Attorney General Don L. Scott, C.A. Janine Cox, Capitol A.D.	Seward
93,710 State of Kansas, Appellee v. Oliver J.W. Phillips, Appellant	Attorney General Boyd K. Isherwood, Asst. D.A. Brent Getty, Asst. A.D.	Sedgwick
93,541 Earl L. Harris, Appellant v. State of Kansas, Appellee	Korey A. Kaul, Asst. A.D. Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
93,274 Robert Mingo, Jr., Appellant v. State of Kansas, Appellee	Virginia A. Girard-Brady, Asst. A.D. Attorney General Jeffrey E. Evans, Asst. D.A.	Sedgwick
93,773 State of Kansas, Appellee v. Lyle E. Russell, Appellant	Attorney General Lara Blake Bors, Asst. C.A. Brent Getty, Asst. A.D.	Finney
94,255 Jerry D. Magdaleno, Appellant v. State of Kansas, Appellee	R. Matthew Lane Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
94,949 Alicia D. DuBoise, Appellant v. Hallmark Cards, Inc., Appellee	Roger D. Fincher John David Jurcyk Jason J. Montgomery	Work Comp.
94,325 Willie J. Jackson, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
93,951 State of Kansas, Appellee v. Matthias Schroeder, Appellant	Joe Shepack, C.A. Matt Schroeder, Pro Se	Ellsworth
93,870 State of Kansas, Appellee v. David Williams, Appellant	Attorney General District Attorney Appellate Defender	Johnson
94,502 Martin D. Priest, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Boyd K. Isherwood, Asst. D.A.	Sedgwick

Carol G. Green  
Clerk of the Appellate Courts

(Published in the Kansas Register February 23, 2006.)

**City of Lenexa, Kansas**

**Notice to Bidders**

Sealed bids for **87th Street Parkway, Quivira Road to Pflumm Road & Quivira Road, 85th Street to 87th Street Parkway**, will be accepted by the city of Lenexa, Kansas, at the Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 10:30 a.m. March 21, 2006, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Planning Department customer service staff in sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk, and marked "Bid for: 87th Street Parkway, Quivira Road to Pflumm Road & Quivira Road, 85th Street to 87th Street Parkway."

Copies of plans, specifications, bidding documents and other contract documents are on file at Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above upon payment of \$150, which amount is non-refundable.

In lieu of picking up plans and specifications at Lenexa City Hall, bidders may download plans and specs free of charge from the city of Lenexa's Web site at <http://www.ci.lenexa.ks.us/publicworks/index.html>.

Note: Davis-Bacon wage rates apply to this project.

Contractors should read and be fully familiar with all contract documents, including addenda, before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with the bid:

- a. Bid Form.
- b. 5% Bid Security—Bid Bond, Cashier's Check or Certified Check (see below).

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on an acceptable bank, made payable to city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid, which shall be retained by city of Lenexa until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within 21 days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the performance bond, maintenance bond and statutory bond, each in an amount equal to 100 percent of

the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided in the notice of award, the city may annul the notice of award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 10 a.m. March 14 in the executive conference room on the main level of the Lenexa City Hall.

Mary Sue Fry, City Clerk  
City of Lenexa, Kansas

Doc. No. 032890

(Published in the Kansas Register February 23, 2006.)

**Summary Notice of Bond Sale  
Stevens County, Kansas  
\$2,400,000**

**General Obligation Bonds, Series 2006  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated February 21, 2006, written bids will be received on behalf of the clerk of Stevens County, Kansas (the issuer), at the address set forth below until 11 a.m. March 7, 2006, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 2006, and will become due on March 1 in the years as follows:

Year	Principal Amount
2008	\$440,000
2009	460,000
2010	480,000
2011	500,000
2012	520,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semian-

nually on March 1 and September 1 in each year, beginning March 1, 2007.

**Book-Entry-Only System**

The bonds shall be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$48,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about March 16, 2006, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2005 is \$362,585,330. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$4,120,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the address set forth below.

**Written and Facsimile Bid and Good Faith Deposit**

**Delivery Address:**

Pam Bensel, Clerk  
 County Courthouse, 200 E. 6th St.  
 Hugoton, KS 67951  
 (620) 544-2541  
 Fax (620) 544-4094  
 E-mail: SV\_County\_Clerk/WAN@WAN

**Financial Advisor:**

Gold Capital Management, Inc.  
 245 N. Waco, Suite 525  
 P.O. Box 205  
 Wichita, KS 67201-0205  
 Attn: Robert L. Schaeffer or Ron Ott  
 (785) 271-1092 (R. Schaeffer)  
 (316) 265-9411 (R. Ott)  
 Fax (785) 272-4870 (R. Schaeffer)  
 Fax (316) 265-9415 (R. Ott)  
 E-mail: bobschaeffer@juno.com  
 E-mail: ronott@goldcap-kc.com

Dated February 21, 2006.

Stevens County, Kansas

(Published in the Kansas Register February 23, 2006.)

**Summary Notice of Bond Sale  
 City of Topeka, Kansas  
 \$10,460,000\***

**Full Faith and Credit STAR Bonds  
 Series 2006-A (Heartland Park)**

**Bids**

Subject to the official notice of bond sale and preliminary official statement to be dated on or about February 24, 2006, sealed, facsimile and electronic bids will be received, in the case of sealed and facsimile bids, by the city clerk of the city of Topeka, Kansas (as issuer), on behalf of the governing body of the city at City Hall, 215 E. 7th St., Topeka, KS 66603, and, in the case of electronic bids, by the city's financial advisor on behalf of the governing body of the city on the Columbia Capital Auction Web site, www.columbiacapitalauction.com, until 10 a.m. Tuesday, March 7, 2006, for the purchase of \$10,460,000\* principal amount of Full Faith and Credit STAR Bonds, Series 2006-A (Heartland Park). No bid of less than 100 percent of the aggregate principal amount of the bonds, plus accrued interest thereon, if any, to the date of delivery will be considered, and no supplemental interest payments will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments 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 be dated March 30, 2006, and will become due on August 15 in the years as follows:

Year	Principal Amount*
2009	\$ 265,000
2010	275,000
2011	285,000
2012	295,000
2013	305,000
2014	320,000
2015	330,000
2016	730,000
2017	765,000
2018	795,000
2019	830,000
2020	865,000
2021	900,000
2022	940,000
2023	980,000
2024	1,025,000
2025	555,000

The city reserves the right to modify the total amount of the bonds and the amount of any maturity in order to properly structure certain funds and accounts and substantially obtain annual debt service parameters determined (continued)

mined by the city, based upon the interest rates and reoffering yields submitted by the successful bidder. The amount of the modification generally will not exceed the amount of net original issue premium bid on the bonds. Upon notification of preliminary award, the successful bidder must transmit to the city within 20 minutes, by fax or e-mail, its reoffering yields on the bonds. The successful bidder will be notified by means of telephone or facsimile transmission of any modification to such principal amount not later than 2 p.m. on the sale date. If the principal amount is modified, the city will seek to modify the maturity schedule, or make other mutually agreeable changes, in a way that will neither increase nor reduce the successful bidder's spread as a percentage of the principal amount of the bonds issued after taking into account such adjustments. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the bonds or principal of any maturity as described herein.

The bonds will be subject to optional and mandatory redemption prior to maturity as provided in the official notice of bond sale and preliminary official statement.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on February 15 and August 15 in each year, beginning August 15, 2006.

#### Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas, is designated as the paying agent and bond registrar for the bonds.

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$209,200 (representing 2 percent of the principal amount of the bonds).

#### Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered to the facilities of the Depository Trust Company, New York, New York, without cost to the successful bidder within 45 days after the date of the sale.

#### Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the city for the year 2005 is \$1,156,215,662. The total general obligation bonded indebtedness of the city, including the bonds (less the Series 2005-B Notes in the principal amount of \$3,000,000, all of which will be retired on March 31, 2006), is \$171,130,000.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder when the bonds are delivered.

#### Additional Information

Additional information regarding the bonds may be obtained from Linda Wood, city controller, (785) 368-

3970, fax (785) 368-3975; or from the city's financial advisor, Columbia Capital Management, LLC, 6950 Squibb Road, Suite 400, Mission, KS 66202, (913) 248-8500, fax (913) 248-8900.

Dated February 23, 2006.

City of Topeka, Kansas  
Iris E. Walker, City Clerk  
City Hall  
215 S.E. 7th St.  
Topeka, KS 66603  
(785) 368-3940

**\*Subject to change.**

Doc. No. 032894

### State of Kansas

### Legislature

#### Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced February 9-15 by the 2006 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 2863**, An act relating to postsecondary education; providing certain tuition waivers for state employees, by Representative Holland.

**HB 2864**, An act establishing the Chester I. Lewis scholarship program, by Representative M. Miller.

**HB 2865**, An act concerning contracts for the sale of residential real estate, by Committee on Commerce and Labor.

**HB 2866**, An act concerning sales taxation; relating to exemptions; homeless shelters; amending K.S.A. 2005 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2867**, An act concerning water and watercourses; relating to dams; amending K.S.A. 82a-303c and K.S.A. 2005 Supp. 82a-303b and repealing the existing sections, by Committee on Environment.

**HB 2868**, An act enacting the asbestos and silica compensation fairness act; concerning asbestos and silica claims, by Committee on Judiciary.

**HB 2869**, An act making and concerning appropriations for the fiscal years ending June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2005 Supp. 2-223, 55-193, 75-2319, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Appropriations.

**HB 2870**, An act relating to schools; relating to nutritional food in school, by Representatives Carter and Watkins.

**HB 2871**, An act concerning the board of nursing; relating to a central registry of information concerning nurses; amending K.S.A. 65-1117 and repealing the existing section, by Committee on Health and Human Services.

**HB 2872**, An act designating little bluestem (*schizachyrium scoparium*) as the state grass of Kansas, by Representative Yoder.

**HB 2873**, An act concerning teachers; relating to licensure; amending K.S.A. 2005 Supp. 72-1388 and repealing the existing section, by Representatives Horst and Decker.

**HB 2874**, An act relating to transmission of money; providing for the regulation thereof; amending K.S.A. 9-508, 9-509, 9-510, 9-511, 9-512 and 9-513 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2875**, An act concerning water; relating to the appropriation of water for beneficial use; amending K.S.A. 2005 Supp. 82a-714 and repealing the existing section, by Committee on Environment.



**HB 2876**, An act concerning public health; relating to the reporting of statistical data regarding termination of pregnancies; amending K.S.A. 65-445 and repealing the existing section, by Committee on Health and Human Services.

**HB 2877**, An act concerning abortion; written report thereon; amending K.S.A. 65-445 and repealing the existing section, by Committee on Health and Human Services.

**HB 2878**, An act relating to motor fuel trip permits; providing for 72-hour permits; amending K.S.A. 2005 Supp. 79-34,118 and repealing the existing section, by Committee on Transportation.

**HB 2879**, An act concerning law libraries; relating to fee increase authority; amending K.S.A. 2005 Supp. 20-3129 and repealing the existing section, by Committee on Judiciary.

**HB 2880**, An act concerning the Kansas law enforcement training center; relating to docket fees; amending K.S.A. 2005 Supp. 12-4117, 20-362 and 28-172a and repealing the existing sections, by Committee on Judiciary.

**HB 2881**, An act concerning crimes and punishment; relating to domestic battery; amending K.S.A. 2005 Supp. 21-3412a, 21-4704 and 74-5602 and repealing the existing sections, by Committee on Judiciary.

**HB 2882**, An act relating to motor vehicles; concerning antique military vehicles; amending K.S.A. 8-166 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2883**, An act relating to annuities; concerning the surrender period for indexed annuities, by Committee on Federal and State Affairs.

**HB 2884**, An act concerning wards and guardians; relating to the duties and powers of guardians; concerning nutrition and hydration; amending K.S.A. 59-3051, 59-3068, 59-3075 and 59-3078 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2885**, An act concerning crime prevention; creating a program to target areas in the state with high incidences of crime, by Representatives Kuether, Ballard, Beamer, Carlin, Colloton, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Hawk, Hill, Horst, Kirk, Light, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, Pauls, Roth, Ruff, Ruiz, Thull, Treaster and Ward.

**HB 2886**, An act concerning sales taxation; relating to exemptions; certain nonprofit organizations; amending K.S.A. 2005 Supp. 79-3603 and 79-3606 and repealing the existing sections, by Committee on Taxation.

**HB 2887**, An act concerning sales taxation; relating to exemptions; certain purchases of a motion picture or television production company; amending K.S.A. 2005 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2888**, An act concerning sales taxation; relating to refunds of tax paid upon certain sales of motor vehicles, by Committee on Taxation.

**HB 2889**, An act concerning utilization review; pertaining to standards for denial of coverage, by Committee on Insurance.

**HB 2890**, An act concerning surface-mining; relating to establishment of a natural resource development district, by Committee on Environment.

**HB 2891**, An act concerning the civil commitment of certain persons; relating to sexually violent predators; relating to the rights of such predators; creating the crime of battery against a mental health employee; amending K.S.A. 59-2978, 59-29a08 and 59-29a12 and repealing the existing sections, by Representative M. Holmes.

**HB 2892**, An act concerning retirement and pensions; relating to certain school retirees; minimum payments; amending K.S.A. 74-4950j and repealing the existing section, by Representative Loyd.

**HB 2893**, An act concerning offenders in custody; relating to health care costs, by Committee on Judiciary.

**HB 2894**, An act concerning hunting and fishing; relating to licenses for veterans; amending K.S.A. 32-919 and K.S.A. 2005 Supp. 32-906 and repealing the existing sections, by Representative Brown.

**HB 2895**, An act concerning prescription drugs, creating the prescription drug ethical marketing act, by Representative Swenson.

**HB 2896**, An act concerning wildlife and parks; relating to conservation officers; also relating to information gathered, by Committee on Appropriations.

**HB 2897**, An act concerning the Kansas civil service act; relating to the pay plan for the classified service and to regular step movement thereunder; amending K.S.A. 75-2938 and repealing the existing section, by Representative Powers.

**HB 2898**, An act concerning public utilities and common carriers; relating to damages sustained by aggrieved parties; amending K.S.A. 66-176 and repealing the existing section, by Committee on Judiciary.

**HB 2899**, An act concerning animals; relating to feral swine; penalties; amending K.S.A. 2005 Supp. 47-1809 and repealing the existing section, by Committee on Agriculture.

**HB 2900**, An act concerning oil refineries; providing for certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; relating to certain permits; amending K.S.A. 79-32,120 and 79-32,138 and K.S.A. 2005 Supp. 79-32,117 and repealing the existing sections, by Committee on Utilities.

**HB 2901**, An act concerning certain pipelines; providing certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; amending K.S.A. 79-32,120 and 79-32,138 and K.S.A. 2006 Supp. 79-32,117 and repealing the existing sections, by Committee on Utilities.

**HB 2902**, An act concerning certain nitrogen fertilizer plants; providing certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; amending K.S.A. 79-32,120 and 79-32,138 and K.S.A. 2005 Supp. 79-32,117 and repealing the existing sections, by Committee on Utilities.

**HB 2903**, An act concerning cellulosic alcohol plants; providing certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; amending K.S.A. 79-32,120 and 79-32,138 and K.S.A. 2005 Supp. 79-32,117 and repealing the existing sections, by Committee on Utilities.

**HB 2904**, An act concerning electric generation facilities; providing certain income tax credits and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; exempting certain facilities from certain siting requirements; amending K.S.A. 66-1,158, 66-1,159, 66-1,159a, 66-1,161, 66-1,162, 66-1,169a and 66-1,169b and K.S.A. 2005 Supp. 66-1,160 and 79-32,117 and repealing the existing sections, by Committee on Utilities.

**HB 2905**, An act supplementing the Kansas consumer protection act; relating to certain contracts for sale of home heating oil, kerosene or liquefied petroleum gas; declaring certain acts to be unconscionable acts and providing remedies therefor, by Representative Holland.

**HB 2906**, An act relating to the Kansas state high school activities association; relating to the powers and duties thereof; concerning debate and music activities, by Representative Holland.

**HB 2907**, An act concerning law enforcement continuing education and training; concerning appropriations for fiscal year ending June 30, 2007, for the Kansas law enforcement training commission; income tax credits; amending K.S.A. 74-5601, 74-5607a, 74-5608a, 74-5616 and 74-5619 and K.S.A. 2005 Supp. 74-5602, 74-5607 and 74-5611a and repealing the existing sections, by Representative Brunk.

**HB 2908**, An act concerning criminal street gangs; relating to criminal activity; amending K.S.A. 2005 Supp. 22-3901 and repealing the existing section, by Representatives Brunk, DeCastro, Dillmore, Faust-Goudeau, Flaharty, Garcia, Goico, Grange, M. Holmes, Huebert, Huy, E. Johnson, Kelley, Kelsey, Landwehr, Loganbill, Mast, McCreary, McLeland, O'Neal, Pauls, Pottorff, Powers, Sawyer, Swenson, Thull, Treaster, Ward and Watkins.

**HB 2909**, An act concerning taxation; relating to homestead property tax refunds; definition of income; amending K.S.A. 2005 Supp. 79-4502 and repealing the existing section, by Representative Burgess.

**HB 2910**, An act concerning crimes and punishment; relating to criminal possession of a firearm; amending K.S.A. 2005 Supp. 21-4204 and repealing the existing section, by Committee on Judiciary.

**HB 2911**, An act concerning victims of crime; relating to suicide; amending K.S.A. 2005 Supp. 74-7301 and repealing the existing section, by Committee on Judiciary.

**HB 2912**, An act concerning crimes and punishment; relating to promoting obscenity; amending K.S.A. 21-4301 and repealing the existing section, by Committee on Judiciary.

**HB 2913**, An act concerning civil procedure; relating to fees and costs; amending K.S.A. 60-2005 and 61-4001 and K.S.A. 2005 Supp. 28-110 and repealing the existing sections, by Committee on Judiciary.

**HB 2914**, An act concerning adoption; relating to stepparents; amending K.S.A. 59-2136 and repealing the existing section, by Committee on Judiciary.

**HB 2915**, An act concerning sales taxation; relating to exemptions; county law libraries; amending K.S.A. 2005 Supp. 79-3606 and repealing the existing section, by Committee on Judiciary.

(continued)

**HB 2916**, An act concerning driving under the influence of alcohol or drugs; relating to ignition interlock devices; amending K.S.A. 8-1014 and 8-1015 and K.S.A. 2005 Supp. 8-1001 and repealing the existing sections, by Committee on Judiciary.

**HB 2917**, An act concerning hunting; relating to sales of over-the-counter archery tags for deer; amending K.S.A. 2005 Supp. 32-937 and repealing the existing section, by Committee on Environment.

**HB 2918**, An act relating to work-site utility vehicles; concerning the regulation thereof; amending K.S.A. 2005 Supp. 8-126, 8-197, 8-198 and 79-3606 and repealing the existing sections, by Committee on Transportation.

**HB 2919**, An act concerning cruelty to animals; amending K.S.A. 21-4317 and 47-1706 and K.S.A. 2005 Supp. 21-2511, 21-4310, 21-4311, 21-4704, 22-3717 and 22-4906 and repealing the existing sections; also repealing K.S.A. 21-4314, 21-4315 and K.S.A. 2005 Supp. 21-4316 and 21-4319, by Representatives Sawyer, Carlin, Crow, DeCastro, Dillmore, Flaharty, Hawk, Pauls, Ruff, Storm and Treaster.

**HB 2920**, An act concerning health care; relating to providing information concerning umbilical cord collection to certain pregnant women; enacting the umbilical cord donation information act, by Representative Pilcher-Cook.

**HB 2921**, An act concerning crimes and punishment; relating to selling video or computer games to minors; penalty therefor, by Representative Ward.

**HB 2922**, An act concerning juvenile offenders; relating to driver's license suspensions; amending K.S.A. 38-1663 and repealing the existing section, by Representative Faber.

**HB 2923**, An act concerning state agencies; providing for energy audits of buildings; relating to certain contracts; imposing certain requirements regarding energy consumption, by Committee on Utilities.

**HB 2924**, An act concerning electric generation; relating to parallel generation; providing for net metering; repealing K.S.A. 66-1,184, by Committee on Utilities.

**HB 2925**, An act concerning telecommunications; imposing certain requirements on telecommunications public utilities and providing penalties for failure to comply; providing for issuance of bonds and other financing for certain broadband facilities; providing for certain property tax exemptions for certain broad band facilities, by Committee on Utilities.

**HB 2926**, An act concerning electric transmission facilities; providing for the creation of an independent transmission company in this state, by Committee on Utilities.

**HB 2927**, An act concerning cities; relating to the effective date of certain fees imposed under franchise ordinances, by Committee on Utilities.

**HB 2928**, An act concerning employment; requiring employers to allow leave for certain purposes; providing penalties and remedies for violations, by Representatives Loganbill, Ballard, Crow, Faust-Goudeau, Flaharty, Garcia, Gatewood, Hawk, Henderson, Huntington, Huy, Kelley, Kuether, Long, Mah, Mast, Menghini, Judy Morrison, Pauls, Ruff, S. Sharp, Storm, Svaty, Thull, Trimmer, Winn and Yonally.

**HB 2929**, An act concerning elections; relating to precinct boundaries; amending K.S.A. 25-26a02 and 25-3801 and repealing the existing sections, by Representative Horst.

**HB 2930**, An act concerning wildlife and parks; relating to the qualifications of the secretary; amending K.S.A. 2005 Supp. 32-801 and repealing the existing section, by Committee on Wildlife and Parks.

**HB 2931**, An act concerning eminent domain; amending K.S.A. 26-507 and repealing the existing section, by Representative Horst.

**HB 2932**, An act concerning utilities; relating to jurisdiction of the state corporation commission; amending K.S.A. 2005 Supp. 66-104 and repealing the existing section, by Representative Kuether.

**HB 2933**, An act concerning qualifications for the director of the division of health; amending K.S.A. 2005 Supp. 75-5603 and repealing the existing section, by Representatives McKinney and Merrick.

**HB 2934**, An act concerning energy conservation and efficiency; imposing certain charges and providing for disposition thereof, by Committee on Utilities.

**HB 2935**, An act concerning crimes and punishment; relating to indecent solicitation of a child and aggravated indecent solicitation of a child; amending K.S.A. 2005 Supp. 21-3510, 21-3511 and 22-3717 and repealing the existing sections, by Representative Yonally.

**HB 2936**, An act concerning media advertising by state agencies; requiring inclusion of a statement regarding the source of funding there-

for; prescribing powers, duties and functions for the secretary of administration, by Representative Kelley.

**HB 2937**, An act concerning school districts; relating to the appointment of superintendents; amending K.S.A. 72-8202b and repealing the existing section, by Representative Weber.

**HB 2938**, An act concerning motor vehicles; relating to driving while revoked; amending K.S.A. 8-262 and 8-287 and K.S.A. 2005 Supp. 21-4704 and repealing the existing sections, by Representative Weber.

**HB 2939**, An act concerning landlords and tenants; relating to tenants who are victims of crime, by Representative Yonally.

**HB 2940**, An act abolishing the Kansas turnpike authority; transferring powers, duties and functions to the Kansas department of transportation, by Representative Swenson.

**HB 2941**, An act concerning prescription drugs, creating the prescription privacy act, by Representative Swenson.

**HB 2942**, An act concerning civil procedure; relating to garnishment; amending K.S.A. 60-741 and 61-3515 and repealing the existing sections, by Representative Watkins.

**HB 2943**, An act concerning the courts; relating to fees; amending K.S.A. 20-101 and repealing the existing section, by Committee on Judiciary.

**HB 2944**, An act concerning schools and school districts; relating to character development programs; relating to the duties of the state board of education, by Representatives Kelley, Ballard, Beamer, Brown, Brunk, Carlson, Craft, Garcia, Hill, Huebert, Kinzer, Knox, Light, Loganbill, Mah, Mast, Masterson, O'Neal, Otto, Pilcher-Cook, Thull and Watkins.

**HB 2945**, An act relating to the eligibility of certain aliens for state and local public benefits; concerning verification of claims of legal domicile or residence; providing for exceptions; providing penalties for violations, by Representative Merrick.

**HB 2946**, An act concerning contracts by the state or a political subdivision thereof; requiring certain provisions in such a contract relating to persons who are authorized workers under federal immigration law, by Representative Merrick.

**HB 2947**, An act relating to counties; providing for payment in lieu of taxes by the Kansas turnpike authority to certain counties; amending K.S.A. 68-2004 and repealing the existing section, by Representatives McCreary, Dahl, Gordon, Grange, Mah, Mast and Myers.

**HB 2948**, An act concerning business entities; relating to annual reports; filing; fees; requirements; amending K.S.A. 56-1a606, 56-1a607, 56-1a608, 56a-1201, 56a-1202 and 56a-1203 and K.S.A. 2005 Supp. 17-1513, 17-1618, 17-2036, 17-2037, 17-2718, 17-4634, 17-4677, 17-6709, 17-7002, 17-7503, 17-7504, 17-7505, 17-7507, 17-7509, 17-7510, 17-7512, 17-76,125, 17-76,139 and 79-5401 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 17-6806 and 75-446, by Committee on Taxation.

**HB 2949**, An act concerning water; relating to the public water supply loan fund and purposes for disbursement therefrom; amending K.S.A. 65-163e and repealing the existing section, by Committee on Appropriations.

**HB 2950**, An act concerning the Kansas racing and gaming commission; making and concerning appropriations for the Kansas racing and gaming commission for the fiscal year ending June 30, 2006, by Committee on Appropriations.

**HB 2951**, An act designating a portion of United States highway 36 the World War I veterans memorial highway, by Committee on Federal and State Affairs.

**HB 2952**, An act relating to certain life form engineering; concerning human chimera; creating certain crimes and providing penalties for such crimes; authorizing civil fines, by Committee on Federal and State Affairs.

## House Concurrent Resolutions

**HCR 5037**, A concurrent resolution memorializing the Congress of the United States to extend certain provisions of the Voting Rights Act of 1965.

**HCR 5038**, A concurrent resolution expressing the Kansas House of Representatives' and the Senate's support for the creation of an Advanced Education in General Dentistry (AEGD) residency program to the benefit of the state of Kansas.

**HCR 5039**, A proposition to amend the constitution of the state of Kansas by revising article 3 thereof, relating to judiciary.

## House Resolutions

**HR 6011**, A resolution concerning physical education instruction in public schools.

## Senate Bills

**SB 532**, An act concerning fair associations; relating to tax levies for buildings and grounds; repealing K.S.A. 2005 Supp. 2-131d, by Committee on Agriculture.

**SB 533**, An act creating a citizens commission on separation of powers; prescribing powers and duties and providing for payment of certain expenses, by Committee on Federal and State Affairs.

**SB 534**, An act concerning industrial windpower electric generation facilities; relating to standards for operation, by Senator Wagle.

**SB 535**, An act concerning sales taxation; relating to sales of new motor vehicles; taxation of rebates; amending K.S.A. 2005 Supp. 79-3602 and repealing the existing section, by Senator Wagle.

**SB 536**, An act concerning medicaid; relating to reimbursement; amending K.S.A. 59-2249 and 59-3086 and K.S.A. 2005 Supp. 21-3847 and repealing the existing sections, by Committee on Judiciary.

**SB 537**, An act concerning public health, relating to vaccinations, by Senator Hensley.

**SB 538**, An act concerning property taxation; relating to school ad valorem tax levy and exemption therefrom; amending K.S.A. 2005 Supp. 72-6431 and 79-201x and repealing the existing sections, by Senators Hensley, Barone, Betts, Gilstrap, Goodwin, Haley and Kelly.

**SB 539**, An act concerning casualty insurance companies; relating to certain requirements regarding filing rates, forms and premiums; amending K.S.A. 40-954 and 40-955 and K.S.A. 2005 Supp. 40-216 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 540**, An act concerning water and watercourses; relating to dams; amending K.S.A. 2005 Supp. 82a-302 and repealing the existing section, by Committee on Natural Resources.

**SB 541**, An act concerning taxation; relating to the franchise tax; rates; elimination; amending K.S.A. 2005 Supp. 79-5401 and repealing the existing section, by Committee on Elections and Local Government.

**SB 542**, An act concerning the equine industry; creating the equine industry research and promotion board, by Committee on Agriculture.

**SB 543**, An act creating the Kansas ethanol council, by Committee on Agriculture.

**SB 544**, An act concerning motor-vehicle fuel taxation; relating to rates; ethanol blends; amending K.S.A. 79-3401 and K.S.A. 2005 Supp. 79-34,141 and repealing the existing sections, by Committee on Agriculture.

**SB 545**, An act concerning county treasurers; relating to fees and compensation; amending K.S.A. 8-129 and K.S.A. 2005 Supp. 8-145 and 8-145d and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 546**, An act concerning the board of emergency medical services; establishing a statewide data collection system, by Committee on Ways and Means.

**SB 547**, An act enacting the pharmacy benefits manager registration act, by Committee on Financial Institutions and Insurance.

**SB 548**, An act repealing K.S.A. 50-115; concerning recovery of certain damages in antitrust cases, by Committee on Ways and Means.

**SB 549**, An act concerning libraries; creating the state library of Kansas board and providing for the powers and duties thereof; abolishing the state library advisory commission and the Kansas library network board; amending K.S.A. 75-2546, 75-2548, 75-2549, 75-2549b, 75-2550, 75-2550a, 75-2551, 75-2552, 75-2576 and 75-2577 and K.S.A. 2005 Supp. 75-2562 and repealing the existing sections; also repealing K.S.A. 75-2578, 75-2579, 75-2580, 75-2581, 75-2582, 75-2583, 75-2584 and 75-2586, by Committee on Ways and Means.

**SB 550**, An act concerning form of statutory and legal documents; prescribing certain duties on the judicial council; amending K.S.A. 19-4710, 19-4712, 19-4713, 19-4715, 19-4738 and 38-133 and K.S.A. 2005 Supp. 26-506 and repealing the existing sections, by Committee on Judiciary.

**SB 551**, An act concerning tax credits; relating to reporting requirements as a condition of claiming certain tax credits; amending K.S.A. 74-50,132 and K.S.A. 2005 Supp. 79-32,153 and 79-32,160a and repealing the existing sections, by Committee on Commerce.

**SB 552**, An act concerning sales taxation; relating to sales tax exemption for certain sales of clothing, personal computers and school supplies; amending K.S.A. 2005 Supp. 79-3606 and repealing the existing section, by Senator Brownlee.

**SB 553**, An act authorizing the state historical society to convey property to Audubon of Kansas, by Committee on Ways and Means.

**SB 554**, An act relating to drivers' licenses; concerning the expiration date of certain licenses; amending K.S.A. 2005 Supp. 8-247 and repealing the existing section, by Federal and State Affairs.

**SB 555**, An act concerning alcoholic liquor; relating to removal of partially consumed containers or alcoholic liquor from certain licensed premises; amending K.S.A. 8-1599 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 556**, An act concerning sexual conduct; relating to intent; amending K.S.A. 21-3503, 21-3504, 21-3517, 21-3518 and 60-3102 and K.S.A. 2005 Supp. 21-3516 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 557**, An act concerning labor and employment; relating to employers' health care costs; establishing the fair share health care fund; penalties, by Committee on Federal and State Affairs.

**SB 558**, An act concerning liens and encumbrances on vehicles; relating to the release thereof; establishing civil administrative penalties; amending K.S.A. 2005 Supp. 8-135 and repealing the existing section, by Committee on Transportation.

**SB 559**, An act relating to motor carriers; concerning exemptions from certain rules and regulations; amending K.S.A. 2005 Supp. 66-1,129 and repealing the existing section, by Committee on Transportation.

**SB 560**, An act concerning the emerging industry investment act; creating the emerging industry investment oversight council; relating to powers and duties; amending K.S.A. 2005 Supp. 74-99b33 and 74-99b34 and repealing the existing sections, by Committee on Commerce.

**SB 561**, An act concerning state parks; relating to use of all-terrain vehicles in such parks, by Senator Ostmeyer.

**SB 562**, An act concerning municipal courts; relating to the accused person's competency to stand trial; amending K.S.A. 22-3302 and repealing the existing section, by Senator Journey.

**SB 563**, An act; concerning school districts; relating to kindergarten pupils; amending K.S.A. 2005 Supp. 72-6407 and repealing the existing section, by Senator Steineger.

**SB 564**, An act concerning sales taxation; relating to countywide retailers' sales tax; Saline county; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 565**, An act concerning counties; relating to costs for medical care and treatment of offenders; amending K.S.A. 2005 Supp. 19-1910 and 19-4444 and repealing the existing sections, by Senator Reitz.

**SB 566**, An act concerning teachers; enacting the teacher education grant program act; providing for the administration of the teacher education grant program, by Senators Wilson and D. Schmidt.

**SB 567**, An act concerning the Kansas law enforcement training act; amending K.S.A. 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-5620 and K.S.A. 2005 Supp. 12-4117, 20-362, 28-172a, 74-5602, 74-5605, 74-5607 and 74-5611a and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 568**, An act concerning the court of appeals; amending K.S.A. 2005 Supp. 20-3002 and repealing the existing section, by Committee on Ways and Means.

## Senate Concurrent Resolutions

**SCR 1621**, A concurrent resolution recognizing the establishment of the first Boy Scout troop in America at Salina and supporting the establishment of the Museum of Scouting at Salina.

## Senate Resolutions

**SR 1810**, A resolution congratulating and commending Ryan Sageser.

**SR 1811**, A resolution congratulating and commending the 2006 Horizon Award Program educators.

**SR 1812**, A resolution congratulating and commending the 2005 Kansas National Board Certified teachers.

Doc. No. 032877

## State of Kansas

## State Employees Health Care Commission

Permanent Administrative  
Regulations

## Article 1.—ELIGIBILITY REQUIREMENTS

**108-1-4. Local unit of government employee health care benefits plan.** (a) Definitions.

(1) "Commission" means the Kansas state employees health care commission.

(2) "Local unit" means any of the following:

(A) Any county, township, or city;

(B) any community mental health center;

(C) any groundwater management district, rural water-supply district, or public wholesale water supply district;

(D) any county extension council or extension district;

(E) any hospital established, maintained, and operated by a city of the first or second class, a county, or a hospital district in accordance with applicable law; or

(F)(i) any city, county, or township public library created under the authority of K.S.A. 12-1215 *et seq.* and amendments thereto;

(ii) any regional library created under the authority of K.S.A. 12-1231, and amendments thereto;

(iii) any library district created under the authority of K.S.A. 12-1236, and amendments thereto;

(iv) the Topeka and Shawnee county library district established under the authority of K.S.A. 12-1260 *et seq.*, and amendments thereto;

(v) the Leavenworth and Leavenworth county library district established under the authority of K.S.A. 12-1270, and amendments thereto;

(vi) any public library established by a unified school district under the authority of K.S.A. 72-1623, and amendments thereto; or

(vii) any regional system of cooperating libraries established under the authority of K.S.A. 75-2547 *et seq.*, and amendments thereto.

(3) "Local unit employee" means any individual who meets one or more of the following criteria:

(A) The individual is an appointed or elective officer or employee of a qualified local unit whose employment is not seasonal or temporary and whose employment requires at least 1,000 hours of work per year.

(B) The individual is an appointed or elective officer or employee who is employed concurrently by two or more qualified local units in positions that involve similar or related tasks and whose combined employment by the qualified local units is not seasonal or temporary and requires at least 1,000 hours of work per year.

(C) The individual is a member of a board of county commissioners of a county that is a qualified local unit, and the compensation paid for service on the board equals or exceeds \$5,000 per year.

(D) The individual is a council member or commissioner of a city that is a qualified local unit, and the compensation paid for service as a council member or commissioner equals or exceeds \$5,000 per year.

(4) "Local unit plan" means the local unit employee health care benefits component of the health care benefits program.

(5) "Qualified local unit" means a local unit that meets the terms, conditions, limitations, exclusions, and other provisions established by the commission for participation in the local unit employee health care benefits component of the health care benefits program and that has entered into a written agreement with the commission to participate in the program.

(b) Active participants. Subject to the provisions of subsection (c), each local unit employee shall be eligible to participate as an active participant in the local unit plan. Eligibility and participation shall be subject to terms, conditions, limitations, exclusions, and other provisions established by the commission, including the amount and method of payment for employee and employer contributions.

(c) Waiting periods.

(1) Each local unit employee whose first day of work for a qualified local unit is on or after the first day of work which the employee's qualified local unit participates in the local unit plan shall become eligible for coverage following completion of a 60-day waiting period beginning with the first day of work for the qualified local unit. Each local unit employee shall have 31 days after becoming eligible to elect health insurance coverage.

(2) The waiting period established in paragraph (c)(1) shall not apply if all of the following conditions are met:

(A) The person is returning to work for the qualified local unit, is transferring from another qualified local unit, or is transferring from a position that is eligible for coverage under K.A.R. 108-1-1 or K.A.R. 108-1-3.

(B) Immediately before leaving the prior position, the person was enrolled in the local unit plan, the school district plan under K.A.R. 108-1-3, or the health care benefits program under K.A.R. 108-1-1 or was enrolled in the health care insurance plan provided by the employee's qualified local unit.

(C) The break in service between the prior position and the new position does not exceed the following time periods:

(i) 30 or fewer calendar days; or

(ii) 365 or fewer days, if the person was laid off in accordance with the practices of the prior employer.

(3) The waiting period established in paragraph (c)(1) shall not apply to any person who, on that person's first day of work for the qualified local unit, is enrolled in the local unit plan, the school district plan under K.A.R. 108-1-3, or the health care benefits plan under K.A.R. 108-1-1 on any of the following bases:

(A) As a direct bill participant;

(B) under the continuation of benefits coverage provided under public law 99-272, as amended; or

(C) as a spouse or dependent of an active participant in any of those plans.

(4) The waiting period established in paragraph (c)(1) may be waived if the chief administrative officer of the qualified local unit, or the chief administrative officer's designee, meets the following requirements:

(A) The chief administrative officer or the chief administrative officer's designee shall provide both of the following certifications to the commission, or its designee, in writing:

(i) A potential new local unit employee is not entitled to continuation of health benefits available from prior insurance coverage.

(ii) The waiting period poses, or will pose, an obstacle to recruitment.

(B) The chief administrative officer or the chief administrative officer's designee shall submit the request for a waiver before the employee's acceptance of the position.

(5) Each local unit employee who is employed by the employee's qualified local unit immediately before the first day on which the employee's qualified local unit participates in the local unit plan shall be subject to transitional provisions established by the commission regarding waiting periods and the date on which the employee becomes eligible to participate in the local unit plan.

(6) The waiting period described in this subsection may be waived by the commission if the commission determines that failure to grant a waiver would create a manifest injustice or undue hardship on the local unit employee.

(d) Categories of direct bill participants. Subject to the provisions of subsection (e), the classes of persons eligible to participate as members of the local unit plan on a direct bill basis shall be the following:

(1) Any retired local unit employee who meets one of the following conditions:

(A) The employee is receiving state warrants for retirement benefits under the Kansas public employees retirement system or the Kansas police and firemen's retirement system; or

(B) if the qualified local unit is not a participating employer under either the Kansas public employees retirement system or the Kansas police and firemen's retirement system, the employee is receiving retirement benefits under the retirement plan provided by the qualified local unit;

(2) any totally disabled former local unit employee who meets one of the following conditions:

(A) The employee is receiving benefits under the Kansas public employees retirement system or the Kansas police and firemen's retirement system; or

(B) if the qualified local unit is not a participating employer under either the Kansas public employees retirement system or the Kansas police and firemen's retirement system, the employee is receiving disability benefits under the retirement or disability plan provided by the qualified local unit;

(3) any surviving spouse or dependent of a qualifying participant in the local unit plan;

(4) any person who is a local unit employee and who is on approved leave without pay in accordance with the practices of the qualified local unit; and

(5) any individual who was covered by the health care plan offered by the qualified local unit on the day immediately before the first day on which the qualified local unit participates in the local unit plan, except that no individual who is an employee of the qualified local unit and who does not meet the definition of local unit employee in subsection (a) shall be qualified as a direct bill participant under this paragraph.

(e) Conditions for direct bill participants. Each person who is within a class listed in subsection (d) shall be eli-

gible to participate on a direct bill basis only if the person meets both of the following requirements:

(1) The person was covered by the local unit plan or the health care insurance plan offered by the qualified local unit on one of the following bases:

(A) Immediately before the date the person ceased to be eligible for coverage or, for any person identified in paragraph (d)(5), immediately before the first day on which the qualified local unit participates in the local unit plan, the person either was covered as an active participant under subsection (b) or was covered by the health care insurance plan offered by the employee's qualified local unit.

(B) The person is a surviving spouse or dependent of a person who was enrolled as a plan participant under subsection (b) or (d) at the time the plan participant died, and the person was enrolled in spouse or dependent coverage under subsection (g) at the time the plan participant died.

(C) The person is a surviving spouse or dependent of a person who was enrolled as a plan participant under the health care insurance plan offered by the participant's qualified local unit at the time the participant died, and the person was covered under the same plan at the time the participant died.

(2) The person files a statement of election with the commission's health benefits administrator to continue coverage under the plan. The election to continue coverage shall be submitted on a form prescribed by the commission's health benefits administrator. The form shall be submitted no more than 30 days after the person ceased to be eligible for coverage or, in the case of any individual identified in paragraph (d)(5), no more than 30 days after the first day on which the qualified local unit participates in the local unit plan.

(f) Continuation of benefits (COBRA) coverage. Any individual with rights to extend coverage under provisions of public law 99-272, as amended, may participate in the local unit plan, subject to the provisions of that federal law.

(g) Coverage of spouses and dependents. Any person who is enrolled in the local unit plan under subsection (b), (d), or (f) as a primary participant may enroll the following dependents, subject to the same conditions and limitations that apply to the primary participant:

(1) The primary participant's lawful wife or husband; and

(2) any of the primary participant's eligible dependent children. An eligible dependent child who is enrolled in the local unit plan by one primary participant shall not be eligible to be enrolled by another primary participant in the local unit plan, the school district plan under K.A.R. 108-1-3, or the health care benefits program under K.A.R. 108-1-1.

(h) Eligible dependent participants; definitions. For purposes of subsection (g), "primary participant," "child," and "eligible dependent child" shall be defined as those terms are defined in K.A.R. 108-1-1.

(i) Direct bill participants; continuous coverage provisions.

*(continued)*

(1) Except as otherwise provided in this subsection, each direct bill participant enrolled in the local unit plan shall maintain continuous coverage in the program or shall lose eligibility to be in the local unit plan as a direct bill participant under subsection (d).

(2) Any person who discontinues direct bill coverage in the local unit plan and maintains continuous coverage in a medicare risk plan may return to the local unit plan according to the open enrollment procedures.

(j) An individual who is eligible to enroll as an active participant under subsection (b) and whose spouse is eligible for coverage as an active participant under K.A.R. 108-1-1 shall not be eligible for coverage as a dependent under K.A.R. 108-1-1. Any other dependents of the individual and the individual's spouse may be enrolled under the provisions of either K.A.R. 108-1-1 or K.A.R. 108-1-4. (Authorized by K.S.A. 2004 Supp. 75-6501 and K.S.A. 75-6510; implementing K.S.A. 2004 Supp. 75-6501 and K.S.A. 75-6508; effective August 30, 2002; amended March 28, 2003; amended Jan. 9, 2004; amended June 18, 2004; amended March 10, 2006.)

Duane Goossen  
Secretary of Administration

Doc. No. 032881

## State of Kansas

### Kansas Insurance Department

#### Permanent Administrative Regulations

#### Article 3.—FIRE AND CASUALTY INSURANCE

**40-3-5. Fire and casualty insurance; rating organizations; filing of forms.** For the purpose of this regulation, the word "company" shall include a company of any type that is required to file rates pursuant to K.S.A. 40-955 and amendments thereto. The word "forms" shall mean policies, endorsements, and standard provisions used in policies or endorsements. The term "rating organizations" shall mean any organization licensed pursuant to K.S.A. 40-956 and amendments thereto.

(a) When the constitution, articles of association, by-laws, or regulations of a rating organization grant control over the forms to be used by its member and subscriber companies, the forms shall be filed in compliance with K.S.A. 40-216 and amendments thereto. An individual company shall not be required to file declarations pages or forms that have been filed on its behalf by a rating organization and approved by the commissioner of insurance.

(b) After approval, each member and subscriber of the rating organization making the filings shall adhere to the forms. Each deviation from approved filings shall be deemed to be in violation of K.S.A. 40-216 and amendments thereto, except as provided under K.S.A. 40-958 and amendments thereto.

(c) Except as provided in subsection (a), each company shall be responsible for the following:

- (1) Controlling its filings of forms;
- (2) promptly discontinuing individual filings of those forms filed on its behalf by a rating organization; and

(3) complying with Kansas individual filings of those forms filed on its behalf by a rating organization. Each company that is not a member of or subscriber to a rating organization shall be required to make an individual filing in accordance with K.S.A. 40-216, and amendments thereto, for each standardized form filed by a rating organization that is accepted by the company.

(d) Each company that becomes a member or subscriber of a rating organization shall be presumed to be issuing the forms of the rating organization from the effective date of membership or subscribership.

(e) Each company that retires from membership or subscribership in a rating organization shall meet the filing requirements by making individual filings. (Authorized by K.S.A. 40-103 and 40-961; implementing K.S.A. 40-216 and 40-955; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1986; amended May 15, 1989; amended May 16, 1997; amended March 10, 2006.)

**40-3-12. Fire and casualty insurance companies; rating plans; requirements.** (a) "Individual risk rating plans" shall mean individual risk premium modification plans, schedule rating plans, and similar plans applicable to commercial lines of property and casualty insurance that include one or more of the following types of premium modification:

(1) "Risk modification," which shall mean the application of judgment debits and credits through schedule rating or individual risk premium modification plans to the individual rates otherwise applicable, based on the individual risk's variations in hazard and characteristics of the risk not reflected in the insured's experience. Risk modification shall not include variations in expenses;

(2) "expense modification," which shall mean the variation of the premium for an individual risk that corresponds to the variation in the expenses of this risk from the provision for losses applicable to that entire class of risk; or

(3) "experience modification, excluding retrospective rating plans," which shall mean a variation in the premium for an individual risk that corresponds to that risk's variation in past loss experience from the provision for losses applicable to that entire class of risk.

(b) Individual risk rating plans permitted by K.S.A. 40-954, and amendments thereto, shall meet the following requirements:

(1) Each plan shall specify the kind of insurance or subdivision, or combination, to which the plan applies.

(2) The maximum credit or debit resulting from risk modification shall not exceed 25 percent.

(3) Each plan shall establish standards that bear a relationship to the variation in hazard or expense, or both, to be measured.

(4) Each plan shall be mandatory for all eligible risks and shall be applied by company representatives responsible for underwriting the risk or risks involved in a manner that is uniform and not unfairly discriminatory.

(5) Each company using individual risk rating plans shall obtain all information necessary to determine the proper application of the plans to any particular risk. Each company shall maintain adequate supporting infor-

mation for examination by the commissioner upon request.

(6) Each change or removal of credits or debits that results from the application of individual risk rating plans shall occur only on the anniversary or renewal of a policy but not during the policy period.

(7) Each change or removal of a debit or credit that was applied under an individual risk rating plan or expense modification shall be based on conclusive evidence that either the conditions that produced the most recent debits or credits no longer exist or their impact has been reduced in direct proportion to the new rating treatment applied. (Authorized by K.S.A. 40-103 and 40-961; implementing K.S.A. 40-954; effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1986; amended May 1, 1988; amended March 10, 2006.)

**40-3-43. Title insurance; controlled business; definitions; requirements.** For purposes of K.S.A. 40-2404, (14)(f) through (i) and amendments thereto, these terms shall have the following meanings: (a) "Closed title order" shall mean an order when a policy or policies of title insurance are actually issued.

(b) "Controlled business" shall mean any portion of a title insurer's or title agent's business in this state that was referred by any producer of title business if the producer of title business with a financial interest in the title insurer or title agent to which the business is referred initiates the referral.

(c) "Title insurance order" shall mean an order for an owner's title insurance policy or an order for a loan policy of title insurance, or both. Each pair of orders for an owner's title insurance policy and a loan policy of title insurance to be issued simultaneously for the same real estate transaction shall constitute one order. The policies of title insurance issued under this transaction shall constitute one closed title order only if both policies are issued by the same title insurer or title agency. (Authorized by K.S.A. 40-103, K.S.A. 2004 Supp. 40-2404; implementing K.S.A. 2004 Supp. 40-2404; effective, T-40-7-27-89, July 27, 1989; effective Sept. 11, 1989; amended March 10, 2006.)

**40-3-46.** (Authorized by K.S.A. 40-103 and L. 1990, Ch. 154, Secs. 1 and 2; implementing L. 1990, Ch. 154, Secs. 1 and 2; effective May 6, 1991; revoked March 10, 2006.)

**40-3-47. Fire and casualty insurance; rating organizations; kinds of insurance affected.** (a) Each rating organization shall develop and file only prospective loss costs for the following kinds of insurance and coverage:

(1) All lines of business specified in K.S.A. 40-901 and amendments thereto, except rates, rules, and forms filed by the midwest rating and service bureau, inc.; and

(2) all lines of business specified in K.S.A. 40-1102, and amendments thereto.

(b) For the filing of supplementary rating information by insurers any insurer may satisfy its obligation by performing the following:

(1) Referencing the prospective loss costs filed by a licensed rating organization; and

(2) completing and filing the information required by the Kansas insurance department's "policy and procedure regarding prospective loss costs filing," dated February 15, 2005, which is hereby adopted by reference. (Authorized by K.S.A. 40-103, 40-961(d); implementing K.S.A. 40-955; effective May 6, 1991; amended Feb. 8, 1993; amended March 28, 1994; amended March 10, 2006.)

Sandy Praeger

Kansas Insurance Commissioner

Doc. No. 032880

## State of Kansas

### Behavioral Sciences Regulatory Board

#### Permanent Administrative Regulations

#### Article 1.—CERTIFICATION OF PSYCHOLOGISTS

**102-1-5a. Supervised experience and supervisor qualifications.** (a) Each applicant for licensure as a psychologist shall demonstrate satisfactory completion of two years of supervised experience in the practice of psychology, one year of which may be predoctoral supervised experience and at least one year of which shall be postdoctoral supervised experience, unless the applicant meets the criteria in paragraph (b)(2).

(b) Predoctoral supervised experience.

(1) The year of predoctoral supervised experience shall meet the internship requirements specified in K.A.R. 102-1-12(b)(11).

(2) This year of predoctoral supervision may be completed on a postdoctoral basis if the applicant completes the predoctoral supervision in the course of successfully completing a program that meets both of the following requirements:

(A) Prepares the applicant to practice in an area of emphasis that is different than the area of emphasis the applicant originally completed at the time the applicant received the doctoral degree; and

(B) substantially complies with the program requirements of K.A.R. 102-1-12.

(c) Postdoctoral supervised experience. The postdoctoral supervised experience shall meet the following requirements:

(1) The supervised experience shall be attained in a public or private setting, institution, or organization that provides the supervisee with contact with other disciplines, the opportunity to utilize a variety of theories, and the opportunity to work with a broad range of populations and techniques.

(2) At least 900 hours per year of supervised experience shall be spent providing clinical psychological services.

(3) At least 180 hours per year of supervised experience shall be spent providing general or nonclinical psychological services.

(4) The supervised clinical experience shall be consistent with the supervisee's educational background and with the area of emphasis in which the applicant intends to offer services to the public. At least one-half of the supervisee's general training experience shall be relevant to the supervisee's emphasis area, which may include clinical psychology, counseling psychology, school psychol-

(continued)

ogy, industrial psychology, or organizational psychology.

(d) Supervisor qualifications. Each supervisor of a person who is obtaining the supervised experience required to become licensed as a psychologist shall meet the following criteria:

(1) If providing general training supervision, be a licensed or certified provider of a health-related service at the time the supervision occurred or, if the experience occurs in a state or jurisdiction without a provision for licensing or certifying that health-related profession, have attained the appropriate degree or training in the topic area in which supervision is provided;

(2) if providing supervision for the predoctoral supervised experience, be licensed at the doctoral level in psychology;

(3) if providing supervision for the postdoctoral supervised experience, have at least two years of experience that includes the clinical practice of psychology after the date of licensure at the doctoral level in psychology;

(4) meet at least one of the following conditions:

(i) Be a staff member of the practice setting or have an understanding of the practice setting's organization and administrative policies and procedures; or

(ii) be vested by the agency with authority over the supervisee's professional contacts with each of the supervisee's clients or patients. This authority shall be focused on the supervisee's skills as well as the welfare of those clients or patients whose treatment the supervisor is reviewing;

(5) if the supervisor is not employed by the public or private institution or agency that employs the supervisee, ensure that the scope of the supervisor's own responsibility and authority in that practice setting has been clearly and expressly defined;

(6) not have a familial or harmful dual relationship with the supervisee;

(7) not be under sanction from a disciplinary proceeding, unless this prohibition is waived by the board for good cause shown by the proposed supervisor; and

(8) use forms supplied by the board and submit information that is sufficiently detailed regarding the supervisee's application for psychology licensure to enable the board to evaluate the extent and quality of the supervisee's supervised experience.

(e) Supervised experience requirements.

(1) For predoctoral psychology experience settings, the supervisor shall provide one hour of individual clinical supervision for every 10 hours during which the supervisee has direct patient or client contact.

(2) For postdoctoral supervised experience settings, the supervisor shall provide one hour of individual clinical supervision for every 20 hours during which the supervisee has direct patient or client contact.

(3) The supervisor, in addition to meeting the requirements listed in subsection (d), shall perform the following:

(A) Provide individual supervision by meeting in person with the supervisee. When meeting in person is not practical due to an emergency, geographic distance, or other exigent circumstances, the supervisor may meet with the supervisee by interactive video or other elec-

tronic or telephonic means of communication. The supervisor and supervisee may use any electronic or telephonic means of communication that protects the confidentiality of their supervision. The use of these means of communication shall not exceed one out of every four supervisory sessions;

(B) be available to the supervisee at the points of decision making regarding the diagnosis and treatment of clients or patients;

(C) conduct supervision as a process that is distinct from providing personal therapy, didactic instruction, or consultation;

(D) in conjunction with the supervisee, review and evaluate the psychological services delivered and procedures used;

(E) ensure that each client or patient knows that the supervisee is practicing psychology under supervision;

(F) be available to the supervisee for emergency consultation and intervention; and

(G) maintain documentation of the supervision that details each type of the psychological services and procedures in which the supervisee engages and the supervisee's competence in each.

(f) Supervisee requirements. Each person attaining the supervised experience necessary for licensure as a psychologist shall meet the following criteria:

(1) Fully participate in the supervisory process in a responsible manner; and

(2) inform, in writing, each client or patient for whom the supervisee is practicing psychology of the name of and the means to contact the supervisor. (Authorized by K.S.A. 2005 Supp. 74-7507; implementing K.S.A. 74-5310 and 74-5317; effective Oct. 27, 2000; amended March 10, 2006.)

**102-1-12. Educational requirements.** (a) Definitions.

(1) "Core faculty member" means an individual who is part of the program's teaching staff and who meets the following conditions:

(A) Is an individual whose education, training, and experience are consistent with the individual's role within the program and are consistent with the published description of the goals, philosophy, and educational purpose of the program;

(B) is an individual whose primary professional employment is at the institution in which the program is housed; and

(C) is an individual who is identified with the program and is centrally involved in program development, decision making, and student training as demonstrated by consistent inclusion of the individual's name in public and departmental documents.

(2) "In residence," when used to describe a student, means that the student is present at the physical location of the institution for the purpose of completing coursework during which the student and one or more core faculty members are in physical proximity and face-to-face contact.

(3) "Primary professional employment" means a minimum of 20 hours per week of instruction, research, any other service to the institution in the course of employment, and the related administrative work.



(b) A graduate applicant for psychology licensure shall be deemed to have received a doctoral degree based on a program of studies in content primarily psychological as set forth in K.S.A. 74-5310, and amendments thereto, or the substantial equivalent of this program in both subject matter and extent of training, if at the time the applicant graduated from the program, this doctoral degree program was accredited by the American psychological association and required that at least 24 semester credit hours in the substantive areas identified in paragraph (b)(13)(C), or the equivalent number of quarter or trimester credit hours, be completed while the applicant is in residence. If not so accredited, the doctoral degree program from which the applicant was granted the degree shall meet all of the following criteria:

(1) The doctoral program is offered by an institution of higher education that is regionally accredited by an accrediting agency substantially equivalent to those agencies that accredit the universities in Kansas.

(2) The program offers doctoral education and training in psychology, one goal of which is to prepare students for the practice of psychology.

(3) The program stands as a recognized, coherent organizational entity within a university or college.

(4) There is a clear administrative authority with primary responsibility within the program for the substantive content areas as set forth below in paragraph (b)(13) and for the emphasis areas of psychology.

(5) The program is an established, organized, and comprehensive sequence of study designed by administrators who are responsible for the program to provide an integrated educational experience in psychology.

(6) There is an identifiable, full-time, professional faculty whose members hold earned graduate degrees in psychology, and the person responsible for directing the program is licensed or academically eligible at the doctoral level to engage in the practice of psychology.

(7) The ratio of students to core faculty members does not exceed 15 students to one core faculty member.

(8) The student's major advisor is a member of the psychology faculty.

(9) The program has an identifiable body of students who are matriculated in the program for a degree.

(10) The program publicly states an explicit philosophy of training by which it intends to prepare students for the practice of psychology. The program's philosophy, educational model, and curriculum plan shall be substantially consistent with the mission and goals of the program's sponsor institution and shall be consistent with the following principles of the discipline:

(A) Psychological practice is based on the science of psychology, which, in turn, is influenced by the professional practice of psychology.

(B) Training for practice is sequential, cumulative, graded in complexity, and designed to prepare students for further organized training.

(11) The program, except for industrial and organizational psychology programs, requires an internship that meets the following requirements:

(A) Consists of at least 1,800 hours over one year of full-time training or two consecutive years of half-time training;

(B) accepts as interns only applicants enrolled in a doctoral program as defined in this subsection or in a program that meets the requirements of paragraph (b)(2) of K.A.R. 102-1-5a;

(C) has a clearly designated doctoral-level staff psychologist who is responsible for the integrity and quality of the training program. This person shall be licensed, certified, or registered in the jurisdiction in which the program exists to engage in the practice of psychology and shall be present at the training facility for a minimum of 20 hours per week;

(D) provides training and supervision in a wide range of professional activities, including diagnosis, remediation techniques, interdisciplinary relationships, and consultation, and provides experience with a population of clients or patients presenting a diverse set of problems and backgrounds;

(E) is taken after the completion of all graduate courses other than those designated for writing the dissertation, including both the required graduate coursework emphasizing the practice of psychology and the preinternship training requirements;

(F) provides the intern or resident with a minimum of four hours of general training supervision for every 40 hours of training experience. At least one hour of individual clinical supervision shall be provided for every 10 hours during which the supervisee has direct patient or client contact;

(G) provides the majority of supervision by licensed, doctoral-level psychologists;

(H) exists as a distinct and organized program that is clearly recognizable within an institution or agency, as well as in pertinent public, official documents issued by the institution or agency, and that is clearly recognizable as a training program for psychologists;

(I) identifies interns as being in training and not as staff members;

(J) has a training staff that consists of at least two doctoral-level psychologists who serve on a full-time basis as individual clinical supervisors and who are licensed, certified, or registered as psychologists in the jurisdiction in which the program exists;

(K) is an integrated and formally organized training experience, not an after-the-fact tabulation of experience; and

(L) provides at least two hours per week in didactic activities, including case conferences, seminars, in-service training, and grand rounds.

(12) Before awarding the doctoral degree, the program requires each student to complete a minimum of three full-time academic years of graduate study, or the equivalent, and to complete an internship that meets the requirements of paragraph (b)(11). At least two of the three academic training years, or the equivalent, shall be completed at the institution from which the doctoral degree is granted, and at least two consecutive semesters, or the equivalent number of quarters or trimesters, shall be completed while the student is in residence at the same institution. The program's coursework shall also include the skill courses appropriate for the applicant's major or area of emphasis.

*(continued)*

(13) The program has and implements a clear and coherent curriculum plan that provides the means whereby all students can acquire and demonstrate substantial understanding of and competency in the current body of knowledge in the following three substantive areas:

(A) The breadth of scientific psychology, its history of thought and development, its research methods, and its applications. Each student shall have completed a one-semester course consisting of three semester credit hours, or the equivalent number of quarter or trimester credit hours, in each of the following six areas:

(i) Biological aspects of behavior, including clinical neuropsychology and the biological foundations of psychopathology;

(ii) cognitive and affective aspects of behavior, including theories of perception, human learning and memory, cognitive development, and theories and research in human learning;

(iii) social aspects of behavior, including social psychology, advanced social psychology, and social psychology theories, research, and clinical applications;

(iv) the history and systems of psychology, including the history of psychology and theories of personality;

(v) psychological measurement, including an introduction to mathematical methods in psychology, educational measurement methods in psychological research, and research methods in clinical psychology; and

(vi) research methodology and techniques of data analysis, including statistical methods in psychology, research design in education, multivariate analysis, and multivariate statistical methods;

(B) the scientific, methodological, and theoretical foundations of practice. Each student shall have completed a one-semester course consisting of three semester credit hours, or the equivalent number of quarter or trimester credit hours, in each of the following four areas:

(i) Individual differences in behavior, including the basis and nature of individuality, intelligence and cognition, and cross-cultural counseling;

(ii) human development, including advanced child behavior and development, behavioral analysis of child development, the psychology of the adult personality, gerontology, and counseling with adults;

(iii) dysfunctional behavior or psychopathology, including advanced psychopathology; and

(iv) professional, ethical, legal, and quality assurance principles and standards, including professional, legal, and ethical problems in clinical psychology and legal, ethical, and professional issues in counseling; and

(C) the methods of diagnosing or defining problems through psychological assessment and measurement and the strategies and techniques of therapeutic intervention or remediation. A minimum of 24 semester credit hours in this substantive area, or the equivalent number of quarter or trimester credit hours, shall be completed by the student while the student is in residence and shall be distributed between the following two areas:

(i) Nine semester credit hours in assessment, or the equivalent number of quarter or trimester credit hours. Assessment courses shall include theories and methods of assessment and diagnosis, including intelligence testing, behavioral and personality assessment in children,

theory and construction of personality tests, and techniques of psychodiagnostic assessment; and

(ii) 15 semester credit hours, or the equivalent number of quarter or trimester credit hours, in techniques of therapeutic interventions and effective therapeutic intervention, consultation, and supervision, including counseling and interviewing skills, theories of group counseling, psychological clinical services, psychotherapy, group therapeutic techniques, and psychotherapy with families.

(14) The program requires at least 90 semester credit hours, or the equivalent number of quarter or trimester credit hours, of formal graduate study in the psychology program. At least 60 of these semester credit hours, or the equivalent number of quarter or trimester credit hours, shall be distributed among the content areas specified in paragraph (b)(13).

(15) At least 60 semester credit hours of the coursework for the doctoral program, or the equivalent number of quarter or trimester hours, are clearly designated on the transcript as graduate-level courses in the program, exclusive of practicum, internship, and dissertation credits. The number of credits received through extension programs shall not exceed 10 semester credit hours or the equivalent number of quarter or trimester credit hours. The number of postdoctoral credit hours from a regionally accredited university or college taken to meet licensure requirements shall not exceed 10 semester credit hours or the equivalent number of quarter or trimester credit hours.

(16) When the program has an applied emphasis, which may include clinical psychology, counseling psychology, or school psychology, the training shall also include a minimum of at least two semesters of a coordinated practicum. The practicum in the application of skills related to the areas of emphasis shall be performed in a setting that is preapproved by the appropriate administrative authorities of the program.

(17) The program advertises in official documents, including course catalogues and announcements, the program standards and descriptions and the admission requirements of the program.

(18) The program has admission requirements that are, in part or in full, based on objective, standardized achievement tests and measures.

(19) The program includes an ongoing, objective review and evaluation of student learning and progress, and the program reports this evaluation in the official transcript.

(20) The program includes a comprehensive examination or an equivalent assessment approved by the board of the applicant's knowledge and progress within the training program, and the program requires that the applicant pass this requirement before awarding the doctoral degree.

(21) As a part of the graduation requirements, each student is required to initiate, prepare, conduct, and report original research or an equivalent project as determined by the program. This original research or equivalent project shall not be substituted for successful completion of the comprehensive examination required under paragraph (b)(20).

(22) The institution offering the graduate program has a library and equipment and resources available that are adequate for the size of the student body and the scope of the program offered, including suitable scientific and practicum facilities.

(c) An applicant may obtain from the board office a list of approved doctoral education programs in psychology. (Authorized by K.S.A. 2005 Supp. 74-7507; implementing K.S.A. 74-5310; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 18, 1998; amended Oct. 27, 2000; amended March 10, 2006.)

#### Article 5.—LICENSING OF MARRIAGE AND FAMILY THERAPISTS

**102-5-5. Examination for marriage and family therapist or clinical marriage and family therapist.** (a) Each applicant for licensure with examination shall take a nationally administered, standardized written examination approved by the board.

(b)(1) Any applicant may submit an application for licensure as provided by K.A.R. 102-5-4a only if the applicant has completed the applicable academic degree requirements or is expected to complete those requirements within four months of the date on which the application is submitted. Each applicant who has not completed the applicable academic degree requirements on the date that the application is submitted shall arrange for the required transcripts to be sent to the board at the time the academic degree is awarded to the applicant.

(2) If the board determines that the applicant has met the applicable academic degree requirements or is likely to meet those requirements within four months of the date on which the application was submitted, the applicant shall be notified by the board that the applicant is eligible to register for the written examination with the examination service that administers the examination.

(c) The written examination may be waived by the board if the applicant successfully passed, at a level equal to or greater than the criterion-referenced cutoff score, a standardized written examination that the board deems to be substantially equivalent to the examination approved by the board.

(d) For an applicant to be licensed as a marriage and family therapist, the minimum passing score shall be a score of 12 items below the criterion-referenced pass point statistically established by the examination service, based on a 200-item examination.

(e) For an applicant to be licensed as a clinical marriage and family therapist, the minimum passing score shall be the criterion-referenced pass point statistically established by the examination service. (Authorized by K.S.A. 2004 Supp. 74-7507; implementing K.S.A. 65-6404; effective March 29, 1993; amended Dec. 19, 1997; amended Aug. 4, 2000; amended March 10, 2006.)

Phyllis Gilmore  
Executive Director

Doc. No. 032886

#### State of Kansas

#### Secretary of State

#### Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register February 23, 2006.)

#### SENATE BILL No. 349

AN ACT concerning telecommunications; relating to the Kansas universal service fund; amending K.S.A. 66-2008 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 66-2008 is hereby amended to read as follows: 66-2008. On or before January 1, 1997, the commission shall establish the Kansas universal service fund, hereinafter referred to as the KUSF.

(a) The commission shall require every telecommunications carrier, telecommunications public utility and wireless telecommunications service provider that provides intrastate telecommunications services to contribute to the KUSF on an equitable and nondiscriminatory basis. Any telecommunications carrier, telecommunications public utility or wireless telecommunications service provider which contributes to the KUSF may collect from customers an amount equal to such carrier's, utility's or provider's contribution, but such carrier, provider or utility may collect a lesser amount from its customer.

Any contributions in excess of distributions collected in any reporting year shall be applied to reduce the estimated contribution that would otherwise be necessary for the following year.

(b) Pursuant to the federal act, distributions from the KUSF shall be made in a competitively neutral manner to qualified telecommunications public utilities, telecommunications carriers and wireless telecommunications providers, that are deemed eligible both under subsection (e)(1) of section 214 of the federal act and by the commission.

(c) The commission shall periodically review the KUSF to determine if the costs of qualified telecommunications public utilities, telecommunications carriers and wireless telecommunications service providers to provide local service justify modification of the KUSF. If the commission determines that any changes are needed, the commission shall modify the KUSF accordingly.

(d) Any qualified telecommunications carrier, telecommunications public utility or wireless telecommunications service provider may request supplemental funding from the KUSF based upon a percentage increase in access lines over the 12-month period prior to the request. The supplemental funding shall be incurred for the purpose of providing services to and within the service area of the qualified telecommunications carrier, telecommunications public utility or wireless telecommunications service provider. Supplemental funding from the KUSF shall be used for infrastructure expenditures necessary to serve additional customers within the service area of such qualifying utility, provider or carrier. All affected parties shall be allowed to review and verify a request of such a qualified utility, carrier or provider for supplemental funding from the KUSF, and to intervene in any commission proceeding regarding such request. The commission shall issue an order on the request within 120 days of filing. Additional funding also may be requested for: The recovery of shortfalls due to additional rebalancing of rates to continue maintenance

(continued)

nance of parity with interstate access rates; shortfalls due to changes to access revenue requirements resulting from changes in federal rules; additional investment required to provide universal service and enhanced universal service, deployed subject to subsection (a) of K.S.A. 66-2005, and amendments thereto; and for infrastructure expenditures in response to facility or service requirements established by any legislative, regulatory or judicial authority. Such requests shall be subject to simplified filing procedures and the expedited review procedures, as outlined in the stipulation attached to the order of November 19, 1990 in docket no. 127,140-U (Phase IV).

(e) ~~Prior to June 30, 2006~~, For each local exchange carrier electing pursuant to subsection (b) of K.S.A. 66-2005, and amendments thereto, to operate under traditional rate of return regulation, all

KUSF support, including any adjustment thereto pursuant to this section shall be based on such carrier's embedded costs, revenue requirements, investments and expenses.

(f) Additional supplemental funding from the KUSF, other than as provided in subsection (d), may be authorized at the discretion of the commission. However, the commission may require approval of such funding to be based upon a general rate case filing. With respect to any request for additional supplemental funding from the KUSF, the commission shall act expeditiously, but shall not be subject to the 120 day deadline set forth in subsection (d).

Sec. 2. K.S.A. 66-2008 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

**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 2005 Supplement of the *Kansas Administrative Regulations*.

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