

## Kansas Register

Ron Thornburgh, Secretary of State

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#### **Advisory Committee on Trauma**

#### **Notice of Meeting**

The Advisory Committee on Trauma will meet from 10 a.m. to 3 p.m. Wednesday, August 23, at the Kansas Medical Society, 623 S.W. 10th Ave., Topeka. For more information, contact the KDHE Office of Local and Rural Health at (785) 296-1200.

Roderick L. Bremby Secretary of Health and Environment

Doc. No. 033457

#### State of Kansas

#### **Department of Administration**

#### **Public Notice**

Under requirements of K.S.A. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$3,032,598.97 in the underground petroleum storage tank release trust fund and \$910,367.52 in the aboveground petroleum storage tank release trust fund at July 31, 2006.

Duane Goossen Secretary of Administration

Doc. No. 033463

#### State of Kansas

#### Legislature

#### **Interim Committee Schedule**

The following committee meetings have been scheduled during the period of August 11-21. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at http://kslegislature.org/klrd.

Date	Room	Time	Committee	Agenda
Aug. 11	KSU Campus	10:00 a.m.	Joint Committee on Kansas Security	Overview and tour of Biosecurity Research Institute.
Aug. 17 Aug. 18	241-N 241-N	9:00 a.m. 9:00 a.m.	Kansas Criminal Justice Recodification, Rehabilitation, and Restoration Committee	Agenda not available.
Aug. 21	123-S	2:00 p.m.	Legislative Coordinating	Legislative matters.

Jeffrey M. Russell Director of Legislative Administrative Services

Doc. No. 033468

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#### Department of Revenue

#### **Notice of Available Publications**

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for July 2006. Copies may be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

#### **Private Letter Rulings**

No new publications

#### **Opinion Letters**

No new publications

#### **Final Written Determinations**

No new publications

**Revenue Rulings** 

Revenue Sales taxation of wireless communication towers, broadcast towers and antenna and relay sites ("towers"), and related equipment.

**Notices** 

Notice 06-06 Biodiesel Requirements and Questions and

Answers.

#### Memorandums

No new publications

#### **Property Valuation Division Directives**

No new publications

#### Q&A's

No new publications

#### **Information Guides**

Diagnostic Imaging Centers Self-Audit Fact Sheet.

Optometrists/Ophthalmologists Self-Audit Fact Sheet. Architectural Services Self-Audit Fact Sheet.

Bowling Centers Self-Audit Fact Sheet.

Engineering Services Self-Audit Fact Sheet.

Janitorial Services Self-Audit Fact Sheet.

Graphic Design Services Self-Audit Fact Sheet.

Restaurants Self-Audit Fact Sheet.

Plumbing & HVAC Contractors & Contractor-Retailers Self-Audit Fact Sheet.

Offices of Specialty Therapists Self-Audit Fact Sheet.

Insurance Agents/Brokers Self-Audit Fact Sheet.

Funeral Homes & Funeral Service Providers Self-Audit Fact Sheet.

Certified Public Accountants & Other Accounting Services Self-Audit Fact Sheet.

Testing Laboratories Self-Audit Fact Sheet.

Advertising Agency Self-Audit Fact Sheet.

Telephone Answering Service Provider Self-Audit Fact Sheet.

Real Estate Agents/Brokers/Property Management Firms Self-Audit Fact Sheet.

Photographers Self-Audit Fact Sheet.

Lawyers Self-Audit Fact Sheet.

Interior Design Services Self-Audit Fact Sheet.

Hotel/Motel Self-Audit Fact Sheet.

General Industries Self-Audit Fact Sheet.

Fitness Centers Self-Audit Fact Sheet.

Civic & Social Organizations Self-Audit Fact Sheet.

Banks Self-Audit Fact Sheet.

Veterinarians Self-Audit Fact Sheet.

General Industries Self-Audit Fact Sheet. Travel Agencies/Travel Agents Self-Audit Fact Sheet. Pest Control Services Self-Audit Fact Sheet.

> Joan Wagnon Secretary of Revenue

Doc. No. 033459

#### State of Kansas

#### Department of Revenue

## Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Department of Revenue at 8 a.m. Tuesday, October 17, in the secretary's conference room, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the amendment of an existing interstate motor fuel use tax regulation. This regulation is proposed for adoption on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulation. All interested parties may submit written public comments on the proposed regulation prior to the hearing to Kathleen Smith, Tax Specialist, Office of Policy and Research, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

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

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed 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 Kathleen Smith at (785) 296-3081 or TTY (785) 296-6461. Accessible parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The east entrance to the Docking Building is accessible.

A copy of the regulation and the economic impact statement may be obtained by contacting the Kansas Department of Revenue, Office of Policy and Research. A summary of the proposed regulation and the economic impact follows:

#### Article 13.—INTERSTATE MOTOR FUEL USE TAX

Amendments to **K.A.R. 92-13-9**, **Motor fuel permits** and emergency authorization: This regulation defines the allowance for motor fuel permits to be purchased in 24-hour (\$13) and 72-hour (\$25) increments, as well as in multiples of three.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Joan Wagnon Secretary of Revenue

#### **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 8-7-06 through 8-13-06

Rate
5.26%
5.08%
5.13%
5.04%
4.97%
4.86%

Derl S. Treff Director of Investments

Doc. No. 033456

#### State of Kansas

#### **Department of Transportation**

#### **Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms in the area of Intelligent Transportation Systems to perform ITS-related work in the areas of research, planning, design, deployment, integration, management and operations on an asneeded basis, according to guidelines provided by KDOT's Bureau of Transportation Planning, ITS Unit. Two or three firms will be selected for this work.

A response may be submitted by e-mail to neil@ksdot.org, or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages. Responses must be received in Room 1084-West by 5 p.m. August 31 for the consulting engineering firm to be considered.

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

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firms to perform the professional services required for completing ITS projects. After the selection of the firms, the remaining firms will be notified by letter of the outcome.

Examples of project areas that KDOT could assign to ITS on-call consultants are as follows:

- · Kansas City Scout Project Expansions
- Commercial Vehicle Operations ITS/CVISN

- ITS Communications
- · ITS Software Integration
- · Advanced Traveler Information Systems
- · Statewide ITS Operations and Management
- · Statewide Traffic Operations Center Pilot
- · Transit ITS
- Maintenance Fleet ITS
- · Work Zone/Special Event Management
- · Statewide Architecture Maintenance
- ITS Research

Details on the KDOT ITS Program can be found at: http://kdot1.ksdot.org/public/kdot/burtransplan/burovr/intransy.html

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

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

Deb Miller

Secretary of Transportation

Doc. No. 033436

#### 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" civil engineering services for restricted (small) projects for the Kansas Department of Wildlife and Parks. Preferably the firm selected also will have in-house capabilities in mechanical, electrical, land-scape architecture, architectural, surveying and construction observation. The contract will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Michael Wilson, (785) 296-2281.

To be considered, five bound proposals and one PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, a certificate of professional liability insurance, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2006 State Building Advisory Commission guidelines, available to firms at http://da.state.ks.us/fp/. 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, Phyllis.Fast@da.state.ks.us. Submittals should be received by Phyllis Fast before noon August 25.

Marilyn Jacobson, Interim Director Division of Facilities Management

#### **Department of Transportation**

#### **Request for Comments**

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 06-08 by adding the following project:

**Project KA-0433-07,** Preliminary Engineering, Statewide Highway Lighting Program

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

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude September 11.

Deb Miller Secretary of Transportation

Doc. No. 033469

#### State of Kansas

#### **Department of Transportation**

#### **Request for Comments**

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2006-2008 by adding the following projects:

**Project X-2571-01,** Flashing Light Signal, Straight Post Type with Gates, South Kansas and Oklahoma Railroad Crossing and 5th Street, Winfield, Cowley County

**Project X-2581-01,** Flashing Light Signal, Straight Post Type with Gates, Burlington Northern Santa Fe Railroad Crossing and 70th North Road southwest of Belle Plaine, Sumner County

**Project X-2582-01,** Flashing Light Signal, Straight Post Type with Gates, Burlington Northern Santa Fe Railroad Crossing and 130th North Road northeast of Belle Plaine, Sumner County

**Project X-2597-01**, Flashing Light Signal, Cantilever Type with Gates, Kansas and Oklahoma Railroad Crossing and K-96 east of Bazine, Ness County

**Project X-2598-01,** Flashing Light Signal, Straight Post Type with Gates, Burlington Northern and Santa Fe Railroad Crossing and Hargis/Bluestem Roads, Barber County

**Project X-2599-01,** Flashing Light Signal, Straight Post Type with Gates, Burlington Northern and Santa Fe Railroad Crossing and Hawkins/Lone Tree Roads, Barber County

**Project X-2600-01,** Flashing Light Signal, Straight Post Type with Gates, Burlington Northern and Santa Fe Railroad Crossing and Rattlesnake Road, Barber County

**Project X-2601-01,** Flashing Light Signal, Straight Post Type with Gates, Burlington Northern and Santa Fe Railroad Crossing and State Line Road south of Baxter Springs, Barber County

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

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude September 11.

Deb Miller Secretary of State

Doc. No. 033460

#### State of Kansas

#### **Department of Transportation**

#### **Request for Comments**

The Kansas Department of Transportation invites public review and comments on a draft of its proposed new public involvement plan, *Sharing the Future, Public Involvement in the Kansas Transportation System.* The document was prepared in part to address federal regulations dealing with public involvement in transportation planning, project programming and project design (23 CFR 771 and 23 CFR 450).

The draft is available for download from the KDOT Web site, www.ksdot.org, or it can be viewed at any of the KDOT district offices. A copy also is available by contacting Ron Kaufman, Public Involvement Administrator, Kansas Department of Transportation, 2-West, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3769 or toll-free (in Kansas) (877) 550-5368, e-mail: rkaufman@ksdot.org.

Comments must be submitted in writing or by e-mail to Ron Kaufman at the address above or by fax at (785) 296-0287. Comments must be postmarked or transmitted by the close of business Friday, October 6. Substantive comments will be considered and responses will be summarized in the final version. *Sharing the Future* will become KDOT's official public involvement plan once it is approved by the FHWA.

This information can be made available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

Deb Miller Secretary of Transportation

#### Kansas State University-Salina

#### **Notice to Bidders**

Kansas State University-Salina is selling a 1996 Oldsmobile Ciera SL Sedan four-door by sealed bid. The bid deadline date, vehicle description and pictures can be viewed on the university Web site at http://www.sal.ksu.edu/campusoffices/business/bid-items/index.html.

For more information, contact Pete Morris at (785) 826-2605.

Pete Morris Director of Fiscal Affairs, Grants & Contracts and Information Systems

Doc. No. 033446

#### 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) 296-2377:

	,	` /
08/22/2006	09676	Thermal Imagers with Training
08/22/2006	09701	Waste Sewage Screen
08/22/2006	09703	Bituminous Plant Mixture (Winfield)
08/22/2006	09704	Excavator, Hydraulic Track Mounted
08/23/2006	09692	Liquid Magnesium Chloride (De-Icer/Anti-Icer)
08/23/2006	09706	Slide-In Courtesy Docks
08/25/2006	09678	Janitorial Services
08/28/2006	09674	Electrical, Plumbing and HVAC
		Maintenance and Service
08/30/2006	09677	Printing and Mailing Services, KPERS Annual Statements
08/31/2006	09694	Vehicles
09/01/2006	09577	Banking Services (University of
		Kansas)
09/01/2006	09686	Banking Services (Department of Wildlife and Parks)
09/01/2006	09687	Banking Services (Pittsburg State
		University)
09/01/2006	09689	Banking Services (Fort Hays State
		University)
09/01/2006	09691	Banking Services (Emporia State
		University)
09/07/2006	09708	Pathology and Laboratory Services for
		Larned State Hospital
09/14/2006	09661	Actuarial Services

The above-referenced bid documents may be down-loaded 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

Chris Howe Director of Purchases

Doc. No. 033473

(Published in the Kansas Register August 10, 2006.)

#### City of Lenexa, Kansas

#### **Notice to Bidders**

Sealed bids for **Rebid of Coon Creek Trail** will be accepted by the city of Lenexa, Kansas, at the Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 9:30 a.m. August 25, 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 (main level of City Hall) in sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk, and marked "Bid for: Rebid of Coon Creek Trail." Copies of plans, specifications, bidding documents and other contract documents are on file at the Public Works Department (lower level), Lenexa City Hall.

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.

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 the city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid, which shall be retained by the city of Lenexa, Kansas, 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. August 17 in the Public Works conference room, lower level, Lenexa City Hall.

Mary Sue Fry, City Clerk City of Lenexa, Kansas

Doc. No. 033452

#### 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. Frontier El Dorado Refining Company (FEDRC) has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to construct a crude expansion project at its refinery located in El Dorado. Emissions of particulate matter (PM), PM equal to or less than 10 microns in diameter (PM $_{10}$ ), volatile organic compounds (VOCs), oxides of nitrogen (NOx), sulfur oxides (SOx) and carbon monoxide (CO) were evaluated during the permit review process.

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 the emission rate exceeds the PSD significant level. 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 crude expansion project indicates that the emission rate of oxides of nitrogen, sulfur dioxide, carbon monoxide, particulate matter and volatile organic compounds all exceed the significance levels.

FEDRC conducted the required BACT analyses. The department has reviewed FEDRC's BACT analyses and concurs with its findings that dry low NOx burners, good combustion practices, use of low sulfur refinery fuel gas and various good operating practices is the BACT for the crude expansion project.

An ambient impact analysis was performed on the air emissions of PM<sub>10</sub>, NOx, SOx and CO from the crude expansion project. The analysis demonstrated no significant impact on ambient air quality for PM<sub>10</sub>, NOx and CO. A more detailed analysis for SOx indicated that the emissions would not contribute to any violation of ambient air standards or Class II increments for SO2.

An analysis of visibility for the El Dorado lake showed visibility impact criteria for federal Class I areas were met at the nearby state park. No adverse impacts on soils and vegetation in the area were expected. Any federal land manager who has reason to believe they may have a Class I area adversely impacted by the emissions from the proposed project has the opportunity to present KDHE with a demonstration of the adverse impact on the air quality-related values of the federal Class I area during the comment period.

A public comment period has been established until September 11 to allow citizens the opportunity to express any concerns about this proposed permitting action. All comments should be submitted in writing to Dana S. Morris, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, or may be presented at the public hearing.

An informal question and answer meeting to inform the public of the details surrounding this project is scheduled for 7 p.m. Thursday, August 17, at the El Dorado Civic Center, 201 E. Central, El Dorado.

Any member of the public may request to hold a public hearing to receive comments on the proposed issuance of the draft air quality construction permit. Written requests to hold a public hearing should be sent to the attention of Sherry Walker at the address above or by fax to (785) 291-3953 and must be received by noon September 11. If a request is received, a public hearing is tentatively scheduled at 7 p.m. September 11 at the El Dorado Civic Center, 201 E. Central, El Dorado. If no requests to hold the public hearing are received by this date and time, the public hearing will be cancelled.

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. A copy of the proposed permit only can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Dana Morris, (785) 296-1578, at the KDHE central office; and to review the proposed permit only, contact the Air Quality District Representative, (316) 337-6107, in the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Roderick L. Bremby Secretary of Health and Environment

## Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed significant permit modification of an air quality operating permit. Cargill, Inc. has applied for a significant permit modification of the facility's Class I operating permit in accordance with the provisions of K.A.R. 28-513 et seq. The Class I operating permit also has been updated to meet current permit standards.

Cargill, Inc. is modifiying the Class I operating permit for the purpose to remove HAP limitations, which makes the source a major HAP source, subject to the MACT requirements. KDHE also is modifying the construction approval submitted to the source on April 6, 2004. This source is located at 1425 N. Mosley, Wichita.

A copy of the proposed significant permit modification, significant permit modification application, construction approval modification, all supporting documentation and all information relied upon during the significant permit modification application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the Wichita Department of Environmental Health, 1900 E. 9th, Wichita. To obtain or review the proposed significant permit modification and supporting documentation, contact Amer Safadi, (785) 296-1993, at the KDHE central office; and to review the proposed permit only, contact Randy Owen, (316) 268-8350, at the Wichita Department of Environmental Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the documents to Amer Safadi, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final decision, written comments must be received before the close of business September 11.

A person may request a public hearing be held on the proposed documents. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, KDHE, Bureau of Air and Radiation, not later than the close of business September 11 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby Secretary of Health and Environment

Doc. No. 033464

State of Kansas

## Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment has drafted an amended permit for Chamness Technology, Inc. to increase the size of its source-separated organic waste composting facility. Chamness Technology, Inc. was issued a permit to operate this composting facility on January 29, 2003.

The source-separated organic waste composting facility is located on approximately 11.5 acres in the South 1/2 of Section 15, Township 25S, Range 25W, .5 mile west of the intersection of Denim Road and 110 Road, Dodge City, Ford County. The facility expansion will increase the facility area by approximately 13.5 acres, including the pad expansion and associated stormwater controls, making the total facility size approximately 25 acres.

Materials currently composted at the facility include paunch, manure/industrial sludges and liquid waste from a local packing plant. The facility also accepts feed and seed, food waste, wood waste and yard waste from the surrounding area. The same materials are proposed for the expanded facility. This expansion will allow the facility to better manage the approximately 51,000 tons per year it currently receives and allow for the quantity to grow by approximately 2,000 tons per year.

KDHE is providing public notice of its intent to issue an amended permit for the pad expansion at the source-separated organic waste composting facility of Chamness Technology, Inc. The permittee recently made submittals that place this pad expansion in compliance with state regulations for solid waste processing facilities.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until September 11 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment Permits Section Bureau of Waste Management 1000 S.W. Jackson, Suite 320 Topeka, 66612-1366 Contact: Ken Powell (785) 296-1121

Ford County Clerk's Office Ford County Government Center 100 Gunsmoke, 4th Floor Dodge City, 67801 Contact: Victoria Wells (620) 227-4550

Anyone wishing to comment in writing on the draft permit information should submit written statements postmarked not later than September 11 to Ken Powell (KDHE). After consideration of all written comments received, the director of the Division of Environment will make a final decision on whether to issue the permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

> Roderick Bremby Secretary of Health and Environment

Doc. No. 033467

#### 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. Griffin Wheel Company (Griffin) has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to expand its plant with multiple modifications in Kansas City, Kansas. Emissions of particulate matter (PM), oxides of nitrogen (NOx) and carbon monoxide (CO) were evaluated during the permit review process.

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 the emission rate exceeds the PSD significance level. 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 expansion project indicates that the emission rate of oxides of nitrogen, carbon monoxide and particulate matter all exceed the significance levels. Griffin conducted the required BACT analyses. The department has reviewed Griffin's BACT analyses and concurs with its findings.

An ambient impact analysis was performed on the air emissions of NOx and CO from the expansion project. The analysis demonstrated no significant impact on ambient air quality for NOx and CO. A more detailed analysis for NOx indicated that the emissions would not contribute to any violation of ambient air standards or Class II increments for NO2.

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An analysis of visibility for the Worlds of Fun Amusement Park and Kansas City Downtown Airport showed visibility impact criteria for federal Class I areas were exceeded only early in the morning under very light wind conditions. No adverse impacts on soils and vegetation in the area were expected. Any federal land manager who has reason to believe they may have a Class I area adversely impacted by the emissions from the proposed project has the opportunity to present KDHE with a demonstration of the adverse impact on the air quality-related values of the federal Class I area during the comment period.

A public comment period has been established until September 11 to allow citizens the opportunity to express any concerns about this proposed permitting action. All comments should be submitted in writing to Katrin A. Ellefson, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101, or may be presented at the public hear-

Any member of the public may request to hold a public hearing to receive comments on the proposed issuance of the draft air quality construction permit. Written requests to hold a public hearing should be sent to the attention of Katrin Ellefson at the address above or by fax to (913) 342-5634 and must be received by noon September 11. If a request is received, a public hearing is tentatively scheduled at 9 a.m. September 18 at the Wyandotte County Health Department, 619 Ann Ave., Kansas City, Kansas. If no requests to hold the public hearing are received by this date and time, the public hearing will be cancelled.

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 Department of Air Quality, 619 Ann Ave., Kansas City. To obtain or review the proposed permit and supporting documentation, contact Katrin Ellefson, (913) 573-6700, at Department of Air Quality. The standard departmental cost will be assessed for any copies requested.

> Roderick L. Bremby Secretary of Health and Environment

Doc. No. 033472

#### 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 pol-

lution control documents (permits, notices to revoke and 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.

#### Public Notice No. KS-AG-06-267/277 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
DBK, LLC #2	NW/4 of Section 32,	O
Don Reith	T03S, R03E,	Basin
1743 10th Road	Washington County	
Linn, KS 66953		

Kansas Permit No. A-BBWS-H010 Federal Permit No. KS0098833

This is a new permit for a new facility for 5,200 head (2,080 animal units) of swine located in four equally sized enclosed buildings with deep concrete pits.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Brian Brooks	SW/4 of Section 06,	Smoky Hill River
234 N. Lane Scott Road	T17S, R30W, Lane	Basin
Healy, KS 67850	County	

Kansas Permit No. A-SHLE-B002

This is a renewal permit for an existing facility for 900 head (450 animal units) of beef cattle weighing less than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Farwell Farms	SE/4 of Section 10,	Missouri River
Terry Farwell	T01S, R12E,	Basin
Route 1, Box 39	Nemaha County	
Seneca, KS 66538	-	

Kansas Permit No. A-MONM-S032

This is a renewal permit for an existing facility with a decrease in animal units from 820 animal units to 530 animal units. This permit is for a maximum of 700 head (280 animal units) of swine weighing more than 55 pounds, 1,000 head (100 animal units) of swine weighing 55 pounds or less and 150 head (150 animal units) of cattle weighing more than 700 pounds, for a total of 530 animal units.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Farwell Farms #2	NW/4 of Section 11,	Missouri River
Terry Farwell	T01S, R12E,	Basin
Route 1, Box 39	Nemaha County	
Seneca, KS 66538	•	

Kansas Permit No. A-MONM-S047

This is a renewal permit for an existing facility for a maximum of 990 head (396 animal units) of swine weighing more than 55 pounds, for a total of 396 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Robert and James Griffith	NE/4 of Section 22,	Missouri River
1082 216th Road	T01S, R12E,	Basin
Seneca, KS 66538	Nemaha County	

Kansas Permit No. A-MONM-S060

This permit is for modification of an existing swine and cattle facility and for a change in name. The operation consists of three enclosed

swine buildings, a swine "Cargill" unit and approximately 2.0 acres of open cattle lots. The proposed modification would convert one 500-head (200 animal unit) swine finishing building to a 1,000-head (100 animal units) swine nursery building and use the "Cargill" unit to feed cattle. The cattle operation will be expanded by adding 40 head of cattle greater than 700 pounds and 50 head of cattle weighing 700 pounds or less, with no change in the open cattle lots. The modified facility would have a maximum capacity of 1,680 head (168 animal units) of swine 55 pounds or less, 40 head (40 animal units) of cattle weighing more than 700 pounds and 200 head (100 animal units) of cattle weighing 700 pounds or less, for a total of 308 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Eugene Schmitt P.O. Box 5	NE/4 of Section 07, T08S, R10W,	Solomon River Basin
Tipton, KS 67485	Mitchell County	Dasiii

Kansas Permit No. A-SOMC-B009

This is a renewal permit for an existing facility for 500 head (500 animal units) of cattle weighing more than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Celtic, LLC	SE/4 of Section 03,	Smoky Hill River
Aiden J. Daly	T16S, R40W,	Basin
Route 1, Box 300	Greeley County	
Tribune, KS 67879	, ,	

Kansas Permit No. A-SHGL-D001 Federal Permit No. KS0095303

This is a permit renewal and modification to address the change in ownership of the facility and to make improvements to the waste collection system. The permitted capacity is changing in order to account for the few head of calves typically waiting for shipment off-site. The capacity is increasing by 50 head of calves to a new capacity of 3,000 head (4,900 animal units) of mature dairy cattle and 50 head (25 animal units) of calves, for a total of 3,050 head or 4,925 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Foods LP	SW/4 & NW/4 of	Cimarron River
Thomason, Farms 202, 203, 205 & 207	Section 23, NW/4 of Section 26, SE/4 &	Basin
9000 W. 67th St., Suite 200	NE/4 of Section 26,	
Shawnee Mission, KS 66202	T34S, 41W, Morton	
	County	

Kansas Permit No. A-CIMT-H003 Federal Permit No. KS0091928

This is a renewal permit for an existing facility for 43,200 head (17,280 animal units) of swine weighing greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Circle L Dairy	SE/4 of Section 06,	Neosho River
Bev Lasco	T28S, R22E,	Basin
1244 W. 700th Ave.	Crawford County	
Walnut, KS 66780	,	

Kansas Permit No. A-NECR-M006

This is a renewal and modification of a permit for an existing facility for 68 head (95 animal units) of mature dairy cattle, 10 head (10 animal units) of replacement heifers weighing more than 700 pounds and 20 head (10 animal units) of dairy calves weighing 700 pounds or less, for an expanded total of 115.2 animal units. The modification in animal unit capacity represents livestock already in existence but not previously described.

Name and Address of Applicant	Legal Description	Receiving Water
Merlin Unruh 913 S. Spring Lake Road Halstead, KS 67056	SE/4 of Section 20, T23S, R02W, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-S034

This is a renewal permit for an existing facility for 1,500 head (600 animal units) of swine greater than 55 pounds.

Name and Address of Applicant Knight Feedlot, Inc. Mark Knight 1768 Ave. J Lyons, KS 67554

Legal Description E/2 of Section 23, T19S, R08W, Rice County

Receiving Water Lower Arkansas River Basin

Kansas Permit No. A-ARRC-C002 Federal Permit No. KS0116157

This is a permit for an existing, expanding facility for 22,000 head (22,000 animal units) of cattle greater than 700 pounds. The proposed construction consists of two additional pen areas, enlarging the southeast wastewater impoundment structure with two additional solid settling basins and adding a grassed waterway to divert the extraneous waters from the new proposed lots.

#### Public Notice No. KS-06-110/118

Name and Address Type of of Applicant Waterway Discharge Treated Domestic Caney, City of Little Caney River P.O. Box 129 Wastewater Caney, KS 67333

Kansas Permit No. M-VE04-OO01 Federal Permit No. KS0027481 Facility Description: SE1/4, SE1/4, SE1/4, S11, T35S, R13E, Montgomery County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring for total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address Type of of Applicant Waterway Discharge Clearview Village, Inc. Kill Creek via Treated Domestic P.O. Box 631 Unnamed Tributary Wastewater Clearview City, KS 66019

Kansas Permit No. C-KS12-OO02 Federal Permit No. KS0090671 Facility Description: NW1/4, S5, T13S, T22E, Johnson County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids as well as monitoring for ammonia, fecal coliform and pH. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address Type of of Applicant Waterway Discharge Dearing, City of Onion Creek Treated Domestic P.O. Box 231 Wastewater Dearing, KS 67340

Kansas Permit No. M-VE11-OO01 Federal Permit No. KS0048062 Legal Description: SE1/4, SE1/4, NW1/4, S25, T34S, R15E, Montgomery County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform. Monitoring for ammonia and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(bf), and Federal Surface Water Criteria, and are water-quality based.

Name and Address Type of Discharge of Applicant Waterway Dighton, City of South Fork Walnut Treated Domestic P.O. Box 848 Wastewater Dighton, KS 67839

Kansas Permit No. M-UA10-OO01 Federal Permit No. KS0022527 Legal Description: S½, SW¼, NW¼, S29, T18S, R28W, Lane County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform, sulfates, total recoverable selenium and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Type of Name and Address of Applicant Discharge Haven, City of Arkansas River via Treated Domestic P.O. Box 356 Gar Creek Wastewater Haven, KS 67543

Kansas Permit No. M-AR41-OO01 Federal Permit No. KS0116815 Legal Description: SW1/4, SE1/4, SW1/4, S4, T25S, R4W, Reno County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform, chlorides and pH also will be required. Contained in the permit is a schedule of compliance requiring the permittee to provide KDHE with a plan to improve the facility to consistently meet the effluent discharge limits in this permit and to complete these improvements not later than December 31, 2009. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address Type of of Applicant Waterway Discharge Kansas Department of Verdigris River via Treated Domestic Corrections Carlisle Branch Wastewater 172 Highway 105 Toronto, KS 66777

Kansas Permit No. M-VE36-OO03 Federal Permit No. KS0089788 Facility Description: SE1/4, SW1/4, NW1/4, S36, T26S, R13E, Woodson

Facility Name: El Dorado - Correctional Work Facility (Toronto)

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids as well as monitoring for ammonia, fecal coliform and pH. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address Type of of Applicant Waterway Discharge Otis, City of Walnut Creek via Treated Domestic P.O. Box 326 Boot Creek Wastewater Otis, KS 67565

Kansas Permit No. M-UA31-OO01 Federal Permit No. KS0091758 Legal Description: NW1/4, S36, T17S, R16W, Rush County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform, total recoverable copper and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address Type of of Applicant Waterway Discharge Old Channel of the Treated Domestic Perry, City of P.O. Box 724 Delaware River Wastewater Perry, KS 66073

Kansas Permit No. M-KS58-OO01 Federal Permit No. KS0029084 Legal Description: SE1/4, SE1/4. NE1/4, S27, T11S, R18E, Jefferson County Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand,

total suspended solids and fecal coliform. Monitoring for ammonia, total recoverable copper, total recoverable beryllium and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address		Type of
of Applicant	Waterway	Discharge
Sedan, City of	Little Caney River	Treated Domestic
109 N. Chautauqua	via Middle Caney	Wastewater
Sedan, KS 67361	Creek	

Kansas Permit No. M-VE33-OO02 Federal Permit No. KS0089746

Legal Description: NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, S4, T34S, R11E, Chautauqua County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

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 September 9 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-06-267/277, KS-06-110/118) 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. 033466

State of Kansas

#### **Department of Education**

## Permanent Administrative Regulations

#### **Article 1.—CERTIFICATE REGULATIONS**

**91-1-201.** Type of licensure. (a) The following types of licenses shall be issued by the state board:

- (1) Accomplished teaching license;
- (2) conditional licenses, including the following:
- (A) Conditional school leadership license;
- (B) conditional school specialist license; and
- (C) conditional teaching license;
- (3) emergency substitute teaching license;
- (4) exchange school specialist license;
- (5) exchange teaching license;
- (6) foreign exchange teaching license;
- (7) professional licenses, including the following:
- (A) Professional school leadership license;
- (B) professional school specialist license; and
- (C) professional teaching license;
- (8) provisional school specialist endorsement license;
- (9) provisional teaching endorsement license;
- (10) restricted district leadership license;
- (11) restricted teaching license;
- (12) substitute teaching license; and
- (13) visiting scholar teaching license.
- (b) (1) Each conditional license shall be valid for two years from the date of issuance.
- (2) A conditional teaching license may be issued for one or more of the following levels:
- (A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);
- (B) early childhood through late childhood (kindergarten through grade 6);
- (C) late childhood through early adolescence (grades 5 through 8);
- (D) early adolescence through late adolescence and adulthood (grades 6 through 12); or
- (E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).
- (3) Each conditional school leadership license shall be issued for all levels.
- (4) Each conditional school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.
- (c)(1) Each professional license shall be valid on the date of issuance. Each license shall expire on the license holder's fifth birthdate following issuance of the license.
- (2) A professional teaching license may be issued for one or more of the following levels:
- (A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);
- (B) early childhood through late childhood (kindergarten through grade 6);
- (C) late childhood through early adolescence (grades 5 through 8);
- (D) early adolescence through late adolescence and adulthood (grades 6 through 12); or

- (E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).
- (3) Each professional school leadership license shall be issued for all levels.
- (4) Each professional school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.
- (d) (1) Each accomplished teaching license shall be valid for 10 years from the date of issuance.
- (2) An accomplished teaching license may be issued for one or more of the following levels:
- (A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);
- (B) early childhood through late childhood (kindergarten through grade 6);
- (C) late childhood through early adolescence (grades 5 through 8);
- (D) early adolescence through late adolescence and adulthood (grades 6 through 12); or
- (E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).
- (e) Each substitute teaching license shall be valid on the date of issuance and shall be issued for all levels. Each substitute license shall expire on the license holder's fifth birthdate following issuance of the license.
- (f) Each emergency substitute teaching license shall be valid through June 30 of the school year for which it is issued and shall be issued for all levels.
- (g) Each visiting scholar teaching license shall be valid through June 30 of the school year for which it is issued and shall be issued for the level corresponding with the teaching assignment.
- (h)(1) Each exchange license shall be valid for two years from the date of issuance.
- (2) An exchange teaching license may be issued for one or more of the following levels:
- (A) Early childhood (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3);
- (B) early childhood through late childhood (kindergarten through grade 6);
- (C) late childhood through early adolescence (grades 5 through 8);
- (D) early adolescence through late adolescence and adulthood (grades 6 through 12); or
- (E) early childhood through late adolescence and adulthood (prekindergarten through grade 12).
- (3) Each exchange school specialist license shall be issued for the level that corresponds with the approved program completed by the applicant.
- (i) Each foreign exchange teaching license shall be valid through June 30 of the school year for which it is issued and shall be valid for the level corresponding with the teaching assignment.
- (j) (1) Each restricted teaching license shall be valid for three consecutive school years from the date of issuance.
- (2) A restricted teaching license may be issued for one or more of the following levels:
- (A) Late childhood through early adolescence (grades 5 through 8);
- (B) early adolescence through late adolescence and adulthood (grades 6 through 12); or

- (C) early childhood through late adolescence and adulthood (prekindergarten through grade 12).
- (k) (1) Each restricted district leadership license shall be valid for three years from the date of issuance.
- (2) A restricted district leadership license shall be issued for all levels.
- (l) Each provisional teaching endorsement license shall be valid for two years from the date of issuance.
- (1) A provisional teaching endorsement license may be issued for one or more of the following levels:
- (A) Early childhood through late childhood (kindergarten through grade 6);
- (B) late childhood through early adolescence (grades 5 through 8);
- (C) early adolescence through late adolescence and adulthood (grades 6 through 12); or
- (D) early childhood through late adolescence and adulthood (prekindergarten through grade 12).
- (2) This license shall be issued only at the level for which the applicant holds a conditional or professional teaching license, unless the provisional teaching license is sought at the early childhood through late adolescence and adulthood level (prekindergarten through grade 12) with an endorsement in adaptive special education, functional special education, deaf or hard-of-hearing, visually impaired, or foreign language.
- (m) (1) Each provisional school specialist license shall be valid for two years from the date of issuance.
- (2) A provisional school specialist endorsement license shall be issued for all levels.
- (n) (1) A nonrenewable license shall be issued to each applicant who meets all other requirements for a conditional license except the assessments and who verifies that the applicant will be employed if the license is issued.
- (2) Each nonrenewable license shall be valid only through June 30 of the school year for which the license is issued. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Jan. 2, 2004; amended Aug. 25, 2006.)
- **91-1-202.** Endorsements. (a) Each license issued by the state board shall include one or more endorsements.
- (b) Endorsements available for teaching at the early childhood license level (birth through kindergarten, birth through grade 3, or prekindergarten through grade 3) shall be as follows:
  - (1) Early childhood;
  - (2) early childhood unified;
  - (3) deaf or hard-of-hearing;
  - (4) visually impaired; and
  - (5) school psychologist.
- (c) Endorsements available for teaching at the early childhood through late childhood license level (kindergarten through grade 6) shall be as follows:
  - (1) Adaptive special education;
  - (2) early childhood through late childhood generalist;
  - (3) English for speakers of other languages (ESOL);
  - (4) functional special education; and
  - (5) gifted.
- (d) Endorsements available for teaching at the late childhood through early adolescence license level (grades 5 through 8) shall be as follows:

(continued)

- (1) Adaptive special education;
- (2) English for speakers of other languages (ESOL);
- (3) English language arts;
- (4) functional special education;
- (5) gifted;
- (6) history (comprehensive);
- (7) mathematics; and
- (8) science.
- (e) Endorsements available for teaching at the early adolescence through late adolescence and adulthood license level (grades 6 through 12) shall be as follows:
  - (1) Adaptive special education;
  - (2) agriculture;
  - (3) biology;
  - (4) business;
  - (5) chemistry;
  - (6) communication technology;
  - (7) earth and space science;
  - (8) English for speakers of other languages (ESOL);
  - (9) English language arts;
  - (10) family and consumer science;
  - (11) functional special education;
  - (12) gifted;
  - (13) journalism;
  - (14) mathematics;
  - (15) physics;
  - (16) power, energy, and transportation technology;
  - (17) production technology;
  - (18) psychology;
  - (19) speech and theatre;
  - (20) technology education; and
  - (21) history and government.
- (f) Endorsements available for teaching at the early childhood through late adolescence and adulthood level (prekindergarten through grade 12) shall be as follows:
  - (1) Adaptive special education;
  - (2) art;
  - (3) deaf or hard-of-hearing;
  - (4) English for speakers of other languages (ESOL);
  - (5) foreign language;
  - (6) functional special education;
  - (7) gifted;
  - (8) health;
  - (9) instrumental music;
  - (10) music;
  - (11) physical education;
  - (12) visually impaired; and
  - (13) vocal music.
- (g) Endorsements available for school leadership at all levels shall be as follows:
  - (1) Building leadership;
  - (2) district leadership; and
  - (3) program leadership.
- (h) Endorsements available for school specialist fields at all levels shall be as follows:
  - (1) Library media specialist;
  - (2) reading specialist;
  - (3) school counselor; and
  - (4) school psychologist.
- (i) Endorsements available for the foreign exchange teaching license shall be issued in the content area and

- valid only for the local education agency approved by the commissioner.
- (j) Endorsements available for the restricted teaching license shall be issued in the content area and valid only for the local education agency approved by the state board.
- (k) Endorsements available for the provisional teaching endorsement license at the early childhood through late childhood license level (kindergarten through grade 6) shall be as follows:
  - (1) Adaptive special education;
  - (2) English for speakers of other languages (ESOL);
  - (3) functional special education; and
  - (4) gifted.
- (l) Endorsements available for the provisional teaching endorsement license at the late childhood through early adolescence license level (grades 5 through 8) shall be as follows:
  - (1) Adapted special education;
  - (2) English for speakers of other languages (ESOL);
  - (3) English language arts;
  - (4) functional special education;
  - (5) gifted;
  - (6) history (comprehensive);
  - (7) mathematics; and
  - (8) science.
- (m) Endorsements available for the provisional teaching endorsement license at the early adolescence through late adolescence and adulthood license level (grades 6 through 12) shall be as follows:
  - (1) Adaptive special education;
  - (2) agriculture;
  - (3) biology;
  - (4) business;
  - (5) chemistry;
  - (6) communication technology;
  - (7) earth and space science;
  - (8) English for speakers of other languages (ESOL);
  - (9) English language arts;
  - (10) family and consumer science;
  - (11) functional special education;
  - (12) gifted;
  - (13) journalism;
  - (14) mathematics;
  - (15) physics;
  - (16) power, energy, and transportation technology;
  - (17) production technology;
  - (18) psychology;
  - (19) speech and theatre;
  - (20) technology education; and
  - (21) history and government.
- (n) Endorsements available for the provisional teaching endorsement license at the early childhood through late adolescence and adulthood level (prekindergarten through grade 12) shall be as follows:
  - (1) Adaptive special education;
  - (2) art
  - (3) deaf or hard-of-hearing;
  - (4) English for speakers of other languages (ESOL);
  - (5) foreign language;
  - (6) functional special education;
  - (7) gifted;

- (8) health;
- (9) instrumental music;
- (10) music;
- (11) physical education;
- (12) visually impaired; and
- (13) vocal music.
- (o) Endorsements available for provisional school specialist endorsement license at all levels shall be as follows:
  - (1) Library media specialist;
  - (2) reading specialist; and
  - (3) school counselor.
- (p) Each applicant for a license with an adaptive or functional special education endorsement, or a gifted, visually impaired, or deaf or hard-of-hearing endorsement, shall have successfully completed one of the following:
- (1) A state-approved program to teach general education students; or
- (2) a professional education component that allows students to acquire the following:
  - (A) Knowledge of human development and learning;
  - (B) knowledge of general education foundations;
- (C) knowledge of interpersonal relations and cultural influences;
  - (D) knowledge of teaching methodology; and
- (E) the ability to apply the acquired knowledge to teach nonexceptional students. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Aug. 25, 2006.)

## **91-1-205.** Licensure renewal requirements. (a) Conditional licenses.

- (1) Any person, within five years of the date the person was first issued a conditional license, may apply for renewal of the initial conditional license by submitting an application for renewal of the conditional license and the licensure fee.
- (2) Any person who does not renew the initial conditional license within five years of the date the conditional license was issued may obtain one or more additional conditional licenses only by meeting the requirements in S.B.R. 91-1-203 (a). The assessments required by S.B.R. 91-1-203 (a) shall have been taken not more than one year before the date of application for the conditional license, or the applicant may verify either eight semester hours of recent graduate-level credit related to one or more endorsements on the conditional license or one year of recent accredited experience.
- (3) A person who does not successfully complete the teaching performance assessment during four years of accredited experience under a conditional teaching license shall not be issued an additional teaching license, unless the person successfully completes the following retraining requirements:
- (A) A minimum of 12 semester credit hours with a minimum cumulative GPA of 2.50 on a 4.0 scale, earned through the verifying teacher education institution and addressing the deficiencies related to the teaching performance assessment criteria; and
- (B) following completion of the required credit hours, an unpaid internship supervised by the verifying teacher

- education institution and consisting of at least 12 weeks, with attainment of a grade of "B" or higher.
- (4) A person who does not successfully complete the school specialist or school leadership performance assessment during four years of accredited experience shall not be issued an additional conditional school specialist or school leadership license, unless the person successfully completes the following retraining requirements:
- (A) A minimum of six semester credit hours with a minimum cumulative GPA of 3.25 on a 4.0 scale, earned through the verifying teacher education institution and addressing the deficiencies related to the performance assessment criteria; and
- (B) following completion of the required credit hours, an unpaid internship supervised by the verifying teacher education institution and consisting of at least 12 weeks with attainment of a grade of "B" or higher.
- (b) Professional licenses. Any person may renew a professional license by submitting the following to the state board:
  - (1) An application for renewal;
  - (2) the licensure fee; and
- (3) verification that the person, within the term of the professional license being renewed, meets any of the following requirements:
- (A) Has completed all components of the national board for professional teaching standards assessment for board certification;
  - (B) has been granted national board certification;
- (C) (i) Has earned a minimum of 120 professional development points under an approved individual development plan filed with a local professional development council if the applicant holds an advanced degree; or
- (ii) has earned a minimum of 160 professional development points under an approved individual development plan filed with a local professional development council, including at least 80 points for college credit, if the applicant does not hold an advanced degree; or
- (D) has completed a minimum of eight credit hours in an approved program or completed an approved program.
  - (c) Accomplished teaching licenses.
- (1) Any person may renew an accomplished teaching license by submitting to the state board the following:
- (A) Verification of achieving renewal of national board certification since the issuance of the most recent accomplished teaching license;
- (B) an application for accomplished teaching license; and
  - (C) the licensure fee.
- (2) If a person fails to renew the national board certificate, the person may apply for a professional license by meeting the renewal requirement for a professional license specified in paragraph (b)(3)(C) or (D).
- (d) Substitute teaching license. Any person may renew a substitute teaching license by submitting to the state board the following:
- (1) Verification that the person has earned, within the last five years, a minimum of 100 professional development points under an approved individual development plan filed with a local professional development council;

(continued)

- (2) an application for a substitute teaching license; and
- (3) the licensure fee.
- (e) Provisional teaching endorsement license. An individual may renew a provisional teaching endorsement license one time by submitting to the state board the following:
- (1) Verification of completion of at least 50 percent of the deficiency plan;
- (2) verification of continued employment and assignment to teach in the provisional endorsement area;
- (3) an application for a provisional endorsement teaching license; and
  - (4) the licensure fee.
- (f) Provisional school specialist endorsement license. Any individual may renew a provisional school specialist endorsement license by submitting to the state board the following:
- (1) Verification of completion of at least 50 percent of the deficiency plan;
- (2) verification of continued employment and assignment as a school specialist;
- (3) an application for a provisional school specialist endorsement license; and
  - (4) the licensure fee.
- (g) Any person who fails to renew the professional license may apply for a subsequent professional license by meeting the following requirements:
- (1) If the person's license expired fewer than five years preceding the date on which application is made, the person shall perform the following:

- (A) Submit an application for a license and the licensure fee; and
- (B) meet the requirements of paragraph (b)(3) of this regulation.
- (2) If the person's license expired five or more years preceding the date on which application is made, the person shall submit to the state board the following:
  - (A) An application for a license and the licensure fee;
  - (B) verification of one of the following:
- (i) Having met the requirements of paragraph (b) (3) of this regulation; or
- (ii) having at least three years of recent, out-of-state accredited experience under a professional license.
- (3) If a person seeks a professional license based upon recent, out-of-state accredited experience, the person shall be issued the license if verification of the recent experience is provided. The license shall be valid through the remaining validity period of the out-of-state professional license or for five years from the date of issuance, whichever is less. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2003; amended July 1, 2003; amended Aug. 25, 2006.)

Bob Corkins Commissioner of Education

Doc. No. 033442

#### State of Kansas

#### Office of Judicial Administration Court of Appeals Docket

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

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

Before Malone, P.J.; Caplinger, J.; and Larson, S.J.

Tuesday, August 22, 2006

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
95,695 In the Matter of the Marriage of: Gary D. Mulanax, Appellant and Lori Mulanax, Appellee	Pantaleon Florez Jr. Bruce C. Harrington	Jackson
95,024 In the Matter of the Care and Treatment of Mark D. Brull	Kip Elliot Nola F. Wright, Asst. A.G.	Shawnee
95,434 State of Kansas, Appellee v. Timothy Owen, Appellant	Attorney General Richard E. James, C.A. Rick Kittel, A.D.	Clay
94,945 Rah-Maan Saleem, Appellant v. State of Kansas, Appellee	Elizabeth Seale Cateforis Attorney General Robert D. Hecht, D.A.	Shawnee

Shawnee

94,473 Lyon

Newman Memorial Hospital, d/b/a Newman Regional Health Center, Appellee

v.

Walton Construction Company, Inc., Defendant

Everton Oglesby Askew Architects; Appellant, Fairbury Glass Co., Inc., d/b/a Concordia Mirror and Glass Company; Belles & Associates, Inc.; and Amco Insurance Company, Defendants John A. Bausch Harold S. Youngentob Nathan D. Leadstrom Wyatt A. Hoch James D. Oliver Carolyn L. Matthews

1:30 p.m.

95,273 Wyandotte

Pepsi Maxwell, Appellant
v.

Vincente Carlos Palmeri, M.D., Halla S. Moussa, M.D.,
and Ron Haulmark RPAC Appellees

Lisa C. Bower
Mark A. Lynch
Lidd L. Herbster

and Ron Haulmark, RPAC, Appellees Judd L. Herbster

95,077
Michael Shane Christopher, Appellant
Mark Beam-Ward

v. Eliehue Brunson
State of Kansas, ex rel., Kansas Juvenile
Justice Authority, Appellees

Wednesday, August 23, 2006

10:00 a.m.

Case No. / Case Name Attorneys Jurisdiction
94.667 Shawnee

Sandra Troutman, Larry Gales and Gerald Kevin L. Diehl Crooks, Appellants J. Todd Hiatt v. Donald Patterson

Jeffrey Curtis, M.D., Stormont Vail Healthcare, Inc.,

Defendants and

Perclose, Inc., Appellee

#### 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

95,623 Wyandotte

In the Matter of: C.E., DOB: 02/12/1991

Jennifer Myers, Asst. D.A.

In the Matter of: C.E., DOB: 02/12/1991

James T. Yoakum

95,625 Wyandotte

In the Matter of: B.M.J., DOB: 04/01/1990

Jennifer Myers, Asst. D.A.
William P. Mahoney

95,624 Wyandotte

In the Matter of: B.A.M., DOB: 03/02/1990

Jennifer Myers, Asst. D.A.
Patricia Aylward Kalb

95,224 Sedgwick

State of Kansas, Appellee Attorney General
v. District Attorney
Brent A. Cruz, Appellant Rachel L. Pickering, A.D.

94,392 Wyandotte

J. C. Hunt, Appellant
v. Stephen B. Chapman
Attorney General

State of Kansas, Appellee Christopher L. Schneider, Asst. D.A.

95,859 Shawnee

City of Rossville, Appellee Stanley Oyler

v. Charles C. Baylor

Troy Zimmerman, Appellant (continued)

In the Interest of M.B, A.B.

#### Kansas Register \_

	O	
94,404 State of Kansas, Appellee	Attorney General	Sedgwick
v. Kirk R. Childs, Appellant	District Attorney Shirla R. McQueen	
95,636 State of Kansas, Appellee v. Jon P. Harmer, Appellant	Attorney General County Attorney Michelle Davis	Marshall
94,686 Lance K. Stephens, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Jeffrey E. Evans, Asst. D.A.	Sedgwick
95,089 State of Kansas, Appellee v. Robin Rummel, Appellant	Attorney General Ty Kaufman, C.A. Sam S. Kepfield	McPherson
95,189 Reed Wolfe, Appellant v. Kansas Department of Revenue, Appellee	Leslie A. Hess James G. Keller	Ford
95,937		Johnson

Kansas Court of Appeals Johnson County Courthouse Division 4 Courtroom, 3rd Floor 100 N. Kansas Ave. Olathe, Kansas

Nancy Orrick

Steven J. Obermeier, Asst. D.A.

Before Rulon, C.J.; McAnany, J.; and Knudson, S.J.

Tuesday, August 22, 2006

9:00 a.m.

Case No. / Case Name Attorneys Jurisdiction 95,135 Johnson John W. Leighty In the Interest of: Bruce C. Hedrick M.S., Date of Birth: 06/28/89 A.B., Date of Birth: 04/27/01 Steven J. Obermeier, Asst. D.A. A.B., Date of Birth: 12/25/95 S.B., Date of Birth: 06/29/94 95,865 Leavenworth Robert McClelland, #5737, Appellant Charles J. Cavenee Libby Snider, Special Asst. A.G. Roger Werholtz, et al., Appellees 94,321 Johnson In the Matter of the Marriage of: James R. Orr John F. Crane, Appellant Thomas Francis Sullivan and Lola J. Crane, Appellee 93,914 Wyandotte State of Kansas, Appellee Kristafer R. Ailslieger, Asst. A.G. Debra J. Wilson, A.D. Wilbert Wilson, Appellant Johnson Joseph M. Fiorella and Carla Fiorella, Joseph R. Borich III Thomas Francis Sullivan **Appellants** Dale L. Beckerman Travelers Property Casualty Insurance Company, et al.,

Appellees

1:30 p.m.

93,165 Wyandotte Linus L. Baker

Caldwell-Baker Company, dba Caldwell-Baker Corporation, Appellant Laurence M. Jarvis Manu K. Rattan

Burlington Northern and Santa Fe Railway Curtis L. Tideman Company, et al., Appellees

Johnson

David L. Marcus Robert B. Sparks, Appellee Tim J. Moore v.

CBIZ Accounting Tax & Advisory of Kansas City, Inc., and Kevin L. Winters, Appellants

John W. Karr, Appellee

94,513 Johnson

Virginia M. Griffith, Appellant Barry D. Estell Charles A. Getto

Kenneth W. McGovern, and SII Investments, Inc., Appellees

#### Wednesday, August 23, 2006

#### 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 95,145 Harvey Attorney General

State of Kansas, Appellee Jay H. Sizemore, Asst. C.A. v. Michael S. Palmer, Appellant Heather Cessna, A.D.

94,778 Shawnee

Attorney General State of Kansas, Appellee Robert D. Hecht, D.A. V. Juan Adan Lucio, Appellant Carl Folsom III, A.D.

94.681 Dickinson

State of Kansas, Appellee Attorney General Daryl E. Hawkins, Asst. C.A. Cheryl L. Peterson, Appellant Gerald Wells

95,488 Sedgwick

Attorney General State of Kansas, Appellee District Attorney Dane Griffith, Appellant Jay D. Witt, A.D.

94,964 Miami

State of Kansas, Appellee Attorney General Michael Grear, Asst. C.A. San Juan Caffey, Appellant Shawn E. Minihan, A.D.

93,563 Sedgwick

State of Kansas, Appellee Attorney General

Jeffrey É. Evans, Asst. D.A.

Joshua J. Thorpe, Appellant Carl Maughan

95,311 Shawnee

Travis E. Towle, Appellant Kevin P. Shepherd

Patrick M. Towle, Appellee 94,792/94,793 Johnson

State of Kansas, Appellee Attorney General

Steven J. Obermeier, Asst. D.A. v.

Nicholas Scott Anderson, Appellant Rachel Pickering, A.D.

Cloud

City of Concordia, Appellee Lawrence R. Uri Jr.

Michael S. Holland II v. Jason L. Jones, Appellant

(continued)

95.019 Harvey State of Kansas, Appellee Attorney General Jay H. Sizemore, Asst. C.A.

Carlos Delgado, Appellant Jay Witt, A.D.

94,838/94,839 Kingman

State of Kansas, Appellee Attorney General Bradford L. Williams, C.A.

Benjamin K. Milbrandt, Appellant Ernest L. Tousley

Sedgwick In the Interest of J.A., Born in 2000, Michael Lazzo

Child Under Eighteen (18) Years of Age Verlin A. Ingram

> Kansas Court of Appeals U.S. Courthouse Courtroom 408

401 N. Market Wichita, Kansas

Before Pierron, P.J.; Johnson, J.; and Bukaty, S.J.

Tuesday, August 22, 2006

9:00 a.m.

Case No. / Case Name Attorneys Jurisdiction 95,914 Sedgwick

In the Matter of the Adoption of A.A.T., Rachael K. Pirner

Paula D. Langworthy a Minor Child William A. Vickery

94.724 Sedgwick

David L. Dahl Stephen Timmermeyer, Appellee William M. Kehr ZTM, Inc., a Corporation Organized Under Mark G. Ayesh the Laws of the State of Kansas, Appellant Ray E. Simmons and Brad E. Julius, an Individual, Defendant

Sedgwick

State of Kansas, Appellee Attorney General Boyd K. Isherwood, Asst. D.A.

Demont S. Hopson, Appellant Randall L. Hodgkinson, Deputy A.D.

94,388 Sumner

State of Kansas, Appellee Attorney General Evan C. Watson, Deputy C.A.

Abraham P. Alderete, Appellant Randall L. Hodgkinson, Deputy A.D. 95,343 Pratt

Attorney General State of Kansas, Appellee

Ernest H. Richardson, C.A.

Jimmie Ray Bryant, Appellant Randall L. Hodgkinson, Deputy A.D.

1:30 p.m.

94,318 Sedgwick

State of Kansas, Appellee Attorney General

Lesley A. Isherwood, Asst. D.A.

Cody D. Hess, Appellant Patrick H. Dunn, A.D.

95,518 Sedgwick

John Howard, Appellant Lawrence W. Williamson

Jay F. Fowler Air Capitol Plating, Inc., Appellee Carolyn L. Matthews

95,274 Ellis Aaron N. Woods Ruthetta Berthelson, Personal Representative

and Surviving Parent of Daniel H. Berthelson, Lisa C. Bower and Michael E. Berthelson, Surviving Sibling of Jay F. Fowler Daniel Berthelson, Appellants Holly A. Dyer

Developmental Services of Northwest Kansas, and Dale Sander, Appellees

#### Wednesday, August 23, 2006 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 95,854 Johnson Attorney General State of Kansas, Appellee Steven J. Obermeier, Asst. D.A. Robert J. Gaudina, Appellant Stephen B. Chapman 94,656 Sedgwick State of Kansas, Appellee Attorney General Lesley A. Isherwood, Asst. D.A. William A. Ingram, Appellant Sam S. Kepfield 94,365 Sedgwick Alex L. Bellamy, Appellant Korey A. Kaul, A.D. Attorney General State of Kansas, Appellee Jeffrey E. Evans, Asst. D.A. 94,944 Johnson State of Kansas, Appellee Attorney General Steven J. Obermeier, Asst. D.A. Gary Paul Spicer, Appellant Cory D. Riddle, A.D. 95,990 Leavenworth Jeffrey C. Logan, Appellant Scott S. Bethune Paul Hasty Jr. Daimlerchrysler Corporation, et al., Defendants John G. Kramer, As Person Representative of the Estate of Leona Parks, Appellee 95,877 Saline State of Kansas, Appellant Attorney General Jeffery Ebel, Asst. C.A. v. Mario Juarez, Appellee Roger D. Struble Saline State of Kansas, Appellant Attorney General Jeffery Ebel, Asst. C.A. Jose Vigil, Appellee Roger D. Struble 94.644 Sedgwick State of Kansas, Appellee Attorney General Matt J. Maloney, Asst. D.A. Sabrina Faulk, Appellant Korey A. Kaul, A.D. 94,748 Sedgwick Michael Carter, Appellant Michael P. Whalen Attorney General State of Kansas, Appellee Jeffrey E. Evans, Asst. D.A. **Butler** Steven C. Sherwood Joshua J. Robertson, #76205, Appellant Julie St. Peter L. E. Bruce, Appellee 95,761 Saline State of Kansas, Appellee Attorney General Amy Hanley, Asst. C.A. Edward L. Swisher, Appellant Randall L. Hodgkinson, Deputy A.D. McPherson Jeffrey D. Nelson, Appellant Stephen C. Griffis Attorney General State of Kansas, Appellee Ty Kaufman, C.A.

(continued)

Sedgwick

Reno

Kansas Court of Appeals Butler County Courthouse Courtroom A, 2nd Floor 201 W. Pine El Dorado, Kansas

Before Hill, P.J.; Elliott and Green, JJ.

Tuesday, August 22, 2006

9:00 a.m.

Case No. / Case Name Attorneys Jurisdiction

94,890 Clifford Hood, Appellant Michael P. Whalen

v. Attorney General

State of Kansas, Appellee Matt J. Maloney, Asst. D.A.

**94,975** Butler

State of Kansas, Appellee Attorney General

v. Darrin Ć. Devinney, Asst. C.A.

Brian A. Wassinger, Appellant Richard Ney

94,407 Sedgwick

Roland Rudd, Appellant Michael P. Whalen

v. Roland Rudd, #71994, Pro Se

State of Kansas, Appellee Attorney General Matt J. Maloney, Asst. D.A.

94,758 Sedgwick

State of Kansas, Appellee Attorney General

v. Boyd K. Isherwood, Asst. D.A.

Willie L. Smith, Appellant Carl Folsom, III, A.D.

94,215 Sedgwick

State of Kansas, Appellee Attorney General

v. Boyd K. Isherwood, Asst. D.A.

Robert J. Westfall, Appellant Heather Cessna, A.D.

1:30 p.m.
94.152

State of Kansas, Appellee Attorney General v. Keith E. Schroeder, D.A.

Ryan Pinkston, Appellant Sam S. Kepfield

94,441 McPherson

State of Kansas, Appellee Attorney General v. Ty Kaufman, C.A.

Raymond Joseph Knighton, Jr., Appellant Shirla R. McQueen

**95,830** Pratt

State of Kansas, Appellant Attorney General

v. Ernest H. Richardson, C.A.

Tammy Hoeck, Appellee Richard N. Raleigh, Special Prosecutor

Michael S. Holland

Wednesday, August 23, 2006

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

95,025 State of Kansas, Appellee Attorney General

v. Thomas R. Stanton, Deputy D.A.

Michael C. Pritchard, Appellant Michelle Davis, A.D.

95,447 Sedgwick

In the Matter of the Adoption of:

Robb W. Rumsey
Baby Boy S. (DOB: 04/29/05), An Infant

Thomas C. McDowell

95,251		Wyandotte
State of Kansas, Appellee	Attorney General	,
v. Ricky Dawn, Appellant	Kristen Chowning Martin, Asst. D.A. Matthew J. Edge, A.D.	
95,147	, 0,	Reno
State of Kansas, Appellee	Attorney General	
v. Trinity Erhardt, Appellant	Thomas R. Stanton, Deputy D.A. Alice L. Knetsch Osburn	
94,171 State of Kanaga Appellac	Attornov Conoral	Jewell
State of Kansas, Appellee v.	Attorney General Darrell E. Miller, C.A.	
Mark E. Tuley, Appellant	Nathan B. Webb, A.D.	
95,101		Sedgwick
Gerry Burden, Appellant v.	Christopher L. Hughes Attorney General	
State of Kansas, Appellee	Matt J. Maloney, Asst. D.A.	
94,658		Sedgwick
Karol R. Baldwin, Appellant	Sarah Ellen Johnson, A.D. Attorney General	
v. State of Kansas, Appellee	Jeffrey E. Evans, Asst. D.A.	
94,889		Sedgwick
State of Kansas, Appellee	Attorney General	O .
v. Roland R. Wiley III, Appellant	Jeffrey E. Evans, Asst. D.A. Sam S. Kepfield	
95,593	3 3. 3	Norton
A.B. Mayshack, Appellant	A.B. Mayshack, #36313, Pro Se	
v. Roger Werholtz, et al., Appellees	Robert (Bob) Wassinger	
95,453		Shawnee
In the Matter of the Marriage of:	Nancy Freund	Shavinee
Ryekel Hudson, Appellee	Rene M. Netherton	
v. Daniel Hudson, Appellant		
94,599		Sedgwick
State of Kansas, Appellee	Attorney General	
v. Dexter Black, Appellant	Kristi L. Barton, Asst. D.A. Ernest L. Tousley	
93,875	•	Reno
State of Kansas, Appellee	Attorney General	
v. Pete Whitlock, Appellant	Karen S. Smart, Asst. D.A. Brent Getty, A.D.	
	······································	Carol G. Greer

Carol G. Green Clerk of the Appellate Courts

#### 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.

#### **AGENCY 1: DEPARTMENT OF** ADMINISTRATION

	ADMINISTRATION	
Reg. No.	Action	Register
1-1-1	Amended	V. 24, p. 848
1-2-9	Amended	V. 24, p. 849
1-2-25	Amended	V. 24, p. 849
1-2-25a	New	V. 24, p. 849
1-2-30	Revoked	V. 24, p. 849
1-2-31	Amended	V. 24, p. 849
1-2-43a	New	V. 24, p. 849
1-2-44	Amended	V. 24, p. 849
1-2-46	Amended	V. 24, p. 849
1-2-74	Amended	V. 24, p. 850
1-2-84a	Revoked	V. 24, p. 850
1-2-84b	Revoked	V. 24, p. 850
1-2-97	Amended	V. 24, p. 850
1-3-2	Revoked	V. 24, p. 850
1-4-2	Amended	V. 24, p. 850
1-4-3	Amended	V. 24, p. 850
1-4-5	Amended	V. 24, p. 850
1-4-7	Amended	V. 24, p. 850
1-4-8	Amended	V. 24, p. 851
1-5-8	Amended	V. 24, p. 851
1-5-9	Amended	V. 24, p. 852
1-5-14	Amended	V. 24, p. 852
1-5-15	Amended	V. 24, p. 852
1-5-19c	Amended	V. 24, p. 853
1-5-20	Amended	V. 24, p. 853
1-5-24	Amended	V. 24, p. 853
1-5-30	Amended	V. 24, p. 855
1-6-2	Amended	V. 24, p. 855
1-6-8	Amended	V. 24, p. 855
1-6-27	Amended	V. 24, p. 856
1-6-29	Amended	V. 24, p. 856
1-6-32	Amended	V. 24, p. 857
1-7-3	Amended	V. 24, p. 858
1-7-10	Amended	V. 24, p. 858
1-7-11	Amended	V. 24, p. 858
1-7-12	Amended	V. 24, p. 859
1-8-2	Amended	V. 24, p. 859
1-8-3	Amended	V. 24, p. 859
1-8-4	Amended	V. 24, p. 859
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Reg. No. 75-6-30 75-6-31 75-6-35  A SE  Reg. No. 81-2-1 81-3-1 81-3-2 81-3-5 81-3-6 81-3-7 81-4-4 81-4-4 81-5-15 81-5-15 81-14-1 81-14-2 81-14-3 81-14-4 81-14-5 81-14-6 81-14-7 81-14-8 81-14-9 81-14-10	Action Amended Amended New AGENCY 81: OFFICE CURITIES COMM Action Amended Amended Amended Amended Amended New New New (T) New New (T) New Amended	Register  V. 24, p. 1849 V. 24, p. 1849 V. 24, p. 1849 V. 24, p. 1849 E OF THE HISSIONER  Register  V. 25, p. 1057 V. 25, p. 1059 V. 25, p. 1059 V. 25, p. 1060 V. 25, p. 1064 V. 24, p. 1372 V. 24, p. 1372 V. 24, p. 1372 V. 24, p. 1775 V. 24, p. 1372 V. 25, p. 1066 V. 25, p. 1076 V. 25, p. 1079 DRPORATION	AGAGRICU  Reg. No. 99-25-1 99-25-9 99-25-10  AGENCY Reg. No. 100-15-2 100-15-4 through 100-15-7 100-25-1 through 100-25-5 100-25-1 100-26-1 100-26-1 100-26-2 100-26-3 100-26-3 100-28a-14 100-28a-17 100-28a-18	ENCY 99: DEPA LTURE—DIVISI AND MEAS Action Amended Amended New (100: BOARD O Action Revoked  New  New (T)  New Amended New (T) New New (T) New New (T) New Amended New (T) New New (T) New Amended New New (T) New Amended New New Amended New New Amended	RTMENT OF ION OF WEIGHTS URES  Register  V. 24, p. 1264  V. 24, p. 1265  V. 24, p. 1265  F HEALING ARTS  Register  V. 24, p. 1113  V. 24, p. 1113, 1114  V. 24, p. 1113, 1114  V. 24, p. 1874-1877  V. 25, p. 213-216  V. 24, p. 1877  V. 25, p. 217  V. 24, p. 1877  V. 25, p. 217  V. 24, p. 1878  V. 25, p. 217  V. 24, p. 1114  V. 24, p. 1114  V. 24, p. 1115  V. 25, p. 639	102-4-2 102-4-4a 102-4-15 102-5-2 102-5-4a 102-5-5 102-5-14  IND Reg. No. 105-4-1 105-4-1 105-5-2 105-5-3 105-5-6 105-5-7 105-11-1 105-11-1  AGE Reg. No. 108-1-1 108-1-4 AGENCY 1 Reg. No. 110-9-1 through	Amended (T) Amended Amended Amended (T) Amended Amended Amended AGENCY 105: BC IGENTS' DEFEN Action Amended (T) Amended Amended (T) ENCY 108: STATE EALTH CARE CO Action Amended Amended Amended I10: DEPARTMEN	V. 24, p. 428 V. 25, p. 990, 1019 V. 24, p. 428 V. 24, p. 428 V. 25, p. 992, 1019 V. 25, p. 187 V. 24, p. 429  DARD OF SE SERVICES  Register V. 24, p. 1597 V. 25, p. 101 V. 25, p. 982, 1019 V. 25, p. 982, 1019 V. 25, p. 982, 1019 V. 25, p. 983, 1019 V. 25, p. 101 V. 25, p. 983, 1019 V. 25, p. 101 V. 25,
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