

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 26, No. 18    May 3, 2007    Pages 607-676

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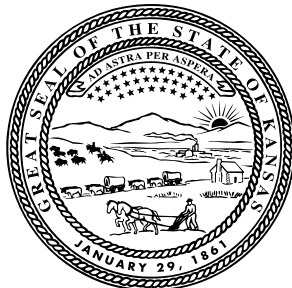
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## State of Kansas

**State Fair Board****Notice of Meeting**

The Kansas State Fair Board will retreat May 9 and will meet May 10 in Liberal. For more information, call Denny Stoecklein at (620) 669-3600.

John C. Bottenberg  
President

Doc. No. 034378

## State of Kansas

**Criminal Justice Coordinating Council****Notice of Grant Award Meeting**

The Kansas Criminal Justice Coordinating Council will meet at 8:30 a.m. Friday, May 25, in the Kansas Highway Patrol Headquarters conference room, 122 S.W. 7th, Topeka, to determine final grant awards for the Federal Edward Byrne Memorial Justice Assistance Grant (JAG) program for SFY 2008. For more information, call (785) 291-3205.

Juliene Maska  
Governor's Grants Program Administrator

Doc. No. 034379

## State of Kansas

**Social and Rehabilitation Services****Request for Proposals**

The Department of Social and Rehabilitation Services announces the release of a request for grant proposals by Health Care Policy-Mental Health to continue or create new interim housing projects for persons experiencing severe and persistent mental illness and youth (18-21) with serious emotional disturbance. Interim housing means short-term (up to six months) project-based housing that provides immediate housing for persons exiting homelessness or for persons who are homeless who are leaving a state hospital, nursing facility for mental health or any other state-funded institution or system of care setting.

Project-based housing means the rental lease is in the CMHC's name and money is tied to that unit so when a participant moves out, the unit is immediately available to someone else. The goal of the Interim Housing Grant is for CMHCs to provide immediate housing, in lieu of discharging individuals to homeless shelters, and then assisting participants to rapidly obtain permanent housing.

Agencies interested in receiving a request for proposal should contact Pam Raiman, SRS Mental Health, 9th Floor South, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-7272 or fax at (785) 296-6142. Request for proposals also can be found on the SRS Mental Health Web site at <http://www.srskansas.org/hcp/MHSIP/MHSIPRFPs.htm>. Complete proposals must be received not later than 5 p.m. June 7.

Don Jordan  
Secretary of Social and  
Rehabilitation Services

Doc. No. 034391

## State of Kansas

**Social and Rehabilitation Services****Request for Proposals**

The Department of Social and Rehabilitation Services announces the release of a request for grant proposals by Health Care Policy-Mental Health to provide mutual support, leadership opportunities, and information and growth through statewide consumer-run/self-help programs. Self-help is an alternative, an adjunct or an extension to traditional mental health treatment and is intended to support persons' efforts in their own recovery process and in contributing to improving the mental health service delivery system.

Agencies interested in receiving a request for proposal should contact Pam Raiman, SRS Mental Health, 9th Floor South, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-7272 or fax at (785) 296-6142. Request for proposals also can be found on the SRS Mental Health Web site at <http://www.srskansas.org/hcp/MHSIP/MHSIPRFPs.htm>. Complete proposals must be received not later than 5 p.m. May 31.

Don Jordan  
Secretary of Social and  
Rehabilitation Services

Doc. No. 034390

## State of Kansas

**Social and Rehabilitation Services****Request for Proposals**

The Department of Social and Rehabilitation Services announces the release of a request for grant proposals by Health Care Policy-Mental Health to provide services to youth identified with or at risk of developing a serious emotional disturbance (SED) or those children and youth at risk for violent behavior. The mission of the grant program is to provide a well-coordinated array of school-based services for youth who are identified SED, at risk of developing an SED, or are at risk for violent behavior. The purpose of the grant is to ensure that youth will safely remain in a least restrictive environment, living at home with their families and in their schools and communities.

Agencies interested in receiving a request for proposal should contact Pam Raiman, SRS Mental Health, 9th Floor South, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-7272 or fax at (785) 296-6142. Requests for proposals also can be found on the SRS Mental Health Web site at <http://www.srskansas.org/hcp/MHSIP/MHSIPRFPs.htm>. Complete proposals must be received not later than 5 p.m. May 31.

Don Jordan  
Secretary of Social and  
Rehabilitation Services

Doc. No. 034392

(Published in the Kansas Register May 3, 2007.)

**City of Overland Park, Kansas**

**Notice of Informational Open House**

The city of Overland Park will be conducting an informational open house meeting regarding the roadway improvement plan for College Boulevard from Pflumm to US 69. This meeting has been scheduled to review the schedule for this project and discuss concerns before design begins.

The open house will be held from 5:30 to 7 p.m. Thursday, May 3, at the Virginia Krebs Community Room in the Carlsen Center of Johnson County Community College, 12345 College Blvd., Overland Park.

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

For more information, contact Melissa Caulfield, senior civil engineer, city of Overland Park, at (913) 895-6052.

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

Doc. No. 034380

**State of Kansas**

**Kansas Judicial Council**

**Notice of Meetings**

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

Date	Committee	Time	Location
May 4	End of Life Decisions	9:30 a.m.	Room 269
May 4	Civil Code	9:30 a.m.	Room 259
May 11	Commission on Judicial Performance	9:30 a.m.	Room 259
May 18	Administrative Procedure	9:00 a.m.	Room 275
May 18	Pattern Instructions for Kansas-Civil	9:30 a.m.	Room 269
May 18	Probate Law	9:30 a.m.	Room 259
May 25	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 259
June 1	Judicial Council	9:00 a.m.	Room 259
June 15	Administrative Procedure	9:00 a.m.	Room 275
June 15	Pattern Instructions for Kansas-Civil & Criminal	9:30 a.m.	Room 269
June 15	Probate Law	9:30 a.m.	Room 259
June 22	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 259
June 22	Guardianship & Conservatorship	9:30 a.m.	Court of Appeals Courtroom, Room 275
June 29	Family Law	9:30 a.m.	Room 259

Hon. Robert E. Davis  
Chairman

Doc. No. 034385

**State of Kansas**

**State Employees Health Care Commission**

**Notice of Meeting**

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Wednesday, June 20, in the boardroom of the offices of the Kansas Public Employees Retirement System, 611 S. Kansas Ave., Topeka. An agenda may be viewed on the commission's Web site at <http://www.khpa.ks.gov/HCC/HCCMeetingsHome.htm>. For more information, contact the Benefits Office at (785) 296-6280.

Duane A. Goossen  
Chair

Doc. No. 034386

**State of Kansas**

**University of Kansas**

**Notice to Bidders**

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web sight at <http://www.purchasing.ku.edu/> for a complete list of all goods and services currently out for bid. For persons without Internet access, paper postings of all open bids may be reviewed at the Purchasing Services office, 1246 W. Campus Road, Room 7, Lawrence. Copies of current bids may be requested by contacting the Purchasing Services office at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at [purchasing@ku.edu](mailto:purchasing@ku.edu).

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 034374

(Published in the Kansas Register May 3, 2007.)

**City of Overland Park, Kansas**

**Notice of Public Information Meeting**

The city of Overland Park will be conducting the fourth public meeting regarding the roadway improvement plan for Metcalf Widening and Resurfacing, I-435 to 99th Street. This meeting has been scheduled to discuss with the contractor, Pyramid Contractors, Inc., the plans and schedule for completing this project in September 2008.

The pre-construction public meeting will be held at 7:30 p.m. Tuesday, May 8, at the Emmanuel Baptist Church (south side entrance, Room 113/115B), located at 10100 Metcalf, Overland Park.

The city of Overland Park wants to ensure that the public is aware of this public meeting. Members of the Overland Park community are encouraged to attend and share their thoughts and ideas about this project.

For more information, contact Dan Stack, senior civil engineer, city of Overland Park, at (913) 895-6028.

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

Doc. No. 034400

## State of Kansas

## Commission on Veterans' Affairs

## Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, May 11, at the American Legion Post 163, 310 N. 19th St., Marysville. The public is invited to attend. For more information, call (785) 296-3976.

George S. Webb  
Executive Director

Doc. No. 034381

## State of Kansas

## Statewide Independent Living Council

## Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, May 18, at the Topeka and Shawnee County Public Library, 1515 S.W. 10th Ave., Room 101A, Topeka. For more information, contact Mary Lou Dunn or Shannon Jones at (785) 234-6990 or (800) 217-4525, or e-mail at Marylouya@aol.com.

Shannon Jones  
Executive Director

Doc. No. 034383

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, until 1 p.m. May 17, and then publicly opened:

**District One — Northeast**

**Riley**—77-81 K-7441-01 — U.S. 77, Fancy Creek, 2.1 miles north of K-16, bridge replacement. (Federal Funds)

**District Two — Northcentral**

**Dickinson**—21 K-8304-01 — West of 7th Street (Main) over the Union Pacific Railroad to east of 3rd Street (Walnut) in Herington, 0.7 mile, grading, bridge and surfacing. (State Funds)

**Geary**—31 C-3591-01 — County road 1 mile west and 3 miles north of Junction City, then northeast 2.1 miles, grading and surfacing. (Federal Funds)

**Morris**—149-64 KA-0182-01 — K-149 West Fork Neosho River, 3.8 miles north of U.S. 56, bridge repair. (State Funds)

**District Three — Northwest**

**Thomas**—70-97 KA-0914-01 — I-70, 3 miles east of Brewster, then east 5 miles, fencing. (State Funds)

**District Four — Southeast**

**Crawford**—126-19 KA-0925-01 — K-126 from the junction of U.S. 400/K-126 north 5 miles then east 10 miles to the junction of K-126/K-7, 15.1 miles, seal. (State Funds)

**Montgomery**—63 K-1427-07 — Elk City State Park, state park road improvement. (State Funds)

**District Five — Southcentral**

**Butler**—8 U-2044-01 — Ninth Avenue over the West Branch of the Walnut River at El Dorado, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

**Butler**—77-8 U-2045-01 — Fourth to 12th Avenue on Main Street in El Dorado, grading, bridge and surfacing. (Federal Funds)

**Edwards-Pawnee**—106 KA-0915-01 — West city limits of Kinsley on U.S. 56 east to the Edwards/Pawnee county line; U.S. 183 from the south city limits of Kinsley north to the junction of U.S. 56/U.S.183; U.S. 56 from south of the Coon Creek bridge north 1 mile, seal. (State Funds)

**Reno**—96-78 KA-0920-01 — Ramps where K-96 meets U.S. 50, Sixth Avenue and Wilson Road in Hutchinson, crack repair. (State Funds)

**District Six — Southwest**

**Haskell**—83-41 KA-0928-01 — Junction of U.S. 83/U.S. 56 at Sublette north to the junction of U.S. 83/K-144/U.S. 160, 6 miles, seal. (State Funds)

**Morton**—27-65 KA-0923-01 — K-27 from the east junction of K-51 north to the Morton/Stanton county line, 9.4 miles, sealing. (State Funds)

**Scott**—96-86 KA-0912-01 — K-96 from the Wichita-Scott county line east to Church Street in Scott City, 11.8 miles, seal. (State Funds)

**Stanton**—160-94 KA-0926-01 — U.S. 160 from the Kansas-Colorado state line east to the south junction of K-27, 16.8 miles, crack repair. (State Funds)

**Wichita**—96-102 KA-0913-01 - Waters Street in Leoti east to the Wichita-Scott county line, 12.1 miles, seal. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid.

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

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

Deb Miller  
Secretary of Transportation

Doc. No. 034369

## State of Kansas

## Governmental Ethics Commission

## Opinion No. 2007-08

Written April 18, 2007, to Ann Brandau Murguia, Commissioner-elect, Unified Government of Wyandotte County, Kansas City, Kansas.

This opinion is in response to your letter dated April 6, 2007, requesting an opinion from the Kansas Governmental Ethics Commission concerning local conflict of interest laws, K.S.A. 75-4301a *et seq.* We note at the outset that the Commission's jurisdiction concerning your questions are limited to the application of K.S.A. 75-4301a *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**Factual Statement:**

You request this opinion in your capacity as Commissioner-elect of the 3rd District of the Unified Government of Wyandotte County. You indicate that you have applied to become the first paid executive director of the Argentine Neighborhood Development Association (ANDA). ANDA is a 501(c)(3) corporation formed for the purpose of stimulating renewal in the Argentine neighborhood of Kansas City, Kansas. ANDA's service area is within the boundaries of the 3rd District of the Unified Government of Wyandotte County.

**Questions:**

1. Do the local conflict of interest laws prohibit or limit you from serving as the executive director of ANDA while also serving as 3rd District Commissioner of the Unified Government of Wyandotte County?

2. Are there issues relating to ANDA that you must abstain from voting on as a Commissioner of the 3rd District of the Unified Government of Wyandotte County?

**Opinion:**

In response to your first question, there is nothing in the local conflict of interest laws that would prohibit you from serving as Executive Director of ANDA while you are serving as the 3rd District Commissioner of the Unified Government of Wyandotte County.

Turning to your second question, K.S.A. 75-4304 prohibits a Unified Government Commissioner from participating in the making of certain contracts on behalf of the Unified Government with any business by which the Commissioner is employed or in whose business the Commissioner has a substantial interest. It states in pertinent part as follows:

(a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.

(c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.

(d) This section shall not apply to the following: (1) contracts let after competitive bidding has been advertised

for by published notice; and (2) contracts for property or services for which the price or rate is fixed by law.

(e) Any local governmental officer or employee who is convicted of violating this section shall forfeit the office or employment.

K.S.A. 75-4301a(b) defines "business" as "any corporation, association, partnership, proprietorship, trust, joint venture, and every other business interest, including ownership or use of land for income." As a corporation, ANDA is considered a "business" under the local conflict of interest laws. Therefore, you would be prohibited from participating in the making of any contract on behalf of the Unified Government with ANDA while you are serving as both Commissioner for the Unified Government and executive director of ANDA, unless that contract is exempted under subsection (d) of K.S.A. 75-4304.

K.S.A. 75-4305 requires disclosure of substantial interests before a local government officer acts on any matter that affects the local government officer's private business interests. It states as follows:

(a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer's or employee's governmental subdivision.

(b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter.

Because K.S.A. 75-4301a(a)(2) defines "substantial interest" to include the receipt of compensation in an aggregate amount of \$2,000 in the preceding calendar year from any business, you would have a substantial interest in ANDA if your compensation from ANDA is \$2,000 per year or more, and you must comply with the provisions of K.S.A. 75-4305 before you take part as a Unified Government Commissioner in any action affecting ANDA.

It should be noted that K.S.A. 75-4304 relates only to *contracts* and prohibits you from participating as a Unified Government Commissioner in the making of a *contract* between the Unified Government and ANDA unless the contract is let after competitive bidding or the price or rate is fixed by law. This statute does not cover legislative or administrative decisions on matters such as zoning or platting or appropriating funds.

K.S.A. 75-4305 applies to actions by a Commissioner of the Unified Government on *all* matters that come before the Commission. You may participate as a Unified Government Commissioner in decisions affecting ANDA as long as they do not involve a contract between the Unified Government and ANDA; however, you must have filed a statement disclosing your substantial interest in ANDA before taking such action.

In conclusion, while you are serving as both Commissioner of the Unified Government and Executive Director of ANDA, you must abstain from any action as a Commissioner on any *contract* between the Unified Government and ANDA, but you may participate as a Commissioner in legislative and administrative decisions affecting ANDA after your statement of substantial inter-

est in ANDA has been filed. Finally, the Commission notes that although as a Unified Government Commissioner you may legally participate and vote on legislative and administrative matters affecting ANDA, such actions may foster an appearance of impropriety.

Sabrina K. Standifer  
Chairwoman

Doc. No. 034359

#### 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. Agri Systems (AGS) has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to construct an ethanol manufacturing plant. Emissions of particulate matter (PM), PM equal to or less than 10 microns in diameter (PM<sub>10</sub>), volatile organic compounds (VOCs), oxides of nitrogen (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), hazardous air pollutants (HAP) and carbon monoxide (CO) were evaluated during the permit review process.

AGS proposes to own and operate a 15-million-gallon-per-year ethanol plant located near Washington.

A public comment period has been established until May 18 to allow citizens the opportunity to express any concerns they may have about this proposed permitting action. All comments should be submitted in writing to John S. Ramsey, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Comments also may be presented at the public hearing.

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 listed above or by fax to (785) 291-3953 and must be received by noon May 18. If a request is received, a public hearing is tentatively scheduled by KDHE at 7 p.m. May 21 at the First National Bank, Community Room, 101 C St., Washington. 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 15 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. Also, a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact John Ramsey, (785) 296-1992, at the KDHE central office; and to review the proposed permit only, contact Stan Marshall, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 034395

#### State of Kansas

### Department of Health and Environment

#### Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Health, Bureau of Disease Control and Prevention, will conduct a public hearing at 9 a.m. Monday, July 30, in the Crumbine Room, fifth floor, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed sanitation regulations for cosmetology and tanning facilities. A summary of the proposed regulations and the economic impact follows:

Tanning Facilities: K.A.R. 28-24a-1, K.A.R. 28-24a-2, K.A.R. 28-24a-3 (new)  
K.A.R. 69-12-6 and  
K.A.R. 69-12-13 (revoked)

During the 2002 legislative session, the Kansas Legislature amended K.S.A. 65-1,148 to transfer Board of Cosmetology sanitation rules and regulations for tanning facilities and body art facilities to the secretary of the Department of Health and Environment. It established that all existing board regulations regarding sanitation standards "shall be deemed to be rules and regulations of the secretary of health and environment under K.S.A. 65-1,148, and amendments thereto, until revised, amended, revoked or nullified by the secretary of health and environment, or otherwise, pursuant to law." This hearing will address the regulations and changes that have arisen as a result of the amendment to K.S.A. 2006 Supp. 65-1,148.

**K.A.R. 28-24a-1, K.A.R. 28-24a-2 and K.A.R. 28-24a-3** are proposed new regulations to update sanitary regulations for tanning facilities in accordance with state-of-the-art procedures. **K.A.R. 69-12-6 and K.A.R. 69-12-13**, which were the cosmetology sanitary regulations for tanning facilities, are being revoked and are now being replaced with KDHE new regulations.

Cosmetology: K.A.R. 28-24-1 through K.A.R. 28-24-15 (amended)  
K.A.R. 28-24-16 (revoked)

**K.A.R. 28-24-1** addresses changes in definitions to ensure compatibility with statute changes, federal guidance documents on universal precautions for preventing the transmission of infectious and contagious diseases, and changes in terminology to accurately reflect current language that used.

**K.A.R. 28-24-2 through K.A.R. 28-24-7** improves or utilizes more specific or inclusive language to address specific cosmetology sanitation issues related to universal precautions, towels, robes and linens, headrests, shampoo bowls, treatment tables and sinks, bottles and containers, and other products.

**K.A.R. 28-24-8** utilizes more specific language to address sanitation issues associated with instruments and supplies and moves instruments and supplies as the primary subject covered from K.A.R. 28-24-9.

**K.A.R. 28-24-9** is changed to address and define the subject of pedicure equipment and sanitation issues associated with this practice.

(continued)

**K.A.R. 28-24-10** and **K.A.R. 28-24-11** are changed to make more specific the processes to ensure sanitary conditions that should be used in association with nonelectrical and electrical instruments and equipment.

**K.A.R. 28-24-12** eliminates the use of multi-use equipment and requires the use of single use of non-electrical equipment.

**K.A.R. 28-24-13** is amended by making more specific language for physical facilities. The regulation also specifies that new establishment licenses after a point in time be required to have a separate outside entrance to the location where services are provided to customers. This relates primarily to establishments that might be located in structures also containing living quarters for individuals. The regulation also addresses issues surrounding mobile establishments to ensure that these are physically capable of providing sanitary conditions for consumers.

**K.A.R. 28-24-14** addresses prohibitions by more specifically defining these while addressing issues raised by licensees and consumers relative to animals, items that can be consumed as food and potentially invasive procedures.

**K.A.R. 28-24-15** specifies the posting of regulations to ensure visibility for potential review by customers and licensees.

**K.A.R. 28-24-16** is being revoked as this regulation is no longer necessary.

#### **Economic Impact**

The cost to KDHE will be minimal and will be comprised mostly of staff time to review and revise regulations as indicated and to provide technical assistance to the Kansas Board of Cosmetology regarding the implementation of the regulations as they relate to maintaining the sanitary conditions of affected establishments and licensed individuals.

The costs to consumers would not be direct, but could be indirect in that licensees and establishment owners may incur minimal costs to comply with new changes. This impact may be offset in that some of the changes could involve the use of less expensive sanitation processes now including bleach.

The implementation of the revised regulations will incur costs by the Board of Cosmetology to communicate the changes to affected licensees.

The time period between publication of this notice serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulations. At any time during the public comment period interested parties may submit written comments to Karl Milhon, KDHE, Bureau of Disease Control and Prevention, 1000 S.W. Jackson, Suite 210, Topeka, 66612-1367. Written comments also can be sent by e-mail to [kmilhon@kdhe.state.ks.us](mailto:kmilhon@kdhe.state.ks.us). All interested parties intending to provide oral comments will be given a reasonable opportunity to present their view of the proposed new and amended regulations during the hearing. In order to give each individual or entity an opportunity to present their view, it may be necessary for the hearing officer to request that each presenter limit any of their presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained on the Bureau of Disease Control and Prevention's Web site at <http://www.kdheks.gov/bedp> or by contacting the Bureau of Disease Control and Prevention at the address above or by calling (785) 296-6036.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Karl Milhon at (785) 296-6036 or by fax at (785) 296-4197.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 034387

**State of Kansas**  
**Department of Administration**  
**Division of Purchases**

#### **Notice to Bidders**

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

05/14/2007	10429	Janitorial Services
05/17/2007	10423	Water Softener Salt
05/17/2007	10427	Square Steel Tubing
05/21/2007	10414	Feasibility Study (Restoration and Maintenance of the Access to the Neosho River at Jacobs Creek — John Redmond Reservoir)
05/22/2007	10430	Milford Fish Hatchery Improvements, Wastewater and Chlorination
05/23/2007	10415	Janitorial Services
05/23/2007	10424	Court Reporting Services
05/24/2007	10411	Environmental Services for State and Federal Funded Programs

The above-referenced bid documents can be downloaded at the following Web site:

<http://www.da.ks.gov/purch/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default.htm>

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/).

05/15/2007	A-010383	South Union Parking Lot Improvements, Fort Hays State University
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Chris Howe  
Director of Purchases

Doc. No. 034399



State of Kansas

Department of Health  
and Environment

Notice Concerning Kansas/Federal Water  
Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and 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-07-135/138  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Trentman Feedlot Lester H. Trentman P.O. Box 218 Fairview, KS 66425	SE/4 of Section 27, T02S, R15E, Brown County	Missouri River Basin

Kansas Permit No. A-MOBR-B001

This is a renewal permit for an expanding facility for 565 head (565 animal units) of beef cattle weighing more than 700 pounds and 434 head (217 animal units) of beef cattle less than 700 pounds. A vegetative buffer will be established in the southeast corner of the middle pen and the maximum capacity for the confinement building will be 325 head of beef cattle. No other changes to the existing facility are proposed.

Name and Address of Applicant	Legal Description	Receiving Water
3 Maids-A-Milkin Vernon L. Miller 31055 N.W. Jewel Road Garnett, KS 66032	SW/4 of Section 32, T19S, R19E, Anderson County	Marais des Cygnes

Kansas Permit No. A-MCAN-M019

This is a new permit for a new facility for 60 head of dairy heifers greater than 700 pounds, 72 head of dairy heifers and steers less than 700 pounds, 75 head of mature dairy cattle, 20 head of ducks, 5 head of horses and 20 head of confined laying hens, for a total of 215 animal units. The proposed facility will include a new 1.1 acre confined feeding pen with a surrounding grass buffer, a milking parlor and a new wastewater retention structure, a covered manure storage area and a covered holding pen.

Name and Address of Applicant	Legal Description	Receiving Water
Yost Pork, LLC Randall Yost 413 29th Ave. Moundridge, KS 67107	SE/4 of Section 11, T21S, R01W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-S026

This is a renewal permit with a modification for an existing facility for 2,400 head (960 animal units) of swine weighing greater than 55 pounds and 200 head (200 animal units) of cattle weighing greater than 700 pounds. The permit modification is due to the listing of 200 head of cattle maintained on site but not included in the previous permit, a decrease of 40 head (16 animal units) of swine and the addition of mortality composting.

Name and Address of Applicant	Legal Description	Receiving Water
Rose Pork Inc. Rod Rose Route 1, Box 43A Cawker City, KS 67430	W/2 of Section 08, T05S, R09W, Jewell County	Solomon River Basin

Kansas Permit No. A-SOJW-S022

This is a renewal permit for an existing facility for 2,125 head (850 animal units) of swine weighing greater than 55 pounds and 1,300 head (130 animal units) of swine weighing 55 pounds or less, for a total of 3,425 (980 animal units) of swine.

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 June 2 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-07-135/138) 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. 034397

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 Caplinger, P.J.; Elliott, J.; and Bukaty, S.J.**

**Tuesday, June 5, 2007**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>96,389</b> Joyce West, Appellant v. Gary West, Appellee	Ardith R. Smith-Woertz Pantaleon Florez, Jr.	Shawnee
<b>97,464</b> In the Interest of D.B., DOB: 10/16/2001, H.B. DOB: 7/19/2000, Children Under the Age of 18	Attorney General Robert D. Hecht, D.A. Stacy R. Bond	Shawnee
<b>97,091</b> Gail E. Coonce, Appellant v. Jim Garner, Secretary of the Kansas Department of Labor, Appellee	Paul D. Post Brett A. Flachsbarth	Shawnee
<b>97,848</b> State of Kansas, Appellant v. Karin J. Morton, Appellee	Attorney General Heather R. Jones, C.A. Pantaleon Florez, Jr.	Franklin
<b>97,432</b> In the Matter of the Marriage of Terri M. Clark, Appellant v. Bruce L. Hudson, Appellee	Alan F. Alderson Paul D. Post	Shawnee
<b>1:30 p.m.</b>		
<b>97,304</b> Hansung Investment Group, L.L.C., Appellant v. AMP Management, L.L.C., Akbarah Himani, Sharkir Mukhi and P. Singh Sabharwal, Appellees	Vernon L. Jarboe Martha A. Peterson Robert E. Duncan II	Shawnee
<b>95,920</b> State of Kansas, Appellee v. Tony Fitzgerald Henderson, Appellant	Attorney General Kristofer R. Ailslieger, Asst. A.G. Matthew J. Edge, A.D.	Osage
<b>97,306</b> In the Matter of C.S.G.	Attorney General Hillary J. Boye, C.A. Andrew M. Delaney	Brown
<b>96,418</b> State of Kansas, Appellant v. Jared L. Chilson, Appellee	Attorney General Michael A. Ireland, C.A. Jonathan B. Phelps	Jackson
<b>96,658</b> The Board of County Commissioners of Sumner County, Kansas; Tri County Concerned Citizens, Inc., a Kansas Not for Profit Corporation; and Dalton Holland, an Individual, Appellants v.	Robert V. Eye Nancy L. Ulrich, KDHE John Terry Moore	Shawnee

Honorable Roderick L. Bremby, in His Official Capacity  
 as Secretary of the Kansas Dept. of Health and  
 Environment, Waste Connections of Kansas, Inc., a  
 Kansas Corporation, Appellees

**Wednesday June 6, 2007**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>96,628</b> Helen Rettie, Appellant v. Unified School District 475, Appellee	Stephen W. Cavanaugh S. Mark Edwards Peter Charles Rombold	Geary
<b>96,422</b> State of Kansas, Appellee v. Darrell J. Branson, Appellant	Attorney General Deborah L. Moody, Asst. D.A. Juanita M. Carlson	Douglas
<b>96,316</b> Kemper Insurance Companies, Plaintiff v. Daniel Weber, Heather Weber, Sandra Taylor-Pahl, F/K/A Sandra Taylor, Theodore Pahl, and Jennifer Lund, Appellees v. Farmers Insurance Company, Inc., Appellant	Gary M. Austerman Stephen L. Brave Vito C. Barbieri Benoit Swinnen Craig Kennedy	Douglas
<b>94,991</b> Mark Boling, Appellee v. Estate of Virgilee Sklenica, D. Violet Sklenicka, and D. Viola Sklenicka Trust, D. Viola Sklenicka and Virgilee Sklenicka, Trustees, Appellants	Jeffrey S. Nichols Phillip L. Turner Dan E. Turner	Shawnee
<b>95,609</b> In the Matter of the Marriage of Thomas E. Munker, Appellee v. Julie K. Munker, Appellant	Alan F. Alderson Holly A. Theobald Robert E. Keeshan	Shawnee

**Summary Calendar — No Oral Argument**

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

Case No. / Case Name	Attorneys	Jurisdiction
<b>95,855</b> Robert J. Gaudina, Appellant v. State of Kansas, Appellee	Stephen B. Chapman Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
<b>96,993</b> In the Matter of the Marriage of Denis Dwight Knight, Appellant v. Dawn Knight, Appellee	T. Michael Wilson Dawn C. Knight, pro se	Sedgwick
<b>96,428</b> Dennis Shepherd, #24177, Appellant v. Sam Cline, et al., Appellees	Dennis M. Shepherd, pro se Gerald R. Kuckelman Robert E. Wasinger	Leavenworth
<b>96,185</b> Sylvester J. Clemons, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
<b>95,148</b> Dereke M. Nash, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Matt J. Maloney, Asst. D.A.	Sedgwick

(continued)

<b>96,304</b> Jerome G. Carter, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Matt J. Maloney, Asst. D.A.	Sedgwick
<b>96,655</b> John Dopps, Appellant v. John Hanson and Premier Profits, Inc., Appellees	Elizabeth A. Carson Kurt A. Harper	Sedgwick
<b>97,224</b> In the Matter of the Marriage of Weldon K. Burton, Appellant v. Paula D. Burton, Appellee	Dan K. Wiley Joseph W. Booth Ronald W. Nelson	Leavenworth
<b>95,715</b> Marc Anthony Showalter, Appellant v. State of Kansas, Appellee	William I. Heydman Attorney General Tamara S. Hicks, Asst. C.A.	Finney
<b>97,330</b> In the Interest of C.D.B., Date of Birth: 12/10/1992, C.D.B., Date of Birth 12/10/1992, Children Under the Age of 18 Years	Nancy Orrick Brian C. Paden Donald W. Hymer, Jr., Asst. D.A. Steven J. Obermeier, Asst. D.A.	Johnson
<b>97,274</b> In the Interest of J.J.C., Born in 2005, a Person Under Eighteen (18) Years of Age	Roger Batt Matt J. Maloney, Asst. D.A.	Sedgwick
<b>96,477</b> Charles Rodriquez, Jr., Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Jeffrey E. Evans, Asst. D.A.	Sedgwick
<b>96,769</b> State of Kansas, Appellee v. Tony L. Marshall, Jr., Appellant	Attorney General Jeffrey E. Evans, Asst. D.A. Lydia Krebs, A.D.	Sedgwick
<b>96,569</b> State of Kansas, Appellee v. Billy M. Holmes, Jr., Appellant	Attorney General David Lowden, Chief D.A. Lydia Krebs, A.D.	Sedgwick
<b>97,039</b> State of Kansas, Appellee v. Craig A. Baker, Appellant	Attorney General Nola T. Folston, D.A. Ryan J. Eddinger, A.D.	Sedgwick

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

**Kansas City, Kansas**

**Before Malone, P.J.; Green and Marquardt, JJ.**

**Tuesday, June 5, 2007  
9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>96,060</b> Estate of Ethel F. Draper, Deceased, Appellee v. Bank of America, N.A., as Trustee of Ethel F. Draper Irrevocable Voluntary Trust Agreement Dated April 8, 1982, Appellee, First Christian Church of Olathe, Kansas, Appellant, UMB Bank, N.A., American Cancer Society Heartland Div., Olathe Medical Center, Janis M. Waleski Murphy and Mary H. Moeller, Appellees	Barry D. Martin Kurt S. Brack Michael R. Ong	Johnson

<p><b>97,516</b>                  In the Matter of the Marriage of                  Regina Kaye Conners, Appellee                  v.                  Marco Coriolana Conners, Appellant</p>	<p>Louis M. Clothier                  Robert D. Beall</p>	<p>Leavenworth</p>
<p><b>95,306</b>                  James A. Kiekel, et al., Appellants                  v.                  Four Colonies Homes Association, Appellee</p>	<p>Michael R. Ong                  Lawrence L. Ferree III</p>	<p>Johnson</p>
<p><b>97,235</b>                  Nicole Simmons, Appellant                  v.                  American Standard Insurance Company and                  Jose Ramos-Franco, Appellees</p>	<p>Stephen Paul Flack                  John W. Stapleton, Jr.                  Bren Abbott</p>	<p>Johnson</p>
<b>1:30 p.m.</b>		
<p><b>96,982</b>                  Larry L. Grimes, Appellant                  v.                  Garland Rural Volunteer Fire Dept. and                  Commercial Union Ins., Co., Appellees</p>	<p>Kala Spigarelli                  Christopher J. McCurdy                  James L. MowBray</p>	<p>Work. Comp.</p>
<p><b>97,546</b>                  In the Matter of the Adoption of G.L.V. and                  M.J.V., Minors</p>	<p>John W. Fresh                  Larry R. Mears</p>	<p>Atchison</p>
<p><b>95,007</b>                  State of Kansas, Appellee                  v.                  Michael Dean Geraghty, Appellant</p>	<p>Attorney General                  Steven J. Obermeier, Asst. D.A.                  Heather Cessna, A.D.</p>	<p>Johnson</p>
<p><b>97,737</b>                  In the Matter of the Marriage of                  Jill Hake, Appellant                  v.                  Mark A. Hake, Appellee</p>	<p>Steven D. Horak                  Lee H. Tetwiler</p>	<p>Miami</p>
<p><b>93,259</b>                  State of Kansas, Appellee                  v.                  Gregory L. McCall, Appellant</p>	<p>Attorney General                  Steven J. Obermeier                  Heather Cessna, A.D.</p>	<p>Johnson</p>

**Wednesday June 6, 2007**  
**9:00 a.m.**

<p><b>97,690</b>                  In the Matter of J.R.A.</p>	<p>Courtney T. Henderson                  Attorney General</p>	<p>Johnson</p>
<p><b>97,566</b>                  In the Matter of R.R.C.</p>	<p>Attorney General                  Jerome A. Gorman, Asst. D.A.                  Patricia Aylward Kalb</p>	<p>Wyandotte</p>
<p><b>94,716</b>                  State of Kansas, Appellee                  v.                  Matthew L. White, Appellant</p>	<p>Attorney General                  Steven J. Obermeier, Asst. D.A.                  Rick Kittel, A.D.</p>	<p>Johnson</p>

**Summary Calendar — No Oral Argument**

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

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>96,367</b>                  City of Lenexa, Kansas, Appellant                  v.                  Amy L. Gross, Appellee</p>	<p>Marcia L. Knight                  Bob L. Thomas</p>	<p>Johnson</p>

(continued)

<b>96,651</b> Sidney Meinhardt, Appellant v. Ammon Painting and Builders Assoc., Self-Insurers Fund, Appellees	Mark E. Kolich Wade A. Dorothy Douglas A. Dorothy	Work. Comp.
<b>96,289</b> Kevin D. Garrison, Appellant v. Kansas Department of Revenue, Appellee	Daniel C. Walter Ted. E. Smith	Trego
<b>94,908</b> Ryan Brockmeier and Danielle Litteral, Appellees v. Bilal M. Syed, A/K/A Syed M. Bilal, Appellant	Ryan Brockmeier, Pro Se Danielle Brockmeier, Pro Se Bilal M. Syed, Pro Se	Lyon
<b>97,712</b> Jose Rojas, Appellant v. Ray Roberts, Appellee	Jose Rojas, #45679, Pro Se Julie L. St. Peter, Dept. of Corr.	Butler
<b>97,114</b> In the Matter of the Marriage of Dilene M. Reinhardt, Appellee v. Scott A. Reinhardt, Appellant	John T. Bird Carol M. Park Jane M. Isern	Russell
<b>96,164</b> State of Kansas, Appellee v. Robert M. Barbe, Appellant	Attorney General Steven J. Obermeier, Asst. D.A. Ryan Eddinger, A.D.	Johnson
<b>95,278</b> State of Kansas, Appellee v. Courtney D. Holt, Appellant	Attorney General Steven J. Obermeier, Asst. D.A. Jay Witt, A.D.	Johnson
<b>95,785</b> State of Kansas, Appellee v. James E. Matthews, Sr., Appellant	Attorney General Rex G. Beasley, Deputy. A.G. Heather Cessna, A.D.	Montgomery
<b>96,168</b> State of Kansas, Appellee v. Nathaniel Ellibee, Appellant	Attorney General Steven L. Opat, C.A. Sam S. Kepfield	Geary
<b>95,999</b> State of Kansas, Appellee v. Jorge Ornelas, Appellant	Attorney General Sean Baker, Asst. D.A. Shawn E. Minihan, A.D.	Wyandotte
<b>97,586</b> State of Kansas, Appellant v. Bruce M. Kogler, Appellee	Attorney General Jeffrey Ebel, Asst. C.A. James L. Sweet	Saline
<b>96,806</b> State of Kansas, Appellee v. Nathan Moses, Appellant	Attorney General Ann L. Smith Juanita M. Carlson	Douglas
<b>96,983</b> State of Kansas, Appellee v. John W. Richmond, Appellant	Attorney General Stephen J. Obermeier, Asst. D.A. Lydia Krebs, A.D.	Johnson
<b>97,160</b> State of Kansas, Appellee v. Alfredo Amado, Appellant	Attorney General Robert E. Johnson II, C.A. Lydia Krebs, A.D.	Stevens

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

**Before Hill, P.J.; McAnany J.; and Brazil, S.J.**

**Tuesday, June 5, 2007**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>95,935</b> State of Kansas/State of Iowa, Ex Rel., Secretary of Social and Rehabilitation Services, and Ellen L. Holmes, Appellants and Timothy R. Bohrer, Appellee	Randy M. Barker William R. Griffith	Sedgwick
<b>95,034</b> Errol Schafer, Appellant v. All Things Exterior, Inc., Appellee	Mark J. Noah Don W. Noah C. Richard Comfort	Mitchell
<b>96,456</b> Robert Epperly, Appellant v. Clayton W. Schul, Defendant, and WEJ, Inc., Appellee	Don D. Gribble II John H. Gibson G. Andrew Marino	Sedgwick
<b>96,629</b> State of Kansas, Appellee v. Brandon D. Castleberry, Appellant	Attorney General Vernon E. Buck, Asst. C.A. Jennifer E. Conkling, A.D.	Lyon
<b>97,298</b> Thai Hong Mai, Individually and as Representative Party on Behalf of the Vietnamese Catholic Community in Wichita, Kansas, an Unincorporated Association, A/K/A Vietnamese Catholic Association of Wichita, a Kansas Not For Profit Corporation, Appellant v. Catholic Diocese of Wichita, a Kansas Corporation; Hung Quoc Pham, Bau Huu Nguyen, Khanh Dinh Nguyen, Ngan Dang Ha, Thoa Kim Hoang, and Man Van Tran, Appellees	Erin C. Thompson Lee Thompson Alec Nguyen Darrell L. Warta Karl N. Hesse Michael J. Norton	Sedgwick
<b>1:30 p.m.</b>		
<b>96,724</b> State of Kansas, Appellee v. William M. Morris, Jr., Appellant	Attorney General R. Douglas Sebelius, Asst. C.A. Charles E. Worden	Norton
<b>96,312</b> State of Kansas, Appellee v. Edward Rojas III, Appellant	Attorney General Sidney R. Thomas, Asst. C. A. Jennifer E. Conkling, A.D.	Finney
<b>96,613</b> State of Kansas, Appellee v. Nicholas L. Martinez, Appellant	Attorney General Scott E. McPherson, Asst. C.A. Janine Cox, A.D.	Barton
<b>96,086</b> State of Kansas, Appellee v. Michael Edward Laturner, Appellant	Attorney General Garth L. Adams, Asst. C.A. Rachel Pickering, A.D.	Cherokee
<b>96,530</b> State of Kansas, Appellee v. Benjamin Garay-Perales, Appellant	Attorney General Scott E. McPherson, Asst. C.A. Michelle Davis, A.D.	Barton

(continued)

Wednesday, June 6, 2007

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<b>96,732</b> In the Matter of the Care and Treatment of Earl D. Plummer	Russell L. Mills Nola F. Wright, Asst. A.G.	Sedgwick
<b>97,215</b> In the Matter of the Treatment of Jacob Lee Leiszler	Michael A. Halleran Lowell C. Paul Dawn Porter	Lyon
<b>97,416</b> Willie Smith, Appellant v. Karen Rohling, Appellee	B. Joyce Yeager Jon D. Graves	Pawnee
<b>94,723</b> Kevin D. Loggins, Sr., Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
<b>97,468</b> Ronald E. Vantrece, #38504, Appellee v. Louis E. Bruce, et al., Appellants	Sam S. Kepfield Jon D. Graves	Reno

**Summary Calendar — No Oral Argument**

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

Case No. / Case Name	Attorneys	Jurisdiction
<b>97,412</b> State of Kansas, Appellee v. Curtis Richardson, Appellant	Attorney General Thomas R. Stanton, Dept. D.A. Carl Folsom III, A.D.	Reno
<b>96,181</b> State of Kansas, Appellee v. Roger K. Kelley, Appellant	Attorney General Hillary J. Boye, Asst. C.A. Korey A. Kaul, A.D.	Brown
<b>96,908</b> In the Matter of the Marriage of Loarn Jeanneret, Appellee v. Pamela Jeanneret, Appellant	Elizabeth M. Goodwin Bill L. Klapper	Wyandotte
<b>96,286</b> Amoneo D. Lee, Appellant v. State of Kansas, Appellee	Bradley P. Sylvester Attorney General Kristi L. Barton, Asst. D.A.	Sedgwick
<b>96,110</b> State of Kansas, Appellee v. Tysen Hampton, Appellant	Attorney General Bethany C. Fields, Asst. C.A. Virginia Girard, A.D.	Riley
<b>95,812</b> State of Kansas, Appellee v. Shaun P. Fitzgerald, Appellant	Attorney General Kristi L. Barton, Asst. D.A. Kurt P. Kerns	Sedgwick
<b>96,837</b> City of Kanorado, Kansas, Appellee v. Lauren Hellman, Appellant	J. Ronald Vignery Lauren Hellman, Pro Se	Sherman
<b>96,091</b> State of Kansas, Appellee v. Kelly Stowell, Appellant	Attorney General Benjamin J. Fisher, Asst. D.A. Michelle Davis, A.D.	Reno



<p><b>96,138</b> Glendale Shaffer, Appellant v. State of Kansas, Appellee</p>	<p>Michael P. Whalen Attorney General Kristi L. Barton, Asst. D.A.</p>	<p>Sedgwick</p>
<p><b>97,498</b> Kenneth D. Leek, #63523, Appellant v. Roger Werholtz, Secretary of Kansas Department of Corrections, Sam Cline, Warden, Ellsworth Correctional Facility; and Garry Endsley, Disciplinary Officer, Appellees</p>	<p>Kenneth D. Leek, Pro Se Robert E. Wasinger</p>	<p>Ellsworth</p>
<p><b>96,688</b> State of Kansas, Appellee v. Marvin Davis, Appellant</p>	<p>Attorney General Boyd K. Isherwood, Asst. D.A. Carl F.A. Maughan</p>	<p>Sedgwick</p>
<p><b>97,563</b> In the Interest of N.H., a Person Under Eighteen (18) Years of Age</p>	<p>Kristi L. Barton, Asst. D.A. William R. Griffith</p>	<p>Sedgwick</p>
<p><b>96,278</b> State of Kansas, Appellee v. Frederick E. Sekely, Appellant</p>	<p>Attorney General Lesley A. Isherwood, Asst. D.A. Ryan Eddinger, A.D.</p>	<p>Sedgwick</p>
<p><b>97,655</b> State of Kansas, Appellee v. Louis M. Padilla II, Appellant</p>	<p>Attorney General Robert D. Hecht, D.A. Sarah Morrison, A.D.</p>	<p>Shawnee</p>
<p><b>97,045</b> State of Kansas, Appellee v. Kalem A. Koehn, Appellant</p>	<p>Attorney General Matthew Treaster, C.A. Ryan J. Eddinger, A.D.</p>	<p>Harvey</p>

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

**Before Rulon, P.J.; Greene, J.; and Knudson, S.J.**

**Tuesday, June 5, 2007  
9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>94,837</b> State of Kansas, Appellee v. Conqual D. Lewis, Appellant</p>	<p>Attorney General Jeffrey E. Evans, Asst. D.A. Christopher L. Hughes</p>	<p>Sedgwick</p>
<p><b>97,245</b> In the Interest of R.R.R., a Child Under 18 Years of Age</p>	<p>Sue Ann Jantz Marilyn M. Wilder</p>	<p>Harvey</p>
<p><b>95,046</b> State of Kansas, Appellee v. Sameli G. Roberts, Appellant</p>	<p>Attorney General Jeffrey E. Evans, Asst. D.A. Kevin Mark Smith</p>	<p>Sedgwick</p>
<p><b>97,130</b> Louise Lyons, By and Through Jim Lawing, Trustee of the Babe Lyons Trust, Appellant v. Roy Holder, Appellee</p>	<p>Jim L. Lawing Larry D. Toomey</p>	<p>Sedgwick</p>
<p><b>96,770</b> State of Kansas, Appellee v. J.H. Jr., Appellant</p>	<p>Attorney General John P. Wheeler, C.A. Lara Blake Bors, Asst. C.A. LeRoy C. Rose</p>	<p>Finney</p>

*(continued)*

## 1:30 p.m.

96,190 Cale Tobias, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Keith E. Schroeder, C.A.	Reno
97,016 State of Kansas, Appellant v. Brian D. Fritzemeier, Appellee	Attorney General Karen S. Smart, Asst. D.A. John E. Rapp	Reno
95,767 State of Kansas, Appellee v. David Moore, Appellant	Attorney General Tony Cruz, Asst. C.A. Sam S. Kepfield	Geary
97,134 State of Kansas, Appellant v. Jason Tedder, Appellee	Attorney General Keith E. Schroeder, D.A. Karen S. Smart, Asst. D.A. Richard E. Oswald	Reno
95,898 State of Kansas, Appellee v. Hubert E. Thompson, Jr., Appellant	Attorney General David Maslen, Asst. C.A. Sarah Ellen Johnson, Cap. A.D.	Montgomery

## Wednesday, June 6, 2007

## 9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
95,874 State of Kansas, Appellee v. Artie C. Shaw, Appellant	Attorney General David Lowden, Chief D.A. Korey A. Kaul, A.D.	Sedgwick
97,037 Peggy Scott, Deceased, Appellant v. Clear Channel Communications and American Home Assurance Co., Appellees	W. Walter Craig Vincent A. Burnett Jennifer M.Hill	Work. Comp.
96,024 State of Kansas, Appellee v. Tammy R. Maness, Appellant	Attorney General Lesley A. Isherwood, Asst. D.A. Carl Maughan	Sedgwick
95,818 State of Kansas, Appellant v. Steven M. McCarley, Appellee	Attorney General Boyd K. Isherwood, Asst. D.A. Patrick H. Dunn, A.D.	Sedgwick

## 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
97,178 In the Interest of K.T.S. (DOB: 5/23/1997) B.M. (DOB: 6/17/2003) Children Under Eighteen Years of Age	Eric A. Hartenstein Larry S. Vernon	Sedgwick
97,002 In the Interest of A.D.J., Born in 2003 Child Under Eighteen (18) Years of Age	Leah Gagne Larry S. Vernon	Sedgwick

97,673 In the Interest of J.R.D., DOB: 02/14/2001	Randall J. Pankratz Michael X. Llamas, Asst. C.A.	Harvey
96,503 State of Kansas, Appellee v. Isabel Pete Ortiz, Appellant	Attorney General Dennis C. Jones, C.A. Rachel L. Pickering, A.D.	Kearny
97,207 State of Kansas, Appellee v. Scott Del Holzer, Appellant	Attorney General Ty Kaufman, C.A. Patrick H. Dunn, A.D.	McPherson
97,411 State of Kansas, Appellee v. Ivan Eduardo Cervantes, Appellant	Attorney General Russell Hasenbank, Asst. C.A. Jennifer E. Conkling, A.D.	Seward
95,386 In the Matter of the Marriage of Tamara Bryant, Appellee, and Jerry Bryant, Appellant	LeWanna Bell-Lloyd Nancy A. Roe	Johnson
95,014 Darrell Chappell, Appellant v. State of Kansas, Appellee	Darrell D. Chappell, Pro Se Attorney General Keith E. Schroeder, D.A.	Reno
96,303 State of Kansas, Appellee v. Rodney Hooks, Appellant	Attorney General Lesley A. Isherwood, Asst. D.A. Carl F.A. Maughan	Sedgwick
97,459 Bill R. Noah, Appellant v. Jay Shelton, and Roger Werholtz, Secretary of Corrections, et al., Appellees	Paula D. Hofaker Robert E. Wasinger	Norton
96,079 State of Kansas, Appellee v. Jeremy L. Honeycutt, Appellant	Attorney General Lesley A. Isherwood, Asst. D.A. Rick Kittel, A.D.	Sedgwick
95,866 In the Matter of the Marriage of Denise M. Anderson, Appellant and Patrick M. Platts, Appellee	Allan E. Coon Joe L. Norton Keith C. Sevedge Karen L. Shelor	Johnson
96,306 Theodore Horn II, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Matt J. Maloney, Asst. D.A.	Sedgwick
96,322 State of Kansas, Appellee v. Mark D. McClough, Appellant	Attorney General Boyd K. Isherwood, Asst. D.A. Matthew J. Edge, A.D.	Sedgwick
96,570 State of Kansas, Appellee v. Kelly J. Brown, Appellant	Attorney General Ellen H. Mitchell, C.A. Heather Cessna, A.D.	Saline

Carol G. Green  
Clerk of the Appellate Courts

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, July 5, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of one proposed new rule and regulation (K.A.R. 100-22-8) dealing with dishonorable conduct.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rule and regulation. All interested parties may submit comments prior to the hearing to the Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, or by e-mail to healingarts@ink.org. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the regulation during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation being considered and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Barbara Montgomery at (785) 296-8558 or barbam@ink.org. Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the proposed new dishonorable conduct rule and regulation to be considered at the hearing and the respective economic impact follows:

**K.A.R. 100-22-8. Phosphatidylcholine and sodium deoxycholate.** The regulation establishes that a physician engages in dishonorable conduct by administering or authorizing another to administer the drug except in a proper clinical research project or when compounded for a specific patient following the physician's order. The regulation is appropriate because the drug has not been approved as a drug by the FDA or by the Secretary of Health and Environment.

These regulations are not mandated by any federal law. There is no foreseen cost to the board to implement the regulation. The cost to the licensee is unknown. It is expected that many persons will not be eligible to receive the injections, and any physician who improperly administered or authorized administration in the past could see a reduction in profit. Additionally, non-physician businesses that offered the product directly to consumers with little or no actual physician involvement will be required to discontinue this portion of their business.

Legal action to enjoin unlicensed businesses from offering the medical procedure has and continues to be considered. Disciplinary action against physicians who improperly administer or authorize others to administer the drug has and continues to be a possibility if there appear to be willful violations of the healing arts act.

Copies of the proposed regulation and the associated economic impact statement may be obtained by contact-

ing Cathy Brown, Kansas State Board of Healing Arts, at (785) 296-3680; by visiting the board's Web site at www.ksbha.org/pubinfo.html; or by e-mail at healingarts@ink.org.

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 034388

State of Kansas

Secretary of State

Code Mortgage Rate for May

Pursuant to the provisions of K.S.A. 2006 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of May 1, 2007 through May 31, 2007, is 12 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 034377

State of Kansas

Secretary of State

Usury Rate for May

Pursuant to the provisions of K.S.A. 2006 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of May 1, 2007 through May 31, 2007, is 7.58 percent.

Ron Thornburgh  
Secretary of State

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-30-07 through 5-6-07

Term	Rate
1-89 days	5.23%
3 months	4.90%
6 months	4.98%
1 year	4.97%
18 months	4.82%
2 years	4.66%

Derl S. Treff  
Director of Investments

Doc. No. 034375

(Published in the Kansas Register May 3, 2007.)

**Summary Notice of Bond Sale  
Unified School District No. 218  
Morton County, Kansas (Elkhart)  
\$680,000**

**General Obligation Capital Outlay Bonds  
Series 2007**

**Details of the Sale**

Subject to the terms and requirements of an official notice of bond sale dated April 9, 2007, of Unified School District No. 218, Morton County, Kansas, bids to purchase the district's General Obligation Capital Outlay Bonds, Series 2007, will be received at the district administrative office, 150 Wildcat Ave., Elkhart, KS 67950, or by telefacsimile at (620) 697-2607, until 2 p.m. Monday, May 14, 2007. Bids received will be considered by the governing body at its meeting at 7:30 p.m. on the sale date.

No oral or auction bids for the bonds will be considered, and no bid for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery will be considered.

**Good Faith Deposit**

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the district, or a financial surety bond (as described in the official notice of bond sale), in an amount equal to 2 percent of the principal amount of the bonds.

**Details of the Bonds**

The bonds are dated May 15, 2007, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof. Interest on the bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2008. Principal of the bonds becomes due on September 1 in the years and amounts shown below:

Maturity Schedule	
Principal Amount	Maturity Date
\$150,000	2008
170,000	2009
175,000	2010
185,000	2011

**Payment of Principal and Interest**

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

**Book-Entry Bonds**

The bonds will be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

**Delivery of the Bonds**

The district will prepare the bonds at its expense and will deliver the registered bonds to the successful bidder, on or about May 30, 2007, through the facilities of DTC.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the district.

**Financial Matters**

The district's current assessed valuation for purposes of calculating statutory debt limitations is \$99,899,704. As of May 1, 2007, the district's total outstanding general obligation debt (including the bonds) is \$1,090,000.

**Additional Information**

For additional information, contact the district clerk at the address and telephone number shown below.

Unified School District No. 218  
Morton County, Kansas  
By Lorna Herrman, District Clerk  
District Administrative Office  
150 Wildcat Ave.  
Elkhart, KS 67950  
(620) 697-2195  
Fax (620) 697-2607

Doc. No. 034398

(Published in the Kansas Register May 3, 2007.)

**Summary Notice of Sale  
City of Hutchinson, Kansas  
\$630,000\*  
General Obligation Bonds  
Series 2007-A**

and

**\$4,805,000\*  
General Obligation Bonds  
(Taxable Under Federal Law)  
Series 2007-B**

**(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of sale dated April 17, 2007, bids will be received by the city clerk of the city of Hutchinson, Kansas, on behalf of the governing body at City Hall, 125 E. Ave. B, Hutchinson, KS 67501, or, in the case of electronic proposals, via PARITY electronic bid submission system, until 10 a.m. May 15, 2007, for the purchase of \$630,000\* principal amount of General Obligation Bonds, Series 2007-A, and \$4,805,000\* principal amount of General Obligation Bonds (Taxable Under Federal Law), Series 2007-B (the Series 2007-A Bonds and the Series 2007-B Bonds are referred to collectively as the bonds). No bid of less than 98.50 percent or more than 101.50 percent of the par value of the Series 2007-A Bonds and no bid of less than 96.50 percent or more than 101.50 percent of the par value of the Series 2007-B Bonds, plus accrued interest to the date of delivery, will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2007 (the dated date), and will become due in the years as follows:

**Series 2007-A Bonds**

Maturity	Principal Amount*
October 1 2008	\$45,000

(continued)

2009	55,000
2010	55,000
2011	60,000
2012	65,000
2013	65,000
2014	65,000
2015	70,000
2016	75,000
2017	75,000

The Series 2007-A Bonds will bear interest from the dated date at rates to be determined when the Series 2007-A Bonds are sold as provided herein, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 2008.

**Series 2007-B Bonds  
(Taxable Under Federal Law)**

<b>Maturity October 1</b>	<b>Principal Amount*</b>
2007	\$165,000
2008	235,000
2009	245,000
2010	260,000
2011	275,000
2012	285,000
2013	300,000
2014	320,000
2015	335,000
2016	350,000
2017	370,000
2018	345,000
2019	365,000
2020	380,000
2021	405,000
2022	170,000

The Series 2007-B Bonds will bear interest from the dated date at rates to be determined when the Series 2007-B Bonds are sold as provided herein, which interest will be payable semiannually on April 1 and October 1 in each year, beginning October 1, 2007.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of 2 percent of the principal amount of the applicable series of bonds.

**Delivery**

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 1, 2007, at the offices of the Depository Trust Company, New York, New York.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2006 is \$277,388,585. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds

and certain temporary notes being sold simultaneously with the bonds, is \$40,172,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder(s) when the applicable series of bonds is delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk; from the city's financial advisor, Ranson Financial Consultants, L.L.C., 200 W. Douglas, Suite 600, Wichita, KS 67202, Attention: John Haas, (316) 264-3400; or from bond counsel, Kutak Rock LLP, 1010 Grand Blvd., Suite 500, Kansas City, MO 64106-2220, (816) 960-0090, Attention: Dorothea Riley.

Dated May 3, 2007.

City of Hutchinson, Kansas  
By Gina Rayburn, City Clerk  
Hutchinson City Hall  
125 E. Ave. B  
Hutchinson, KS 67501  
(620) 694-2618

\* Subject to change.

Doc. No. 034389

**State of Kansas**

**Board of Healing Arts  
Temporary Administrative  
Regulations**

**Article 22.—DISHONORABLE CONDUCT**

**100-22-8. Phosphatidylcholine and sodium deoxycholate.** (a) Except as specified in subsections (b) and (c), a person licensed to practice medicine and surgery or osteopathic medicine and surgery shall not administer or authorize the administration of phosphatidylcholine or sodium deoxycholate, or any combination of these substances, by subcutaneous injection for the purpose of eliminating or reducing localized fat accumulation.

(b) This regulation shall not apply to clinical research on the administration of phosphatidylcholine or sodium deoxycholate, or any combination of these substances, as an investigational new drug.

(c) This regulation shall not apply to the administration of any compounded mixture of phosphatidylcholine or sodium deoxycholate by subcutaneous injection if a person licensed to practice medicine and surgery or osteopathic medicine and surgery performs a physical examination of the patient, records the patient's medical history, and issues a written prescription order to compound the mixture for that patient.

(d) Each departure from this regulation shall constitute prima facie evidence of dishonorable conduct. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2836; effective, T-100-4-24-07, April 24, 2007.)

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 034393

## State of Kansas

## Behavioral Sciences Regulatory Board

Temporary Administrative  
Regulations

## Article 1.—CERTIFICATION OF PSYCHOLOGISTS

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

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

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

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

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

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

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

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

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

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

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

(4) There is a clear administrative authority with primary responsibility within the program for the substan-

tive content areas as set forth below in paragraph (b)(13) and for the emphasis areas of psychology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) provides the intern or resident with a minimum of four hours of general training supervision for every 40 hours of training experience. At least one hour of indi-

(continued)

vidual clinical supervision shall be provided for every 10 hours during which the supervisee has direct patient or client contact;

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) psychological measurement, including an introduction to mathematical methods in psychology, educational

measurement methods in psychological research, and research methods in clinical psychology; and

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

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

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

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

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

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

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

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

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

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

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



ally accredited university or college taken to meet licensure requirements shall not exceed 10 semester credit hours or the equivalent number of quarter or trimester credit hours.

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

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

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

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

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

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

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

(c) If an applicant began a doctoral degree program before December 18, 1998, and that program was not accredited by the American psychological association, compliance with the criteria in paragraphs (b)(11) and (b)(18) shall not be required, but shall be considered in determining whether the doctoral degree program is the substantial equivalent, in both subject matter and extent of training, to a program of studies in content primarily psychological as set forth in K.S.A. 74-5310, and amendments thereto.

(d) An applicant may obtain from the board office a list of approved doctoral education programs in psychology. (Authorized by K.S.A. 2006 Supp. 74-7507; implementing K.S.A. 74-5310; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 18, 1998; amended Oct. 27, 2000; amended March 10, 2006; amended, T-102-4-24-07, April 24, 2007.)

Phyllis Gilmore  
Executive Director

Doc. No. 034394

## State of Kansas

### Kansas Lottery

#### Temporary Administrative Regulations

##### Article 2.—LOTTERY RETAILERS

**111-2-206. Star Fuels retailer instant ticket incentive.** (a) During the period beginning March 1, 2007, and ending March 31, 2007, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all participating Star Fuel lottery retailers located in Kansas an opportunity to participate in an instant ticket sales promotion.

(b) At the end of the promotion, the store with the greatest percentage increase in cumulative instant ticket sales for the period from March 1, 2007, through March 31, 2007, over the base sales period of January 1, 2007, through January 31, 2007, will win a \$300 credit on the retailer's lottery account.

The store with the second greatest percentage increase in cumulative instant ticket sales for the period from March 1, 2007, through March 31, 2007, over the base sales period of January 1, 2007, through January 31, 2007, will win a \$150 credit on the retailer's lottery account.

The store with the third greatest percentage increase in cumulative instant ticket sales for the period from March 1, 2007, through March 31, 2007, over the base sales period of January 1, 2007, through January 31, 2007, will win a \$75 credit on the retailer's lottery account.

Promotional items chosen by the lottery will also be awarded to all retail locations participating in the promotion which show any increase in cumulative instant ticket sales over the base period. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-2-207. Bird Oil "Ask for the sale" promotion.** (a) During the period beginning March 21, 2007, and ending April 11, 2007, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all Bird Oil stores located in Kansas an opportunity to participate in a bonus retailer "ask for the sale" incentive promotion of lottery tickets.

(b) Every Wednesday beginning March 21, 2007, through April 11, 2007, Bird Oil store personnel selling Kansas lottery tickets will ask every adult customer making a purchase if the customer would like to purchase a lottery ticket. If the employee fails to ask adult customers for the purchase of a lottery ticket and the customer brings it to the clerk's attention before leaving the premises, the retailer shall give the adult customer one \$1.00 instant lottery ticket at no charge.

(c) All retailer employees at each location shall display special point-of-sale materials provided by the lottery each day during the promotion announcing the promotion to its customers. These promotional materials consist of:

(1) A tent card to be displayed at the point where tickets are sold.

(2) A window/monitor banner to be displayed at the front entrance of the business and/or below the lottery information display system monitor.

(continued)

These materials must be on display during all hours of the promotion at the times and dates established in subsections (b) and (c) for a store to be eligible for a prize.

(d) Any tickets given away above the \$35 allowance representing 35 tickets per location will be the responsibility of Bird Oil.

(e) Each retail location shall maintain a ticket log form to be completed every time a lottery ticket is given away. The log will be picked up by the Kansas lottery district manager servicing the retailer location at the end of the promotion. If all terms of the promotion have been complied with by the retail location, \$35 will be credited to the retailer's lottery account. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-4-13-07, Feb. 14, 2007.)

#### THE GREAT SANTA FE TRAIL HORSE RACE SECOND CHANCE DRAWING

**111-4-2526. Name of drawing.** The Kansas lottery shall conduct a drawing entitled "The Great Santa Fe Trail Horse Race Second Chance Drawing" and will accept entries starting the day the "Great Santa Fe Trail Horse Race" instant ticket is offered for sale, for the drawing to be conducted on August 17, 2007. Rules applicable to this drawing are contained in K.A.R. 111-4-2526 through 111-4-2530 and K.A.R. 111-3-1 *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2527. Prize.** The 10 prize winners selected in "The Great Santa Fe Trail Horse Race Second Chance Drawing" on the date specified in these regulations shall receive admission to the Gardner Festival on the Trails event and concert in Gardner, Kansas, in September 2007, one double occupancy hotel room and room taxes at a hotel chosen by the lottery, round-trip transportation between the concert and the hotel, \$2,500 cash, mandatory income withholding taxes, and automatic entry into the "Festival of the Trails Second Chance Drawing" conducted by the Kansas lottery on September 15, 2007. The following restrictions shall apply to the prize packages:

(a) The Kansas lottery is not responsible for any losses caused by delay or cancellation of any of said festival or concert.

(b) Prize packages, except cash, are transferable one time, but cannot be redeemed for cash.

(c) The lottery shall choose and reserve all hotel rooms.

(d) The lottery shall provide transportation to and from the concert on a scheduled basis. All other transportation is the responsibility of the prize winners.

(e) Prize winners will receive notification of their prize, but the actual prize will be delivered at a time and place to be announced by the lottery.

(f) Any meals, drinks, gratuities, taxes, and other expenses that are not specifically mentioned are not included.

(g) The hotel may require winners to produce a major credit card at the time of check-in. Winners are responsible for all hotel charges incurred in excess of the room charge, and parking.

(h) All prizes are subject to lottery validation, set-offs and deductions authorized by law.

(i) No later than 5:00 p.m. on the fourteenth calendar day following the drawing, the winner of a prize as the result of this drawing shall return to the lottery a completed claim form as provided by the lottery or the person named on the entry drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn pursuant to these regulations shall be declared the winner. All alternate winners shall then be subject to the same rules of eligibility as original winners.

(j) A total of 10 prize packages shall be awarded. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2528. Method of entry.** (a) Entry into "The Great Santa Fe Trail Horse Race Second Chance Drawing" shall be accomplished as follows:

(1) Obtain a valid "The Great Santa Fe Trail Horse Race" Kansas lottery instant lottery ticket.

(2) Determine if the ticket is a winning ticket in accordance with the rules of said instant game. If the ticket is a winning ticket, it is not eligible for the drawing and shall be redeemed in accordance with the instant game rules.

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may use it to enter the drawing.

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) Place one or more entries into an envelope with proper postage and mail it to: "The Great Santa Fe Trail Horse Race Drawing, c/o Kansas lottery, P. O. Box 8099, Topeka, KS 66608-0099." Mailed entries must be received by morning mail pickup on Tuesday, August 14, 2007.

(6) No later than 5:00 p.m. CST on August 14, 2007, players may also deposit entries for this drawing into any receptacle the Kansas lottery has specifically designated for deposit of said entries.

(7) The holder of the ticket is not required to personally attend the drawing or be present at the time of the drawing to be determined a winner.

(8) Ten entries and three alternate entries will be drawn.

(9) Entry forms obtained during the stated period of time may be entered in the drawing.

(b) There is no limit on the number of entries a person may make, but a person may only win one prize package.

(c) All eligible entry forms which are timely received in accordance with the rules of this drawing shall be entered into the drawing to be conducted on Friday, August 17, 2007.

(d) Eligible entrants in this drawing must be 18 years of age or older.

(e) Completing the information form on the entry form and entering the ticket into any drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2529. Selection of winners.** The following process shall be used for the selection of winners in "The Great Santa Fe Trail Horse Race Second Chance Drawing":

(a) Kansas lottery personnel shall pick up all mail containing entries for this drawing at the United States Post Office in Topeka, Kansas, with final pick up for the drawing after the morning mail delivery on Tuesday, August 14, 2007, prior to the drawing on Friday, August 17, 2007.

(b) Lottery personnel shall transport the mail to the Kansas lottery mail room where the envelopes will be opened and emptied into the drawing receptacle or drum, along with all entries deposited into receptacles designated by the lottery pursuant to the rules of this drawing.

(c) The drawing shall be held at the lottery headquarters in a place accessible to the public and open for public attendance with lottery security personnel present. The drawing shall be audio and video taped.

(d) At the start of the drawing, lottery security personnel shall present the receptacle or drum to the person designated by the executive director to perform the drawing. The receptacle or drum for the drawing shall contain all entries eligible for the drawing. The drum shall be rotated 10 times or receptacle mixed thoroughly as may be applicable. The designated individual shall then unseal the receptacle or drum, and using the bare-arm technique, while looking away, remove 10 valid entries, one at a time, from the receptacle or drum and mark them in order drawn from one through and including 10. The person whose name appears on each of the entries shall be the winner of the prize identified in these regulations, subject to validation by the lottery as set forth in these rules.

(e) After 10 entries have been drawn and verified as valid by lottery security, three more entries will be drawn, one at a time, to serve as alternate entries. The alternate entries will be marked in order drawn, 1A, 2A, and 3A. The alternate ticket entries will be used only if one or more of the original winners cannot be located or are declared ineligible, or fail to present a fully-executed claim form to lottery headquarters as required by these regulations. The alternates will be used, if necessary, in the order drawn.

(f) The Kansas lottery security official present shall review each entry drawn to determine the validity of the entry into this drawing in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner. Each winner shall be given or sent a prize claim form to be completed and returned to the lottery within 14 calendar days of the drawing.

(g) If the entry is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until valid selections are obtained.

(h) All entries remaining in the drum or receptacle after the winners have been selected and certified and all entries not received in compliance with these rules shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2530. Certification of drawing.** (a) The "Great Santa Fe Trail Horse Race Second Chance Drawing" shall be personally observed by a member of the Kansas lottery security department and a member of the

Kansas lottery marketing department or other person or persons designated by the executive director of the lottery (hereinafter "event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting each prize winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

#### Article 4.—INSTANT GAMES AND DRAWINGS

##### FESTIVAL OF THE TRAILS SECOND CHANCE DRAWING

**111-4-2531. Name, time, and place of drawing.** (a) The Kansas lottery shall conduct an instant ticket drawing on September 15, 2007, entitled "Festival of the Trails Second Chance Drawing."

(b) The drawing shall take place at the Festival of the Trails event in Gardner, Kansas, on September 15, 2007.

(c) Rules applicable to this drawing are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2531 through 111-4-2535. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2532. Definitions.** (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and amendments thereto and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Festival of the Trails Second Chance Drawing" means the act of drawing for prizes conducted by the Kansas lottery at the Festival of the Trails in Gardner, Kansas, in which a participant is selected to win a prize package as described in these regulations.

(c) "Entry" means the ten (10) valid entries previously selected during the drawing entitled "The Great Santa Fe Trail Horse Race Second Chance Drawing" as set forth in K.A.R. 111-4-2526 through 111-4-2530, and amendments thereto, or the name of each entrant named thereon.

(d) "Receptacle" or "drum" means a container in which entry tickets are placed and from which this drawing is made. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution.

(e) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a non-sleeve shirt which exposes the drawer's bare arm and looks away from the drawing drum or receptacle while drawing. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2533. Entry into drawing.** (a) Entry into the "Festival of the Trails Second Chance Drawing" ("drawing") is accomplished automatically by the 10 winners selected in the "The Great Santa Fe Trail Horse Race Second Chance Drawing," as set forth in K.A.R. 111-4-2526

(continued)

through 111-4-2530, and amendments thereto, or if applicable the person to whom an entry has been transferred pursuant to said drawing rules.

(b) At a time and place designated by the lottery, all entries or the names of all persons named on said entries shall be placed into the drawing receptacle.

(c) Entrants are not required to be present at the time of the drawing to be determined a winner.

(d) All eligible entrants must be at least 18 years of age. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2534. Determination of "Festival of the Trails Second Chance Drawing" winner and prize.** (a) Prior to the drawing, a lottery drawing official designated by the executive director shall announce to the audience that the winner selection process will begin.

(b) The drawing receptacle or drum containing the names or entries (hereinafter "entries") shall be rotated a minimum of 10 times to ensure random selection.

(c) The drawing official shall designate one individual of his or her choice to participate in the selection process.

(d) The selection of one winner shall be accomplished by the individual designated by the drawing official, using the bare arm technique, removing one entry from the drawing receptacle or drum.

(e) Immediately after the winning entry has been selected, a lottery official or person designated by the lottery official shall announce to the audience the name of the winner.

(f) The winner shall receive a trip for two people consisting of tickets to the 2007 Country Music Awards ("CMA awards"), air fare by coach accommodation from Wichita, Kansas, or Kansas City, Missouri, double-occupancy hotel room accommodations, \$5,000 cash, and payment by the lottery of all mandatory income withholding taxes on the prize.

(g) Each winner of a prize as a result of the drawing shall return to lottery headquarters a completed claim form as provided by the lottery, which claim form must be actually received by lottery no later than 5:00 p.m. on the fourteenth day following the drawing or the person will no longer be eligible for the prize. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2535. Certification of drawing.** (a) The "Festival of the Trails Second Chance Drawing" shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery ("event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

#### \$200,000 CELEBRATION SECOND CHANCE DRAWING

**111-4-2536. Name of drawing.** The Kansas lottery shall conduct a drawing entitled "\$200,000 Celebration Second Chance Drawing" and will accept entries starting the day the "\$200,000 Celebration" instant ticket is offered for sale, for the drawing to be conducted on October 12, 2007. Rules applicable to this drawing are contained in K.A.R. 111-4-2536 through 111-4-2540 and K.A.R. 111-3-1 *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2537. Prize.** The 20 prize winners selected in the "\$200,000 Celebration Second Chance Drawing" on the date specified in these regulations shall receive one double occupancy hotel room for the evening of November 8, 2007, room taxes, and automatic participation in the "\$200,000 Celebration Final Event" conducted by the Kansas lottery on November 9, 2007. The following restrictions shall apply to the prize packages:

(a) Prize packages are not transferable; however, any prize winner in this drawing may designate, in writing, another person to participate on his or her behalf at the final event.

(b) The lottery shall choose and reserve all hotel rooms.

(c) The lottery shall provide transportation to and from the hotel and place of the final event. All other transportation is the responsibility of the prize winners.

(d) Any meals, drinks, gratuities, taxes, and other expenses that are not specifically mentioned are not included.

(e) The hotel may require winners to produce a major credit card at the time of check-in. Winners are responsible for all hotel charges incurred in excess of the room charge, and parking.

(f) All prizes are subject to lottery validation, set-offs and deductions authorized by law.

(g) No later than 5:00 p.m. on the fourteenth calendar day following the drawing, the winner of a prize as the result of this drawing shall return to the lottery a completed claim form as provided by the lottery or the person named on the entry drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn pursuant to these regulations shall be declared the winner. All alternate winners shall then be subject to the same rules of eligibility as original winners.

(h) A total of 20 prize packages shall be awarded. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2538. Method of entry.** (a) Entry into the "\$200,000 Celebration Second Chance Drawing" shall be accomplished as follows:

(1) Obtain a valid "\$200,000 Celebration" Kansas lottery instant lottery ticket.

(2) Determine if the ticket is a winning ticket in accordance with the rules of said instant game. If the ticket is a winning ticket, it is not eligible for the drawing and shall be redeemed in accordance with the instant game rules.

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may use it to enter the drawing.

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) Place one or more entries into an envelope with proper postage and mail it to: "20th Anniversary Drawing, c/o Kansas lottery, P. O. Box 4568, Topeka, KS 66604-0568." Mailed entries must be received by morning mail pickup on Tuesday, October 9, 2007.

(6) No later than 5:00 p.m. CDT on October 9, 2007, players may also deposit entries for this drawing into any receptacle the Kansas lottery has specifically designated for deposit of said entries.

(7) The holder of the ticket is not required to personally attend the drawing or be present at the time of the drawing to be determined a winner.

(8) Twenty entries and five alternate entries will be drawn.

(9) Entry forms obtained during the stated period of time may be entered in the drawing.

(b) There is no limit on the number of entries a person may make, but a person may only win one prize package.

(c) All eligible entry forms which are timely received in accordance with the rules of this drawing shall be entered into the drawing to be conducted on Friday, October 12, 2007.

(d) Eligible entrants in this drawing must be 18 years of age or older.

(e) Completing the information form on the entry form and entering the ticket into any drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2539. Selection of winners.** The following process shall be used for the selection of winners in the "\$200,000 Celebration Second Chance Drawing":

(a) Kansas lottery personnel shall pick up all mail containing entries for this drawing at the United States Post Office in Topeka, Kansas, with final pick up for the drawing after the morning mail delivery on Tuesday, October 9, 2007, prior to the drawing on Friday, October 12, 2007.

(b) Lottery personnel shall transport the mail to the Kansas lottery mail room where the envelopes will be opened and emptied into the drawing receptacle or drum, along with all entries deposited into receptacles designated by the lottery pursuant to the rules of this drawing.

(c) The drawing shall be held at the lottery headquarters in a place accessible to the public and open for public attendance with lottery security personnel present. The drawing shall be audio and video taped.

(d) At the start of the drawing, lottery security personnel shall present the receptacle or drum to the person designated by the executive director to perform the drawing. The receptacle or drum for the drawing shall contain all entries eligible for the drawing. The drum shall be rotated 10 times or receptacle mixed thoroughly as may be applicable. The designated individual shall then unseal the receptacle or drum, and using the bare-arm technique, while looking away, remove 20 valid entries, one at a time, from the receptacle or drum and mark them in order drawn from one through and including 20. The per-

son whose name appears on each of the entries shall be the winner of the prize identified in these regulations, subject to validation by the lottery as set forth in these rules.

(e) After 20 entries have been drawn and verified as valid by lottery security, five more entries will be drawn, one at a time, to serve as alternate entries. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A, and 5A. The alternate ticket entries will be used only if one or more of the original winners cannot be located or are declared ineligible, or fail to present a fully-executed claim form to lottery headquarters as required by these regulations. The alternates will be used, if necessary, in the order drawn.

(f) The Kansas lottery security official present shall review each entry drawn to determine the validity of the entry into this drawing in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner. Each winner shall be given or sent a prize claim form to be completed and returned to the lottery within 14 calendar days of the drawing.

(g) If the entry is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until valid selections are obtained.

(h) All entries remaining in the drum or receptacle after the winners have been selected and certified and all entries not received in compliance with these rules shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2540. Certification of drawing.** (a) The "\$200,000 Celebration Second Chance Drawing" shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery (hereinafter "event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting each prize winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

#### \$200,000 CELEBRATION FINAL EVENT

**111-4-2541. Name, time, and place of drawing.** (a) The Kansas lottery shall conduct an event on November 9, 2007, entitled "\$200,000 Celebration Final Event."

(b) The event shall take place in Topeka, Kansas.

(c) Rules applicable to this event are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2541 through 111-4-2545. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2542. Definitions.** (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and amendments thereto and lottery regulations are hereby  
(continued)

incorporated by reference and govern unless otherwise indicated.

(b) The “\$200,000 Celebration Final Event” means the act of qualified entrants selecting tickets for prizes awarded by the Kansas lottery in Topeka, Kansas, as described in these regulations.

(c) “Entrant” means each person whose entry was previously selected during the drawing entitled “\$200,000 Celebration Second Chance Drawing” as set forth in K.A.R. 111-4-2536 through 111-4-2540, and amendments thereto.

(d) “Final event ticket” means the twenty (20) faux instant scratch tickets, of which nineteen (19) shall have “\$20,000” covered by opaque latex and one (1) shall have “\$200,000” covered by opaque latex. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2543. Eligibility to participate.** (a) The 20 entrants selected in the “\$200,000 Celebration Second Chance Drawing,” as set forth in K.A.R. 111-4-2536 through 111-4-2540, and amendments thereto, are eligible to participate in the “\$200,000 Celebration Final Event.” Each entrant may designate in writing another person to participate on behalf of said entrant.

(b) At a time and place designated by the lottery, all entrants or their designees shall present themselves for the final event on November 9, 2007.

(c) Entrants or their respective designees are required to be present at the time of the drawing for the entrant to be determined a winner.

(d) All eligible entrants and designees must be at least 18 years of age. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2544. Determination of “\$200,000 Celebration Final Event” winners and prizes.** (a) Each of the twenty (20) entrants or designees shall select one of the final event tickets. Entrants shall choose one of said tickets in the same order as said entrant’s name was drawn in the “\$200,000 Celebration Second Chance Drawing” pursuant to K.A.R. 111-4-2539.

(b) At the time and place designated by the Kansas lottery, each entrant or entrant’s designee shall remove the opaque latex covering to reveal that entrant’s prize. Nineteen entrants shall win \$20,000 and one entrant shall win \$200,000. All entrants shall be responsible for any taxes due upon said prizes. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2545. Certification of results.** (a) The “\$200,000 Celebration Final Event” shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery (“event manager”).

(b) Upon completion of the event, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2546. “American Idol” instant ticket lottery game number 656.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled “American Idol” commencing on or after March 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2546.

(b) The “play symbols” and “play symbol captions” for this game are as follows:

Play Symbols	Play Symbol Captions
\$5.00	FIVE\$
10.00	TEN\$
15.00	FIFTEEN
20.00	TWENTY
25.00	TWEN-FIV
50.00	FIFTY
75.00	SVTYFIV
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$5000	FIVETHOU
\$25000	25-THOU
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FOURTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EGHTN
19	NINTN
20	TWNTY
21	TWYONE
22	TWYTWO
23	TWYTHR
24	TWYFOR
25	TWYFIV
WIN	WIN ALL
Symbol of a set of drums	DRUMS
Symbol of a keyboard	BOARD
Symbol of a microphone	MICRO
Symbol of a double eighth note	NOTES
Symbol of a record	RECORD
Symbol of a treble clef	TREBLE
Symbol of a speaker	SPEAKER
Symbol of a guitar	GUITAR

(c) For this game, a play symbol shall appear in each of 23 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 059.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight

varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWY	=	\$20.00
TWF	=	\$25.00
FTY	=	\$50.00
STF	=	\$75.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$5.00 each.

(g) "American Idol" features three games. Game 1 is a key number match game. A player will remove the scratch-off material to reveal one "IDOL NUMBER," nine "YOUR NUMBERS," and nine prize amounts. If a player matches the "IDOL NUMBER" to any of the "YOUR NUMBERS," the player wins the prize shown for that number. If the player reveals a "WIN" symbol, the player wins all nine prizes shown instantly. A player can win up to nine times in this game.

Games 2 and 3 are symbol match games. A player will remove the scratch-off material over each "IDOL" to reveal two play symbols. If the player gets two identical symbols within the same "IDOL," the player wins \$25. A player can win up to one time in each game.

(h) Each ticket in this game may win up to 11 times.

(i) Approximately 300,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Game 1	Game 2	Game 3	Prize	Expected Number of Prizes in Game	Expected Value in Game
\$5			\$5	36,000	\$180,000
\$10			\$10	8,000	80,000
(\$5 x 2)			\$10	10,000	100,000
\$15			\$15	3,000	45,000
(\$5 x 3)			\$15	4,000	60,000
\$5 + \$10			\$15	5,000	75,000
\$20			\$20	2,000	40,000
(\$10 x 2)			\$20	2,000	40,000
(\$5 x 4)			\$20	2,500	50,000
\$25			\$25	400	10,000
		\$25	\$25	500	12,500
	\$25		\$25	500	12,500
(\$5 x 5)			\$25	600	15,000
\$50			\$50	200	10,000
(\$5 x 5)		\$25	\$50	200	10,000
(\$10 x 5)			\$50	300	15,000
(\$5 x 8) + \$10			\$50	300	15,000
\$75			\$75	100	7,500
\$50		\$25	\$75	100	7,500
\$25		\$25	\$75	100	7,500
(\$5 x 7) + (\$20 x 2) WIN ALL			\$75	200	15,000
\$100			\$100	30	3,000
\$75		\$25	\$100	40	4,000
\$50		\$25	\$100	40	4,000
(\$5 x 6) + (\$10 x 2) + \$25 WIN ALL		\$25	\$100	50	5,000
(\$5 x 8) + \$10		\$25	\$100	50	5,000
\$500			\$500	10	5,000
(\$100 x 5)			\$500	10	5,000
(\$50 x 9)		\$25	\$500	20	10,000
(\$100 x 9)			\$900	20	18,000
\$1,000			\$1,000	8	8,000
(\$50 x 7) + \$100 + \$500 WIN ALL		\$25	\$1,000	8	8,000
\$5,000			\$5,000	4	20,000
\$25,000			\$25,000	3	75,000
TOTAL				<u>76,293</u>	<u>\$977,500</u>

(k) The odds of winning a prize in this game are approximately one in 3.93. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2547. "Anniversary Edition Crossword" instant ticket lottery game number 659.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Anniversary Edition Crossword" commencing on or after March 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2547.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
15. <sup>00</sup>	FIFTEEN
20. <sup>00</sup>	TWENTY
25. <sup>00</sup>	TWEN-FIV
50. <sup>00</sup>	FIFTY
75. <sup>00</sup>	SVTYFIV
\$100\$	ONE-HUN
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	
V	
W	
X	
Y	
Z	

GOOD LUCK  
MAYBE NEXT TIME

(c) For this game, a play symbol shall appear in each of 20 play spots within the "YOUR LETTERS" play area, in one spot within the "BONUS" play area, and a variable number of times within each of the two (2) the crossword puzzle grids.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 059.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer

(continued)

validation codes for this game and their meanings are as follows:

- FRE = Free ticket
- FIV = \$5.00
- TEN = \$10.00
- TWY = \$20.00
- TWF = \$25.00
- FTY = \$50.00
- STF = \$75.00
- HUN = \$100.00
- THN = \$200.00

(f) The price of instant tickets sold by a retailer for this game shall be \$5.00 each.

(g) "Anniversary Edition Crossword" features four separate play areas, a "YOUR LETTERS" area, two crossword puzzle grids, and a bonus area. The letters in the top puzzle will be imaged in black. The letters in the bottom puzzle will be imaged in red. A player will scratch the "YOUR LETTERS" to reveal 20 letters. Each "YOUR LETTER" may be used in both crossword puzzles. A player matches the corresponding letters in both crossword puzzles by removing the translucent scratch-off material covering the matching letter. If four or more completed words appear across both puzzles, the player wins the corresponding prize in the prize legend. The entire word must be uncovered to win the corresponding prize. Only the highest corresponding prize can be won. The prize legend on the front of the ticket indicates prizes won for number of words revealed.

If a player reveals any prize amount in the bonus area, the player wins that amount instantly. A player can win once in this game play area.

(h) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the "crossword" puzzle;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces;
- (5) every single letter in the unbroken string must be revealed in "YOUR LETTERS" area and be included to form a word; and
- (6) the three small letters outside the squares in the "YOUR LETTERS" area are for validation purposes and cannot be used to play "Anniversary Edition Crossword."

(i) Each ticket in this game may win up to two times.

(j) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(k) The expected number and value of instant prizes in this game shall be as follows:

Game 1	Game 2	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket		Free Ticket	100,000	\$0
\$5		\$5	12,000	60,000
\$10		\$10	11,400	114,000
	\$10	\$10	2,000	20,000
\$5	\$5	\$10	4,000	40,000
\$20		\$20	5,800	116,000
	\$20	\$20	1,200	24,000
\$10	\$10	\$20	2,600	52,000
\$25		\$25	3,200	80,000
	\$25	\$25	1,200	30,000
\$10	\$15	\$25	2,000	50,000
\$50		\$50	2,800	140,000
	\$50	\$50	1,000	50,000
\$25	\$25	\$50	1,800	90,000
	\$75	\$75	200	15,000
\$50	\$25	\$75	400	30,000
\$100		\$100	1,600	160,000
	\$100	\$100	400	40,000
\$50	\$50	\$100	900	90,000
\$200		\$200	100	20,000
\$1,000		\$1,000	65	65,000
\$5,000		\$5,000	20	100,000
\$50,000		\$50,000	4	200,000
TOTAL			<u>154,689</u>	<u>\$1,586,000</u>

(l) The odds of winning a prize in this game are approximately one in 3.88. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2548. "Fat Cat \$50s" instant ticket lottery game number 660.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Fat Cat \$50s" commencing on or after March 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2548.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
15. <sup>00</sup>	FIFTEEN
50. <sup>00</sup>	FIFTY
\$500\$	FIVE-HUN

(c) For this game, a play symbol shall appear in each of six play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

- FRE = Free Ticket
- TWO = \$2.00
- FIV = \$5.00
- TEN = \$10.00
- FTN = \$15.00
- FTY = \$50.00
- FHN = \$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.



(g) "Fat Cat \$50s" is a match three of six game. A player will remove the scratch-off material over the game play area to reveal six prize amounts. If three of the six prize amounts match, the player wins that prize amount.

(h) Each ticket in this game may win up to one time.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	72,000	\$0
3 - \$2.00's	\$2	28,000	56,000
3 - \$5.00's	\$5	13,600	68,000
3 - \$10.00's	\$10	3,700	37,000
3 - \$15.00's	\$15	2,184	32,760
3 - \$50.00's	\$50	2,200	110,000
3 - \$500.00's	\$500	10	5,000
TOTAL		<u>121,694</u>	<u>\$308,760</u>

(k) The odds of winning a prize in this game are approximately one in 4.93. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2549. "Hooray for \$100S" instant ticket lottery game number 661.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Hooray for \$100\$" commencing on or after March 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2549.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
25. <sup>00</sup>	TWEN-FIV
50. <sup>00</sup>	FIFTY
\$100\$	ONE-HUN
\$1000	ONETHOU

(c) For this game, a play symbol shall appear in each of six play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
TWO	=	\$2.00
FIV	=	\$5.00
TWF	=	\$25.00
FTY	=	\$50.00
HUN	=	\$100.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Hooray for \$100S" is a match three of six prize amounts game. The player will remove the latex covering the play area to reveal six prize amounts. If the player matches three like prize amounts, the player wins that amount.

(h) Each ticket in this game may win up to one time.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	72,000	\$0
3 - \$2.00's	\$2	28,000	56,000
3 - \$5.00's	\$5	12,200	61,000
3 - \$25.00's	\$25	1,200	30,000
3 - \$50.00's	\$50	740	37,000
3 - \$100.00's	\$100	1,200	120,000
3 - \$1,000.00's	\$1,000	6	6,000
TOTAL		<u>115,346</u>	<u>\$310,000</u>

(k) The odds of winning a prize in this game are approximately one in 5.20. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2550. "Snappy 6s" instant ticket lottery game number 662.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Snappy 6s" commencing on or after March 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2550.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1. <sup>00</sup>	ONE\$
\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
25. <sup>00</sup>	TWENFIV
\$100\$	ONEHUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$6000	SIX-THOU
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
7	SEV
8	EGT
9	NIN
6 (outlined)	SIX

(c) For this game, a play symbol shall appear in each of 14 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight

(continued)

varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
FIV	=	\$5.00
SEV	=	\$7.00
FRN	=	\$14.00
FTN	=	\$15.00
TWF	=	\$25.00
THF	=	\$35.00
STY	=	\$70.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) The "Snappy 6s" game is a symbol instant win game. If a player reveals a "6" symbol, the player wins the prize below that symbol.

(h) Each ticket in this game may win up to seven times.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

	Expected Number of Prize	Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	52,000	\$0
\$1	\$1	56,000	56,000
\$2	\$2	12,000	24,000
(\$1 x 2)	\$2	16,000	32,000
\$5	\$5	1,600	8,000
(\$2 x 2) + \$1	\$5	2,000	10,000
(\$1 x 5)	\$5	2,400	12,000
\$2 + \$5	\$7	1,200	8,400
(\$2 x 3) + \$1	\$7	1,200	8,400
(\$1 x 7)	\$7	1,600	11,200
(\$2 x 2) + \$10	\$14	600	8,400
(\$2 x 2) + (\$5 x 2)	\$14	600	8,400
(\$2 x 7)	\$14	800	11,200
\$10 + \$5	\$15	360	5,400
(\$5 x 3)	\$15	360	5,400
\$1 + (\$2 x 2) + \$10	\$15	400	6,000
(\$1 x 5) + (\$5 x 2)	\$15	400	6,000
\$25	\$25	180	4,500
(\$5 x 5)	\$25	200	5,000
(\$1 x 5) + (\$10 x 2)	\$25	200	5,000
\$25 + \$10	\$35	140	4,900
(\$5 x 3) + (\$10 x 2)	\$35	140	4,900
(\$5 x 7)	\$35	160	5,600
(\$10 x 7)	\$70	60	4,200
\$100	\$100	12	1,200
(\$25 x 4)	\$100	20	2,000
\$500	\$500	6	3,000
(\$100 x 5)	\$500	8	4,000
\$1,000	\$1,000	6	6,000
\$6,000	\$6,000	4	24,000
(\$500 x 2) + (\$1,000 x 5)	\$6,000	4	24,000
<b>TOTAL</b>		<u>150,660</u>	<u>\$319,100</u>

(k) The odds of winning a prize in this game are approximately one in 3.98. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2551. "Quick Silver" instant ticket lottery game number 663.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Quick Silver" commencing on or after March 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2551.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
25. <sup>00</sup>	TWEN-FIV
50. <sup>00</sup>	FIFTY
\$500\$	FIVE-HUN
\$4,000	FORTHOU
01¢	PENNY
05¢	NICKEL
10¢	DIME
25¢	QRTER
50¢	HALF

(c) For this game, a play symbol shall appear in each of six play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
FTY	=	\$50.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Quick Silver" is an add-up game. A player will remove the scratch-off material to reveal five play symbols (coins) and one prize symbol. If the five coins add up to \$1.00 or more, the player wins the prize in the prize box.

(h) Each ticket in this game may win up to one time.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Game 1	Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	60,000	\$0
\$2	\$2	38,000	76,000
\$5	\$5	18,800	94,000
\$10	\$10	6,000	60,000
\$25	\$25	1,400	35,000
\$50	\$50	400	20,000

\$500	\$500	12	6,000
\$4,000	\$4,000	6	24,000
TOTAL		<u>124,618</u>	<u>\$315,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.81. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-13-07, Feb. 14, 2007.)

**111-4-2552. "Bonus Crossword" instant ticket lottery game number 664.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Bonus Crossword" commencing on or after March 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2552.

(b) The "play symbols" for this game are as follows: A - B - C - D - E - F - G - H - I - J - K - L - M - N - O - P - Q - R - S - T - U - V - W - X - Y - Z. There are no "play symbol captions" in this game.

(c) For this game, a play symbol shall appear in each of 18 play spots within the "YOUR LETTERS" play area, in each of two play spots within the "BONUS" play area, and a variable number of times within the crossword puzzle grid.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free ticket
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) "Bonus Crossword" consists of three play areas. In the upper part of the ticket there is a crossword puzzle grid that contains 11 spaces (height) by 11 spaces (width) covered by transparent latex. In the "YOUR LETTERS" play area, located in the lower part of the ticket, there are 18 letters located under opaque latex. To the right of the "YOUR LETTERS" play area is the "BONUS" play area in which there are two letters covered by opaque latex. Imaged around each of the 18 "YOUR LETTERS" and two "BONUS" letters there will be a four-sided box composed of solid lines. A player will remove the latex from the "YOUR LETTERS" and "BONUS" play areas one letter at a time, and then for each matching letter in the crossword puzzle grid scratch off the transparent latex. Each letter revealed in the "YOUR LETTERS" and "BONUS" play areas may be used an unlimited number of times in the crossword puzzle grid. If a player reveals at least three complete words in the crossword puzzle grid, the player wins the corresponding prize in the prize legend. The prize legend on the front of the ticket indicates prizes won for number of words revealed, as is also set forth in subsection (k) hereinafter.

(h) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the "crossword" puzzle;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces;
- (5) every single letter in the unbroken string must be revealed in "YOUR LETTERS," or "BONUS" areas and be included to form a word; and
- (6) the three small letters outside the squares in the "YOUR LETTERS" area are for validation purposes and cannot be used to play "Bonus Crossword."

(i) Each ticket in this game may win up to one time. Only the highest prize won on each ticket will be awarded.

(j) Approximately 3,600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(k) The expected number and value of instant prizes in this game shall be as follows:

Match	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - words	FREE TICKET	600,000	\$0
4 - words	\$5	156,000	780,000
5 - words	\$10	82,800	828,000
6 - words	\$20	27,600	552,000
7 - words	\$100	3,600	360,000
8 - words	\$500	552	276,000
9 - words	\$2,000	132	264,000
10 - words	\$20,000	24	480,000
TOTAL		<u>870,708</u>	<u>\$3,540,000</u>

(l) The odds of winning a prize in this game are approximately one in 4.13. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-13-07, Feb. 14, 2007.)

Ed Van Petten  
Executive Director

Doc. No. 034384

**State of Kansas**  
**Department of Wildlife and Parks**  
**Permanent Administrative Regulations**

**Article 9.—LICENSES, PERMITS, STAMPS, AND OTHER DEPARTMENT ISSUES**

**115-9-9. Electronic licenses, permits, stamps, tags, and other issues of the department; other requirements.** The requirements specified in this regulation shall apply to licenses, permits, stamps, tags, and other issues of the department purchased from electronic or telephone li-

(continued)

cense vendors or by means of a computer network. These requirements shall consist of the following:

(a) Each individual who receives an issue of the department purchased from an electronic or telephone license vendor or by means of a computer network shall sign the issue, attesting that all information on the issue is true and correct.

(b) Each individual who receives a departmental issue from a telephone vendor shall carry the confirmation number while actively engaged in any activity authorized by the departmental issue. When the individual receives the physical copy of any issue received from a telephone vendor, the individual shall sign and carry the physical copy of the departmental issue while actively engaged in any activity authorized by the departmental issue.

(c) Each stamp received from an electronic or telephone license vendor or by means of a computer network shall be validated if the individual signs the issue displaying the valid stamp purchase. The confirmation number of each stamp purchased from a telephone license vendor shall be proof of signature until the individual receives the physical copy of the stamp purchased from the license vendor.

(d) Any current issue of the department that is destroyed or lost may be replaced by an electronic license vendor or by means of a computer network. Each individual whose current issue was destroyed or lost shall sign the new issue, attesting to the destruction or loss of the current issue.

(e) An application form shall not be required for an individual to purchase any issue from an electronic or telephone license vendor or by means of a computer network. The signature on the issue by the individual receiving the issue shall satisfy the signature requirement on application forms.

(f) The removal of the carcass tag from any big game or wild turkey permit or game tag purchased from an electronic license vendor or by means of a computer network shall not invalidate the permit, game tag, or carcass tag for hunting. However, signing any carcass tag before harvesting an animal for which the carcass tag was issued shall invalidate the carcass tag and either the permit or the game tag for use.

(g) Each temporary annual park permit purchased from an electronic or telephone license vendor or by means of a computer network shall be valid only if visibly displayed on the vehicle or camping unit for which the annual park permit was purchased. Each individual with a temporary annual park permit purchased from an electronic license vendor or by means of a computer network shall exchange the permit for a permanent annual park permit at a department office or automated park license vendor.

(h) Each person required to provide the identifying number of a license, permit, tag, stamp, or other issue of the department shall use the transaction number of the electronic license, permit, tag, stamp, or other issue. (Authorized by K.S.A. 32-807, K.S.A. 2005 Supp. 32-980, and K.S.A. 2005 Supp. 32-1001; implementing K.S.A. 2005 Supp. 32-980 and K.S.A. 2005 Supp. 32-1001; effective July 22, 2005; amended May 18, 2007.)

J. Michael Hayden  
Secretary of Wildlife  
and Parks

## State of Kansas

### Department of Agriculture Division of Water Resources

#### Permanent Administrative Regulations

#### Article 40.—DESIGN OF EARTH DAMS

**5-40-1. Definitions.** As used in K.S.A. 82a-301 through 82a-305a and amendments thereto, in the regulations adopted pursuant to these statutes, and by the chief engineer in administering K.S.A. 82a-301 through 82a-305a and amendments thereto, the following terms shall have the meanings ascribed to them in this regulation, unless the context clearly requires otherwise:

(a) "Application" means the formal document and any required supporting information that are submitted to the chief engineer and request a permit, pursuant to K.S.A. 82a-301 through 82a-305a, and amendments thereto.

(b) "Appurtenant works" means the primary spillway and other conduits through a dam, the valves, the auxiliary spillway, the service spillway, the stilling basin, any constructed outlet channel, all dikes and berms designed and constructed to protect the dam, the drains, and all other features constructed to protect or operate a dam.

(c) "As-built drawings" means the drawings showing a permitted project and all appurtenant works as the project and works were actually built. This term shall include the following:

(1) All deviations from the plans that were approved by the chief engineer;

(2) the location and design of any instruments and monitoring equipment that were installed at the site;

(3) the location and elevation of any benchmarks; and

(4) a certification that the permitted project was constructed as shown on the as-built drawings.

(d) "Authorized representative" means any employee of the chief engineer designated by the chief engineer to perform duties and functions on behalf of the chief engineer.

(e) "Auxiliary spillway" means an open channel that is constructed over or around an embankment for the purpose of conveying safely past the dam the flows that are greater than the primary spillway design discharge and that can be stored in the detention storage. This term is also known as an emergency spillway.

(f) "Benchmark" means a reference point or object of known elevation and location that is not expected to move horizontally or vertically during the life of the project.

(g) "Borrow area" means land, usually located near the dam, from which earth used to construct the embankment will be excavated.

(h) "Breach analysis" means an engineering analysis to determine the areas that would be inundated if a dam failed.

(i) "Channel change" means any project that alters the course, current, or cross section of any stream.

(j) "Chief engineer" means the chief engineer, division of water resources of the Kansas department of agriculture.

(k) "Control section" means the immediate downstream end of the level section of an open-channel earthen spillway. The elevation of the control section is the elevation of the open-channel spillway crest.

(l) "Cutoff collar" means a projecting flange built or installed completely around the outside of a pipe to lengthen the path of seepage along the outer surface of the pipe.

(m) "Cutoff trench" means an excavation under a dam to be later filled with impervious material to prevent or reduce the seepage of water through the foundation of a dam.

(n) "Design discharge" means the maximum rate of flow, expressed in cubic feet per second, released from a dam's spillways for the design storm.

(o) "Design storm" means the precipitation event specified in K.A.R. 5-40-22 that is the minimum precipitation event required to be used to design a particular dam.

(p) "Detention storage" means the volume in the reservoir between the lowest uncontrolled spillway, not including any low-flow augmentation works, and the crest of the auxiliary spillway.

(q) "Detention storm" means the storm described in K.A.R. 5-40-23.

(r) "Easily erodible soils" means soils with a high content of fine sand or silt and with little or no cohesion or plasticity, including fine sand, silt, sandy loam, and silty loam.

(s) "Effective height" means the difference in elevation between the crest of an auxiliary spillway or service spillway and the lowest point of the downstream toe of a dam. If the dam does not have an auxiliary or service spillway, the effective height means the difference in elevation between the top of the dam and the lowest point of the downstream toe of the dam.

(t) "Effective storage" means the volume of storage space in a reservoir below the crest of the auxiliary spillway or service spillway and above the elevation of the downstream toe of the dam at its lowest point. Effective storage shall not be reduced by accounting for accumulated sediment.

(u) "Embankment" means the earthen-fill portion of the dam.

(v) "Emergency action plan" means a formal document that identifies potential emergency conditions at a dam and specifies preplanned actions to be followed to minimize property damage and loss of life if the dam fails.

(w) "Erosion-resistant soils" means cohesive soils with a high clay content and high plasticity, including silty clay, sandy clay, and clay.

(x) "Freeboard" means the vertical distance between the maximum water surface elevation attained during the design storm and the top of the dam.

(y) "General plan" means a plan adopted by a watershed district, drainage district, or similar entity required by statute to be approved by the chief engineer, including any of the plans formulated under K.S.A. 24-901 and K.S.A. 24-1213, and amendments thereto.

(z) "Hazard" means the property or people that could be damaged or endangered by the failure of a dam, including people or property that might be inundated. This term shall include a public or industrial water supply

stored in the reservoir created by the dam that would be released if the dam failed.

(aa) "High-impact dams" means all of the following classes of dams:

(1) Size class 4, hazard class A dams;

(2) size classes 3 and 4, hazard class B dams; and

(3) all hazard class C dams, using the definitions of hazard class and size class in K.A.R. 5-40-20 and K.A.R. 5-40-21.

(bb) "Hydraulically most distant point in the watershed" means the point in a watershed from which a raindrop falling at that point takes the longest time to reach the dam.

(cc) "Impervious material" means material that allows a relatively low rate of water movement through its cross section.

(dd) "Inspection year" means the period on and after May 1 of one year through April 30 of the following year. The inspection year shall be named for the calendar year in which the inspection year ends.

(ee) "Inundation area" means the area below a dam that will be inundated with water as determined by conducting a breach analysis meeting the requirements specified in K.A.R. 5-40-24.

(ff) "Invert" means the lowest point on the inside of the outlet of a conduit.

(gg) "Low-flow augmentation works" means any uncontrolled conduit, orifice, or other appurtenant works that slowly release water from storage in a reservoir, or bypass low flow through a reservoir.

(hh) "Low-impact dams" means all of the following classes of dams:

(1) Size classes 1, 2, and 3, hazard class A dams; and

(2) size classes 1 and 2, hazard class B dams, using the definitions of hazard class and size class in K.A.R. 5-40-20 and K.A.R. 5-40-21.

(ii) "Maintenance" means the actions or upkeep performed on a dam or its appurtenances to compensate for wear and tear on the dam and appurtenances and to preserve the dam and appurtenances so that the dam and appurtenances function properly until they are removed, including woody vegetation control; grass seeding; burrowing animal control; repair of minor erosion, cracks, animal burrows, and minor settling; care of pipes, piezometers, drains, valves, gates, and other mechanical devices; replenishment of riprap; and removal of debris from spillways.

(jj) "Modification" means any change in a dam or its appurtenances that involves a change to or significant disturbance of the embankment, an alteration of the flow characteristics of a spillway, a change in the storage capacity or freeboard, or any other significant alteration in the functioning of the dam.

(kk) "Navigable stream" means any of the following:

(1) The Arkansas river;

(2) the Missouri river; or

(3) the Kansas river.

(ll) "One percent-chance storm" means a rainfall event that has a one percent chance of being equaled or exceeded one or more times in a year.

(continued)

(mm) "Owner of a dam" means the owner or owners of the land upon which a dam and appurtenant works are constructed unless an easement authorizes another person or entity to construct and maintain a dam on that easement. With such an easement, the holder of the easement shall be considered to be the owner of the dam.

(nn) "Perennial stream" means a stream, or part of a stream, that flows continuously during all of the calendar year, except during an extreme drought.

(oo) "Permanent pool" means the storage space in a reservoir below the elevation of the lowest uncontrolled spillway, not including any low-flow augmentation works. This term is also known as the "normal pool."

(pp) "Permit" means the consent or other formal document issued by the chief engineer that authorizes the construction, repair, or modification of a dam, channel change, or stream obstruction, and its operation and maintenance.

(qq) "PMP" means the probable maximum precipitation that can occur in a precipitation event as prescribed by K.A.R. 5-40-31.

(rr) "Prejurisdictional dam" means any of the following:

- (1) A dam constructed before May 28, 1929;
- (2) a dam constructed by an agency or political subdivision of state government, other than a county, city, town, or township, before April 11, 1978; or
- (3) a dam constructed before July 1, 2002 that is 25 or more feet in height and impounds less than 30 acre-feet of water at the top of the dam.

(ss) "Primary spillway" means the uncontrolled outlet device through a dam that provides the initial outlet for storm flows, usually consisting of either of the following:

- (1) A riser structure in combination with an outlet conduit; or
- (2) a canopy or hooded inlet structure in combination with an outlet conduit.

This term is also known as a "principal spillway."

(tt) "Rainfall excess" means that part of the rain in a given storm that falls at intensities exceeding the infiltration capacity of the land and that is the volume of the rain available for direct runoff.

(uu) "Reservoir" means the area upstream from a dam that contains, or can contain, impounded water.

(vv) "Repair" means any action, other than maintenance, taken to restore a dam and its appurtenant works to their original permitted condition.

(ww) "Service spillway" means an open-channel spillway constructed over or around a dam embankment to convey safely past the dam all flows entering the reservoir that cannot be stored in the reservoir behind a dam that does not have a primary spillway.

(xx) "Size factor" means the effective height of the dam, expressed in feet, multiplied by the effective storage of the reservoir, expressed in acre-feet.

(yy) "Stilling basin" means an open structure or excavation at the outlet of a spillway that dissipates the energy of fast-moving water being discharged from the spillway to protect the streambed below a dam from erosion.

(zz) "Stream" means any watercourse that has a well-defined bed and well-defined banks and that has a wa-

tershed above the point marking the site of the project that exceeds the following number of acres in the zones specified:

(1) Zone three: 640 acres for all geographic points within any county west of a line formed by the adjoining eastern boundaries of Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche counties;

(2) zone two: 320 acres for all geographic points within any county located east of zone three and west of a line formed by the adjoining eastern boundaries of Republic, Cloud, Ottawa, Saline, McPherson, Reno, Kingman, and Harper counties; and

(3) zone one: 240 acres for all geographic points within any county located east of zone two.

The flow of a stream is not necessarily continuous and can occur only briefly after a rain in the watershed. If the site of the project has been altered so that a determination of whether the well-defined bed and banks did exist is not possible, it shall be presumed that the bed and banks did exist if the watershed acreage criteria specified in this subsection have been met, unless the owner of the project conclusively demonstrates that the well-defined bed and banks did not exist when the project site was in its natural state and had not been altered by human activity.

(aaa) "Stream obstruction" means any project or structure that is wholly or partially placed or constructed in a stream and that does not meet the definition of a dam in K.S.A. 82a-301 and amendments thereto.

(bbb) "Time of concentration" means the time required for runoff to flow from the hydraulically most distant point in the watershed to the watershed outlet once the soil has become saturated and minor depressions have been filled.

(ccc) "Trash rack" means a protective device installed on the inlet of a primary spillway to prevent trash and other debris from obstructing the primary spillway without obstructing the flow of water.

(ddd) "Watershed" means all of the area draining toward a selected point on a stream.

(eee) "Wing dike" means an earthen or rock structure below the toe of a dam that is constructed to protect the embankment from erosion.

(fff) "Zone," in an earthen dam, means a segment of earthen fill containing similar materials.

(ggg) "Zoned fill" means an embankment divided into two or more zones to make the best use of available materials. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 1, 1983; amended May 1, 1987; amended, T-5-12-30-91, Dec. 30, 1991; amended Feb. 17, 1992; amended Sept. 22, 2000; amended May 18, 2007.)

**5-40-2. Dams; plans and specifications.** The plans required by K.S.A. 82a-302, and amendments thereto, to construct, repair, or modify a dam shall include sufficient views to show all features in three dimensions and in sufficient detail to instruct a competent contractor to construct, repair, or modify the dam by viewing the plans and specifications. All plans with multiple pages shall include an index describing the location of required views within the plans. The views and maps specified in this regulation shall be shown. Specific details shall be listed under the view that is typically most appropriate, but

they may be displayed on another view to improve the legibility of the plans if sufficient detail is provided in the plans to describe each feature in three dimensions. The required plans shall include the following:

(a) Plan views of the dam and dam site, which shall include both abutments of the dam, the area downstream to the point where the auxiliary spillway or service spillway flows enter the receiving channel, and the area upstream of the upstream toe of the dam to where the borrow area will be permitted. All elevations shown on plans shall be referenced to the same datum as the benchmarks described on the plans. The following details shall be shown, if applicable:

- (1) The location of the axis of the dam, showing stationing and top width limits;
- (2) the toe of the upstream and downstream slopes;
- (3) the location of the centerline and the limits of each open-channel spillway;
- (4) the location of the primary spillway and any stilling basin;
- (5) the location of each berm;
- (6) the location of slope protection;
- (7) the location of borings, test holes, and test pits;
- (8) the location of intakes, outlets, valves, and valve wells;
- (9) the location, description, and elevation of each benchmark;
- (10) the location, description, and details of all foundation drains;
- (11) the location and limits of each borrow area; and
- (12) the location and topography of the area where the auxiliary spillway discharge returns to the receiving stream;

(b) a map of the drainage pattern above and below the dam site drawn to an appropriate scale. The map shall show the following:

- (1) The location of the watercourse across which the dam is to be built and the point where the centerline of the dam crosses the centerline of the stream specified in latitude and longitude, or in feet north and west of the southeast corner of the section;
- (2) the location of the dam and the outline of the reservoir;
- (3) the boundary of the watershed, shown by a line enclosing the entire area that will drain into the reservoir;
- (4) section lines, with sections properly identified; and
- (5) the size of the drainage area in acres or square miles;

(c) a topographic map of the dam site and reservoir area, which shall be shown to a scale that provides sufficient detail to clearly show the required features and to locate them in the field, but in no case is less than 1 to 3,600. The elevation of each contour shall be clearly noted on the map. The following details shall be shown:

- (1) The location of the dam; and
- (2) the following topography:
  - (A) The contours at two-foot intervals. For dams more than 20 feet in height, contours may be spaced at greater intervals, but the interval shall not exceed four feet;
  - (B) the contour equivalent to the elevation of the lowest uncontrolled spillway inlet, not including any low-flow augmentation works;

(C) the contour equivalent to the maximum water surface reached during the design storm;

(D) the contour equivalent to the elevation of the top of the dam;

(E) construction ingress and egress routes to the dam and reservoir;

(F) the name and address of each person owning any of the following:

(i) The land on which the dam and its appurtenances, including the auxiliary spillway or service spillway, down to the location where the spillway discharges back to the receiving stream, will be constructed;

(ii) ingress and egress routes to the dam and reservoir;

(iii) the reservoir site up to the top of the dam elevation; and

(iv) the borrow areas if they are located outside the reservoir site;

(G) if the reservoir area is divided between more than one landowner, the property lines, which shall be shown on the topographic map of the reservoir;

(H) roads, railroads, pipeline crossings, and any other prominent features in the vicinity;

(I) the boundary line for each easement; and

(J) the limits of each borrow area;

(d) the cross-section view of the valley at the dam site, which shall be shown along the centerline of the dam with the same stationing as that used on the plan view. The following shall be shown:

(1) The elevation to which the top of the dam is to be maintained and the elevation to which the dam is to be initially constructed in order to provide an adequate settlement allowance;

(2) the location and elevation of the auxiliary spillway or service spillway at the centerline of the dam;

(3) the original surface of the ground, including the streambed, up to the elevation of the top of the dam;

(4) the proposed elevations of the bottom of the cutoff trench; and

(5) the location of all test holes and the materials encountered in the test holes;

(e) a cross-section view perpendicular to the centerline of the dam at the lowest point on the downstream toe extending to the limits of the fill being placed. If the cross section is variable, a typical section shall be shown for each reach of similar cross section with a proper description of the reach by stationing. Additional typical cross sections along the centerline of the primary spillway and the centerline of any other outlets shall be shown. Cross sections of the dam shall include the following:

(1) The elevations of the shoulders and centerline of the dam and the width of the top of the dam;

(2) the elevation of the top of any berm, the elevation of the outside shoulder of any berm, and the top width of any berm;

(3) the slopes of upstream and downstream faces of the dam;

(4) the elevation, location, and type of slope protection;

(5) the zones of the embankment;

(6) the dimensions to which the dam is to be constructed to provide an adequate allowance for settlement;

*(continued)*

(7) the elevation, location, and dimensions of the planned cutoff trench; and

(8) the elevation of the downstream toe of the dam at its lowest point;

(f) the following information concerning each open-channel spillway:

(1) A plan view showing the location and stationing along the centerline of the spillway, together with the location of the control section;

(2) cross sections showing side slopes and dimensions of the spillway, and the original surface of the ground up to the point where the spillway sides intersect the original ground surface;

(3) a profile along the centerline of the spillway, extending from the point upstream where the profile of the spillway intersects natural ground through the control section to the streambed below the dam. The stationing on the profile shall correspond to that on the plan view. The station and elevation of the breaks in the grade of the spillway shall be shown. This profile shall show the existing ground elevation, proposed grade of the bottom of the spillway, elevation of slope protection on the side slopes, and geologic logs of the borings required in the auxiliary spillway or service spillway by K.A.R. 5-40-40, superimposed on the profile through which the spillway is excavated; and

(4) the data necessary to stake out any curves;

(g) the following information concerning the primary spillway:

(1) The profile along the centerline of the spillway, extending from the intake to the outlet, showing the size, dimensions, and locations of seepage control features. This profile shall show existing ground elevations and the proposed grade of the spillway;

(2) the plan, profile, and cross-section views of the stilling basin, primary spillway supports, and other features;

(3) the geologic logs of the borings done in the vicinity of the primary spillway shall be superimposed on the profile;

(4) the location and type of all bedding materials;

(5) a table of pipe grades for all concrete pipes; and

(6) conduit joint details;

(h) the number of acres enclosed by each contour within the reservoir area and the total storage capacity of the reservoir in acre-feet at the elevation of each contour, which shall be determined and tabulated on the plan. The data shall be compiled for all contours in the reservoir up to the elevation of the top of the dam. Computations of capacity shall be based on the natural topography of the reservoir basin but may include the volume of any excavation in the reservoir made during construction of the dam;

(i) a curve or table showing the discharge capacities, in cubic feet per second, of all spillways through a range of surface water elevations from the lowest spillway inlet elevation to the top of the dam elevation, which shall be developed and shown on the plans or in the design report;

(j) the following information, which shall be shown on the plans in plan view, profile, and cross section:

(1) Drain details, including foundation drains;

(2) permanent erosion control protection, including riprap; and

(3) details of stilling basins, outlets, and other appurtenant structures; and

(k) the following information, which shall be shown on either the plans or the specifications:

(1) A table of gradation for each drain; and

(2) a table of gradation of the bedding of the riprap. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 18, 2007.)

**5-40-2a. Benchmarks.** (a) At least two permanent benchmarks shall be installed for future reference at each dam. Each benchmark shall be located according to the following criteria:

(1) In an area where the benchmark will not be disturbed, destroyed, or inundated after the dam is complete; and

(2) along the centerline of the dam on either end of the dam, if practical, and in undisturbed soil.

(b) On high-impact dams, each permanent benchmark shall also meet the following criteria:

(1) Be installed in a hole that meets the following criteria:

(A) Is 12 inches in diameter; and

(B) is at least 42 inches deep or is drilled to bedrock, whichever is less;

(2) be constructed of one or more steel reinforcing bars at least  $\frac{3}{8}$  inch in diameter and 36 inches in length or the length of the depth of the hole, whichever is less. The reinforcing bar or bars shall be placed in the hole and the hole backfilled with concrete rounded off flush with the ground;

(3) be capped by a metal survey marker; and

(4) be either marked by a witness post or survey marker sign or tied to at least two objects in the vicinity by distance and bearing.

(c) On low-impact dams, each permanent benchmark shall also meet the following minimum requirements:

(1) Be constructed of a reinforcing bar that is 36 inches long, one-half inch in diameter, and driven flush with the surface of the ground;

(2) be installed at a location protected from grazing animals and vehicular traffic; and

(3) be either marked by a witness post or survey marker sign or tied to at least two objects in the vicinity by distance and bearing.

(d)(1) The elevation and horizontal location of each permanent benchmark shall be shown on the as-built drawings or the construction inspection report. The location of each permanent benchmark shall be described in reference to centerline stationing and offset from the centerline. The elevation of each permanent benchmark for all of the following classes of dams shall be referenced to the national geodetic vertical datum of 1988, or other acceptable national vertical datum, to a tolerance of plus or minus 0.5 foot:

(A) Class size two, hazard classes B and C;

(B) class size three dams; and

(C) class size four dams.



(2) The elevation of each benchmark for class sizes one and two, hazard class A dams may be referenced to an assumed datum.

(e) Horizontal control shall be referenced to the Kansas state plane coordinate system as set forth in K.S.A. 58-20a01 et seq., and amendments thereto. The location of each benchmark shall be shown on the as-built drawings or the notice of completion by using either of the following:

(1) The plane coordinate values consisting of a northing and an easting from the appropriate monumented point according to K.S.A. 58-20a03, and amendments thereto; or

(2) the feet distances north or south, and east or west, from the nearest or most convenient section corner. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-2b. Design reports.** (a) The application for each permit to construct, repair, or modify a dam shall be accompanied by a design report prepared by the engineer who designed the new dam or the repair or modification of an existing dam. The design report shall document every major design element of the dam, the conditions that must be addressed in the construction of the project, and the manner in which those conditions will be addressed. The design report shall document the design process, including references to each design method and computer program utilized in the design, and shall include the following:

(1) The design of any slope protection for the embankment and the auxiliary or service spillway. If no slope protection is provided, the report shall provide justification for not having slope protection;

(2) documentation of the determination of the hazard class;

(3) a report of the geotechnical investigation, including the results of the testing required in K.A.R. 5-40-40 through K.A.R. 5-40-42, and all boring logs not shown on the plans;

(4) documentation of the embankment design based upon the geotechnical investigation;

(5) documentation of the hydrological evaluation, including the determination of the composite curve number and drainage area;

(6) if a proposed dam is part of a general plan, the report shall evaluate whether the proposed dam conforms to the general plan;

(7) the design of the foundations, including the proposed depth of the cutoff trench;

(8) the design of the drains, including size, material gradation, interface with soil, and outlets;

(9) the design of the pipe bedding, including documentation that the loading and deflection conditions are met;

(10) the stilling basin design;

(11) documentation of the flood routing or routings;

(12) the gradation of the material in the diaphragm and the design of the diaphragm; and

(13) any other relevant information required by the chief engineer.

(b) In addition to those items required in subsection (a), the design report for each high-impact dam shall include the following:

(1) The auxiliary spillway or service spillway analysis required by K.A.R. 5-40-56(c), if applicable, or K.A.R. 5-40-57(a);

(2) a slope stability analysis; and

(3) an embankment settlement analysis. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-3. Specifications.** (a) Each applicant shall submit specifications with the application for a permit to construct a dam. The specifications shall address every major element in the construction of the dam and the materials used to construct the dam. The specifications shall be clear, legible, and sufficiently detailed to ensure that the dam and appurtenant works will be properly constructed and shall meet the requirements of sound engineering principles and commonly accepted engineering practices. The specifications shall state the minimum quality of materials and workmanship that is acceptable and the required materials tests and testing frequency. The specifications shall cover the following:

(1) The excavation procedures;

(2) the placement and compaction of earthen fill;

(3) the dewatering process;

(4) concrete and reinforcing steel requirements and placement;

(5) the materials for and placement of all conduits;

(6) the materials for and placement of permanent erosion control measures;

(7) drains and seepage control, including aggregate requirements; and

(8) seeding and fencing.

The specifications shall also include an index. The specifications may be submitted electronically in a form and manner prescribed by the chief engineer.

(b) A copy of the plans and specifications that have been approved by the chief engineer shall be accessible at the construction site at all times during construction. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 1, 1983; amended May 1, 1987; amended May 18, 2007.)

**5-40-4. Preparer of maps, plans, profiles, reports, and specifications.** In addition to the requirements of the Kansas state board of technical professions, the requirements in this regulation shall apply. (a) Each map, plan, profile, report, and specification submitted to the chief engineer for approval shall be prepared by, or under the supervision of, a person who is competent in the design and construction of channel changes or stream obstructions, as appropriate.

(b) Maps, plans, profiles, reports, and specifications for any dam shall be prepared by, or under the supervision of, a licensed professional engineer who is competent in the design and construction of dams.

(c) Maps, plans, profiles, reports, and specifications for any channel change or stream obstruction project on a navigable stream or a stream having a mean annual flow of 100 cubic feet per second or more at the proposed location of the project shall be prepared by a licensed professional engineer who is competent in the design of that type of project.

(continued)

(d) No provision of this regulation, and no decision made by the chief engineer pursuant to this regulation, shall alter the responsibilities or duties of any licensee of the Kansas state board of technical professions to comply with that board's requirements. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended Sept. 22, 2000; amended May 18, 2007.)

**5-40-5. Determining the capacity of a reservoir.** (a) The capacity of each proposed reservoir shall be determined as specified in K.A.R. 5-40-2(h).

(b) The capacity of each existing reservoir shall be determined by using the procedure specified in K.A.R. 5-40-2(h) for contours above the water surface. The engineer determining the reservoir capacity shall demonstrate the validity of the method that the engineer selects to extrapolate the data for contours below the water surface. The capacity of an existing reservoir shall not be reduced by including the accumulated sediment. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301 and 82a-303a; effective May 1, 1983; amended May 18, 2007.)

**5-40-5a. Determining the height of a dam or barrier.** To determine the height of a dam or barrier pursuant to K.S.A. 82a-301(b) and amendments thereto, that measurement shall be made as follows: (a) The height of a dam or barrier that extends across the natural bed of a stream or watercourse shall be the vertical distance measured from the bed of the stream or watercourse at the downstream toe of the dam or barrier to the lowest elevation on the top of the dam or barrier, excluding any open-channel spillway and any anomalous low points.

(b) The height of a dam or barrier that does not extend across the natural bed of a stream or watercourse shall be the vertical distance measured from the lowest elevation of the outside limit of the dam or barrier to the lowest elevation on the top of the dam or barrier, excluding any open-channel spillway and any anomalous low points.

(c) The height of a proposed barrier or dam shall be measured from the planned top of the dam, excluding any allowance for settlement. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301 and 82a-303a; effective May 18, 2007.)

**5-40-8. Acceptable application.** (a) To be acceptable for filing, each application for a permit to construct, modify, or repair a dam, other stream obstruction, or channel change shall be accompanied by the statutorily required filing fee and shall contain all of the following:

(1) One copy of the completed application on a form prescribed by the chief engineer and signed by the applicant;

(2) two copies of the maps, plans, specifications, and profiles for a proposed or existing dam that meet the requirements of these regulations or one copy of the maps, plans, specifications, and profiles for any other stream obstruction or channel change that meet the requirements of these regulations; and

(3) for a proposed or existing dam, one copy of the design report that meets the requirements of these regulations.

(b) If the applicant fails to meet the requirements of subsection (a), the applicant shall be notified by the chief engineer of the deficiencies in writing and given 60 days from the time the notice is postmarked to submit the required items. If the required items are not submitted within 30 days after the chief engineer's notice is postmarked, a reminder letter shall be sent to applicant again requesting the required items.

(c) Any applicant may submit a request for an extension of time to provide a complete application. The applicant shall submit the request for extension of time before the deadline to submit the items. The request shall also include a justification for the extension of time and an estimate of the time needed to submit the required items.

(d) If the required items are not submitted within 60 days after the chief engineer's notification of deficiency, or within any authorized extension of time, the application shall be dismissed and the application fee forfeited.

(e) If the dismissed application was for the construction, repair, or modification of an existing illegal, unpermitted dam, the removal of the dam shall be ordered by the chief engineer.

(f) If an application is dismissed pursuant to this regulation, within 30 days of the date of dismissal the applicant may apply to have the application reinstated. The application may be reinstated by the chief engineer for good cause shown by the applicant. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301, 82a-302, and 82a-303a and K.S.A. 82a-303c; effective May 1, 1983; amended May 18, 2007.)

**5-40-9.** (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; revoked May 18, 2007.)

**5-40-10.** (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; revoked May 18, 2007.)

**5-40-11.** (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302 and 82a-303; effective Sept. 22, 2000; revoked May 18, 2007.)

**5-40-12. As-built drawings.** (a) Each permit shall be conditioned by the chief engineer to require as-built drawings for each category listed in subsection (b) to be submitted within 90 days of the completion of the dam, repairs, or modifications, or any extension of time authorized by the chief engineer for good cause. The drawings shall be prepared by a person qualified to prepare the original plans and specifications pursuant to K.A.R. 5-40-4.

(b) As-built drawings shall be submitted for each of the following categories:

(1) All high-impact dams;

(2) any dam, if required by the chief engineer as a condition of the permit to build, repair, or modify the dam; and

(3) any dam, if required by the chief engineer as the result of an approval of a change in the approved plans requested by the applicant during construction.

(c) The as-built drawings shall show all the features of the structure included in the approved plans as those features were constructed. A legibly marked-up copy of the approved plans shall be acceptable as as-built drawings.

(d) A profile of the bottom of the cutoff trench as constructed shall be shown on the as-built drawings. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 82a-303 and 82a-303a; effective May 1, 1987; amended May 18, 2007.)

**5-40-13.** (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987; revoked May 18, 2007.)

**5-40-20. Hazard classes of dams.** (a) The hazard classes of dams shall be determined from the following based on the location of the dam, the hazards found within the inundation area, and the impact of a failure of a dam:

(1) A "hazard class A dam" shall mean a dam located in an area where failure could damage only farm or other uninhabited buildings, agricultural or undeveloped land including hiking trails, or traffic on low-volume roads that meet the requirements for hazard class A dams as specified in subsections (b) and (c).

(2) A "hazard class B dam" shall mean a dam located in an area where failure could endanger a few lives, damage an isolated home, damage traffic on moderate-volume roads that meet the requirements for hazard class B dams as specified in subsections (b) and (c), damage low-volume railroad tracks, interrupt the use or service of a utility serving a small number of customers, or inundate recreation facilities, including campground areas intermittently used for sleeping and serving a relatively small number of persons.

(3) A "hazard class C dam" shall mean a dam located in an area where failure could result in any of the following:

- (A) Extensive loss of life;
- (B) damage to more than one home;
- (C) damage to industrial or commercial facilities;
- (D) interruption of a public utility serving a large number of customers;
- (E) damage to traffic on high-volume roads that meet the requirements for hazard class C dams as specified in subsections (b) and (c) or a high-volume railroad line;
- (F) inundation of a frequently used recreation facility serving a relatively large number of persons; or
- (G) two or more individual hazards described in hazard class B.

(b) If there is a road across any part of the embankment or a spillway, including the auxiliary spillway or service spillway channel down to the receiving stream, the daily vehicular traffic shall be considered in determining the hazard classification, in addition to the criteria specified in subsection (a). The hazard classifications specified in this subsection shall be used if these classifications are more stringent than the hazard classifications required by subsection (a).

Hazard class	Vehicles per day
A	0 through 100
B	101 through 500
C	more than 500

(c) If any road in the inundation area does not meet the criteria of subsection (b), the daily vehicular traffic shall be considered in determining the hazard classification, in addition to the criteria specified in subsection (a). The hazard classifications specified in this subsection shall be used if these classifications are more stringent than the hazard classifications otherwise required by subsection (a).

Hazard class	Vehicles per day
A	0 through 500
B	501 through 1,500
C	more than 1,500

(Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-303a and 82a-303b; effective May 18, 2007.)

**5-40-21. Class sizes of dams.** (a) Each dam that the chief engineer has authority to regulate pursuant to K.S.A. 82a-301 et seq., and amendments thereto, with an effective height of less than 25 feet and an effective storage of less than 50 acre-feet shall be considered to be a class size 1 dam. The class size of all other dams shall be determined from the following table:

Class size	Size factor
2	less than 3,000
3	3,000 through 30,000
4	more than 30,000

(b) Each existing permitted dam and each dam for which an application was submitted before the effective date of this regulation shall continue to have the effective height measured from the flow line of the stream at the centerline of the dam. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-303a and 82a-303b; effective May 18, 2007.)

**5-40-22. Design requirements for construction of a dam.** Each dam constructed shall meet or exceed the design requirements specified in the table in this regulation. The minimum top of the dam elevation shall be the maximum water surface elevation determined by routing the design storm specified in the following table, using the methodology specified in K.A.R. 5-40-30 through K.A.R. 5-40-33, through the reservoir and the dam's spillways, plus the minimum freeboard shown in the following table. The minimum floor width of the open-channel spillway shall be the minimum floor width shown in the following table.

Dam size class	Hazard class	Precipitation for design storm	Minimum freeboard in feet	Minimum floor width of open-channel spillway in feet
1	A	2% chance	1	20
	B	0.25 PMP	2	
	C	0.40 PMP	3	
2	A	1% chance	2	30
	B	0.25 PMP	2	
	C	0.40 PMP	3	

(continued)

Dam size class	Hazard class	Precipitation for design storm	Minimum freeboard in feet	Minimum floor width of open-channel spillway in feet
3	A	1% chance	3	40
	B	0.30 PMP	3	
	C	0.40 PMP	3	
4	A	0.25 PMP	3	40
	B	0.30 PMP	3	
	C	0.40 PMP	3	

(Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-23. Detention storage.** (a) To determine the minimum required detention storage, the applicant shall show that the computed runoff from the detention storm can be stored in the reservoir and discharged through the primary spillway without any flow being discharged through the auxiliary spillway. The elevation of the auxiliary spillway control section shall be set so that the computed runoff from the detention storm specified in the following table and determined from the procedures in K.A.R. 5-40-30 through K.A.R. 5-40-33 does not result in discharge through the auxiliary spillway.

Hazard class	Size	Purpose	Minimum detention storm
A	1, 2	Flood control	4% chance
A	3	Flood control	4% chance
A	4	Flood control	2% chance
B	All	Flood control	2% chance
C	All	Flood control	2% chance
A	1, 2	All uses other than flood control	50% chance
A	3	All uses other than flood control	50% chance
A	4	All uses other than flood control	20% chance
B	All	All uses other than flood control	20% chance
C	All	All uses other than flood control	20% chance

Each dam that has flood control as a purpose shall meet the detention storm requirements for a flood control structure. A dam that is not constructed for flood control purposes and whose auxiliary spillway meets the requirements for a service spillway in K.A.R. 5-40-57 shall not be required to meet any minimum detention storm requirement in the table in this subsection.

(b) Each dam shall have a primary spillway and an auxiliary spillway, unless a service spillway meeting the requirements of K.A.R. 5-40-57 is provided. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-24. Dam breach analysis.** A dam breach analysis shall be conducted on each proposed dam as specified in this regulation. If a dam breach analysis is required for an existing dam, the analysis shall be conducted in the same manner as that specified in this regulation for a proposed dam. (a) To determine the appropriate water surface elevation in the reservoir when the breach begins, the breach analysis shall route the appropriate design duration one percent-chance storm determined by K.A.R. 5-40-31 through the reservoir. The routing shall begin by assuming that the water surface elevation is at the ele-

vation of the lowest uncontrolled spillway inlet, not including any low-flow augmentation works. The antecedent moisture condition (AMC) used to determine the runoff shall be determined according to K.A.R. 5-40-32. The minimum water surface elevation used to begin the breach analysis shall be the greater of the following:

(1) The water surface elevation determined by routing the required design duration one percent-chance storm through the reservoir; or

(2) the elevation of the crest of the auxiliary spillway.

Routing the storm through the reservoir may account for the discharge of the primary spillway and any open-channel spillways. If the dam does not have an open-channel spillway, the water surface elevation used shall be the elevation of the top of the dam or the elevation resulting from using PMP as the runoff event, whichever is lower.

(b) The breach discharge shall be determined by using the peak breach discharge criteria section on pages 1-1 through 1-2 in "earth dams and reservoirs," TR-60, dated July 2005, published by the conservation engineering division of the natural resources conservation service, and hereby adopted by reference, unless the applicant receives written approval of the chief engineer to use a model that is more appropriate for a particular dam. The breach discharge hydrograph shall be determined by methods in NRCS TR-66, third edition, "simplified dam-breach routing procedure," dated September 1985, which is hereby adopted by reference, including the appendices. If another model is used, the following breach modeling assumptions shall be used, unless the applicant demonstrates to the chief engineer that more appropriate assumptions should be used:

(1) The parameters shall support the assumption of a rapidly developing breach that is either an overtopping failure or a spillway failure caused by intense, localized erosion beginning at the downstream end of the auxiliary spillway or service spillway and working its way upstream.

(2) If the breach model has breach width as a variable, the minimum bottom width of the breach shall be twice the height of the dam. If there is a well-defined physical floodplain, the height of the dam may be measured from the top of the low bank of the stream to the top of the dam for the purpose of determining the minimum breach width.

(3) If the side slopes of the breach are a parameter of the model, vertical side slopes shall be used.

(4) If the breach model has breach time as a variable, the maximum breach time shall be one minute per foot of height of the dam.

(c) The breach discharge shall be routed downstream using a hydraulic flow model in accordance with sound engineering principles and commonly accepted engineering practices. An unsteady state hydraulic flow model shall be used if it is necessary to model existing hydraulic structures in the inundation area. In all other instances, a steady state hydraulic flow model may be used.

(d) The inundation area analyzed shall meet both of the following requirements:

(1) Be from the downstream toe of the dam and the control section of any open-channel section of any open-

channel spillway, downstream to the point where the crest of the breach wave intersects the flood level of the peak discharge of the one percent-chance storm, assuming that the dam was not in place; and

(2) be analyzed to the point at which there are no more hazards downstream.

The peak discharge of the one percent-chance storm may be determined by any of the methods provided in K.A.R. 5-42-5 or the appropriate published flood insurance study for the stream receiving the discharge from the breach of the dam.

(e) If there is more than one dam on a stream, it shall be assumed that the most upstream dam is breached first and that the peak flow of that breach arrives at the next downstream dam at the same time the peak water surface elevation from the inflow of the one percent-chance storm from the uncontrolled portion of the lower dam's drainage area occurs. An appropriate model may be used to demonstrate when the peaks will occur for an entire system of dams, in which case the water surface elevation modeled shall be used.

(f) If there are dams on separate tributaries above the dam being analyzed, the modeling assumption specified in subsection (e) shall be applied only to the tributary that has the upstream dam whose breach results in the greatest computed breach discharge at the dam being analyzed.

(g) If digital elevation data is used in the analysis of the breach, the data used shall have a root mean square error of 2.5 meters or less.

(h) Cross sections for modeling purposes shall be taken at appropriate locations, but in no case shall the intervals be less than 2,640 feet measured along the floodplain of the watercourse. Cross sections shall be generally perpendicular to the direction of flow and the contour lines that the cross sections intersect. Cross sections may be broken into several connected segments as needed to meet the requirements of this subsection.

(i) Each bridge and any other hydraulic structure that has a significant hydraulic effect shall be included in the analysis.

(j)(1) The applicant shall submit a contour map of the valley with contour intervals of 10 feet or less and a scale of not less than 1:24,000, which shall show the following:

- (A) The inundation area determined from the breach;
- (B) the location of each existing hazard; and
- (C) each cross section entered in the hydraulic flow model with a label identifying the cross section.

(2) The following items shall be shown on the contour map or on separate documentation:

- (A) The elevation of each existing hazard;
- (B) the water surface elevation at each existing hazard;
- (C) the elevation of the streambed at the point nearest each existing hazard; and
- (D) a tabular report including the following information for each cross section:

- (i) The label identifying each cross section shown on the map;
- (ii) the elevation of the maximum water surface attained during the breach;
- (iii) the peak discharge; and
- (iv) the computed width of the water surface.

(3) If there are more than 10 hazards in any 2,640-foot reach in the flood inundation area, the information required in paragraph (j)(2) may be noted only for the hazard in that reach that is closest to the maximum water surface elevation measured vertically and the hazard in that reach that is farthest from the maximum water surface elevation measured vertically.

(k) The applicant shall submit one copy of each data file used to perform each analysis in electronic form along with identification of the computer programs used to perform the analysis and any model documentation needed for the chief engineer to review the analysis. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-26. Request to issue or reconsider hazard class determination.** (a)(1) If an owner or applicant does not agree with the hazard classification determined for a dam, the owner or applicant may file a request for reconsideration of the hazard class determination.

(2) Each request for reconsideration shall be submitted in writing and shall indicate the following:

- (A) The owner's or applicant's proposed hazard classification;
- (B) the basis of that proposal; and
- (C) an explanation of why the owner or applicant believes that the determination of the hazard classification by the chief engineer is incorrect. The request shall also contain documentation and analysis that support the request.

(3) Each request for reconsideration shall be filed with the chief engineer within 15 days after the owner or applicant is served with written notice of the hazard classification by the office of the chief engineer or within any extension of time authorized by the chief engineer in writing.

(b) Each request for reconsideration shall be reviewed by the chief engineer, and a final written determination of the hazard classification shall be made by the chief engineer.

(c) If the chief engineer has not issued a written notice of the hazard classification, the owner or applicant may request a written notice after the owner or applicant has been informed verbally of the proposed hazard classification by the chief engineer. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-303a and 82a-303b; effective May 18, 2007.)

**5-40-30. Time of concentration.** (a) Except as specified in subsections (b) and (c), the time of concentration ( $T_c$ ) shall be determined by using one of the methods specified in chapter 15, "travel time, time of concentration and lag," in the natural resources conservation service (NRCS) national engineering handbook, part 630, dated August 1972, which is hereby adopted by reference.

(b) For drainage areas of not more than three square miles, the time of concentration ( $T_c$ ) may be determined by use of the Kirpich formula, which is as follows:

$$T_c = \left( \frac{11.9L^3}{H} \right)^{0.385}$$

(continued)

Where  
 $T_c$  = the time of concentration, in hours  
 $L$  = the longest distance that water has to travel in the drainage basin, in miles  
 $H$  = the maximum elevation difference in the drainage basin, in feet.

(c) In addition to the methods specified in subsections (a) and (b), the applicant may determine  $T_c$  based on sound engineering principles and commonly accepted engineering practices if the applicant obtains the prior written consent of the chief engineer. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-31. Design duration rainfall depth.** (a) If the time of concentration is six hours or less, a duration of six hours shall be used for all design storms. The appropriate six-hour storm depth, in inches, shall be selected from the following table.

County	Probability of occurrence in any year					
	50%	20%	4%	2%	1%	PMP
Allen	2.7	3.5	4.8	5.4	6.1	28.0
Anderson	2.7	3.5	4.8	5.3	6.0	27.8
Atchison	2.6	3.4	4.5	5.1	5.7	27.2
Barber	2.4	3.2	4.4	5.0	5.7	27.3
Barton	2.3	3.0	4.1	4.8	5.3	26.6
Bourbon	2.7	3.5	4.8	5.4	6.0	28.1
Brown	2.5	3.2	4.4	5.0	5.6	27.0
Butler	2.6	3.4	4.7	5.3	6.0	27.7
Chase	2.6	3.4	4.6	5.2	5.9	27.5
Chautauqua	2.7	3.5	4.9	5.5	6.2	28.3
Cherokee	2.8	3.6	5.0	5.5	6.2	28.5
Cheyenne	1.8	2.4	3.4	3.8	4.3	24.7
Clark	2.2	3.0	4.1	4.7	5.3	26.7
Clay	2.5	3.2	4.3	5.0	5.5	26.8
Cloud	2.4	3.1	4.2	4.8	5.4	26.6
Coffey	2.7	3.5	4.7	5.3	6.0	27.8
Comanche	2.3	3.1	4.2	4.9	5.5	27.0
Cowley	2.6	3.4	4.8	5.4	6.1	28.0
Crawford	2.8	3.6	4.9	5.4	6.1	28.3
Decatur	1.9	2.6	3.6	4.2	4.6	25.3
Dickinson	2.5	3.2	4.4	5.1	5.6	27.1
Doniphan	2.5	3.2	4.5	5.0	5.6	27.0
Douglas	2.6	3.4	4.6	5.2	5.8	27.5
Edwards	2.2	2.9	4.1	4.7	5.3	26.7
Elk	2.7	3.5	4.8	5.4	6.1	28.1
Ellis	2.1	2.9	3.9	4.6	5.0	26.2
Ellsworth	2.3	3.1	4.2	4.9	5.4	26.7
Finney	2.0	2.6	3.8	4.3	4.8	26.8
Ford	2.1	2.8	4.0	4.6	5.1	26.4
Franklin	2.7	3.5	4.7	5.2	5.9	25.8
Geary	2.5	3.2	4.4	5.1	5.7	27.1
Gove	2.0	2.6	3.7	4.3	4.7	25.7
Graham	2.0	2.7	3.8	4.4	4.8	25.8
Grant	1.9	2.6	3.7	4.2	4.7	25.6
Gray	2.0	2.7	3.9	4.4	4.9	26.1
Greeley	1.8	2.5	3.4	3.9	4.4	25.0
Greenwood	2.7	3.5	4.8	5.3	6.1	27.8
Hamilton	1.8	2.5	3.5	4.0	4.5	25.2
Harper	2.5	3.3	4.5	5.2	5.9	27.5
Harvey	2.5	3.3	4.5	5.1	5.8	27.4

County	Probability of occurrence in any year						
Haskell	2.0	2.7	3.8	4.3	4.8	25.9	
Hodgeman	2.1	2.8	3.9	4.5	5.0	26.3	
Jackson	2.6	3.4	4.5	5.1	5.7	27.2	
Jefferson	2.6	3.4	4.6	5.1	5.8	27.3	
Jewell	2.3	2.9	4.0	4.7	5.1	26.3	
Johnson	2.6	3.4	4.6	5.2	5.8	27.5	
Kearny	1.9	2.6	3.6	4.1	4.6	25.5	
Kingman	2.4	3.2	4.4	5.1	5.7	27.3	
Kiowa	2.2	2.9	4.2	4.8	5.4	26.7	
Labette	2.8	3.6	5.0	5.5	6.2	28.4	
Lane	2.0	2.7	3.7	4.3	4.8	25.8	
Leavenworth	2.6	3.4	4.6	5.1	5.8	27.4	
Lincoln	2.3	3.0	4.2	4.8	5.3	26.6	
Linn	2.7	3.5	4.8	5.3	6.0	27.9	
Logan	1.9	2.5	3.6	4.1	4.6	25.3	
Lyon	2.6	3.4	4.6	5.2	6.0	27.5	
Marion	2.5	3.3	4.5	5.2	5.8	27.3	
Marshall	2.5	3.2	4.3	4.9	5.5	26.8	
McPherson	2.5	3.2	4.4	5.1	5.7	27.1	
Meade	2.1	2.8	4.0	4.6	5.1	26.3	
Miami	2.7	3.5	4.7	5.2	5.9	27.7	
Mitchell	2.3	3.0	4.1	4.7	5.2	26.4	
Montgomery	2.8	3.5	5.0	5.5	6.2	28.3	
Morris	2.6	3.4	4.5	5.1	5.8	27.3	
Morton	1.9	2.5	3.6	4.1	4.6	25.4	
Nemaha	2.5	3.2	4.4	5.0	5.6	26.9	
Neosho	2.7	3.5	4.9	5.5	6.1	28.2	
Ness	2.1	2.8	3.9	4.5	4.9	26.1	
Norton	2.0	2.6	3.7	4.3	4.7	25.6	
Osage	2.6	3.4	4.6	5.2	5.9	27.5	
Osborne	2.2	2.9	4.0	4.6	5.1	26.2	
Ottawa	2.4	3.1	4.3	4.9	5.4	26.8	
Pawnee	2.2	2.9	4.1	4.7	5.2	26.6	
Phillips	2.1	2.8	3.8	4.4	4.9	25.8	
Pottawatomie	2.5	3.2	4.4	5.0	5.6	27.0	
Pratt	2.3	3.1	4.3	4.9	5.5	27.0	
Rawlins	1.9	2.5	3.5	4.0	4.5	25.0	
Reno	2.4	3.2	4.4	5.0	5.7	27.2	
Republic	2.3	3.0	4.1	4.8	5.3	26.4	
Rice	2.4	3.1	4.3	4.9	5.5	26.9	
Riley	2.5	3.2	4.4	5.0	5.6	27.0	
Rooks	2.1	2.8	3.9	4.5	4.9	26.0	
Rush	2.2	2.9	4.0	4.6	5.1	26.4	
Russell	2.2	2.9	4.1	4.7	5.2	26.5	
Saline	2.4	3.1	4.3	5.0	5.5	26.9	
Scott	1.9	2.6	3.6	4.2	4.7	25.5	
Sedgwick	2.5	3.3	4.6	5.2	5.9	27.5	
Seward	2.0	2.7	3.8	4.4	4.9	26.0	
Shawnee	2.6	3.4	4.6	5.1	5.8	27.4	
Sheridan	2.0	2.6	3.7	4.2	4.7	25.5	
Sherman	1.8	2.4	3.4	3.9	4.4	24.8	
Smith	2.2	2.9	3.9	4.6	5.0	26.1	
Stafford	2.3	3.0	4.2	4.9	5.4	26.9	
Stanton	1.9	2.5	3.6	4.1	4.5	25.3	
Stevens	1.9	2.6	3.7	4.3	4.7	25.8	
Sumner	2.6	3.4	4.7	5.3	6.0	27.8	
Thomas	1.9	2.5	3.5	4.1	4.5	25.2	
Trego	2.0	2.7	3.8	4.4	4.9	25.9	
Wabaunsee	2.6	3.4	4.5	5.1	5.8	27.3	
Wallace	1.8	2.4	3.4	3.9	4.4	24.9	

County	Probability of occurrence in any year					
Washington	2.4	3.1	4.2	4.9	5.4	26.6
Wichita	1.9	2.5	3.5	4.1	4.5	25.3
Wilson	2.7	3.5	4.9	5.4	6.1	28.1
Woodson	2.7	3.5	4.8	5.4	6.1	28.0
Wyandotte	2.6	3.4	4.6	5.1	5.8	27.4

(b) If the time of concentration of the watershed, or any subwatershed being used to develop the inflow hydrograph, is more than six hours, the ratio for the time equal to or greater than the computed time of concentration shall be selected from the following table. Linear interpolation shall be acceptable. That ratio shall be multiplied by the depth of the six-hour rainfall in the table in subsection (a). The resulting depth is the design duration rainfall depth.

**Relative increase in rainfall amount for storm durations over six hours**

Time (hours)	100-year ratio	PMP ratio
6	1.000	1.000
6.5	1.019	1.013
7	1.035	1.025
7.5	1.051	1.037
8	1.066	1.048
8.5	1.081	1.058
9	1.094	1.068
9.5	1.108	1.078
10	1.120	1.087
10.5	1.132	1.096
11	1.144	1.104
11.5	1.155	1.112
12	1.166	1.120
13	1.187	1.134
14	1.207	1.148
15	1.225	1.161
16	1.243	1.173
17	1.259	1.185
18	1.275	1.196
20	1.305	1.217
22	1.333	1.236
24	1.359	1.254

(c) If the drainage area exceeds 10 square miles, the rainfall depth obtained from the table in subsection (a) may be reduced by the ratio shown in the table in this subsection. The ratio for the zone in which the dam is located and a drainage area less than or equal to the actual drainage area above the dam shall be selected. The use of linear interpolation shall be acceptable. That ratio shall be multiplied by the depth of rainfall from the table in subsection (a). The result is the design duration rainfall depth. The ratios in subsection (b) and this subsection may be used together, if subsections (b) and (c) both apply.

Drainage area (sq. mi.)	Reduction ratio		
	Zone 1	Zone 2	Zone 3
10	1.00	1.00	1.00
12	0.99	0.99	0.98
15	0.97	0.95	0.93
17	0.96	0.94	0.91

Drainage area (sq. mi.)	Reduction ratio		
	Zone 1	Zone 2	Zone 3
20	0.94	0.91	0.88
22	0.93	0.90	0.86
25	0.92	0.88	0.83
27	0.92	0.87	0.82
30	0.91	0.86	0.80
35	0.90	0.84	0.77
40	0.88	0.82	0.75
45	0.87	0.80	0.72
50	0.86	0.78	0.70
60	0.84	0.75	0.65
70	0.82	0.72	0.62
80	0.80	0.70	0.59
90	0.79	0.68	0.57
100	0.78	0.67	0.55

Zone 1, zone 2, and zone 3 shall have the meanings specified in K.A.R. 5-40-1 under the definition of a "stream." (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-32. Determination of rainfall excess.** (a) Rainfall excess shall be determined by using the natural resource conservation service (NRCS) runoff curve number method.

(b) The antecedent moisture condition (AMC) to be used when determining the curve number for the design storm shall be one of the following:

(1) For zone one, the curve number determined using AMC III;

(2) for zone two, the curve number determined by averaging the AMC II and AMC III curve numbers; or

(3) for zone three, the curve number determined using AMC II.

Zone one, zone two, and zone three shall have the meanings specified in K.A.R. 5-40-1 under the definition of a "stream."

(c) If the drainage basin is in two zones, the curve number may be weighted based on the drainage area within each zone.

(d) AMC II shall be used in determining the rainfall-runoff relationship used to compute the required detention storage. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-33. Hydrographs.** The rainfall excess determined in K.A.R. 5-40-32 shall be used to determine the time-discharge relationship of inflow to the reservoir for the detention storm and design storm using the techniques described in chapter 16, "hydrographs," in the natural resource conservation service (NRCS) national engineering handbook, part 630, dated March 2007, which is hereby adopted by reference. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-40. Geotechnical investigation of all dams.**

(a) Each applicant shall ensure that a sufficient geotechnical investigation is performed on the proposed site for each dam to design the dam in accordance with the regulations of the chief engineer and with sound engineering

*(continued)*

principles and commonly accepted engineering practices. The materials under the proposed dam, open-channel spillway, and borrow area shall be investigated before design and submission of the application for a permit to construct a dam. If unusual or unexpected foundation conditions are encountered in the investigations required in this regulation, additional geotechnical investigation and soil mechanics testing shall be performed as necessary to design and construct the dam in accordance with the regulations of the chief engineer and with sound engineering principles and commonly accepted engineering practices.

(b) The geotechnical investigation specified in these regulations shall be designed by a licensed professional competent in geotechnical investigation and analysis for dams.

(c) The geotechnical information specified in these regulations shall be included in the engineering design report and submitted with the proposed construction plans. The report shall contain a general description of the geotechnical investigation, including the method used for sampling.

(d) The soils sampled in all of the geotechnical investigations shall be classified by using field classification methods and the uniform soil classification system.

(e) The dam design shall make appropriate accommodations for the geology discovered in the investigation.

(f)(1) The foundation of the dam shall be investigated to a depth of not less than one-half the height of the dam at the location of the test hole plus five feet.

(2) If unweathered bedrock is encountered before reaching the sampling depth required in paragraph (f)(1), the sampling shall be done to the unweathered bedrock.

(g) The static water level in each test hole shall be recorded.

(h) A sufficient number of test holes shall be made in each open-channel spillway to determine the stability of the spillway crest and the outlet channel down to the streambed elevation.

(i) A sufficient number of test holes in the borrow area shall be made to determine the amount of suitable material available and to classify the soil to be used in the embankment. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-41. Geotechnical investigation of a low-impact dam.** (a) In addition to meeting the requirements of K.A.R. 5-40-40, each low-impact dam shall have a sufficient number of properly placed test holes to be representative of the geology under the proposed dam embankment, with an average of at least one test hole each 200 feet along the centerline of the dam and at least three test holes.

(b) Except as specified in subsection (d) and K.A.R. 5-40-74, each existing unpermitted, illegal dam shall have the same level of geotechnical investigation as that required for a proposed new dam, except that testing the borrow area shall not be required, before a permit will be issued. In addition, the condition of the following shall be determined:

- (1) All conduits passing through the embankment;
- (2) the embankment in the vicinity of the conduits; and

(3) the rest of the embankment, including any slides, seeps, saturated areas, sloughs, and other visible anomalies in the embankment.

(c) If there are any signs of instability in the embankment, the stability of the slope of the existing embankment shall be analyzed according to the requirements of K.A.R. 5-40-46(c).

(d) An existing unpermitted, illegal low-hazard dam that is class size 1, 2, or 3, for which a qualified professional has conducted an inspection and submitted to the chief engineer a report of that investigation demonstrating that a geotechnical investigation is not necessary to protect the public safety and property, shall not be required to have the geotechnical investigation required by subsection (b). (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-42. Geotechnical investigation of a high-impact dam.** (a) In addition to meeting the requirements of K.A.R. 5-40-40, each proposed high-impact dam shall have at least the following number of geotechnical test holes:

(1) A sufficient number of properly placed test holes to be representative of the geology under the proposed dam embankment, with an average of at least one test hole every 100 feet along and as close to the centerline of the dam as practical and a minimum of three test holes; and

(2) a test hole as close as practical to the anticipated location of the following:

- (A) The base of the drop inlet; and
- (B) the support of the outlet pipe.

(b) At least one representative sample of undisturbed soil shall be tested to determine shear strength parameters, permeability, and compressibility.

(c) The geotechnical investigation shall determine the following for at least one representative sample:

- (1) Atterberg limits;
- (2) the settlement characteristics of the proposed embankment materials and the foundation of the dam;
- (3) the Proctor compaction curves of soils;
- (4) gradation tests of foundation materials, especially where drain systems could be located; and

(5) any other properties necessary to design a dam to meet the requirements of the regulations of the chief engineer, sound engineering principles, and commonly accepted engineering practices.

(d) Each existing unpermitted, illegal dam shall have the same level of geotechnical investigation as that required for a proposed dam, except that testing the borrow area shall not be required, before a permit may be issued. In addition, the following properties shall be determined:

(1) The condition of all conduits passing through the embankment and the condition of the embankment in the vicinity of the conduits;

(2) the in situ density of the existing embankment and its foundation;

(3) the condition of the embankment, including any slides, seeps, saturated areas, sloughs, and other visible anomalies in the embankment; and

(4) a slope stability analysis of the existing embankment, which shall be performed according to the requirements of K.A.R. 5-40-46. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)



**5-40-43. Cutoff trench.** (a) Each dam shall have a cutoff trench. The cutoff trench shall meet all of the following requirements:

- (1) Have side slopes no steeper than one horizontal unit to one vertical unit;
- (2) have a bottom width of 10 or more feet as necessary to meet the compaction requirements of K.A.R. 5-40-44;
- (3) be constructed to the depth justified in the design report based on the findings in the geotechnical report, unless observations by the inspecting engineer during construction justify a different depth;
- (4) be backfilled with the most impervious material available at the site. If no impervious material is available at the site, then this material shall be procured off-site;
- (5) be backfilled with material that is contiguous to and homogeneous with the most impervious zone within the dam, if the dam is designed as a zoned fill;
- (6) be constructed in lifts that shall not exceed nine inches for each lift; and
- (7) be constructed of a material that has been brought to acceptable moisture content.

(b) The material placed in the cutoff trench shall be placed according to the same specifications as those required for the embankment in K.A.R. 5-40-44. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-44. Embankment.** (a) The minimum top width of an embankment shall be determined from the following table:

Height of dam (in feet)	Minimum top width (in feet)
less than 20	10
20 through 24.9	12
25 through 39.9	14
40 or greater	15

(b) The top of the dam shall be sloped toward the reservoir, unless special measures are taken to adequately control erosion on the downstream side of the dam.

(c) The height of each lift in the embankment and cutoff trench shall be no more than nine inches, unless the dam is designed as a zoned fill. If the dam is designed as a zoned fill, the lifts outside the cutoff trench and most impermeable zone may be larger if geotechnical data is provided that shows that adequate compaction can be achieved using lifts in excess of nine inches.

(d) The material in each low-impact embankment and cutoff trench shall be brought to a moisture content that can be compacted in accordance with this subsection. Each application for a low-impact dam shall contain specifications requiring adequate compaction. The minimum compaction required shall be achieved by one of the following:

- (1) Using a sheepsfoot roller until the feet cease to push into the fill material and start to walk across the compacted surface;
- (2) using the controlled movement of rubber-tired earth-moving equipment so that every point on the surface of each lift is traversed by not less than one tread track of the equipment; or
- (3) using another method that achieves the compaction required by this subsection.

(e) Each high-impact dam shall include the following in its specifications for earth placement in the embankment and cutoff trench:

- (1) The minimum and maximum allowable levels of soil moisture;
- (2) the compaction standards;
- (3) a provision for testing the soils placed during construction; and
- (4) a means to ensure that the compaction standards approved by the chief engineer are met during construction.

(f) In addition to the requirements of subsections (d) and (e), the specifications for hand-compacted fill around each conduit in the embankment shall meet the following requirements:

- (1) Set a maximum lift of one-third the diameter of the outside of the conduit. However, no lift shall exceed four inches; and
- (2) specify a minimum distance around the conduit for hand compaction. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-45. Allowance for settlement of an earthen dam.** (a) A detailed soil mechanics investigation report shall be submitted as part of the design report for each high-impact dam. An appropriate allowance for settlement shall be made based on the results in the soil mechanics report.

(b) If a detailed soil mechanics investigation report is not submitted for a low-impact dam, at least five percent of the height of the dam shall be allowed for settlement of the embankment.

(c) An allowance for settlement on each dam may be made by steepening the side slopes during construction and adding to the height of the embankment as needed to increase the height of the dam. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-46. Side slopes of an earthen dam.** (a) The side slopes of each earthen dam shall be designed and constructed to be stable and easily maintained.

(b) A slope stability analysis shall be required on each high-impact dam.

(c) If a slope stability analysis is required, the minimum factor of safety shall be based on the steady-state seepage load condition with the water level at the elevation of the lowest open-channel spillway or other uncontrolled spillway with a trash rack that meets the requirements of K.A.R. 5-40-51, as shown in the following table:

Class size	Hazard class	Factor of safety
4	A	1.4
3, 4	B	1.5
1, 2, 3, 4	C	1.5

(d) Each dam whose face is subject to prevailing winds shall be given additional protection from erosion caused by wave action, which may include a flatter side slope, the use of riprap, or the use of grass or vegetation adapted to fluctuating water levels. The design of any slope protection for the embankment and the auxiliary spillway or service spillway shall be shown on the plans. If no slope

(continued)

protection is provided, regardless of the orientation of the dam, the design report shall provide justification for not having slope protection.

(e) The steepest allowable design side slope shall be three horizontal units to one vertical unit on the upstream side of the dam, and two and one-half horizontal units to one vertical unit on the downstream slope of the dam. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-50. Pipes.** (a) Each pipe under or through an embankment shall meet the following requirements:

(1) Be capable of withstanding the external load without buckling, cracking, being damaged, or being deformed. The minimum internal diameter of the pipe shall not be reduced by more than the pipe manufacturer's stated allowable, long-term pipe deflection limit and in no case by more than five percent;

(2) be designed to adequately resist flotation;

(3) be impervious to water, with watertight joints and seams;

(4) except for drawdown pipes, be installed with sufficient slope to provide adequate drainage, with a minimum average slope of one percent after settlement. No pipe shall have an adverse grade through any section of pipe;

(5) if the pipe is installed in conjunction with a riser on a high-impact dam, be placed to insure that the requirements of paragraph (a)(4) are met and that all pipe sections are properly aligned after settlement of the foundation and consolidation of the embankment;

(6) have the discharge end extended a sufficient distance beyond the downstream toe of the dam to avoid erosion to the dam;

(7) be adequately supported at the discharge end to prevent deflection when the pipe is flowing full; and

(8) if the pipe is a primary spillway, be sized to evacuate 95 percent of the detention storage in 14 or fewer days.

(b) Steel cylinder-reinforced concrete pipe shall be acceptable for use in any dam if the design computations, plans, and specifications related to the placement of the pipe meet the minimum requirements of the manufacturer.

(c) In applying the provisions of subsections (c), (e), and (f), the depth of fill over the top of each pipe shall be measured from the top of the embankment after settlement has occurred. Reinforced concrete pipe shall be acceptable for use in a low-impact dam if less than 30 feet of fill will be placed over the pipe and if the design computations, plans, and specifications related to the placement of the pipe meet the minimum requirements of the manufacturer.

(d) Each metal pipe shall be coated with a protective coating adequate to prevent corrosion for the planned life of the dam, or the design report shall include an estimate of the expected life of the pipe, the expected life of the dam, and a plan for replacement of the pipe when it no longer functions as designed.

(e) Corrugated metal pipe shall be acceptable for use in any hazard class A or B dam if no more than 25 feet of fill is placed over the pipe.

(f)(1) Polyvinyl chloride pipe shall be acceptable for use in any dam if the maximum fill over the pipe does not exceed the depth specified in the following table:

Standard dimension ratio (SDR)	Maximum fill over top of pipe (feet)
SDR 17 and thicker	35
SDR 18	31
SDR 21	23
SDR 25	18
SDR 26	16
SDR 28	14

A pipe with walls thinner than SDR 28 shall not be used.

(2) Polyvinyl chloride pipe shall not be placed in high-plasticity soils.

(3) Each portion of polyvinyl chloride pipe that will be exposed to sunlight shall be protected as recommended by the manufacturer of the pipe or shall be encased in a protective material.

(g) Pipe materials other than those described in subsections (b) through (f) may be used if the applicant demonstrates that all of the following criteria are met:

(1) The pipe material, accounting for any protective measures that will be taken, has a minimum expected life of 25 years if exposed to sunlight or buried in soil with the same characteristics of the soil to be used to construct the dam.

(2) All of the pipe manufacturer's design recommendations are met by the plans and specifications for the dam and are documented in the design report.

(3) All of the pipe manufacturer's recommendations for bedding, supporting, and installing the pipe are included in the specifications for construction of the dam, except those specifications that are demonstrated in the design report to be inapplicable in the construction of the proposed dam.

(4) The design report includes an estimate of the life of the pipe, the life of the dam, and a plan to replace the pipe when it no longer functions as designed if the design life of the pipe is less than that of the dam.

(5) The design report demonstrates that the proposed placement and use of the pipe will meet the requirements of sound engineering principles and commonly accepted engineering practices.

(h) If the estimated life of a pipe is less than the estimated life of the dam, the permit shall contain the condition that the pipe shall be replaced when the pipe no longer functions properly. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-51. Acceptable trash racks for primary spillways.** (a) Except as specified in subsection (c), each new or modified primary spillway permitted on or after the effective date of this regulation shall be equipped with an acceptable trash rack, as specified in subsection (b).

(b) "Acceptable trash rack" shall mean a trash rack designed and constructed to prevent debris from clogging the inlet of the primary spillway or the primary spillway conduit. Each acceptable trash rack shall be constructed of material of sufficient strength to withstand the impact of the material that could strike the inlet.

(c)(1) Each primary spillway in a dam permitted before the effective date of this regulation shall be equipped with the acceptable trash rack required by the permit and approval of design. If no trash rack was required by the permit and approval of design, no trash rack shall be required unless the primary spillway fails to function properly.

(2) If the applicant demonstrates that there is not sufficient woody vegetation or other debris in the drainage area to justify the installation of an acceptable trash rack, the requirement to have an acceptable trash rack may be waived.

(d) If a fish screen is installed, the screen shall not impair the functioning of the primary spillway. If a fish screen is proposed, the design report shall demonstrate that the screen is designed in accordance with the standards of subsection (b) and will not impair the functioning of the primary spillway. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-52. Stilling basins.** (a) For each new dam, for each primary spillway conduit replacement, and for each existing dam for which the chief engineer determines that it is necessary to protect the integrity of the embankment, each primary spillway conduit with a cross-sectional area in excess of 1.75 square feet shall discharge into one of the following:

(1) A constructed stilling basin below the downstream toe of the dam; or

(2) any other constructed works designed to dissipate energy and prevent erosion.

(b) If a stilling basin is required or constructed, the stilling basin shall be designed to dissipate the energy of the water exiting the conduit so that the stilling basin discharges water to the receiving channel without causing excessive erosion and the stilling basin itself is not damaged by full conduit flow.

(c) The invert of the outlet conduit that discharges into a stilling basin shall be located at least one foot above the tailwater elevation in the stilling basin when water is flowing through the primary spillway at the maximum rate of discharge during the design storm. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-53. Drawdown pipes.** (a) Except as specified in subsection (b), each dam shall be equipped with a drawdown pipe that meets the requirements for a pipe as specified in K.A.R. 5-40-50. A valve or gate shall be installed in the pipe so that the controls are accessible and damage from freezing is prevented. Drawdown pipes may be incorporated into the primary spillway.

(b) The installation of a drawdown pipe shall not be required for a low-impact dam if the chief engineer determines that both of the following criteria are met:

(1) The failure to install a drawdown pipe will not prejudicially and unreasonably affect the public interest and the public safety.

(2) The drawdown pipe is not necessary to administer water rights.

(c) Each drawdown pipe shall have the capacity to evacuate 90 percent of the volume of the permanent pool

in 14 or fewer days assuming no inflow into the reservoir, but in no case shall the drawdown pipe have an internal diameter of less than four inches. The inlet of the drawdown pipe shall be constructed to reduce the likelihood of plugging. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-54. Control of seepage along a conduit.** (a) Each conduit through any portion of a dam below the elevation of the permanent pool shall be constructed to protect the dam from seepage along the conduit by means of cutoff collars or a drainage diaphragm. Cutoff collars may be used only on hazard class A dams that are class sizes one and two.

(b) Each drainage diaphragm shall meet all of the following design criteria:

(1) Be installed so that the largest face is perpendicular to the conduit;

(2) be sized as follows:

(A) If the conduit is circular, the diaphragm shall extend a minimum of two feet or three times the outside diameter of the conduit, whichever is greater, from the outside surface of the conduit horizontally and vertically upward. The diaphragm shall extend vertically downward a minimum of two feet from the outside surface of the conduit;

(B) if the conduit is rectangular, the diaphragm shall extend minimum of two feet or three times the vertical dimension of the conduit, whichever is greater, from the outside surface of the conduit horizontally and vertically upward. The diaphragm shall extend vertically downward a minimum of two feet from the outside surface of the conduit;

(C) a drainage diaphragm shall not be required to penetrate unweathered bedrock; and

(D) the diaphragm shall not be required to extend vertically upward to an elevation higher than the crest of the auxiliary spillway;

(3) have a dimension parallel to the conduit that is at least three feet thick;

(4) except as specified in subsection (d), be located downstream of the centerline of the dam, downstream of the cutoff trench, and far enough upstream of the toe so that there is a minimum of two feet of fill, measured perpendicular to the surface of the embankment, over the top of the diaphragm after settlement of the embankment; and

(5) have an outlet that provides positive drainage of the diaphragm to the stilling basin or other point below the downstream toe of the dam. The flow line of the outlet shall be no lower than one-half foot above the elevation of the outlet of the stilling basin.

(c) Except as specified in subsection (d), each cutoff collar shall meet all of the following design criteria:

(1) Be constructed of the same or similar material as that of the conduit;

(2) be attached to the conduit with a watertight seal;

(3) be of sufficient size and number to increase the length of the seepage path by at least 15 percent;

(4) be spaced at intervals of at least twice the vertical dimension of the largest collar being used;

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(5) be located along the conduit in that portion of the dam that will be saturated;

(6) project a minimum of two feet beyond the outside wall of the conduit; and

(7) be located no closer than two feet from any conduit joint.

(d) If cutoff collars or a drainage diaphragm is located in a zoned fill, the location shall be justified in the design report and established in accordance with sound engineering principles and commonly accepted engineering practices.

(e) If another drain included in the design meets the requirements for a diaphragm in subsection (b), that other drain may be considered to be the diaphragm required by subsection (a).

(f) If the applicant desires to use any other type of seepage control, the applicant shall demonstrate to the chief engineer that the proposed type of seepage control protects the dam from seepage along the conduit and meets the requirements of sound engineering principles and commonly accepted engineering practices. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-55. Earthen auxiliary spillways.** Each earthen auxiliary spillway shall meet all of the following requirements: (a) If the design discharge from the auxiliary spillway is directed so that the discharge impinges on the downstream toe of the dam, a wing dike shall be designed and constructed to direct spillway flows away from the downstream toe of the dam.

(b) If the auxiliary spillway is located on the embankment of the dam, adequate armor protection, including articulated blocks, concrete paving, gabion baskets underlain with properly designed bedding, or engineered riprap, shall be placed on the portion of the dam where the auxiliary spillway is located.

(c) The side slopes shall be no steeper than three horizontal units to one vertical unit, unless the spillway is constructed through competent sandstone or limestone.

(d) There shall be at least a 30-foot level section immediately upstream of the control section. Immediately downstream of the control section, the slope of the spillway outlet shall be sufficient to ensure that flows at and above 50 percent of the design storm discharge will flow at a supercritical velocity.

(e) The auxiliary spillway shall be a minimum of three feet deep, as measured from the elevation of the control section to the design top of the dam.

(f) The entrance channel from the reservoir to the level section shall provide a smooth transition that prevents turbulent flow.

(g) The outlet channel shall convey flow to the receiving stream channel with a minimum of erosion.

(h) If a fish screen is installed, the screen shall not impair the functioning of the auxiliary spillway. If a fish screen is proposed, the design report shall demonstrate that the screen will not impair the functioning of the auxiliary spillway. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-56. Maximum design velocity for an auxiliary spillway.** (a) The maximum velocity in feet per second

during the design storm for water flowing in a vegetated earthen auxiliary spillway shall be determined from the following table:

Vegetation	Slope of the exit channel			
	Erosion-resistant soils		Easily erodible soils	
	0% to 5%	5% to 10%	0% to 5%	5% to 10%
Bermuda grass and Bahia grass	8	7	6	5
buffalo grass, Kentucky blue grass, smooth brome grass, tall fescue, and reed canary grass	7	6	5	4
sod-forming grass-legume mixtures	5	4	4	3
weeping love grass, yellow bluestem, and native grass mixtures	3.5	3.5	2.5	2.5

(b) The maximum design velocities specified in subsection (a) may be increased by not more than 10 percent if the design frequency of use of the auxiliary spillway is not more than two percent. The maximum design velocities may be increased by not more than 25 percent if the design frequency of use of the auxiliary spillway is not more than one percent.

(c) For exit channel slopes greater than 10 percent, the applicant shall provide analyses showing both of the following:

(1) There is no more than 0.5 foot of erosion depth within 20 feet of the control section for the one-percent chance storm.

(2) The auxiliary spillway does not fail by breaching during the spillway stability design event indicated in the following table:

Hazard class	Size class	Spillway stability design event
A	1, 2, or 3	0.3 PMP
A	4	0.4 PMP
B	1, 2, 3, or 4	0.5 PMP
C	1, 2, 3, or 4	PMP

(d) The provisions of paragraphs (c)(1) and (2) may be used for slopes of 10 percent or less in lieu of the maximum values specified in the table in subsection (a).

(e) The maximum allowable design velocity for water flowing over the following types of materials shall be determined from the following table:

Material	Maximum velocity allowed in feet per second
stratified rock	8.0
sound rock	13.0

(f) Channel lining materials not reliant on vegetation, including concrete, riprap, and grouted riprap, may be used if the applicant demonstrates that the lining will not fail during the spillway stability design event specified in paragraph (c)(2). (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-57. Service spillway design.** (a) If a dam will have a service spillway, the spillway shall be designed

and constructed with a lining material that meets the following requirements:

(1) Covers the channel floor and walls up to the depth of flow required to bypass the flows of the storm specified as the detention requirement in K.A.R. 5-40-23(a), at a minimum; and

(2) will not fail during the spillway stability design event specified in K.A.R. 5-40-56(c)(2).

(b) Each design report required by K.A.R. 5-40-2b shall include all hydraulic, structural, and geotechnical design information necessary to show that the criteria in subsection (a) are met.

(c) If a fish screen is installed, the screen shall not impair the functioning of the service spillway. If a fish screen is proposed, the design report shall demonstrate that the screen will not impair the functioning of the service spillway. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-70. Construction notification to the chief engineer.** Each holder of a permit to construct, or an approval to repair or modify a dam, shall notify the chief engineer at least 48 hours before any of the following stages of construction and shall obtain the approval of the chief engineer before proceeding with each of these stages of construction: (a) Starting construction;

(b) placing backfill in the cutoff trench;

(c) placing backfill around the primary spillway conduit or any other conduit that extends through the dam embankment and exits the downstream slope; and

(d) starting any stage of construction not specified in this regulation for which the permit requires that the chief engineer shall be notified. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301a and 82a-303a; effective May 18, 2007.)

**5-40-71. Inspection during dam construction, repair, and modification.** (a) Except as specified in subsection (d), each high-impact dam shall be inspected by an engineer competent in the design of dams, or that engineer's authorized representative, at all times during any construction activity.

(b) Each low-impact dam shall be inspected by an engineer qualified in the design of dams, or that engineer's authorized representative, whenever any of the following conditions is met:

(1) Backfill is being placed in the cutoff trench of a dam.

(2) Conduits and their appurtenances are being placed.

(3) Backfill is being placed around a conduit.

(4) Drain material and outlets are being installed.

(5) Concrete forms and reinforcing steel are being placed.

(6) Concrete is being placed.

(7) Any other stage of construction required by the permit, approved plans, or approved specifications to be inspected occurs.

(c) Before the start of construction, the permit holder shall provide the chief engineer in writing with the name, address, and telephone number of the engineer responsible for the inspection.

(d) The inspecting engineer, or the engineer's authorized representative, shall not be required to be present

during any of the following construction activities for a high-impact dam:

(1) The clearing and grubbing of the construction site;

(2) the removal of structures from the reservoir area other than the removal of a dam;

(3) the installation of pollution-control measures, unless required by other authorities;

(4) seeding;

(5) mulching; and

(6) the construction of a fence.

(e) If the inspecting engineer, or the engineer's authorized representative, observes construction activity that is not in compliance with the approved permit, plans, or specifications and the contractor fails to correct the item or items that are not in compliance with the approved permit, plans, or specifications after being notified by the inspector, the inspector shall notify the chief engineer of the noncompliant activity. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301a and 82a-303a; effective May 18, 2007.)

**5-40-72. Construction inspection reports.** The engineer responsible for the inspection required by K.A.R. 5-40-71 shall, within 30 days of the completion of the construction, repair, or modification of the dam and its appurtenances, submit to the chief engineer an inspection report containing the following items: (a) A notice of completion showing the date on which construction, repair, or modification of the dam and its appurtenances was completed;

(b) a statement indicating one of the following:

(1) The dam and its appurtenances were constructed, repaired, or modified substantially in accordance with the permit and the approved plans and specifications; or

(2) the completed work varied from the permit and the approved plans and specifications. A description of each variation shall be provided;

(c) a final survey of the completed dam and its appurtenances, including the following:

(1) A profile of the top of the dam;

(2) a profile of the centerline of the auxiliary spillway or service spillway;

(3) a cross section at the control section of the auxiliary spillway or service spillway;

(4) a cross section of the dam at its deepest point;

(5) a cross section of the dam at the primary spillway if that section is not near the deepest section of the dam;

(6) the locations and elevations of the inlet and the outlet of the primary spillway;

(7) the location and elevation of each drain outlet; and

(8) the final elevation and coordinates of each permanent benchmark; and

(d) a summary or a copy of the daily inspection logs if required by the permit. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301a and 82a-303a; effective May 18, 2007.)

**5-40-73. Emergency action plan.** (a) The owner of each hazard class B dam shall create an emergency action plan (EAP) on a form prescribed by the chief engineer. The owner shall keep the original EAP and submit a copy

(continued)

of the EAP to the chief engineer. The EAP shall address each of the following:

(1) A description of the dam, including the location of the dam and the access roads;

(2) the name, address, and telephone number of the person responsible for notifying local authorities of an emergency;

(3) a map or written description of the area that could be inundated by the type of breach described in K.A.R. 5-40-24;

(4) a list of persons who should be notified in case of an emergency, including the telephone numbers of those persons and their responsibilities; and

(5) the names, addresses, and telephone numbers of each owner of the dam and its appurtenances and those persons responsible for the operation and maintenance of the dam.

(b) Except as specified in subsection (d), the owner of a hazard class C dam shall create and maintain an emergency action plan that meets the recommendations of the "federal guidelines for dam safety: emergency action planning for dam owners," prepared by the interagency committee on dam safety and published by the federal emergency management agency, dated October 1998 and reprinted January 2004, which is hereby adopted by reference. The owner shall submit a copy of the EAP to the chief engineer.

(c) The owner of any dam for which an EAP is required under these regulations shall annually review the EAP to determine if it is still accurate and applicable to the current condition of the dam and current downstream conditions, including the following:

(1) The contact names and related information;

(2) the breach inundation map or a description of the inundation area; and

(3) emergency procedures.

If any material changes are made when updating the EAP, a copy of the revised EAP shall be submitted to the chief engineer.

(d) Any owner of a hazard class C dam may request that the chief engineer allow the owner to submit an EAP that meets only the requirements of subsection (a) in lieu of meeting the requirements of subsection (b). To make this request, the owner shall submit written justification of why an EAP meeting the requirements of subsection (a) is sufficient to protect the public safety. If the chief engineer approves the request, the chief engineer shall reserve the right to later impose the requirements of subsection (b) if downstream conditions change, the condition of the dam deteriorates, or the EAP does not adequately protect the public safety.

(e) The owner of a hazard class B dam shall submit the required EAP within 180 days of written notification by the chief engineer of the requirement.

(f) The owner of a hazard class C dam shall submit the required EAP within 180 days of written notification by the chief engineer that an EAP is required and that an adequate EAP is not on file in the chief engineer's office. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-73a. Discovery of an existing illegal, unpermitted dam.** (a) Except when it is necessary to take ad-

ditional actions to protect the public safety, when the chief engineer becomes aware of an existing illegal, unpermitted dam, the following actions shall be taken by the chief engineer:

(1) Determine the hazard classification and condition of the dam;

(2) notify the owner of the dam of the following, in writing:

(A) The fact that the dam is illegal and unpermitted;

(B) the hazard classification of the dam;

(C) the fact that if the owner desires to keep the dam in existence, the owner shall submit a complete application for a permit for the dam pursuant to K.S.A. 82a-301 and K.S.A. 82a-302, and amendments thereto, within 120 days of the date of the chief engineer's notification;

(D) the condition that the application to obtain a permit for the dam shall meet the requirements of K.A.R. 5-40-8 and K.A.R. 5-40-74;

(E) the fact that failure to apply for a permit within 120 days shall result in the issuance of an order by the chief engineer requiring the owner to submit plans to breach or completely remove the dam; and

(F) the fact that the dam is subject to the provisions of this regulation.

(b)(1) If the owner submits an application for a permit within the time specified in paragraph (a)(2)(C), or within any extension of time authorized by the chief engineer in writing, the application shall meet the requirements of K.A.R. 5-40-8 and K.A.R. 5-40-74.

(2) If the owner fails to submit an application for a permit within the time specified in paragraph (a)(2)(C), or within any extension of time authorized by the chief engineer, an order requiring the owner to perform the following shall be issued by the chief engineer:

(A) Submit plans to breach or completely remove the dam; and

(B) bypass inflows and release water from storage so that no more than 15 acre-feet of water is kept in storage in the reservoir while the application for a permit to breach or completely remove the dam is being processed. The application for a permit shall contain all of the information required by K.A.R. 5-40-8 and any other information necessary to properly and safely design and complete the breach or removal. The application shall be submitted within 120 days of the date of the order, or within any extension of time authorized by the chief engineer. The owner shall be required to complete the breach or removal as permitted by the chief engineer within one year of the approval of a permit by the chief engineer, or any extension of time authorized by the chief engineer in writing.

(c) If the chief engineer dismisses an application for an existing illegal, unpermitted dam for any reason, the dismissal of the application shall be accompanied with an order requiring the dam to be breached or removed as provided in paragraph (b)(2).

(d) The order described in paragraph (b)(2) shall be filed by the chief engineer with the register of deeds for the county in which the dam is located.

(e) Each existing illegal, unpermitted dam of which the chief engineer becomes aware, either before or after the adoption of this regulation, shall be subject to this regu-

lation. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301, 82a-302, and 82a-303a; effective May 18, 2007.)

**5-40-74. Design criteria for an existing illegal, unpermitted dam.** (a) Except as specified in subsection (b), the design criteria specified in this subsection (a) shall be met to obtain a permit from the chief engineer pursuant to K.S.A. 82a-301 et seq., and amendments thereto, for an existing illegal, unpermitted hazard class A dam constructed before May 1, 1984 that has not been modified on or after May 1, 1984. The applicant shall have an engineer who is qualified in dam design and construction conduct an inspection of the dam and prepare a report that includes all of the following:

(1) The date of the inspection and a list of the members of the inspection team;

(2) color photographs documenting the condition of the dam's appurtenances and embankment and any observed deficiencies in the appurtenances and embankment;

(3) a plan view sketch of the dam and its immediate vicinity showing the location from which each photograph was taken and the direction in which it was taken;

(4) a description of the physical condition of the dam and its appurtenances, a list of the deficiencies that were observed, and a description of the severity of each observed deficiency. All deficiencies that may threaten the structural integrity of the dam shall be shown; and

(5) a survey of the dam, documented by a plan view of the dam and cross section drawings, including the following:

(A) Cross sections of the embankment every 200 feet, with each cross section starting from the upstream toe of the dam or the water surface on the upstream side to the toe of the dam on the downstream side of the dam;

(B) a profile of each open-channel spillway from the water surface on the upstream side of the dam to the point where spillway flows enter the receiving stream;

(C) a cross section of each open-channel spillway every 200 feet and at each control section, with a minimum of two cross sections;

(D) the elevation of each primary spillway inlet and outlet;

(E) the elevation of the flow line of the outlet channel; and

(F) the dimensions, locations, and descriptions of materials, workmanship, condition, apparent purpose for, and any other relevant information about all visible appurtenances in sufficient detail to represent the appurtenances in three dimensions;

(6) the dimensions and location of each deficiency noted as required in paragraph (a)(4);

(7) the estimated rate and color of discharge from drain outlets and any seeps;

(8) a determination of the hazard classification of the dam as specified in K.A.R. 5-40-24;

(9)(A) A description of the drawdown valve, if any;

(B) specification of whether the valve was operated during the inspection; and

(C) if the valve could not be operated, an explanation of why it could not be operated;

(10) the name, mailing address, and telephone number of the engineer who conducted the inspection;

(11) the name, mailing address, and telephone number of each current owner of the dam; and

(12) any other information relevant to the safety and integrity of the dam, including any items requested by the chief engineer before the inspection.

(b) If the applicant provides construction plans prepared before construction that show how the dam was to be constructed or modified and that reflect the actual dimensions of the dam as it exists, those plans may be substituted for the survey required in paragraph (a)(5).

(c) If the chief engineer determines from the inspection report that the dam does not pose a threat to public safety or public or private property and that the condition of the dam is sound, an after-the-fact permit may be issued by the chief engineer pursuant to K.S.A. 82a-301 et seq., and amendments thereto.

(d)(1) In order for an existing illegal, unpermitted hazard class A dam constructed or modified on or after May 1, 1984 or an existing illegal, unpermitted hazard class B or C dam to receive a permit from the chief engineer pursuant to K.S.A. 82a-301 et seq. and amendments thereto, the applicant shall demonstrate that the dam meets all of the applicable statutory and regulatory requirements in effect when the application for the permit is filed. The applicant shall provide a survey meeting the requirements of paragraph (a)(5) and a design report that meets the requirements of K.A.R. 5-40-2b. If plans are available that show how the dam was constructed or modified and those plans reflect the actual dimensions of the dam as it exists when the application is filed, the plans may be substituted for the required survey. If a geologic investigation was conducted before construction of the dam and the results of that investigation are available, that investigation may be substituted for the investigation and report required by K.A.R. 5-40-40 through K.A.R. 5-40-42.

(2) If the applicant cannot determine that the chief engineer's requirements for the following design or actual construction properties were met without significantly disturbing the embankment but the applicant demonstrates that the dam was built in a manner appropriate to the standards in effect when the dam was constructed, then a permit may be issued if the chief engineer determines that the dam does not pose a hazard to public safety:

(A) The location, dimensions, and composition of the backfill materials to fill the cutoff trench;

(B) the location, dimensions, and construction of cutoff collars, drains, or other seepage control;

(C) the allowance for settlement of an earthen dam;

(D) specification of whether the primary spillway pipe was tested;

(E) the specifications used; and

(F) documentation of any construction inspections. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301a, 82a-302, and 82a-303a; effective May 18, 2007.)

**5-40-75. Maintenance of dams.** Each owner of a dam that the chief engineer has authority to regulate pur-

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suant to K.S.A. 82a-301 et seq., and amendments thereto, shall operate and maintain the dam in a manner that protects the public safety, complies with the terms of any permit of the chief engineer, and ensures the integrity of the dam. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301a and 82a-303a; effective May 18, 2007.)

**5-40-76. Repair or modification of a permitted or prejurisdictional dam.** (a) The repair or modification of a permitted or prejurisdictional dam shall meet the requirements of both of the following:

(1) The statutes and the regulations in effect when the application for repair or modification is filed; and

(2) any additional criteria specified by the chief engineer that are necessary to ensure the integrity of the dam and its appurtenances.

(b) At the time of the repair or modification, the applicant shall bring the dam and all of its appurtenances into conformance with the requirements of the statutes and regulations in effect at the time of the application for repair or modification, unless both of the following conditions are met:

(1) The applicant demonstrates that bringing any feature of the dam and its appurtenances into compliance is not feasible or is unduly burdensome.

(2) The chief engineer determines that failing to bring any feature of the dam into compliance with one or more requirements applicable to that feature will not significantly affect the public safety.

(c) Each application to repair or modify a dam or its appurtenances shall include a design report on the repair or modification, including a section describing the condition of the dam at the time of the application. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-77. Easements for dams.** (a) Each applicant that applies for a permit to construct a dam, modify a dam in a manner that will raise the top of the dam, or modify the dam in any other way that will increase the backwater effect of the dam or the flow of water from the dam to the receiving stream shall demonstrate either of the following to the chief engineer:

(1) The applicant owns the site of the dam and appurtenant works, the land that will be inundated, and the land over which discharge from the dam's spillways will flow.

(2) The applicant has easements or other legal authority to perform the following for the design life of the dam:

(A) Construct and maintain the dam;

(B) inundate all of the land upstream from the dam to the top of the dam elevation; and

(C) discharge water from the spillways to a stream channel and the associated floodplain adequate to convey the discharge from the design storm.

(b) For permitted dams for which a modification is proposed, an easement or other legal authority shall be required only for the effects caused by the modification. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302, K.S.A. 82a-303, and K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

**5-40-90. Requirements for a dam safety inspection report.** Each dam safety inspection report required by K.S.A. 82a-303b, and amendments thereto, shall document the observations made during the inspection and the engineer's opinion of the condition of the dam and shall include all of the following:

(a) An executive summary briefly describing the overall condition of the dam as found during the inspection;

(b) the date of the inspection and a list of the members of the inspection team;

(c) color photographs documenting the condition of the dam appurtenances and embankment and any observed deficiencies in the appurtenances and embankment;

(d) a plan view sketch of the dam and the vicinity, showing the location where each photograph was taken and the direction in which the photograph was taken;

(e) a description of the physical condition of the dam and its appurtenances, a list of any deficiencies that were observed, and a plan view sketch of the dam and its appurtenances showing the location of those deficiencies. The deficiencies that shall be shown shall include those that meet any of the following conditions:

(1) Violate the permit or approved plans or any approved modifications of the permit or approved plans;

(2) threaten the structural integrity of the dam; or

(3) threaten the safety of people or property above or below the dam;

(f) survey and other documenting data if the engineer observes any changes from previously documented conditions in the dam or its appurtenances that could jeopardize the integrity of the dam, including any changes in the profile or cross section of the dam, profile, or cross section of any open-channel spillway, and areas of settlement or erosion;

(g) a description of the severity of each observed deficiency and the engineer's opinion about the urgency of remedying each deficiency;

(h) a summary of the engineer's review of the adequacy of the emergency action plan, including a review of any updates since the last inspection;

(i) the estimated rate and color of discharge from drain outlets and any seeps;

(j) a statement indicating whether the engineer agrees or disagrees with the hazard classification of the dam, including the reasons why the engineer agrees or disagrees with that classification;

(k) a map drawn to a scale of 1:24,000 or larger showing the location of any hazards added, removed, or not previously shown downstream of the dam, in addition to those identified in previous reports, that would require a modification of the emergency action plan or might change the hazard classification of the dam;

(l) any significant changes in the capacity of the reservoir;

(m) any significant changes in the capacity of any spillway;

(n) a statement indicating whether there have been any significant changes in the watershed and an estimate of the impact of those changes on the design hydrology;

(o) the name, mailing address, and telephone number of the engineer;



(p) the name, mailing address, and telephone number of each current owner of the dam;

(q) observations or readings from all instrumentation required by the permit, the approved plans, the approved specifications, or the chief engineer;

(r)(1) A description of the drawdown valve, if any; and

(2) specification of whether the drawdown valve was operated during the inspection and, if the valve could not be operated, an explanation of why it could not be operated; and

(s) any other information relevant to the safety of the dam, including any items requested by the chief engineer before the inspection. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-303a and 82a-303b; effective May 18, 2007.)

**5-40-91. Schedule for inspection of hazard class C dams.** Each hazard class C dam shall be inspected every third inspection year after the inspection year in which the initial inspection was completed. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-303a and 82a-303b; effective May 18, 2007.)

**5-40-92. Schedule for inspection of hazard class B dams.** Each hazard class B dam shall be inspected every fifth inspection year after its initial inspection. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-303a and 82a-303b; effective May 18, 2007.)

**5-40-93. Schedule for inspection of dams.** The initial and follow-up dam safety inspections required by K.S.A. 82a-303b, and amendments thereto, for any dam completed on or after July 1, 2002, shall be conducted and a report shall be filed with the chief engineer in accordance with the following schedule: (a) Each permitted hazard class C dam shall be inspected in the third inspection year after the inspection year in which the dam is completed and every third inspection year thereafter.

(b) Each permitted hazard class B dam shall be inspected in the fifth inspection year after the inspection year in which the dam is completed and every fifth inspection year thereafter.

(c) Each unpermitted class B or class C hazard dam completed on or after July 1, 2002, shall be inspected in accordance with a schedule approved by the chief engineer as necessary to protect the public safety.

(d) Each dam that had its hazard class increased by the chief engineer on or after July 1, 2002, shall initially be inspected by the chief engineer in the inspection year in which the hazard class is increased.

(e) If the dam was reclassified as a hazard class B dam, the dam shall be inspected every fifth inspection year after the inspection year in which the hazard class was changed.

(f) If the dam was reclassified as a hazard C dam, the dam shall be inspected every third inspection year after the inspection year in which the hazard class was changed. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-303a and 82a-303b; effective May 18, 2007.)

**5-40-94. Revision of schedule of inspections.** For good cause shown, including a change in hazard class or

repair or modification of a dam, the dam safety inspection schedule may be revised by the chief engineer and a new inspection cycle may be started. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-303a and 82a-303b; effective May 18, 2007.)

**5-40-100. Request to be included on the list of independent engineers qualified to review applications.**

(a) Each licensed professional engineer who desires to be placed on the list of licensed professional engineers approved to review applications for the permit required by K.S.A. 82a-301 et seq., and amendments thereto, shall submit a request to the chief engineer on a form prescribed by the chief engineer.

(b) Any engineer may request approval in one or more of the following areas:

(1) Dam design;

(2) channel design; and

(3) the design of stream obstructions other than dams.

(c) A team of persons may be qualified to be a reviewer for a project. The qualifications of each team member shall be submitted, and one person shall be designated as the supervising reviewer. The supervising reviewer shall meet the minimum requirements for an individual reviewer. The other members of the review team shall not be required to meet the minimum requirements for an individual reviewer. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-101. Information to be submitted with a request to be a reviewer.** (a) Each engineer who wants to be included on the list of licensed professional engineers approved to review applications under the obstructions in streams act, as authorized by K.S.A. 82a-302, and amendments thereto, shall submit that request on a form prescribed by the chief engineer and shall designate each area of review for which the engineer or a team of engineers desires to be approved.

(b) All of the following information shall be included on each request for each area in which the engineer seeks to be approved:

(1) The type and license number of each current license from the Kansas state board of technical professions;

(2) relevant education, including graduate and post-graduate schools attended, degrees received, and professional development work; and

(3) work experience in the requested area of expertise, including the following:

(A) The number of years of experience as an engineering intern;

(B) the number of years of experience as an engineer; and

(C) the approximate number of projects for which the engineer met the following criteria:

(i) Was responsible for the project;

(ii) performed substantive design tasks;

(iii) had quality assurance, quality control, or project review responsibilities; and

(iv) performed construction supervision or inspection; and

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(D) the project name, the location, a brief description of the project, and a brief description of the engineer's responsibilities for one or two projects for which the engineer met the following criteria:

(i) Had responsible charge or performed significant portions of the design; or

(ii) provided quality control, quality assurance, project review, construction supervision, or construction inspection duties. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-102. Minimum requirements to be an individual reviewer.** To be an individual reviewer, each person shall meet both of the following qualifications: (a) Have a current professional engineer's license from the Kansas state board of technical professions; and

(b) have a minimum of five years of relevant work experience in the area for which approval is sought. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-103. Conflict of interest.** A reviewer shall not be eligible to review any of the following: (a) Any project in which the reviewer has participated in the project's design in any way;

(b) any project designed by any other employee of the reviewer's current employer; or

(c) any other project for which the reviewer has a conflict of interest with the owner of the dam, the designer of the dam, or the state of Kansas. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-104. Notification of approval or disapproval to be a reviewer.** Within 60 days of the receipt in the office of the chief engineer of a completed request pursuant to K.A.R. 5-40-101, the requester shall be notified by the chief engineer of whether that individual has been approved in each requested area. If the chief engineer has not approved the request for each area of review requested, the requester shall be notified by the chief engineer of the reason or reasons that each request has been denied. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-105. Procedure for independent review of an application to construct a dam or other water obstruction.** (a) When an applicant provides a copy of that individual's application to an approved reviewer pursuant to K.S.A. 82a-302 and amendments thereto, the applicant shall also submit the following to the chief engineer:

(1) The original application;

(2) all documentation required for an acceptable application as specified in K.A.R. 5-40-8;

(3) the statutorily required filing fee; and

(4) the name, address, and telephone number of the reviewer.

(b) The review required by the water projects environmental coordination act, K.S.A. 82a-325 et seq. and amendments thereto, shall be initiated by the chief engineer after the chief engineer receives the application.

(c) Within 37 days after the review specified in subsection (b) is initiated by the chief engineer, any comments received from the environmental review agencies shall be sent by the chief engineer to the reviewer. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

**5-40-106. Report of findings of independent reviewer.** (a) When a reviewer completes the review of an application pursuant to K.S.A. 82a-302 and amendments thereto, the reviewer shall submit a report of that review to the chief engineer. The report shall be properly sealed by the reviewing engineer as directed by the Kansas state board of technical professions.

(b) Each complete report shall include the following:

(1) An opinion as to whether the application meets the requirements of K.S.A. 82a-301 et seq., and amendments thereto, the regulations that implement these statutes, sound engineering principles, and commonly accepted engineering practices;

(2) the basis for that opinion, including any analyses that were performed, and the supporting data;

(3) an evaluation of the comments from the environmental review agencies that were furnished to the reviewer by the chief engineer and a recommendation about how to address all adverse comments;

(4) a recommendation about whether any request by the applicant to waive one or more regulations should be approved and the basis for approving or denying the waiver; and

(5) a recommendation about whether the chief engineer should approve or deny the permit and any conditions that the chief engineer should impose on the permit.

(c) The recommendations shall not be binding on the chief engineer. The chief engineer shall maintain the final authority to approve or deny all applications. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-302 and 82a-303a; effective May 18, 2007.)

## Article 42.—DESIGN OF STREAM OBSTRUCTIONS

**5-42-1. Stream obstructions; plans and specifications.** (a) The plans required for a permit for a stream obstruction pursuant to K.S.A. 82a-301, and amendments thereto, shall include the following:

(1) A general location map or aerial photograph showing the stream, location of the proposed obstruction, sufficient detail to locate the proposed construction site, section lines, a bar scale, a north arrow, property lines with the names and addresses of adjoining landowners, and any other landowners whose land may be hydraulically affected by the proposed stream obstruction, drainage area, and any other prominent features;

(2) a detailed plan view fully describing the obstruction and the site;

(3) the following topographical information, which shall be provided from streambed elevation to the limits specified in subsection (b):

(A) A profile of the streambed and both banks;

(B) a contour map with a contour interval of no more than two feet; or

(C) cross sections perpendicular to the stream and at intervals of no more than five times the width of the channel;

(4) an elevation view showing the obstruction on a cross section of the stream and the valley up to the post project design flood elevation at the site;

(5) at least one permanent benchmark shall be conveniently located for use after construction. The location, description, and elevation of the permanent benchmark to which all elevations are referred shall be shown on the plans. Reference to the national geodetic vertical datum of 1988, or other acceptable national vertical datum, to a tolerance of plus or minus one-half foot shall be required for all stream obstructions on perennial streams and all other streams where base flood elevations have been determined and are shown on flood insurance rate maps. An assumed project datum shall be acceptable on all other stream obstruction projects;

(6) details of the manner in which the obstruction is to be tied into the bed and banks of the streams;

(7) the land for which easements or rights-of-way are to be acquired if the proposed obstruction affects land other than that owned by the applicant; and

(8) unless it is clear that the impact of the proposed project will be contained within the channel or limited to property under the control of the applicant, a hydraulic analysis determining the preproject and postproject water surface elevations for the 50 percent-chance flood and the one percent-chance flood shall be prepared and submitted to the chief engineer.

(b)(1) If it is clear that the impact of the proposed stream obstruction will be contained within the channel or limited to property under the control of the applicant, the topographical information upstream of the stream obstruction required in paragraph (a)(3) shall be required to either of the following, whichever is lower:

(A) The elevation of the highest point on the proposed obstruction; or

(B) the elevation of the one percent-chance flood water surface.

The applicant shall not be required to show topographical information for any property not under the control of the applicant.

(2) If it is not clear that the impact of the proposed project will be contained within the channel or limited to property under the control of the applicant, the topographical information upstream of the stream obstruction required in paragraph (a)(3) shall be provided from streambed elevation up to the elevation of the one percent-chance flood water surface upstream of the stream obstruction.

(3) The topographical information required in paragraph (a)(3) and subsection (b) shall be provided downstream of each proposed stream obstruction for a distance equal to five times the width of the channel at the proposed site of the stream obstruction or 50 feet downstream from the toe of the stream obstruction, whichever is greater.

(c) Each application for a permit to construct a stream obstruction shall include the following specifications:

(1) Each major element in the construction of the obstruction;

(2) the minimum quality of workmanship that is acceptable to construct the obstruction;

(3) the minimum quality of materials that is acceptable to construct the obstruction; and

(4) the materials proposed to be used to construct the obstruction.

(d) The specifications shall meet the following requirements:

(1) Be clear, legible, and shown in sufficient detail to assure that the work can be properly constructed; and

(2) be shown on the plans, in the design report, or on a separate document.

(e) If the Kansas department of transportation (KDOT) standard construction specifications meet all of the requirements of this regulation and are to be enforced during construction, referencing those specifications on the plans shall be sufficient to comply with this regulation.

(f) If the standard construction specifications of a city or county in Kansas meet the following requirements, then referencing those specifications on the plans shall be sufficient to comply with this regulation:

(1) Meet all the requirements of this regulation;

(2) are to be enforced during construction; and

(3)(A) Have been provided to the chief engineer; or

(B) are readily available at no cost from the city or county that utilizes the specifications. (Authorized by K.S.A. 2006 Supp. 82a-303a; implementing K.S.A. 2006 Supp. 82a-301, 82a-302, and 82a-303a; effective May 1, 1987; amended, T-5-12-30-91, Dec. 30, 1991; amended April 27, 1992; amended May 18, 2007.)

**5-42-5. Determining the peak discharge of a one percent-chance storm.** In determining the flow magnitude of a design storm, the applicant shall use one of the following methods. (a) For drainage areas of less than 640 acres, use of the rational formula shall be acceptable.

The rational formula is  $Q = CIA$

Where C = the runoff coefficient

I = the intensity of rainfall, in inches per hour

A = the drainage area, in acres.

(b) For any drainage area, the flow magnitude of a design storm may be determined by using one of the methods in the following:

(1) "Estimation of peak streamflows for unregulated rural streams in Kansas," water-resources investigations report 00-4079, published by the United States geological survey in 2000, which is hereby adopted by reference;

(2) "urban hydrology for small watersheds," technical release 55, published by the natural resources conservation service and dated June 1986, which is hereby adopted by reference; and

(3) "computer program for project formulation," technical release 20, published by the natural resources conservation service, United States department of agriculture, and dated October 2004, which is hereby adopted by reference.

(c) For streams for which sufficient stream gaging data is available, the applicant may use sound engineering principles and commonly accepted engineering practices to estimate the peak one percent-chance discharge from the gage record.

(d) A method other than the methods specified in subsections (a), (b), and (c) may be used to determine the one

(continued)

percent-chance storm discharge if the method meets both of the following criteria:

(1) The method is based on sound engineering principles and commonly accepted engineering practices.

(2) The method has been previously approved, in writing, by the chief engineer. (Authorized by and implementing K.S.A. 2006 Supp. 82a-303a; effective May 18, 2007.)

Article 44.—FLOODPLAIN MANAGEMENT

5-44-7. Certification of elevations. Any elevation required to be certified to meet the requirements of this article of regulations may be certified by either a licensed land surveyor or a licensed professional engineer. (Authorized by and implementing K.S.A. 2006 Supp. 12-766; effective May 18, 2007.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 034344

State of Kansas

Secretary of State

Certification of New State Laws

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

Ron Thornburgh
Secretary of State

(Editor's Note: The following bill was vetoed in its entirety by the Governor April 13, 2007. A motion to override the veto was passed by the House of Representatives April 26, 2007, and by the Senate April 27, 2007; thus, the bill will become law. The Governor's veto message and messages from the House and Senate are printed immediately following the bill.)

(Published in the Kansas Register May 3, 2007.)

HOUSE BILL No. 2528

AN ACT concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections.

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

Section 1. K.S.A. 2006 Supp. 12-16,124 is hereby amended to read as follows: 12-16,124. (a) No city or county shall adopt any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the purchase, transfer, ownership, storage or transporting of firearms or ammunition, or any component or combination thereof, other than those expressly authorized by statute. Except as provided in subsection (b) and subsection (a) of K.S.A. 2006 Supp. 75-7c11, and amendments thereto, any such ordinance, resolution or regulation adopted prior to the effective date of this 2007 act shall be null and void. For purposes of this section, a statute that does not refer to firearms or ammunition, or components or combinations thereof, shall not be construed to provide express authorization.

(b) Nothing in this section shall:

(1) Prohibit a city or county from adopting any zoning measure related to firearms licensees if otherwise authorized by law to do so;

(2) prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties;

(3) prohibit a city or county from regulating the manner of carrying any firearm on one's person;

(4) prohibit a city or county from regulating in any manner the carrying of any firearm in any jail, juvenile detention facility, prison, courthouse, courtroom or city hall; or

(5) prohibit a city or county from adopting an ordinance, resolution or regulation requiring a firearm transported in any air, land or water vehicle to be unloaded and encased in a container which completely encloses the firearm or any less restrictive provision governing the transporting of firearms.

(e) No person shall be prosecuted or convicted of a violation of any ordinance, resolution or regulation of a city or county which regulates the storage or transportation of a firearm if such person (1) is storing or transporting the firearm without violating any provision of the Kansas criminal code or (2) is otherwise transporting the firearm in a lawful manner.

(b) Nothing in this section shall:

(1) Prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties;

(2) prohibit a city or county from regulating the manner of openly carrying a loaded firearm on one's person; or in the immediate control of a person, not licensed under the personal and family protection act while on property open to the public.

(3) prohibit a city or county from regulating in any manner the carrying of any firearm in any jail, juvenile detention facility, prison, courthouse, courtroom or city hall; or

(4) prohibit a city or county from adopting an ordinance, resolution or regulation requiring a firearm transported in any air, land or water vehicle to be unloaded and encased in a container which completely encloses the firearm or any less restrictive provision governing the transporting of firearms, provided such ordinance, resolution or regulation shall not apply to persons licensed under the personal and family protection act.

(c) Except as provided in subsection (b) of this section and subsection (a) of K.S.A. 2006 Supp. 75-7c11, and amendments thereto, no person shall be prosecuted or convicted of a violation of any ordinance, resolution or regulation of a city or county which regulates the storage or transportation of a firearm if such person (1) is storing or transporting the firearm without violating any provision of the Kansas criminal code or (2) is otherwise transporting the firearm in a lawful manner.

(d) No person shall be prosecuted under any ordinance, resolution or regulation for transporting a firearm in any air, land or water vehicle if the firearm is unloaded and encased in a container which completely encloses the firearm.

Sec. 2. K.S.A. 59-2979 is hereby amended to read as follows: 59-2979. (a) The district court records, and any treatment records or medical records of any patient or former patient that are in the possession of any district court or treatment facility shall be privileged and shall not be disclosed except:

(1) Upon the written consent of (A) the patient or former patient, if an adult who has no legal guardian; (B) the patient's or former patient's legal guardian, if one has been appointed; or (C) a parent, if the patient or former patient is under 18 years of age, except that a patient or former patient who is 14 or more years of age and who was voluntarily admitted upon their own application made pursuant to subsection (b)(2)(B) of K.S.A. 59-2949 and amendments thereto shall have capacity to consent to release of their records without parental consent. The head of any treatment facility who has the records may refuse to disclose portions of such records if the head of the treatment facility

states in writing that such disclosure will be injurious to the welfare of the patient or former patient.

(2) Upon the sole consent of the head of the treatment facility who has the records if the head of the treatment facility makes a written determination that such disclosure is necessary for the treatment of the patient or former patient.

(3) To any state or national accreditation agency or for a scholarly study, but the head of the treatment facility shall require, before such disclosure is made, a pledge from any state or national accreditation agency or scholarly investigator that such agency or investigator will not disclose the name of any patient or former patient to any person not otherwise authorized by law to receive such information.

(4) Upon the order of any court of record after a determination has been made by the court issuing the order that such records are necessary for the conduct of proceedings before the court and are otherwise admissible as evidence.

(5) In proceedings under this act, upon the oral or written request of any attorney representing the patient, or former patient.

(6) To appropriate administrative or professional staff of the department of corrections whenever patients have been administratively transferred to the state security hospital or other state psychiatric hospitals pursuant to the provisions of K.S.A. 75-5209 and amendments thereto. The patient's or former patient's consent shall not be necessary to release information to the department of corrections.

*(7) To the state central repository at the Kansas bureau of investigation for use only in determining eligibility to purchase and possess firearms or qualifications for licensure pursuant to the personal and family protection act.*

~~(7)~~ (8) As otherwise provided for in this act.

(b) To the extent the provisions of K.S.A. 65-5601 through 65-5605, inclusive, and amendments thereto are applicable to treatment records or medical records of any patient or former patient, the provisions of K.S.A. 65-5601 through 65-5605, inclusive, and amendments thereto shall control the disposition of information contained in such records.

(c) Willful violation of this section is a class C misdemeanor.

Sec. 3. K.S.A. 59-29b79 is hereby amended to read as follows: 59-29b79. (a) The district court records, and any treatment records or medical records of any patient or former patient that are in the possession of any district court or treatment facility shall be privileged and shall not be disclosed except:

(1) Upon the written consent of (A) the patient or former patient, if an adult who has no legal guardian; (B) the patient's or former patient's legal guardian, if one has been appointed; or (C) a parent, if the patient or former patient is under 18 years of age, except that a patient or former patient who is 14 or more years of age and who was voluntarily admitted upon their own application made pursuant to subsection (b)(2)(B) of K.S.A. 59-29b49 and amendments thereto shall have capacity to consent to release of their records without parental consent. The head of any treatment facility who has the records may refuse to disclose portions of such records if the head of the treatment facility states in writing that such disclosure will be injurious to the welfare of the patient or former patient.

(2) Upon the sole consent of the head of the treatment facility who has the records if the head of the treatment facility makes a written determination that such disclosure is necessary for the treatment of the patient or former patient.

(3) To any state or national accreditation agency or for a scholarly study, but the head of the treatment facility shall require, before such disclosure is made, a pledge from any state or national accreditation agency or scholarly investigator that such agency or investigator will not disclose the name of any patient or former patient to any person not otherwise authorized by law to receive such information.

(4) Upon the order of any court of record after a determination has been made by the court issuing the order that such records are necessary for the conduct of proceedings before the court and are otherwise admissible as evidence.

(5) In proceedings under this act, upon the oral or written request of any attorney representing the patient, or former patient.

*(6) To the state central repository at the Kansas bureau of investigation for use only in determining eligibility to purchase and possess firearms or qualifications for licensure pursuant to the personal and family protection act.*

~~(6)~~ (7) As otherwise provided for in this act.

(b) To the extent the provisions of K.S.A. 65-5601 through 65-5605, inclusive, and amendments thereto, are applicable to treatment records or medical records of any patient or former patient, the provisions of K.S.A. 65-5601 through 65-5605, inclusive, and amendments thereto, shall control the disposition of information contained in such records.

(c) Willful violation of this section is a class C misdemeanor.

Sec. 4. K.S.A. 2006 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) On and after January 1, 2007, the attorney general shall issue a license pursuant to this act if the applicant:

(1) Is a resident of the county where application for licensure is made and has been a resident of the state for six months or more immediately preceding the filing of the application, residency to be determined in accordance with K.S.A. 77-201, and amendments thereto;

(2) is 21 years or more of age;

(3) does not suffer from a physical infirmity which prevents the safe handling of a weapon;

(4) has never been convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult;

(5) *has never been convicted, in this or any other jurisdiction, for an act that constitutes a misdemeanor crime of domestic violence, as defined by 18 U.S.C. 921(a)(33)(A) or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor crime of domestic violence under 18 U.S.C. 921(a)(33)(A) if committed by an adult;*

~~(5)~~ (6) has not been, during the five years immediately preceding the date the application is submitted: (A) Convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a misdemeanor under the provisions of the uniform controlled substances act or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor under such act if committed by an adult; (B) convicted or placed on diversion, in this or any other jurisdiction, two or more times for an act that constitutes a violation of K.S.A. 8-1567, and amendments thereto; (C) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a domestic violence misdemeanor under any municipal ordinance or article 34 or 35 of chapter 21 of the Kansas Statutes Annotated or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a domestic violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if committed by an adult; or (D) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a violation of K.S.A. 2006 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a violation of K.S.A. 2006 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed by an adult;

*(continued)*

~~(6)~~ (7) has not been charged with a crime which would render the applicant, if convicted, ineligible for a license or, if so charged, final disposition of the charge has occurred and no other charges are pending which would cause the applicant to be ineligible for a license;

~~(7)~~ (8) has not been ordered by a court to receive treatment for mental illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and amendments thereto, or, if a court has ordered such treatment, has not been issued a certificate of restoration pursuant to K.S.A. 2006 Supp. 75-7c26, and amendments thereto, not less than five years before the date of the application;

~~(8)~~ (9) desires a legal means to carry a concealed weapon for lawful self-defense;

~~(9)~~ (10) except as provided by subsection (g) of K.S.A. 2006 Supp. 75-7c05, and amendments thereto, presents evidence satisfactory to the attorney general that the applicant has satisfactorily completed a weapons safety and training course approved by the attorney general pursuant to subsection (b);

~~(10)~~ (11) has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted;

~~(11)~~ (12) has not been dishonorably discharged from military service;

~~(12)~~ (13) is a citizen of the United States;

~~(13)~~ (14) is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or pursuant to K.S.A. 60-1607, ~~38-1542, 38-1543 or 38-1563~~ 38-2242, 38-2243 or 38-2255, and amendments thereto, or any equivalent order entered in another state or jurisdiction which is entitled to full faith and credit in Kansas; and

~~(14)~~ (15) is not in contempt of court in a child support proceeding.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour weapons safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of weapons, actual firing of weapons and instruction in the laws of this state governing the carrying of a concealed weapon and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic firearms training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A weapons course certified or sponsored by the attorney general; or (ii) a weapons course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or weapons training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the weapons safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved weapons safety and training course: (A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general; or (B) an affidavit from the instructor, school, club, organization or group

that conducted or taught such course attesting to the completion of the course by the applicant.

(c) In addition to the requirements of subsection (a), a person holding a license pursuant to this act, prior to renewal of the license provided herein, shall submit evidence satisfactory to the attorney general that the licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course under subsection (b).

Sec. 5. K.S.A. 2006 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. (a) *Provided that the premises are conspicuously posted in accordance with rules and regulations adopted by the attorney general as premises where carrying a concealed weapon is prohibited*, no license issued pursuant to this act shall authorize the licensee to carry a concealed weapon into:

(1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;

(2) any police, sheriff or highway patrol station;

(3) any detention facility, prison or jail;

(4) any courthouse;

(5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;

(6) any polling place on the day an election is held;

(7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;

(8) on the state fairgrounds;

(9) any state office building;

(10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;

(11) any professional athletic event not related to or involving firearms;

(12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;

(13) any elementary or secondary school, attendance center, administrative office, services center or other facility;

(14) any community college, college or university facility;

(15) any place where the carrying of firearms is prohibited by federal or state law;

(16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;

(17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;

(18) any city hall;

(19) any public library operated by the state or by a political subdivision of the state;

(20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420;

(21) any church or temple; or

(22) any place in violation of K.S.A. 21-4218, and amendments thereto.

(b) Violation of this section is a class A misdemeanor.

Sec. 6. K.S.A. 2006 Supp. 75-7c11 is hereby amended to read as follows: 75-7c11. (a) Nothing in this act shall be construed to prevent:

~~(1) Any public or private employer from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, or~~

~~(1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a firearm in a private means of conveyance, even if parked on the employer's premises; or~~

~~(2) any entity owning or operating business premises open to the public private business or city, county or political subdivision from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such premises within a building or buildings of such entity, provided that the premises are posted, in accordance with rules and regulations adopted by the attorney general pursuant to this section, as premises where carrying a concealed weapon is prohibited; or.~~

~~(3) a property owner from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such property, provided that the premises are posted, in accordance with rules and regulations adopted by the attorney general pursuant to this section, as premises where carrying a concealed weapon is prohibited.~~

~~(b) Carrying a concealed weapon on premises in violation of any restriction or prohibition allowed by subsection (a) (1), or in violation of any restriction or prohibition allowed by subsection (a)(2) or (a)(3), if the premises are posted as required by such subsection in accordance with rules and regulations adopted by the attorney general, is a class B misdemeanor.~~

~~(c) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on premises pursuant to subsections (a)(2) and (a)(3) where carrying a concealed weapon is prohibited pursuant to subsection (a) of K.S.A. 2006 Supp. 75-7c10 and paragraph (2) of subsection (a) of K.S.A. 2006 Supp. 75-7c11 and amendments thereto.~~

Sec. 7. K.S.A. 2006 Supp. 75-7c17 is hereby amended to read as follows: 75-7c17. (a) The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed weapons for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed weapons for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this act is subjectively or arbitrarily denied the person's rights. ~~Any city ordinance or county resolution~~ No city, county or other political subdivision of this state shall regulate, restrict or prohibit the carrying of concealed weapons by persons licensed under this act except as provided in subsections (a)(1) and (a)(2) of K.S.A. 2006 Supp. 75-7c11, and amendments thereto. Any existing or future law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state that regulates, restricts or prohibits the carrying of concealed weapons by persons licensed under this act except as provided in subsections (a)(1) and (a)(2) of K.S.A. 2006 Supp. 75-7c11, and amendments thereto, shall not be applicable to any person licensed in accordance with the provisions of this act be null and void.

~~(b) Prosecution of any person licensed under the personal and family protection act, and amendments thereto, for violating any restrictions on licensees will be done through the district court.~~

~~(b) (c) The legislature does not delegate to the attorney general the authority to regulate or restrict the issuing of licenses provided for in this act, beyond those provisions of this act pertaining to licensing and training. Subjective or arbitrary actions or rules and regulations which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this act or which create restrictions beyond those specified in this act are in conflict with the intent of this act and are prohibited.~~

~~(c) (d) This act shall be liberally construed. This act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights.~~

Sec. 8. K.S.A. 2006 Supp. 75-7c25 is hereby amended to read as follows: 75-7c25. (a) On or before ~~September 1, 2006~~ July 1, 2007, every district court shall review all files dated on or after July 1, 1998, concerning mentally ill persons subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.

(b) If the court ordered treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, the clerk of the court shall report such order and all available information identifying the patient including, but not limited to, birth, gender and race, to the Kansas bureau of investigation.

(c) A copy of such orders shall be delivered by the clerk of the court to the Kansas bureau of investigation on or before ~~September 1, 2006~~ July 1, 2007. The Kansas bureau of investigation shall immediately ~~enter the order~~ cause the order to be entered into the ~~national criminal information center and other~~ appropriate state and federal databases.

(d) The Kansas bureau of investigation shall ensure the accuracy of the entries and the court shall ensure the validity of the orders.

~~(e) After July 1, 2007, all orders of involuntary commitment for care and treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, and any orders of termination of discharge shall be immediately forwarded to the Kansas bureau of investigation for entry into the appropriate state and federal databases.~~

~~(c) (f) Upon a finding that the mentally ill person is a danger to self or others, the court shall notify the mentally ill person subject to involuntary commitment for care and treatment that it is a violation of the law to possess a firearm. Upon a finding that a proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment, the court shall notify the person that it is a violation of the law to possess a firearm. Upon release, the state hospital shall notify the patient that it is a violation of the law for the patient to possess a firearm and provide information to the patient regarding the restoration procedure.~~

Sec. 9. K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.



### Message from the Governor

I have repeatedly demonstrated my support for gun ownership because it's an important part of our state's heritage and way of life. I myself am one of thousands of Kansans who enjoys hunting, and I believe all law-abiding Kansans have the right to own a weapon for their protection and the protection of their families. That's why I've supported common-sense improvements to Kansas gun laws, such as allowing retired law enforcement officers to carry concealed weapons.

I also have supported measures to make our gun laws more uniform so gun owners don't inadvertently violate an ordinance when traveling from one community to another. That's what this bill purports to do, however it actually sets up greater inconsistencies and creates new threats to public safety.

For example, concealed weapons currently may be banned at professional and school sporting events, however this bill would prevent communities from banning them at similar such events at city or county sports fields. If it is in the interest of public safety to not have weapons at school-sponsored sporting events, it makes little sense to then prohibit local officials from banning guns at other sporting events, as this bill would propose.

Local officials have the responsibility to keep their residents safe, and should have the authority to make reasonable decisions. Working with law enforcement officials and representatives from local communities, legislators had agreed on a compromise that would provide a balance between the interests of gun owners in consistent laws, and the interests in keeping Kansans safe, however this good-faith agreement was removed by an amendment on the Senate floor.

Therefore, since this bill diminishes the critical public safety authority of local officials, and creates further inconsistencies in the gun laws of Kansas, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto HB 2528. If the Legislature decides to take further action on this issue, I would strongly encourage them to pass the compromise language adopted by the Senate Committee on Federal and State Affairs.

Dated April 13, 2007.

Kathleen Sebelius  
Governor

### Message from the House of Representatives

Announcing a veto message from the Governor on **House Bill No. 2528**, AN ACT concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections, was received on April 13, 2007 and read on April 25, 2007.

A motion was made that, notwithstanding the Governor's objections to **House Bill No. 2528**, be passed. By a vote of 98 Yeas and 26 Nays, the motion having received the required two-thirds majority of the elected members of the House of Representatives, voting in the affirmative to approve the bill did pass.

Dated April 26, 2007.

### Message from the Senate

Announcing the Senate herewith transmits certificate of action by the Senate on **House Bill 2528**, An act concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections.

The veto message from the Governor having been received, a motion was made that notwithstanding the Governor's objections to **House Bill 2528**, the bill be passed. By a vote of 30 yeas and 10 Nays, the motion having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the motion prevailed and the bill passed.

Dated April 27, 2007.

### Certificate

In accordance with K.S.A. 45-304, it is certified that, **House Bill 2528**, An act concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections, was not approved by the Governor on April 13, 2007; was returned by her with her objections and approved on April 26, 2007 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the governor; was reconsidered by the Senate and was approved on April 27, 2007, by two-thirds of the members elected to the Senate, notwithstanding the objections, the bill did pass and shall become law.

This certificate is made this 27th day of April 2007 by the Secretary of the Senate and the President of the Senate and the Chief Clerk and Speaker of the House of Representatives.

Pat Saville  
Secretary of the Senate

Stephen Morris  
President of the Senate

Janet E. Jones  
Chief Clerk of House of Representatives

Melvin Neufeld  
Speaker of the House of Representatives



**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 2006 Volumes of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-46	Amended	V. 25, p. 1831
1-2-77	Revoked	V. 25, p. 1832
1-3-5	New	V. 25, p. 1832
1-3-6	New	V. 25, p. 1832
1-5-8	Amended	V. 25, p. 1305
1-6-2	Amended	V. 25, p. 1306
1-6-22a	Amended	V. 25, p. 1306
1-9-7b	Amended	V. 25, p. 1307
1-9-18	Revoked	V. 25, p. 1832
1-9-25	Amended	V. 25, p. 1832
1-9-26	Amended	V. 25, p. 1833

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-4-1		
through		
3-4-7	New (T)	V. 25, p. 984, 985
3-4-1		
through		
3-4-7	New	V. 25, p. 1446, 1447

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-7-213	Amended	V. 25, p. 1142
4-7-216	Revoked	V. 25, p. 1142
4-7-510	Amended	V. 25, p. 1142
4-7-530	Amended	V. 25, p. 1142
4-7-716	Amended	V. 25, p. 1142
4-7-717	Amended	V. 25, p. 1142
4-8-14a	Amended	V. 26, p. 489
4-8-27	Amended	V. 26, p. 489
4-8-28	Amended	V. 26, p. 489
4-8-29	Amended	V. 26, p. 489
4-8-30	Amended	V. 26, p. 489
4-8-31	Amended	V. 26, p. 489
4-8-33	Amended	V. 26, p. 489
4-8-34	Amended	V. 26, p. 489
4-8-35	Amended	V. 26, p. 489
4-8-39	Amended	V. 26, p. 490
4-8-42	Amended	V. 26, p. 490
4-11-2	Amended	V. 26, p. 100
4-11-3	Amended	V. 26, p. 100
4-11-5	New	V. 26, p. 101
4-11-15	New (T)	V. 25, p. 1632
4-15-9	Amended	V. 26, p. 81
4-16-1a	Amended	V. 25, p. 1143
4-16-1c	Amended	V. 25, p. 1143
4-16-3a	Amended	V. 25, p. 1143
4-16-250	Revoked	V. 25, p. 1145
4-16-251	Revoked	V. 25, p. 1145
4-16-252	Revoked	V. 25, p. 1145
4-16-260	Revoked	V. 25, p. 1145
4-17-1a	Amended	V. 25, p. 1145
4-17-1c	Amended	V. 25, p. 1145
4-17-5a	Revoked	V. 25, p. 1145
4-19-1	Amended	V. 26, p. 173

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

Reg. No.	Action	Register
5-24-10	Amended	V. 25, p. 1692

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-17-22	Amended	V. 26, p. 325
7-44-1		
through		
7-44-7	New (T)	V. 26, p. 15
7-44-1		
through		
7-44-7	New	V. 26, p. 505, 506

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-32-1		
through		
9-32-8	New (T)	V. 25, p. 46-48
9-32-1		
through		
9-32-8	New	V. 25, p. 375-378

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-20-1	Amended	V. 26, p. 507
10-20-2	Amended	V. 26, p. 507
10-20-2a	Amended	V. 26, p. 507
10-20-14	Amended	V. 26, p. 507

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-3-1		
through		
11-3-10	Amended	V. 25, p. 250, 251
11-3-11	New	V. 25, p. 252
11-3-12	New	V. 25, p. 252
11-4-1		
through		
11-4-4	Amended	V. 25, p. 1268, 1269
11-4-6		
through		
11-4-14	Amended	V. 25, p. 1269, 1270
11-4-15	New	V. 25, p. 1270
11-4-16	New	V. 25, p. 1270

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-11-1		
through		
16-11-6	New (T)	V. 25, p. 980-982, 1019
16-11-1		
through		
16-11-7	New	V. 25, p. 1598-1600
16-11-8	New	V. 25, p. 1772

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-8-2	Amended	V. 25, p. 274
22-8-3	Amended	V. 25, p. 275
22-8-5	Amended	V. 25, p. 275
22-8-8		
through		
22-8-14	New	V. 25, p. 276, 277
22-8-17	New	V. 25, p. 277

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

Reg. No.	Action	Register
28-1-2	Amended	V. 25, p. 413
28-1-26	Amended	V. 25, p. 866
28-4-501	Amended (T)	V. 25, p. 985, 1019
28-4-501	Amended	V. 25, p. 1402
28-4-510	Amended (T)	V. 25, p. 986, 1019
28-4-510	Amended	V. 25, p. 1403
28-4-514	New (T)	V. 25, p. 987, 1019
28-4-514	New	V. 25, p. 1403
28-16-28g	Amended	V. 25, p. 1205
28-16-56c	Amended	V. 26, p. 283
28-16-56d	Amended	V. 26, p. 284
28-18-1	Amended	V. 26, p. 284
28-18-2	Amended	V. 26, p. 288
28-18-4	Amended	V. 26, p. 289
28-18-8	Amended	V. 26, p. 289

28-18-9	Amended	V. 26, p. 290
28-18-11	Amended	V. 26, p. 290
28-18-12	Amended	V. 26, p. 290
28-18-13	Amended	V. 26, p. 291
28-18-14	Amended	V. 26, p. 292
28-18-16	New	V. 26, p. 292
28-18-17	New	V. 26, p. 293
28-18a-1	Amended	V. 26, p. 294
28-18a-2	Amended	V. 26, p. 298
28-18a-4	Amended	V. 26, p. 299
28-18a-8	Amended	V. 26, p. 299
28-18a-9	Amended	V. 26, p. 300
28-18a-11	Amended	V. 26, p. 300
28-18a-12	Amended	V. 26, p. 300
28-18a-19	Amended	V. 26, p. 301
28-18a-21	Amended	V. 26, p. 302
28-18a-22	Amended	V. 26, p. 302
28-18a-26	Amended	V. 26, p. 303
28-18a-32	Revoked	V. 26, p. 303
28-18a-33	New	V. 26, p. 303
28-19-350	Amended	V. 25, p. 845
28-35-178b	Amended	V. 25, p. 256
28-46-2	Revoked	V. 26, p. 214
28-46-2a	New	V. 26, p. 215
28-46-25	Amended	V. 26, p. 215
28-46-26	Revoked	V. 26, p. 215
28-46-26a	New	V. 26, p. 215
28-46-34a	New	V. 26, p. 215
28-46-38	Amended	V. 26, p. 216
28-51-100	Amended	V. 25, p. 1448
28-51-112		
through		
28-51-116	Amended	V. 25, p. 1449, 1450
28-73-1		
through		
28-73-7	New	V. 25, p. 307-311

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-64	Amended	V. 25, p. 1636
30-4-90	Amended	V. 25, p. 786
30-4-98	New	V. 25, p. 1027
30-5-88	Revoked	V. 25, p. 1830
30-5-108	Revoked	V. 25, p. 1569
30-5-118	Revoked	V. 25, p. 663
30-5-118b	Revoked	V. 25, p. 663
30-6-38	Revoked	V. 25, p. 1028
30-6-77	Revoked	V. 25, p. 847
30-14-22	Revoked	V. 25, p. 1028
30-14-27	Revoked	V. 25, p. 847
30-31-1	Amended	V. 25, p. 1800
30-31-2	Revoked	V. 25, p. 1800
30-31-3	Revoked	V. 25, p. 1800
30-31-4	Revoked	V. 25, p. 1800
30-31-6	Revoked	V. 25, p. 1800
30-31-7	Revoked	V. 25, p. 1800
30-31-10	Revoked	V. 25, p. 1800
30-31-11	Revoked	V. 25, p. 1800
30-31-12	Revoked	V. 25, p. 1800
30-63-20	Amended	V. 25, p. 1693
30-63-22	Amended	V. 25, p. 1693
30-64-24	Amended	V. 25, p. 1693

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-2-20	Amended	V. 26, p. 101
40-3-5	Amended	V. 25, p. 182
40-3-12	Amended	V. 25, p. 182
40-3-22	Amended	V. 25, p. 210
40-3-40	Amended	V. 25, p. 212
40-3-43	Amended	V. 25, p. 183
40-3-44	Amended	V. 25, p. 212
40-3-46	Revoked	V. 25, p. 183
40-3-47	Amended	V. 25, p. 183
40-3-48	Amended	V. 25, p. 212
40-4-25	Amended	V. 25, p. 278
40-4-29a	New	V. 25, p. 1835
40-4-41	Amended	V. 25, p. 1835
40-4-41b	Amended	V. 25, p. 1838
40-4-41c	Amended	V. 25, p. 1839
40-4-41d	Amended	V. 25, p. 1841

(continued)

40-4-41e	Amended	V. 25, p. 1842
40-4-41f	Amended	V. 25, p. 1843
40-4-41i	Amended	V. 25, p. 1843
40-4-41j	Amended	V. 25, p. 1844
40-7-1	Revoked	V. 25, p. 1844
40-7-5	Amended	V. 25, p. 844
40-7-20a	Amended	V. 26, p. 103
40-7-24	Amended	V. 25, p. 1844
40-7-25	Amended	V. 26, p. 488

**AGENCY 47: DEPARTMENT OF HEALTH  
AND ENVIRONMENT — MINED-LAND  
CONSERVATION AND RECLAMATION**

Reg. No.	Action	Register
47-2-75	Amended	V. 25, p. 1639
47-3-2	Amended	V. 25, p. 1640
47-3-42	Amended	V. 25, p. 1641
47-4-14a	Amended	V. 25, p. 1644
47-5-5a	Amended	V. 25, p. 1649
47-6-1	Amended	V. 25, p. 1652
47-6-2	Amended	V. 25, p. 1653
47-6-3	Amended	V. 25, p. 1653
47-6-4	Amended	V. 25, p. 1653
47-6-6	Amended	V. 25, p. 1654
47-6-8	Amended	V. 25, p. 1654
47-6-9	Amended	V. 25, p. 1654
47-6-10	Amended	V. 25, p. 1654
47-6-11	Amended	V. 25, p. 1655
47-7-2	Amended	V. 25, p. 1655
47-8-9	Amended	V. 25, p. 1655
47-9-1	Amended	V. 25, p. 1656
47-9-4	Amended	V. 25, p. 1661
47-10-1	Amended	V. 25, p. 1662
47-11-8	Amended	V. 25, p. 1663
47-12-4	Amended	V. 25, p. 1664
47-13-4	Amended	V. 25, p. 1665
47-14-7	Amended	V. 25, p. 1665
47-15-1a	Amended	V. 25, p. 1666
47-16-9	Amended	V. 25, p. 1667
47-16-10	Amended	V. 25, p. 1667
47-16-12	Amended	V. 25, p. 1667

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-1	Amended	V. 25, p. 1494
49-45-2	Amended	V. 25, p. 1494
49-45-3	Amended	V. 25, p. 1494
49-45-4	Amended	V. 25, p. 1494
49-45-4a	Amended	V. 25, p. 1494
49-45-4b	New	V. 25, p. 1494
49-45-5	Amended	V. 25, p. 1494
49-45-6	Amended	V. 25, p. 1494
49-45-7	Amended	V. 25, p. 1494
49-45-8	Amended	V. 25, p. 1494
49-45-9	Amended	V. 25, p. 1495
49-45-20	Amended	V. 25, p. 1495
49-45-21		
through		
49-45-26	Revoked	V. 25, p. 1495
49-45-28	Amended	V. 25, p. 1495
49-45-29	Amended	V. 25, p. 1495
49-45-30	Revoked	V. 25, p. 1495
49-45-31	Amended	V. 25, p. 1495
49-45-32	Amended	V. 25, p. 1495
49-45-34	Amended	V. 25, p. 1495
49-45-35	New	V. 25, p. 1495
49-45-37	New	V. 25, p. 1495
49-45-38	New	V. 25, p. 1495
49-45a-1	Amended	V. 25, p. 1495
49-47-2	Amended	V. 25, p. 1496
49-49-1	Amended	V. 25, p. 25
49-49-1a	Amended	V. 25, p. 25
49-50-3	Amended	V. 25, p. 1496
49-50-7	Amended	V. 25, p. 1497
49-50-9	Amended	V. 25, p. 1497
49-50-10	Amended	V. 25, p. 1498
49-50-13	Amended	V. 25, p. 1498
49-50-17	Amended	V. 25, p. 1498
49-50-19	Amended	V. 25, p. 1498
49-50-22	Amended	V. 25, p. 1499
49-50-23	New	V. 25, p. 1499
49-50-24	New	V. 25, p. 1499
49-51-3a	Amended	V. 25, p. 1499
49-51-6	Amended	V. 25, p. 1499

49-51-11	Amended	V. 25, p. 1500
49-51-12	Amended	V. 25, p. 1501
49-52-6	Amended	V. 25, p. 1501
49-52-10	Amended	V. 25, p. 1502
49-52-14	Amended	V. 25, p. 1502
49-52-17	Amended	V. 25, p. 1502
49-52-18	New	V. 25, p. 1502
49-52-19	New	V. 25, p. 1502

**AGENCY 50: DEPARTMENT OF LABOR—  
DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-3-2a	New	V. 25, p. 1493

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 26, p. 446
60-7-106	Amended	V. 26, p. 447
60-8-101	Amended	V. 26, p. 448
60-11-119	Amended	V. 26, p. 448
60-17-102	Amended	V. 26, p. 448
60-17-103	Amended	V. 26, p. 449
60-17-104	Amended	V. 26, p. 449
60-17-105	Amended	V. 26, p. 450
60-17-107	Amended	V. 26, p. 450
60-17-108	Amended	V. 26, p. 451
60-17-110	Amended	V. 26, p. 451

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-1	Amended	V. 26, p. 126
63-5-1	Amended	V. 26, p. 126

**AGENCY 66: BOARD OF TECHNICAL  
PROFESSIONS**

Reg. No.	Action	Register
66-6-4	Amended	V. 25, p. 1801
66-8-4	Amended	V. 25, p. 44
66-8-8	Amended	V. 25, p. 1802
66-10-1	Amended	V. 25, p. 44
66-10-9	Amended	V. 25, p. 1802
66-10-10a	Amended	V. 25, p. 1802
66-10-11	Amended	V. 25, p. 44
66-10-12	Amended	V. 25, p. 45
66-10-14	Amended	V. 25, p. 45
66-11-2	Amended	V. 25, p. 1802
66-11-5	Amended	V. 25, p. 45

**AGENCY 67: BOARD OF EXAMINERS  
IN THE FITTING AND DISPENSING OF  
HEARING INSTRUMENTS**

Reg. No.	Action	Register
67-3-5	New (T)	V. 26, p. 202

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1b	Amended	V. 25, p. 1401
68-1-1d	Amended	V. 25, p. 1401
68-1-1f	Amended	V. 25, p. 1401
68-1-1g	New	V. 25, p. 1401
68-2-22	Amended	V. 25, p. 661
68-5-16	Amended	V. 26, p. 488
68-11-1	Amended	V. 25, p. 1401

68-16-1		
through		
68-16-9	New	V. 25, p. 1637-1639
68-20-1	Amended	V. 26, p. 488

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-8-1		
through		
71-8-9	New	V. 25, p. 99, 100

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-1a	Amended	V. 26, p. 126
74-4-7	Amended	V. 25, p. 610
74-4-8	Amended	V. 25, p. 610
74-5-2	Amended	V. 26, p. 127
74-5-101	Amended	V. 26, p. 127
74-5-102	Amended	V. 25, p. 612
73-5-105	Revoked	V. 26, p. 127
74-5-202	Amended	V. 26, p. 127

74-5-203	Amended	V. 25, p. 613
74-5-403	Amended	V. 26, p. 128
74-5-408	New	V. 26, p. 128
74-11-6	Amended	V. 26, p. 128
74-11-7	Amended	V. 25, p. 614

**AGENCY 81: OFFICE OF THE  
SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-1-1	Amended	V. 26, p. 20
81-2-1	Amended	V. 25, p. 1057
81-3-1	Amended	V. 25, p. 1058
81-3-2	Amended	V. 25, p. 1059
81-3-5	Amended	V. 25, p. 1059
81-3-6	New	V. 25, p. 1060
81-3-7	New	V. 25, p. 1064
81-4-1	Amended	V. 26, p. 21
81-4-2	Amended	V. 26, p. 22
81-5-3	Amended	V. 26, p. 22
81-5-4	Revoked	V. 26, p. 22
81-5-5	Revoked	V. 26, p. 23
81-5-6	Amended	V. 26, p. 23
81-5-7	Amended	V. 26, p. 24
81-5-8	Amended	V. 26, p. 24
81-5-10	Amended	V. 26, p. 24
81-5-11	Amended	V. 26, p. 25
81-5-12	Amended	V. 26, p. 25
81-5-13	Amended	V. 26, p. 26
81-5-14	Amended	V. 26, p. 27
81-5-16		
through		
81-5-20	New	V. 26, p. 28-30
81-6-1	Amended	V. 26, p. 30
81-7-1	Amended	V. 26, p. 30
81-7-2	Amended	V. 26, p. 31
81-7-3	New	V. 26, p. 31
81-10-1	Amended	V. 26, p. 32
81-14-1	Amended	V. 25, p. 1065
81-14-2	Amended	V. 25, p. 1066
81-14-3	Revoked	V. 25, p. 1066
81-14-4	Amended	V. 25, p. 1066
81-14-5	Amended	V. 25, p. 1071
81-14-6	Amended	V. 25, p. 1075
81-14-7	Amended	V. 25, p. 1076
81-14-8	Revoked	V. 25, p. 1076
81-14-9	New	V. 25, p. 1076
81-14-10	New	V. 25, p. 1079

**AGENCY 82: STATE CORPORATION  
COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 25, p. 1750
82-3-206	Amended	V. 25, p. 1754
82-3-305	Amended	V. 25, p. 1754
82-3-307	Amended	V. 25, p. 1754
82-4-3a	Amended (T)	V. 25, p. 378
82-4-3a	Amended	V. 25, p. 844
82-14-1		
through		
82-14-5	New	V. 26, p. 16-19
82-15-1	New (T)	V. 25, p. 984, 1019
82-15-1	New	V. 25, p. 1363

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-3-8	Amended	V. 25, p. 1057
88-15-1	Revoked	V. 25, p. 1403
88-15-2	Revoked	V. 25, p. 1403
88-16-1	Revoked	V. 25, p. 1404
88-16-1b	Revoked	V. 25, p. 1404
88-16-2	Revoked	V. 25, p. 1404
88-16-5	Revoked	V. 25, p. 1404
88-16-5b	Revoked	V. 25, p. 1404
88-16-6	Revoked	V. 25, p. 1404
88-16-8	Revoked	V. 25, p. 1404
88-23-1	Revoked	V. 25, p. 1404
88-23-2	Revoked	V. 25, p. 1404
88-23-2a	Revoked	V. 25, p. 1404
88-23-3a	Revoked	V. 25, p. 1404
88-23-4	Revoked	V. 25, p. 1404
88-23-5	Revoked	V. 25, p. 1404
88-23-6	Revoked	V. 25, p. 1404
88-23-7	Revoked	V. 25, p. 1404

88-28-1 through		
88-28-6	New	V. 25, p. 1404-1410
88-28-7	New	V. 25, p. 1451
88-28-8	New	V. 25, p. 1411
88-29-1 through		
88-29-19	New	V. 26, p. 216-229

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-201	Amended	V. 25, p. 1098
91-1-202	Amended	V. 25, p. 1099
91-1-205	Amended	V. 25, p. 1101

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-4	Revoked	V. 25, p. 252
92-12-4a	New	V. 25, p. 252
92-12-5	Revoked	V. 25, p. 254
92-12-120	New	V. 25, p. 254
92-12-121	New	V. 25, p. 254
92-12-130	New	V. 25, p. 254
92-13-9	Amended	V. 25, p. 1568
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-22a	Amended	V. 25, p. 254
92-19-55a	Revoked	V. 26, p. 409
92-19-81	Amended	V. 26, p. 409
92-21-7	Revoked	V. 26, p. 409
92-21-8	Revoked	V. 26, p. 409
92-21-10	Revoked	V. 26, p. 409
92-21-14	Amended	V. 26, p. 409
92-21-16	Revoked	V. 26, p. 409
92-21-17	Revoked	V. 26, p. 409
92-51-41	Amended	V. 25, p. 255
92-51-41a	New	V. 25, p. 255

**AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-7-1	New	V. 26, p. 14
93-7-2	New	V. 26, p. 14
93-7-3	New	V. 26, p. 14
93-8-1	New	V. 26, p. 14
93-8-2	New	V. 26, p. 14
93-8-3	New	V. 26, p. 14

**AGENCY 97: KANSAS COMMISSION ON VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-4-1 through		
97-4-8	New	V. 25, p. 1596, 1597
97-6-1	New	V. 26, p. 484
97-6-2	New	V. 26, p. 485
97-6-4 through		
97-6-11	New	V. 26, p. 485-488

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-15-5	Amended	V. 26, p. 384
100-15-6	Amended	V. 26, p. 385
100-25-1 through		
100-25-5	New	V. 25, p. 213-216
100-26-1	Amended	V. 25, p. 217
100-26-2	New	V. 25, p. 217
100-26-3	New	V. 25, p. 217
100-27-1	Amended	V. 25, p. 1206
100-29-1	Amended	V. 25, p. 639
100-29-2	Amended	V. 25, p. 890
100-29-3	Amended	V. 25, p. 640
100-29-4	Amended	V. 25, p. 890
100-29-5	Revoked	V. 25, p. 640
100-29-6	Amended	V. 25, p. 640
100-29-8	Amended	V. 25, p. 640
100-29-9	Amended	V. 25, p. 640
100-29-10	Amended	V. 25, p. 641
100-29-11	Revoked	V. 25, p. 1601
100-29-12	Amended	V. 25, p. 642
100-29-13	Amended	V. 25, p. 643

100-29-14	Revoked	V. 25, p. 890
100-29-15	New	V. 25, p. 643
100-29-16	New	V. 25, p. 890
100-73-7	New	V. 25, p. 1601
100-73-8	New	V. 25, p. 1602

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-5a	Amended	V. 25, p. 183
102-1-12	Amended	V. 25, p. 184
102-2-2a	Amended (T)	V. 25, p. 987, 1019
102-2-2a	Amended	V. 25, p. 1452
102-2-6	Amended	V. 25, p. 1453
102-3-3a	Amended	V. 25, p. 1454
102-3-4a	Amended (T)	V. 25, p. 988, 1019
102-3-4a	Amended	V. 25, p. 1456
102-4-1a	Amended	V. 25, p. 1458
102-4-3a	Amended	V. 25, p. 1460
102-4-4a	Amended (T)	V. 25, p. 990, 1019
102-4-4a	Amended	V. 25, p. 1463
102-5-3	Amended	V. 25, p. 1464
102-5-4a	Amended (T)	V. 25, p. 992, 1019
102-5-4a	Amended	V. 25, p. 1466
102-5-5	Amended	V. 25, p. 187

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-4-1	Amended	V. 25, p. 101
105-5-2	Amended (T)	V. 25, p. 982, 1019
105-5-2	Amended	V. 25, p. 1530
105-5-3	Amended (T)	V. 25, p. 982, 1019
105-5-3	Amended	V. 25, p. 1530
105-5-6	Amended (T)	V. 25, p. 982, 1019
105-5-6	Amended	V. 25, p. 1530
105-5-7	Amended (T)	V. 25, p. 983, 1019
105-5-7	Amended	V. 25, p. 1531
105-5-8	Amended (T)	V. 25, p. 983, 1019
105-5-8	Amended	V. 25, p. 1531
105-11-1	Amended (T)	V. 25, p. 983, 1019
105-11-1	Amended	V. 25, p. 1531

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

Reg. No.	Action	Register
108-1-4	Amended	V. 25, p. 180

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

Reg. No.	Action	Register
109-8-1	Amended (T)	V. 26, p. 12

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-9-1 through		
110-9-8	New	V. 25, p. 373-375
110-13-4	Amended	V. 25, p. 447
110-14-1	New	V. 25, p. 1771
110-14-2	New	V. 25, p. 1771

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. The following regulations were filed after January 1, 2006:

Reg. No.	Action	Register
111-2-30	Amended	V. 25, p. 414
111-2-187	New	V. 25, p. 381
111-2-188	New	V. 25, p. 1363
111-2-189	New	V. 25, p. 1411
111-2-190	New	V. 25, p. 1694
111-2-191 through		
111-2-196	New	V. 26, p. 129, 130

111-2-194	Amended	V. 26, p. 173
111-2-197	New	V. 26, p. 173
111-2-198	New	V. 26, p. 174
111-2-199 through		
111-2-204	New	V. 26, p. 202, 203
111-2-204	Amended	V. 26, p. 565
111-2-205	New	V. 26, p. 565
111-4-2342 through		
111-4-2349	New	V. 25, p. 217-221
111-4-2350 through		
111-4-2362	New	V. 25, p. 311-319
111-4-2363 through		
111-4-2382	New	V. 25, p. 339-351
111-4-2383 through		
111-4-2387	New	V. 25, p. 381-384
111-4-2389 through		
111-4-2393	New	V. 25, p. 385, 386
111-4-2394 through		
111-4-2404	New	V. 25, p. 415-422
111-4-2405 through		
111-4-2418	New	V. 25, p. 787-795
111-4-2419 through		
111-4-2427	New	V. 25, p. 868-874
111-4-2420	Amended	V. 25, p. 1019
111-4-2428 through		
111-4-2434	New	V. 25, p. 1020-1025
111-4-2435 through		
111-4-2454	New	V. 25, p. 1364-1376
111-4-2455 through		
111-4-2467	New	V. 25, p. 1412-1420
111-4-2468 through		
111-4-2482	New	V. 25, p. 1695-1702
111-4-2483 through		
111-4-2496	New	V. 26, p. 130-138
111-4-2495	Amended	V. 26, p. 203
111-4-2497 through		
111-4-2503	New	V. 26, p. 174-179
111-4-2504 through		
111-4-2520	New	V. 26, p. 204-212
111-4-2521 through		
111-4-2525	New	V. 26, p. 566-569
111-5-126 through		
111-5-138	New	V. 25, p. 386-390
111-5-131	Amended	V. 26, p. 570
111-5-139	New	V. 25, p. 423
111-5-139a	New	V. 25, p. 795
111-5-140 through		
111-5-149	New	V. 25, p. 795-797
111-5-150 through		
111-5-154	New	V. 25, p. 842-844
111-5-155 through		
111-5-159	New	V. 25, p. 1703, 1704
111-6-1	Amended	V. 25, p. 222
111-6-27	New	V. 26, p. 259
111-7-81	Amended	V. 25, p. 319
111-7-193	New	V. 25, p. 1026
111-7-194	New	V. 25, p. 1027
111-7-195 through		
111-7-207	New	V. 25, p. 1420-1423
111-7-208 through		
111-7-217	New	V. 26, p. 138-141

(continued)

111-9-130		
through		
111-9-133	New	V. 25, p. 351-353
111-9-134	New	V. 25, p. 1704
111-9-135	New	V. 25, p. 1705
111-9-136	New	V. 26, p. 141
111-9-137	New	V. 26, p. 180
111-9-138	New	V. 26, p. 212
111-9-139	New	V. 26, p. 212
111-9-140	New	V. 26, p. 213
111-9-141	New	V. 26, p. 570
111-9-142	New	V. 26, p. 571
111-11-1	Amended	V. 25, p. 223
111-12-4	Amended	V. 26, p. 571
111-14-2	New	V. 26, p. 214

**AGENCY 115: DEPARTMENT OF  
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 25, p. 1602
115-2-2	Amended	V. 25, p. 1603
115-2-3a	Amended	V. 25, p. 1603
115-2-4	Amended	V. 25, p. 336
115-4-4	Amended	V. 26, p. 410
115-4-4a	Amended	V. 26, p. 411
115-4-6	Amended	V. 25, p. 336
115-7-1	Amended	V. 25, p. 1605
115-7-4	Amended	V. 25, p. 1606
115-7-8	New	V. 25, p. 1606
115-16-5	Amended	V. 25, p. 1607
115-18-10	Amended	V. 26, p. 101

115-18-12	Amended	V. 25, p. 1608
115-18-18	New	V. 25, p. 1608
115-18-19	New	V. 25, p. 1608
115-18-20	New	V. 25, p. 1609
115-20-5	New	V. 25, p. 1609
115-20-6	New	V. 25, p. 1611

**AGENCY 117: REAL ESTATE  
APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-2	Amended	V. 25, p. 1146
117-3-2	Amended	V. 25, p. 1146
117-3-2a	Amended	V. 26, p. 564
117-4-2	Amended	V. 25, p. 1147
117-4-2a	Amended	V. 26, p. 564
117-5-1	Amended	V. 25, p. 1148
117-6-1	Amended	V. 25, p. 1148
117-6-2	Amended	V. 25, p. 1148
117-8-1	Amended	V. 25, p. 866

**AGENCY 118: STATE HISTORICAL SOCIETY**

Reg. No.	Action	Register
118-4-4	Amended	V. 26, p. 46

**AGENCY 121: DEPARTMENT OF  
CREDIT UNIONS**

Reg. No.	Action	Register
121-5-1	Amended (T)	V. 25, p. 1304
121-5-1	Amended	V. 25, p. 1727
121-5-2	Revoked (T)	V. 25, p. 1304
121-5-2	Revoked	V. 25, p. 1727

121-5-3	New (T)	V. 25, p. 1304
121-5-3	New	V. 25, p. 1727
121-7-1	New	V. 25, p. 1728
121-8-1	New (T)	V. 25, p. 1304
121-8-1	New	V. 25, p. 1728

**AGENCY 123: JUVENILE JUSTICE  
AUTHORITY**

Reg. No.	Action	Register
123-6-101		
through		
123-6-106	New	V. 25, p. 1634, 1635

**AGENCY 129: KANSAS HEALTH  
POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 26, p. 281
129-5-88	New	V. 25, p. 1830
129-5-108	New	V. 25, p. 1571
129-5-118	New	V. 25, p. 665
129-5-118b	New	V. 25, p. 665
129-6-38	New	V. 25, p. 1030
129-6-77	New	V. 25, p. 847
129-6-151	New	V. 25, p. 848
129-6-152	New	V. 25, p. 848
129-7-65	New	V. 25, p. 848
129-14-22	New	V. 25, p. 1030
129-14-27	New	V. 25, p. 849
129-14-51	New	V. 25, p. 849
129-14-52	New	V. 25, p. 849

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