



# Kansas Register

Ron Thornburgh, Secretary of State

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## 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, August 15, at the Topeka and Shawnee County Public Library, 1515 S.W. 10th Ave., Room 101C, 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.

Don Jordan  
Secretary of Social and  
Rehabilitation Services

Doc. No. 036017

## 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, July 30, in the office of the Kansas Health Policy Authority, Room 900-N, Conference Room E, Landon State Office Building, 900 S.W. Jackson, 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 Laurie Knowlton with the State Employee Health Plan at (785) 296-5443.

Duane A. Goossen  
Chair

Doc. No. 036014

## State of Kansas

Governor's Task Force on  
Racial Profiling

## Notice of Meeting

The Governor's Task Force on Racial Profiling will meet at 10 a.m. Friday, July 25, in Room 102, Conference Room E, Landon State Office Building, 900 S.W. Jackson, Topeka. The meeting is open to the public. For more information, call (785) 296-9874.

Michael D. Waters  
Administrative Assistant

Doc. No. 036025

## State of Kansas

## Department of Commerce

## Notice of Available Grant Funding

Grant funds are available for a competitive application process for non-formula Workforce Investment Act set-aside funds. The solicitation for grant application (SGA) can be obtained by contacting the Workforce Services Division at (785) 296-0607 or via the Department of Commerce Web site at <http://www.kansascommerce.com/IndexPages/Div06a.aspx>.

All grant applications must be received by 4 p.m. Friday, August 15. No applications will be accepted following this date.

David D. Kerr  
Secretary of Commerce

Doc. No. 036019

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## State of Kansas

## Kansas State Treasurer

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 3 p.m. Monday, September 22, in Room 201, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider amendments to K.A.R. 3-3-1 and new K.A.R. 3-3-2, governing the Kansas housing loans program.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Scott Gates, Chief Counsel, Kansas State Treasurer's Office, Room 201, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1235, or by e-mail to [scott@treasurer.state.ks.us](mailto:scott@treasurer.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Scott Gates at (785) 296-5317 or TTY (800) 766-3777, or [scott@treasurer.state.ks.us](mailto:scott@treasurer.state.ks.us). Handicapped parking is located at the north entrance to the building, and the north entrance is accessible.

**Summary of the proposed regulations:**

The changes in **K.A.R. 3-3-1** simply clarify that the regulation only applies to the agricultural production loan program and not all linked deposit programs administered by the State Treasurer.

**K.A.R. 3-3-2** is a new regulation for the Kansas home loan program. It selects the U.S. Census Bureau as the source for determining 350 percent of the Kansas median household income level, which is used as the maximum value for homes that are eligible for the program. The regulation also clarifies that at least 50 percent of the tract of land upon which a home is located must be within 1 mile of the city limits of Chanute, Coffeyville, Erie, Fredonia, Greensburg, Independence, Iola, Neodesha or Osawatimie to qualify for funds set aside by statute for these listed cities.

Copies of the proposed regulations and the associated economic impact statement may be obtained from State Treasurer's Office at the address above, by calling (785) 296-3171, or from the State Treasurer's Web site at [http://www.kansasstatetreasurer.com/prodweb/housing\\_loan\\_regs.php](http://www.kansasstatetreasurer.com/prodweb/housing_loan_regs.php).

Lynn Jenkins  
State Treasurer

Doc. No. 036009

## State of Kansas

Department of Administration  
Division of Facilities Management

## Notice of Hearing

Pursuant to K.S.A. 75-37,143(d), the State Building Advisory Commission will conduct a public hearing at 1 p.m. Wednesday, August 13, in Room 102, Conference Room 1E, Landon State Office Building, 900 S.W. Jackson, Topeka. The purpose of the hearing is for the public to have an opportunity to comment on a request from Emporia State University for construction management at-risk services for the remodeling of 165,000 gsf and a 15,000 gsf addition to the Memorial Union in Emporia. The estimated construction cost is \$17,755,000.

Marilyn Jacobson, Director  
Division of Facilities Management

Doc. No. 036021

## State of Kansas

## Social and Rehabilitation Services

## Request for Proposals

The Department of Social and Rehabilitation Services will accept applications for the provision of social services to refugees for the service period October 1, 2008 through September 30, 2009. Applications must be postmarked by August 15. Applications postmarked after that date will not be considered. Instructions for completing the application are described in the request for proposal (RFP), available on request from Lewis A. Kimsey, Department of Social and Rehabilitation Services, Refugee Resettlement Program, Room 681-W, Docking State Office Building, 915 S.W. Harrison; Topeka, 66612, (785) 296-0147.

Don Jordan  
Secretary of Social and  
Rehabilitation Services

Doc. No. 036016

## State of Kansas

## State Conservation Commission

## Notice to Contractors

Sealed bids for detention dam Site 105 rehabilitation in Lyon County will be received by the Allen Creek Watershed District No. 89 at the office of R.H.K. Enterprises, Inc., 501 Main St., Admire, 66830, (620) 528-3710, until 10 a.m. August 6 and then opened. Bids may be delivered just prior to opening at the place of opening. Site showing will be held at 10 a.m. July 30; in case of inclement weather, an alternate showing will be held at the site at 10 a.m. August 4. A copy of the invitation for bids and the rehabilitation plans and specifications can be reviewed at the site showing or obtained from the office of R.H.K. Enterprises, Inc. The Notice to Proceed is expected to be issued upon signing of contracts.

Greg A. Foley  
Executive Director

Doc. No. 036020

## 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:

08/05/2008	11515	Ready Mix Concrete & Flowable Fill — Kansas City Area
08/05/2008	11530	Construct Sanitary Sewer Extension
08/08/2008	11540	Roof-mounted HVAC Systems
08/13/2008	11530	Recreational Playground Equipment
08/20/2008	11532	Mainframe Tape Modernization Project
08/22/2008	11539	Rest Area Maintenance — Bloom
08/26/2008	11483	Family Preservation Services
08/26/2008	11484	Reintegration/Foster Care/Adoption Services

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/).

08/12/2008	A-010827	Water Distribution System Improvements — Wichita State University, Wichita
08/14/2008	A-010668	Water System Improvements — Norton Correctional Facility, Norton
08/14/2008	A-010851	Electrical Service Upgrade — Duerksen Fine Arts Center — Wichita State University, Wichita
08/19/2008	A-010730(A)	Phase II/III — Fire Alarm System Upgrade — Multiple Bldgs. — West Unit — Lansing Correctional Facility, Lansing
08/19/2008	A-010731	Phase I — Fire Alarm System Upgrade — Multiple Bldgs. — Hutchinson Correctional Facility, Hutchinson
08/21/2008	A-010720	Replace Pool Equipment — Activity/Therapy Bldg. — Larned State Hospital, Larned

Chris Howe  
Director of Purchases

Doc. No. 036029

## 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 site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, are seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454 or by e-mail at [purchasing@ku.edu](mailto:purchasing@ku.edu) to request a copy of a current bid.

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 036010

## State of Kansas

**Department of Transportation**

**Request for Comments**

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 08-11 by adding the following projects:

**Project K-7290-03**, Preliminary Engineering, US-69 from .5 mile south of US-69/K-103 Jct. north on realignment (west side of existing US-69), to 3 miles north of the north city limits of Arma, Cherokee and Crawford counties

**Project K-8320-02**, Preliminary Engineering, US-69 from the Cherokee/Crawford county line north to US-160 on realignment to the west side of existing US-69, Crawford County

**Project K-8320-03**, Preliminary Engineering, US-160 realignment as a result of the Pittsburg bypass (realignment to the west of existing US-69), Crawford County

**Project K-8320-04**, Preliminary Engineering, US-69 from US-160, north on realignment to the west of existing US-69 to 3 miles north of the north city limits of Arma, Crawford County

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

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

The comment period regarding the STIP amendment will conclude August 25.

Deb Miller  
Secretary of Transportation

Doc. No. 036030

## State of Kansas

## Department of Transportation

## Request for Bids

The Kansas Department of Transportation's Office of Public Transportation announces that the Kansas Coordinated Transit District Council (KCTDC) is now accepting courtesy bids for Kansas' transit vehicles.

These courtesy bids will cover 10 types of 2009 model-year transit vehicles, including minivans, ramp minivans, 12-passenger raised-top extended vans, multifunctional school activity minibuses, and 13- and 20-passenger small transit buses with optional wheelchair lifts. The transit vehicles will be funded by the Federal Transit Administration and the state of Kansas, and must comply with all applicable federal laws (including FMVSS and ADA requirements) and state laws for passenger vehicles of this type. These vehicles will be used in the KDOT Public Transportation Program to transport the elderly and disabled, and the general public.

The bid opening is scheduled for 9 a.m. Monday, September 15, in Wichita. Inquiries or requests for a bid package (on CD-ROM) should be made directly to Sarah Krom, Chairperson, Kansas Coordinated Transit District Council, P.O. Box 838, Great Bend, 67530, (620) 792-1321.

Deb Miller  
Secretary of Transportation

Doc. No. 036012

## 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, 700 S.W. Harrison, Topeka, until 1 p.m. August 20 and then publicly opened.

## District One — Northeast

**Johnson-Wyandotte**—106 KA-1495-01 — 12 locations in Johnson and Wyandotte counties, signing. (State Funds)

**Leavenworth**—52 C-4257-01 — County road 1.2 miles west and 1.5 miles north of Easton, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

**Riley**—18-81 K-6796-02 — K-18, .5 mile south of the Geary-Riley county line northeast to south of Walnut Street in Ogden, 0.8 mile, grading, bridge and surfacing. (Federal Funds)

**Shawnee**—75-89 KA-1304-01 — East junction of I-70/U.S. 75 south end of the Westgate Bridge, bridge repair. (State Funds)

## District Two — Northcentral

**Geary**—70-31 KA-1112-01 — Eastbound I-70 over the Smoky Hill River bridge, bridge repair. (State Funds)

**Ellsworth**—141-27 KA-1328-01 — K-141, 1 mile north of K-4, 0.1 mile, slide repair. (State Funds)

**Saline**—70-85 K-6779-03 — I-70, .05 mile west of county route 1050 east to the Saline-Dickinson county line, 6.5 miles, seeding and sodding. (Federal Funds)

## District Three — Northwest

**Smith**—92 C-4297-01 — County road 0.5 miles north and 3 miles east of Cora, 0.2 mile, grading and bridge. (Federal Funds)

**Sheridan**—90 C-4303-01 — County road, 14.3 miles north and 9 miles east of Hoxie, 0.2 mile, grading and bridge. (Federal Funds)

**Sherman**—24 KA-0144-01 — Intersection of U.S. 24B and Cherry Street, 0.2 mile, grading and surfacing. (State Funds)

**Sherman**—91 KA-0472-01 — County road 1668 from north of I-70 exit 12 north to county road 65, 1 mile, grading and surfacing. (State Funds)

## District Four — Southwest

**Cherokee**—69-11 K-8009-01 — Railroad crossing in Columbus to Maple Street on U.S. 69, 0.5 mile, grading and surfacing. (State Funds)

**Franklin**—68-30 KA-1238-01 — K-68 bridge, 11.9 miles east of the Osage County line, bridge repair. (State Funds)

## District Five — Southcentral

**Kingman**—54-48 K-8244-01 — U.S. 54 from the Pratt-Kingman county line east 5.8 miles, grading and bridge. (Federal Funds)

**Sedgwick**—54-87 KA-1243-01 — U.S. 54 bridge 2 miles east of the junction of U.S. 54 and I-235, bridge repair. (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. 036028

## State of Kansas

**Kansas State University—Salina****Notice to Bidders**

Kansas State University at Salina is selling by sealed bid miscellaneous aircraft parts to include C-150 and Sundowner parts. For details, bid sheet, bid deadline and contact information see K-State at Salina's Web site, <http://www.sal.ksu.edu/campusoffices/business/bid-items/index.html>.

Rhonda Riffel  
Fiscal Affairs

Doc. No. 035675

## State of Kansas

**Department of Transportation****Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. A response may be submitted by e-mail to [neil@ksdot.org](mailto:neil@ksdot.org) or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages and must be received by noon August 14 for the consulting engineering firm to be considered.

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

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

**56-106 KA-1496-01**  
**US-56 Corridor Management Plan**  
**(US-59 to I-35)**

The Kansas Department of Transportation, in partnership with Johnson County, Douglas County, Mid-America Regional Council (MARC), Lawrence-Douglas County Metropolitan Planning Organization, and the cities of Gardner, Edgerton and Baldwin City, is requesting proposals from qualified engineering and planning firms for a study that will result in a plan for corridor management, access management, circulation and land use in the U.S. Highway 56 Corridor for an approximate distance of 22 miles from US-59 on the west to I-35 on the east, and for approximately 1 mile north and south of the US-56 centerline.

KDOT desires to hire a corridor management consultant (CMC) to manage the development of an access management plan, traffic circulation plan, growth and development plan, infrastructure extension plan and land use management plan. The managing consultant will develop a plan in a collaborative way among KDOT and the other entities affected, plus landowners, commercial stakeholders and the general public. The plan shall lay out recommendations for future access management and signalization. The plans will show how the future development anticipated along this corridor and the access to the highway and other nearby roads can be managed to accommodate this development and protect the operational integrity of this highway in southwest Johnson County and southeast Douglas County. The plan will identify short- and long-term improvements needed to be considered for both US-56 and other nearby roads.

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

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

Deb Miller  
Secretary of Transportation

Doc. No. 036004

## State of Kansas

**Department of Transportation****Notice Concerning DBE Goal**

In accordance with the requirements of the U.S. Department of Transportation as set forth in 49 CFR, Part 26 as amended, the Kansas Department of Transportation, Office of Civil Rights, Topeka, hereby notifies the public that it recommends the following FTA Disadvantaged Business Enterprise (DBE) goal for applicable professional services and procurement contracts during federal fiscal year (FFY) 2009, which begins October 1, 2008 and ends September 30, 2009. The overall total DBE goal for FFY 2009 is 2.08 percent for planning projects and 0.28 percent for CTD grants.

Information pertaining to this goal and a description of the background calculations are available for inspection at the Kansas Department of Transportation, Office of Civil Rights, Suite 350, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3745, for 30 calendar days following the date of publication of this notice.

Written comments will be accepted on this goal methodology for 45 days from the date of this publication. The comments are for informational purposes only and may be sent to the KDOT Office of Civil Rights at the address above or to the Regional Civil Rights Officer, Federal Transit Administration, Region 7, 901 Locust St., Suite 404, Kansas City, MO 64106.

Deb Miller  
Secretary of Transportation

Doc. No. 036015

## State of Kansas

## Attorney General

## Opinion 2008-13

**Public Health—Regulation of Dentists and Dental Hygienists—Persons Deemed to Be Practicing Dentistry; Non-licensed Persons Directly Applying Teeth Whitening or Bleaching Product. Senator Susan Wagle, 30th District, Wichita, June 3, 2008.**

Application of teeth whitening or bleaching products *could* be included in the statutory phrases “dental service of any kind,” and treatment of a “physical condition of the human teeth” as used in the definition of the practice of dentistry, and “removal of . . . stains” as used in the definition of the practice of dental hygiene. The Kansas Dental Board has authority to adopt a regulation stating that teeth whitening is a “dental service” to treat a “physical condition of the human teeth” and/or a dental hygiene service to remove stains. However, in the absence of such regulatory specificity, an attempt to initiate either a criminal prosecution or an injunction for unlawful practice may be subject to a due process challenge for vagueness. Cited herein: K.S.A. 65-1421; 65-1422; 65-1423; 65-1451; K.S.A. 2007 Supp. 65-1456; K.S.A. 74-1407. CN

## Opinion 2008-14

**Crimes and Punishments—Sentencing; Multiple Sentences; Crimes Committed While Imprisoned; Term of Post Incarceration Supervision; Ex Post Facto. Roger Werholtz, Secretary, Kansas Department of Corrections, June 16, 2008.**

2008 House Bill 2707, which changes the length of post incarceration supervision for inmates who have committed a crime after July 1, 1993 while imprisoned for a crime committed prior to July 1, 1993, does not violate the Ex Post Facto Clause because the bill does not impose additional punishment to that which was prescribed for the pre-1993 crime. Cited herein: K.S.A. 21-4608, as amended by 2008 H.B. 2707, § 3; K.S.A. 21-4704; K.S.A. 22-3718; 22-3722; U.S. Const., Art. 1, §§ 9, 10. MF

## Opinion 2008-15

**Cities and Municipalities—Planning and Zoning—Planning, Zoning and Subdivision Regulations in Cities and Counties; Planning Commission; Oath of Office for Commission Members.**

**State Departments; Public Officers and Employees—Oath Required for Public Officers; Members of a Joint City and County Planning Commission. William W. Jeter, Ellis County Counselor, Hays, June 26, 2008.**

Members of city and county planning commissions and boards of zoning appeals are officers for purposes of the oath requirement of K.S.A. 75-4308. Cited herein: K.S.A. 12-744; 12-759; 21-3110; 54-106; 75-4308; 75-4313 and 75-4314. MJS

## Opinion 2008-16

**Criminal Procedure—Offender Registration—Time Period in Which Required to Register; Termination of Registration Requirement; Relief from Registration Requirement for Persons Adjudicated as Juvenile Offend-**

**ers for Certain Sexually Violent Crimes. Robert E. Blecha, Director, Kansas Bureau of Investigation, Topeka, June 26, 2008.**

Notwithstanding K.S.A. 22-4908, a district court may relieve a person from the duty to register under the Kansas Offender Registration Act if the duty to register was based upon the person’s adjudication as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime and such crime was not an off-grid felony or a felony ranked in severity level 1 of the nondrug sentencing grid. Cited herein: K.S.A. 22-4902; 22-4903; 22-4906; 22-4908; K.S.A. 2007 Supp. 59-29a02. RER

## Opinion 2008-17

**State Boards, Commissions and Authorities—State Lottery—Kansas Lottery Act; Lottery Gaming Facilities; Gaming Facility Management Contract Requirements; Minimum Investment in Infrastructure. Stephen L. Martino, Executive Director, Kansas Racing and Gaming Commission, Topeka, June 30, 2008.**

The Kansas Expanded Lottery Act (KELA) does not prohibit phasing-in the minimum amount of investment in infrastructure for a proposed lottery gaming enterprise over a period of time. Rather, the KELA requires only that the Lottery Commission *determine* that the proposed development consists of a minimum investment in infrastructure in the statutory amount prescribed for each gaming zone. Cited herein: K.S.A. 2007 Supp. 74-8702; 74-8734; 74-8736. MF

## Opinion 2008-18

**State Boards, Commission and Authorities—State Lottery—Kansas Lottery Act; Kansas Expanded Lottery Act; Restrictions on State and Local Officials; Penalties; Use of Official Authority to Influence the Decision of the Lottery Gaming Facility Review Board. John A. Potucek II, Sumner County Counselor, Wellington, June 30, 2008.**

The provision in the Kansas Expanded Lottery Act prohibiting a local official from using his or her official authority to influence or attempt to influence the decision of the Lottery Gaming Facility Review Board (Review Board) should be interpreted to apply to members of a governing body of a city or county where a gaming facility *may be* located. To the extent that the conclusion in Attorney General Opinion No. 2007-33 differs, it is hereby withdrawn.

Whether a local official uses his or her official authority to influence or attempt to influence the decision of the Review Board will be a question of fact. However, while a local official may testify concerning the process the governing body used in endorsing applicants and the substance of the endorsement decisions, he or she cannot express a personal opinion regarding the merits of the contracts under consideration by the Review Board, including which proposed contract should be selected for the gaming zone at issue.

Finally, there may be criminal culpability for an *individual* county commissioner and his or her agent if the

(continued)

latter attempts to do what the commissioner is prohibited from doing. However, as the prohibition does not apply to the governing body itself, a representative of the governing body or an attorney retained by the latter may express the opinion of the body regarding the merits of the contracts and which contract should be selected for a particular gaming zone. Cited herein: K.S.A. 21-3205; 21-3302; K.S.A. 2007 Supp. 74-8702, 74-8734, 74-8736, 74-8762. MF

Stephen N. Six  
Attorney General

Doc. No. 036013

(Published in the Kansas Register July 24, 2008.)

**Summary Notice of Bond Sale**  
**City of Gardner, Kansas**  
**\$9,950,000\***  
**General Obligation Bonds, Series 2008B**  
**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Bids**

Subject to the notice of sale dated July 21, 2008, bids will be received on behalf of the city of Gardner, Kansas, at the offices of Springsted Incorporated, 380 Jackson St., Suite 300, St. Paul, MN 55101-2887, by delivery; by telephone at (651) 223-3000 or via facsimile at (651) 223-3046; or, in the case of electronic proposals, via PARITY electronic bid submission system, until 11 a.m. August 4, 2008, for the purchase of \$9,950,000\* principal amount of General Obligation Bonds, Series 2008B. No bid of less than the 99.1 percent of the par value of the 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 August 15, 2008 (the dated date), and will become due October 1 in the years as follows:

Year	Principal Amount*
2009	\$715,000
2010	770,000
2011	795,000
2012	810,000
2013	830,000
2014	865,000
2015	885,000
2016	920,000
2017	955,000
2018	985,000
2019	120,000
2020	120,000
2021	130,000
2022	130,000
2023	135,000
2024	140,000
2025	150,000

2026	160,000
2027	165,000
2028	170,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold as provided in the notice of sale, which interest will be payable semi-annually on April 1 and October 1 in each year, beginning April 1, 2009. A bidder may elect to have all or a portion of the bonds scheduled to mature in consecutive years issued as term bonds subject to the requirements set forth in the notice of sale.

**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 \$199,000 (2 percent of the principal amount of the 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 August 28, 2008, 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 2007 is \$151,071,645. 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 \$67,982,000.

**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 when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from Laura Gourley, the city's finance director, (913) 856-7535; from the city's financial advisor, Springsted Incorporated of St. Paul, Minnesota, (651) 223-3000; or from bond counsel, Kutak Rock LLP, 1010 Grand Blvd., Suite 500, Kansas City, MO 64106-2220, (816) 960-0090, Attention: Dorothea Riley.

Dated July 24, 2008.

City of Gardner, Kansas  
By Laura Gourley  
Finance Director  
120 E. Main  
Gardner, KS 66030

\*Subject to change.

Doc. No. 036022



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 7-21-08 through 7-27-08**

Term	Rate
1-89 days	2.01%
3 months	1.51%
6 months	1.87%
1 year	2.34%
18 months	2.53%
2 years	2.60%

Daniel J. Nackley  
Director of Investments

Doc. No. 036011

(Published in the Kansas Register July 24, 2008.)

**Summary Notice of Bond Sale  
City of Great Bend, Kansas  
\$5,000,000**

**General Obligation Sales Tax Bonds, Series 2008-A  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated July 21, 2008, written and electronic bids will be received on behalf of the clerk of the city of Great Bend, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. August 4, 2008, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated August 15, 2008, and will become due on September 1 in the years as follows:

Year	Principal Amount
2009	\$400,000
2010	425,000
2011	445,000
2012	465,000
2013	485,000
2014	510,000
2015	530,000
2016	555,000
2017	580,000
2018	605,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2009.

**Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$100,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about August 20, 2008, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2007 is \$100,011,192. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$12,865,000.

**Approval of Bonds**

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

**Additional Information**

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

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

**Delivery Address:**

Wayne Henneke, Clerk  
City Hall  
1209 Williams, P.O. Box 1168  
Great Bend, KS 67530  
(620) 793-4100  
Fax (620) 793-4108  
E-mail: wayne.henneke@greatbend.com

**Financial Advisor and Good Faith Deposit**

**Delivery Address:**

George K. Baum & Company  
Plaza Colonnade  
4801 Main St., Suite 500  
Kansas City, MO 64112  
Attn: Roger Edgar  
(816) 474-1100  
Fax (816) 283-5326  
E-mail: edgar@gkbaum.com

Dated July 21, 2008.

City of Great Bend, Kansas

Doc. No. 036027

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Westar Energy Inc., Gordon Evans Energy Center has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Westar Energy Inc., Topeka, owns and operates Gordon Evans Energy Center, an electrical generation facility located at 6001 N. 151st St. West, Colwich.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the Wichita Department of Environmental Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Mindy Bowman, (785) 296-6421, at the KDHE central office; and to review the proposed permit only, contact Randy Owen, (316) 268-8350, at the Wichita Department of Environmental Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Mindy Bowman, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before noon August 25.

Any member of the public may request a public hearing be conducted 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 Christy Thurman at the address listed above or by fax to (785) 296-7455 and must be received by noon August 25.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this

notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

## State of Kansas

## Kansas Development Finance Authority

## Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, August 7, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

**Project No. 000733—Maximum Principal Amount: \$175,000.** Owner/Operator: Mark J. Sudbeck; Description: Acquisition of 310 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Mark J. Sudbeck and is located at Section 20, Township 7 South, Range 14 East in Jackson County, Kansas, west of Holton on Highway 16 to J Road then south to 214 Road.

The bond, when issued, will be a limited obligation of the KDFFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the KDFFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFFA.

Stephen R. Weatherford  
President

Doc. No. 036034

## State of Kansas

Department of Health  
and Environment

## Notice of Hearings

(Editor's Note: The following notice was first published in the July 17, 2008 Kansas Register. Although the hearings have taken place as of the date of this publication, the Department of Health and Environment requested re-publication for public notice purposes.)

The Kansas Department of Health and Environment has prepared eight Total Maximum Daily Loads (TMDLs) for lakes in the Neosho, Verdigris and Walnut River Basins that are impaired by not meeting state water quality standards. These TMDLs address impairment issues that KDHE has identified with the help of the Basin Advisory Committees and represent the second round of TMDLs for waters in the Verdigris and Walnut basins since 2002 and the third round of TMDLs for waters in the Neosho basin since 2002 and 2005.

The TMDLs subject to public review are:

**Neosho Basin**

1. Council Grove Lake — Eutrophication revision
2. Marion Lake — Eutrophication revision

**Verdigris Basin**

3. Big Hill Lake — Eutrophication
4. Elk City Lake — Eutrophication bundled with siltation
5. Eureka Lake — Eutrophication bundled with siltation
6. Fall River Lake — Eutrophication bundled with siltation and dissolved oxygen
7. Toronto Lake — Eutrophication bundled with siltation and dissolved oxygen

**Walnut Basin**

8. Winfield City Lake — Eutrophication

Public hearings to take testimony from interested parties will be conducted as follows:

**Tuesday, July 22 — Walnut Basin**

5 to 5:30 p.m. at the Ridge Restaurant, Winfield

**Wednesday, July 23 — Verdigris Basin**

Noon to 1 p.m. at the Housing Authority Building, Neodesha

**Thursday, July 24 — Neosho Basin**

Noon to 1 p.m. at the Coffey County Courthouse, Burlington

The first portion of the hearing will be a briefing by the Watershed Planning Section, outlining each of the TMDLs. Public comments and queries regarding these TMDLs will be taken by KDHE until August 22. After reviewing the public comments, KDHE will make any appropriate revisions to the TMDLs and will submit them to Region VII of the U.S. Environmental Protection Agency.

These TMDLs are available for review at the Kansas Department of Health and Environment TMDL Web site at <http://www.kdheks.gov/tmdl/index.htm>. Additionally, copies of the TMDLs can be obtained by contacting the

Bureau of Water, Watershed Planning Section, at (785) 296-6170.

Requests or questions should be directed to Tom Stiles, KDHE, Watershed Planning Section, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, (785) 296-6170, fax (785) 291-3266, or e-mail at [tstiles@kdhe.state.ks.us](mailto:tstiles@kdhe.state.ks.us).

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 036000

## State of Kansas

Department of Health  
and EnvironmentNotice 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-08-256/265  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Hainke Farms LTD Gary Hainke 1299 E. Thunder Road Kensington, KS 66951	SE/4 of Section 02, T04S, R16W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S029

This is a reissuance of a permit for an existing facility for 550 head (220 animal units) of swine weighing greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Courter Land Jeff Courter 22632 Pressonville Road Edgerton, KS 66021	NW/4 of Section 25, T15S, R21E, Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-S016

This is a reissuance of a permit for an existing facility for 330 head (132 animal units) of swine weighing greater than 55 pounds and 100 head (10 animal units) of swine weighing 55 pounds or less, for a total of 142 animal units of swine.

(continued)

**Name and Address of Applicant**  
 Showalter and Sons, Inc.  
 Adam Showalter,  
 Vice President  
 Route 1, Box 9  
 Alexander, KS 67513  
 Kansas Permit No. A-UARH-B001  
 This is a reissuance of a permit for an existing facility for 800 head (800 animal units) of cattle weighing greater than 700 pounds.

**Name and Address of Applicant**  
 Gasper Farms  
 Craig Gasper  
 526 100th Road  
 Tipton, KS 67485  
 Kansas Permit No. A-SOQB-B010  
 This is a reissuance of a permit for an existing facility for 300 head (150 animal units) of cattle weighing less than 700 pounds.

**Name and Address of Applicant**  
 Kirchhoff Cattle  
 Raegan and Todd Kirchhoff  
 7092 Hwy. 9, P.O. Box 176  
 Cedar, KS 67628  
 Kansas Permit No. A-SOSM-B004  
 This is a reissuance of a permit for an existing facility for 950 head (950 animal units) of cattle weighing greater than 700 pounds.

**Name and Address of Applicant**  
 Dennis Funk  
 1944 Limestone  
 Hillsboro, KS 67063  
 Kansas Permit No. A-NEMN-S011  
 This permit is being reissued for an existing facility with a maximum capacity of 400 head (160 animal units) of swine more than 55 pounds and 200 head (20 animal units) of swine 55 pounds or less, for a total of 180 animal units. There is no change in the permitted animal units.

**Name and Address of Applicant**  
 John Lohrey  
 Route 1, Box 71  
 Bison, KS 67520  
 Kansas Permit No. A-UARH-C004 Federal Permit No. KS0097497  
 This permit is being reissued for an existing facility with a maximum capacity of 1,200 head (600 animal units) of cattle weighing less than 700 pounds. There is no change in the permitted animal units.

**Name and Address of Applicant**  
 Haverkamp Dairy  
 Linus and Anita  
 Haverkamp  
 1090 Acorn Road  
 Wetmore, KS 66550  
 Kansas Permit No. A-KSBR-M006  
 This permit is being reissued for an existing facility with a maximum capacity of 200 head (280 animal units) of mature dairy cattle, 87 head (87 animal units) of dairy heifers and 75 head (37.5 animal units) of dairy calves, for a total of 404.5 animal units. This represents a decrease in the permitted animal units from the previous permit.

**Name and Address of Applicant**  
 3 J's Farm  
 Kenneth Kinderknecht  
 15037 A Road  
 Collyer, KS 67631  
 Kansas Permit No. A-SAGH-M002  
 This permit is being reissued for an existing facility with a maximum capacity of 40 head (56 animal units) of mature dairy cattle. There is no change in the permitted animal units.

**Name and Address of Applicant**  
 Greg Wolf  
 695 N 180th Road  
 Bennington, KS 67422  
 Kansas Permit No. A-SOOT-C004 Federal Permit No. KS0091979  
 This permit is being reissued to an existing cattle facility with a capacity for 2,500 head (1,250 animal units) of cattle less than 700 pounds. This represents a decrease in animal unit capacity from the previous permit because the proposed expansion is no longer planned.

**Public Notice No. KS-Q-08-147/148**

**Name and Address of Applicant**  
 Air Products and Chemicals  
 Route 2, Box 233  
 Liberal, KS 67901  
 Kansas Permit No. I-CI10-PO04 Federal Permit No. KS0087203  
 Legal Description: NE $\frac{1}{4}$ , S23, T33S, R32W, Seward County  
 Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. This facility separates, purifies and liquefies helium from the raw feed by mechanical and cryogenic processes. Cooling tower blowdown, compressor condensate, equipment and floor wash down water, and stormwater runoff are treated using pH adjustment and oil/water separator(s), then discharged to the Cimarron River via an unnamed tributary. Domestic waste is directed to a septic tank and lateral field system. The proposed permit contains limits for oil and grease, total residual chlorine and pH, as well as monitoring of sulfate, selenium, temperature and effluent flow. The permittee is required to develop and implement a stormwater pollution prevention plan (SWP2 Plan), select upstream and downstream monitoring locations on the Cimarron River and begin stream monitoring by May 1, 2009. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

**Name and Address of Applicant**  
 Sterling, City of  
 P.O. Box 287  
 Sterling, KS 67579  
 Kansas Permit No. M-AR85-OO01 Federal Permit No. KS0024783  
 Legal Description: SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , S22, T21S, R8W, Rice County  
 Facility Description: The proposed action is reissue an existing permit for an expansion of a three-cell lagoon facility to four cells to treat primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring of ammonia, total phosphorus, nitrate, total Kjeldahl nitrogen, total nitrogen, chloride, total recoverable copper and zinc, and pH. Included in this permit is a schedule of compliance requiring the permittee to complete the expansion/upgrade and achieve compliance with the permit by December 31, 2009. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

**Public Notice No. KS-NQ-08-030**

**Name and Address of Applicant**  
 Fall River Management  
 Company  
 2639 Quail  
 Fall River, KS 67047  
 Kansas Permit No. C-VE17-NO02 Federal Tracking No. KSJ000643  
 Facility Description: The proposed action is to issue a new permit for existing two single-cell wastewater systems. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. Discharge of wastewater from

this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued permits:

Project Name	Project City	Permit No.
River Hill Shops	Topeka	S-KS72-0061
Monarch Landing Sewer Main	Wichita	S-AR94-0468
Mascot Ave. Paving	Wichita	S-AR94-0473
Frontier Farm Credit - Marysville	Marysville	S-BB13-0007
Canaan Landing	Bonner Springs	S-KS14-0010
Stoneridge Estates	Wichita	S-AR94-0474
Greens of Chapel Creek (Cambridge Park)	Olathe	S-KS68-0109
Lauren's Bay Villas	Topeka	S-KS72-0199
Day Brook Learning Center	Spring Hill	S-MC45-0015
Blackthorne Estates - 5th Plat	Overland Park	S-MO28-0078
Deer Creek Woods III	Overland Park	S-MO28-0079
Stonegate III Addition	Lawrence	S-KS31-0009
Willow Creek Subdivision	Wellsville	S-MC48-0009
Kansas Mission Church	Overland Park	S-MO28-0164
Burlington Family & Senior Housing	Burlington	S-NE07-0008
West 80 Acres	Basehor	S-KS04-0016
Shawnee Trails Subdivision	Topeka	S-KS72-0120
Mize Blvd. - Ph. III	Lenexa	S-KS34-0055
Preserve at Clear Creek	Shawnee	S-KS68-0076
Farmington Hills - First Plat	Shawnee	S-KS68-0078
Greens of Chapel Creek - Second Plat	Shawnee	S-KS68-0079
Hickory Hill Addition - Replat of Lot 1, Block 5	Junction City	S-SH45-0033
Rivendale Addition	Wichita	S-AR94-0206
North Ridge Village Addition	Wichita	S-AR94-0310
Lateral 1, Main 16, SS#23	Wichita	S-AR94-0513
Main 16, SS #23	Wichita	S-AR94-0514
Cedar Glen	Manhattan	S-KS38-0067
Cedar Lake Village - 2nd Plat	Olathe	S-KS52-0069
Auburn Hills - 9th Addition	Wichita	S-AR94-0297
Spring Hill Self Storage	Spring Hill	S-MC45-0004
El Dorado Facility - Subsurface Demolition	El Dorado	S-WA09-0020
Estates of Connor Creek	Kansas City	S-MO25-0013
Fallbrook	Olathe	S-MO14-0050
Persimmon Pointe - 1st Plat	Olathe	S-MO14-0046
The Villages of Sunnybrook Estates	Lenexa	S-KS52-0108
6th & 10th Plat		
Southcreek Business Park - 24th Plat	Overland Park	S-KS55-0089
Hiawatha Campus Salvation Army	Wichita	S-AR94-0483
Town Homes	Junction City	S-KS97-0017
Haskell County Landfill (MSWLF)	Sublette	S-CI21-0002
Pratt County Bridge Replacement (Cairo)	Pratt	S-AR73-0005

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 August 23 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-08-256/265, KS-Q-08-147/148, KS-NQ-08-030) 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.kdheks.gov/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. 036023

**State of Kansas**  
**Behavioral Sciences Regulatory Board**  
**Permanent Administrative**  
**Regulations**

**Article 3.—PROFESSIONAL COUNSELORS; FEES**

**102-3-12a. Unprofessional conduct.** (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding of unprofessional conduct.

(b) Any of the following acts by a licensed professional counselor, a licensed clinical professional counselor, or an applicant for a professional counselor license or a clinical professional counselor license shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(2) except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any of the following circumstances apply to any person regulated by the board or applying for a license or registration, including oneself:

(A) Had a professional license, certificate, permit, registration, certification, or professional membership

*(continued)*

granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(B) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(D) has been convicted of a crime; or

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;

(3) knowingly allowing another person to use one's license or registration;

(4) impersonating another person holding a license or registration issued by this or any other board;

(5) having been convicted of a crime resulting from or relating to the licensee's professional practice of professional counseling or clinical professional counseling;

(6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;

(7) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who is credentialed by the board;

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(10) offering to perform or performing professional counseling, assessments, consultations, or referrals clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards;

(11) treating any client, student, directee, or supervisee in a cruel manner;

(12) discriminating against any client, student, directee, or supervisee on the basis of color, race, gender, religion, national origin, or disability;

(13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional counseling relationship;

(14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, and therapeutic regimen or

schedule, or failing to reasonably comply with the description;

(15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;

(16) failing to inform each client, student, directee, or supervisee of any financial interests that might accrue to the professional counselor or clinical professional counselor from a referral to any other service or from using any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same services from a public agency if the professional counselor or clinical professional counselor is employed by that public agency and also offers services privately;

(18) failing to inform each client, student, directee, or supervisee of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used;

(19) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or

(C) the professional counselor or clinical professional counselor is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of professional counseling or clinical professional counseling, in which case disclosure is limited to that action;

(20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

(A) Electronically recording sessions with that client;

(B) permitting a third-party observation of their activities; or

(C) releasing information concerning a client to a third person, except as required or permitted by law;

(21) failing to protect confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records;

(22) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;

(23) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(24) using alcohol or illegally using a controlled substance while performing the duties or services of a professional counselor or clinical professional counselor;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, student, directee, or supervisee;

(26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;

(27) exercising undue influence over any client, student, directee, or supervisee, including promoting sales of services or goods, in a manner that will exploit the client, student, directee, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;

(28) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or in connection with performing professional counselor or clinical professional counselor services;

(29) permitting any person to share in the fees for professional services, other than a partner, employee, associate in a professional firm, or consultant authorized to practice as a professional counselor or clinical professional counselor;

(30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;

(31) making claims of professional superiority that one cannot substantiate;

(32) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(33) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;

(34) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client;

(35) failing to maintain a record for each client that conforms to the following minimal requirements:

(A) Contains adequate identification of the client;

(B) indicates the client's initial reason for seeking the services of the professional counselor or clinical professional counselor;

(C) contains pertinent and significant information concerning the client's condition;

(D) summarizes the interventions, treatments, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each;

(E) documents the client's progress during the course of intervention or treatment provided by the professional counselor;

(F) is legible;

(G) contains only those terms and abbreviations that are comprehensible to similar professional practitioners;

(H) indicates the date and nature of any professional service that was provided; and

(I) describes the manner and process by which the professional counseling or clinical professional counseling relationship terminated;

(36) taking credit for work not personally performed, whether by giving inaccurate or misleading information or failing to disclose accurate or material information;

(37) if engaged in research, failing to fulfill these requirements:

(A) Consider carefully the possible consequences for human beings participating in the research;

(B) protect each participant from unwarranted physical and mental harm;

(C) ascertain that the consent of each participant is voluntary and informed; and

(D) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent;

(38) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(39) failing to notify the client promptly when termination or interruption of service to the client is anticipated;

(40) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(41) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;

(42) failing to terminate the professional counseling or clinical professional counseling services when it is apparent that the relationship no longer serves the client's needs or best interests;

(43) if the professional counselor or clinical professional counselor is the owner or custodian of client records, failing to retain these records for at least five years after the date of termination of the professional relationship, unless otherwise provided by law;

(44) supervising or directing in a negligent manner anyone for whom one has supervisory or directory responsibility;

(45) failing to inform a client if professional counseling services are provided or delivered under supervision or direction;

(46) engaging in a dual relationship with a client, student, or supervisee;

(47) failing to inform the proper authorities as provided in K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;

(48) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:

(A) Has been or is being abused, neglected, or exploited;

(B) is in a condition that is the result of abuse, neglect, or exploitation; or

(C) is in need of protective services;

(49) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:

(A) Is being or has been abused, neglected, or exploited;

(B) is in a condition that is the result of abuse, neglect, or exploitation; or

*(continued)*

(C) is in need of protective services;

(50) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;

(51) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of professional counseling or clinical professional counseling practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;

(52) practicing professional counseling or clinical professional counseling in an incompetent manner;

(53) practicing professional counseling or clinical professional counseling after one's license expires;

(54) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license;

(55) diagnosing or treating any client who a professional counselor practicing under direction or a clinical professional counselor has reason to believe is suffering from a mental illness or disease, as opposed to a mental disorder; or

(56) violating any provision of this act or any regulation adopted under it. (Authorized by K.S.A. 2007 Supp. 65-5809 and 74-7507; implementing K.S.A. 2007 Supp. 65-5809; effective Dec. 19, 1997; amended July 19, 2002; amended Jan. 9, 2004; amended Aug. 8, 2008.)

#### Article 4.—MASTER'S LEVEL PSYCHOLOGISTS

**102-4-12. Unprofessional conduct.** (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding of that unprofessional conduct has occurred.

(b) Any of the following acts by a licensed master's level psychologist, a licensed clinical psychotherapist, or an applicant for licensure at the master's level of psychology shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(2) except when such information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any person regulated by the board or applying for a license or registration, including oneself, has met any of the following conditions:

(A) Had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(B) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) has been demoted, terminated, suspended, re-assigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(D) has been convicted of a crime; or

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;

(3) knowingly allowing another person to use one's license or registration;

(4) impersonating another person holding a license or registration issued by this or any other board;

(5) having been convicted of a crime resulting from or relating to the licensee's practice of master's level psychology;

(6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;

(7) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person who is credentialed by the board;

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(10) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;

(11) treating any client, student, or supervisee in a cruel manner;

(12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;

(13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional relationship;

(14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with the description;

(15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;

(16) failing to inform each client, supervisee, or student of any financial interests that might accrue to the master's level psychologist or clinical psychotherapist from refer-



ral to any other service or from the use of any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same services from a public agency if one is employed by that public agency and also offers services privately;

(18) failing to provide each client or the client's legal representative with access to the client's records following the receipt of a formal written request, unless the release of this information is restricted or exempted by law, or when the disclosure of this information is precluded for a sufficiently compelling reason;

(19) failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used;

(20) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or

(C) the master's level psychologist or clinical psychotherapist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of psychology, in which case disclosure is limited to that action;

(21) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:

(A) Electronically recording sessions with that client;

(B) permitting a third-party observation of their activities; or

(C) releasing information concerning a client to a third person, except as required or permitted by law;

(22) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records;

(23) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;

(24) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(25) using alcohol or illegally using any controlled substance while performing the duties or services of a master's level psychologist or clinical psychotherapist;

(26) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;

(27) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;

(28) exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;

(29) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or in connection with the performance of psychological or other professional services;

(30) directly receiving or agreeing to receive a fee or any other consideration from a client or from any third party for or in connection with the performance of psychological services, other than from an authorized employer in an employment situation as specified in this act;

(31) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;

(32) making claims of professional superiority that one cannot substantiate;

(33) guaranteeing that satisfaction or a cure will result from the performance of psychological services;

(34) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;

(35) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client;

(36) failing to maintain a record for each client that conforms to the following minimal requirements:

(A) Contains adequate identification of the client;

(B) indicates the client's initial reason for seeking the master's level psychologist's or clinical psychotherapist's services;

(C) contains pertinent and significant information concerning the client's condition;

(D) summarizes the intervention, treatment, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each;

(E) documents the client's progress during the course of intervention or treatment provided by the master's level psychologist or clinical psychotherapist;

(F) is legible;

(G) contains only those terms and abbreviations that are comprehensible to similar professional practitioners;

(H) indicates the date and nature of any professional service that was provided; and

(I) describes the manner and process by which the professional relationship terminated;

(37) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(38) if engaged in research, failing to fulfill these requirements:

(A) Consider carefully the possible consequences for human beings participating in the research;

(B) protect each participant from unwarranted physical and mental harm;

(C) ascertain that the consent of each participant is voluntary and informed; and

(D) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent;

*(continued)*

(39) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(40) failing to notify the client promptly when termination or interruption of service to the client is anticipated;

(41) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(42) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;

(43) failing to terminate the master's level psychology or clinical psychotherapy services when it is apparent that the relationship no longer serves the client's needs or best interests;

(44) if the master's level psychologist or clinical psychotherapist is the owner or custodian of client records, failing to retain those records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;

(45) supervising in a negligent manner anyone for whom one has supervisory responsibility;

(46) failing to inform a client if master's level psychology or clinical psychotherapy services are provided or delivered under supervision;

(47) engaging in a dual relationship with a client, student, or supervisee;

(48) failing to inform the proper authorities as required by K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;

(49) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:

(A) Has been or is being abused, neglected, or exploited;

(B) is in a condition that is the result of abuse, neglect, or exploitation; or

(C) is in need of protective services;

(50) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:

(A) Is being or has been abused, neglected, or exploited;

(B) is in a condition that is the result of abuse, neglect, or exploitation; or

(C) is in need of protective services;

(51) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;

(52) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of professional practice in the community, would constitute ex-

perimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;

(53) practicing master's level psychology or clinical psychotherapy in an incompetent manner;

(54) practicing as a master's level psychologist or clinical psychotherapist after one's license expires;

(55) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license;

(56) offering to provide or providing services in an employment situation other than that which is permitted by K.S.A. 74-5362, and amendments thereto, as an independent, contract, or private provider of psychological services;

(57) practicing without adequate direction from a person authorized in K.S.A. 74-5362 and amendments thereto; and

(58) violating any provision of this act or any regulation adopted under the act. (Authorized by K.S.A. 2007 Supp. 74-7507; implementing K.S.A. 74-5362 and K.S.A. 2007 Supp. 74-5369; effective Dec. 19, 1997; amended Jan. 9, 2004; amended Aug. 8, 2008.)

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

**102-5-12. Unprofessional conduct.** (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding by the board that unprofessional conduct has occurred.

(b) Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by engaging in fraud, bribery, deceit, misrepresentation, or by concealing a material fact;

(2) except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

(A) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(B) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

- (D) has been convicted of a crime; or
- (E) has practiced the licensee's or registrant's profession in violation of the laws or regulations that regulate the profession;
- (3) knowingly allowing another person to use one's license or registration;
- (4) impersonating another person holding a license or registration issued by this or any other board;
- (5) having been convicted of a crime resulting from or relating to one's professional practice of marriage and family therapy;
- (6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;
- (7) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is credentialed by the board;
- (8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;
- (9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;
- (10) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;
- (11) treating any client, student, or supervisee in a cruel manner;
- (12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;
- (13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the marriage and family therapy relationship;
- (14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with that description;
- (15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;
- (16) failing to inform each client, student, or supervisee of any financial interests that might accrue to the licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus;
- (17) failing to inform each client that the client is entitled to the same services from a public agency if one is

employed by that public agency and also offers services privately;

(18) failing to inform each client, student, or supervisee of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used;

(19) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public;

(C) the licensee or applicant is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of marriage and family therapy, in which case disclosure is limited to that action; or

(D) the criteria provided by K.S.A. 65-6410, and amendments thereto, are met;

(20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

(A) Electronically recording sessions with that client;

(B) permitting a third-party observation of their activities; or

(C) releasing information concerning a client to a third person, except as required or permitted by law;

(21) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records;

(22) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;

(23) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(24) using alcohol or illegally using any controlled substance while performing the duties or services of a marriage and family therapist;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, student, or supervisee;

(26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;

(27) exercising undue influence over any client, student, or supervisee, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;

(28) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;

(29) permitting any person to share in the fees for professional services, other than a partner, an employee, an

*(continued)*

associate in a professional firm, or a consultant authorized to practice marriage and family therapy;

(30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;

(31) making claims of professional superiority that one cannot substantiate;

(32) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;

(33) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;

(34) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;

(35) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(36) if engaged in research, failing to fulfill these requirements:

(A) Consider carefully the possible consequences for human beings participating in the research;

(B) protect each participant from unwarranted physical and mental harm;

(C) ascertain that each participant's consent is voluntary and informed; and

(D) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent;

(37) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(38) failing to notify the client promptly when one anticipates terminating or interrupting service to the client;

(39) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(40) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;

(41) failing to terminate marriage and family therapy services when it is apparent that the relationship no longer serves the client's needs or best interests;

(42) supervising in a negligent manner anyone for whom one has supervisory responsibility;

(43) when applicable, failing to inform a client that marriage and family therapy services are provided or delivered under supervision;

(44) engaging in a dual relationship with a client, student, or supervisee;

(45) failing to inform the proper authorities as required by K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;

(46) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following

circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:

(A) Has been or is being abused, neglected, or exploited;

(B) is in a condition that resulted from abuse, neglect, or exploitation; or

(C) needs protective services;

(47) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:

(A) Is being or has been abused, neglected, or exploited;

(B) is in a condition that is the result of abuse, neglect, or exploitation; or

(C) needs protective services;

(48) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;

(49) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of marriage and family therapy practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;

(50) practicing marriage and family therapy in an incompetent manner;

(51) practicing marriage and family therapy after one's license expires;

(52) using without a license or continuing to use after a license has expired any title or abbreviation prescribed by law to be used solely by persons who currently hold that type or class of license; or

(53) violating any provision of this act or any regulation adopted under the act. (Authorized by K.S.A. 65-6408 and K.S.A. 2007 Supp. 74-7507; implementing K.S.A. 65-6408; effective March 29, 1993; amended Dec. 19, 1997; amended July 11, 2003; amended Jan. 9, 2004; amended Aug. 8, 2008.)

#### Article 6.—REGISTERED ALCOHOL AND OTHER DRUG ABUSE COUNSELORS

**102-6-12. Unprofessional conduct.** (a) Any registration may be suspended, limited, or revoked or not issued or renewed upon a finding of unprofessional conduct.

(b) The following acts by an alcohol or other drug abuse counselor shall constitute unprofessional conduct:

(1) Practicing in an incompetent manner;

(2) offering to perform or performing services that are clearly unwarranted by education, training, or experience;

(3) diagnosing or treating mental illness or mental disease;

(4) reporting distorted, erroneous, or misleading alcohol or drug abuse counseling information;

(5) taking credit for work not personally performed;

(6) engaging in fraudulent or deceitful billing practices;

(7) impersonating another person holding a license or registration issued by the board;

(8) knowingly allowing another person to use one's registration;

(9) acting as a sponsor of any client, patient, supervisee, or student of the alcohol or other drug abuse counselor who participates in a self-help group;

(10) engaging in a dual relationship with, making sexual advances toward, engaging in sexual activities with, or exercising undue influence over any client or patient who participates in a self-help group, any client, patient, supervisee, or student of the alcohol, or other drug abuse counselor;

(11) engaging in a dual relationship with, making sexual advances toward, engaging in sexual activities with, or exercising undue influence over any person who has been a client or patient within two years after termination of the alcohol or other drug abuse counselor relationship;

(12) refusing to cooperate in a timely manner with any request for a response, information, or assistance from the board with respect to the investigation of any report of an alleged violation filed against the alcohol or other drug abuse counselor, any applicant, or any professional licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(13) failing to notify the board within a reasonable time that the alcohol or other drug abuse counselor has reason to believe or has knowledge, not obtained in the context of confidentiality, that any person regulated by the board or applying for licensure or registration, including that alcohol or other drug abuse counselor, meets any of the following conditions:

(A) Has had any license, certificate, permit, registration, or other certificate granted by any jurisdiction limited, conditioned, qualified, restricted, suspended, revoked, not issued or renewed, or voluntarily surrendered;

(B) has been subject to any other disciplinary action by a licensing or certifying authority or professional association;

(C) has been demoted, terminated, or suspended from the person's employment for some form of misfeasance, malfeasance or nonfeasance;

(D) has been convicted of a felony, misdemeanor or serious traffic offense pursuant to K.S.A. 8-1501 et seq. and amendments thereto; or

(E) has practiced or taught the registrant's or licensee's profession in violation of the laws or regulations regulating that professional;

(14) furthering the application for alcohol or other drug abuse counseling of another person known by the alcohol or other drug abuse counselor to be unqualified with respect to the applicant's experience, education, or other relevant qualifications;

(15) knowingly aiding or abetting anyone who is not a registered alcohol or other drug abuse counselor to represent that person as a registered alcohol or other drug abuse counselor;

(16) claiming or using any secret or special method of assessment or therapy technique that the alcohol or other drug abuse counselor refuses to divulge to the board;

(17) making unsubstantiated claims of professional superiority;

(18) guaranteeing that satisfaction will result from the performance of professional services;

(19) knowingly engaging in fraudulent or misleading advertising;

(20) failing to maintain a record for each client or patient that accurately reflects the client's or patient's contact with the alcohol or other drug abuse counselor. Each alcohol or other drug abuse counselor who is the owner or custodian of client or patient records shall retain these records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;

(21) failing to exercise adequate supervision over anyone with whom the alcohol or other drug abuse counselor has a supervisory relationship;

(22) continuing or ordering tests or assessment tools, procedures, or counseling not warranted by the needs or preferences of any client or patient;

(23) treating any client, patient, student, supervisee, or colleague in a cruel manner;

(24) discriminating against any client, patient, student, supervisee, or colleague on the basis of color, race, gender, religion, national origin, ancestry, age, or disability;

(25) failing to advise and explain to any client or patient the joint rights, responsibilities, and duties involved in the alcohol or drug abuse counseling relationship;

(26) failing to provide any client or patient with a description of what the client or patient may expect in the way of tests, consultation, reports, fees, billing, or therapeutic regimen or schedule or failing to reasonably comply with the description;

(27) failing to provide any client or patient with a description of the possible effects of the proposed treatment when there are clear and established risks to the client or patient;

(28) failing to inform any client or patient of any financial interests that might accrue to the alcohol or other drug abuse counselor from referral to any other service or from the use of any tests, books, or apparatus;

(29) directly or indirectly offering, giving, soliciting, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or patient or in connection with the performance of professional services;

(30) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice the same profession;

(31) failing to inform each client, patient, supervisee, or student of the limits of disclosure of information, the purposes for which information is obtained, and how the information may be used;

(32) failing to obtain written, informed consent from any client, patient, or the legal representative of the client or patient before performing any of the following:

(A) Electronically recording sessions with any client or patient;

(B) releasing information to a third party concerning any client or patient, except as permitted or required by law; or

*(continued)*

(C) permitting a third-party observation of patient or client activities;

(33) revealing information, a confidence, or a secret of any person or failing to protect the confidences or information concerning other persons contained in a client's or patient's records, unless at least one of the following conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information prevents a clear and present danger to the health or safety of an individual;

(C) the person, employee, or associate is a party to a civil, criminal, or disciplinary investigation or action arising from the alcohol or drug abuse counseling, in which case a waiver of the privilege accorded by paragraph (b)(33) is limited to that action;

(D) the patient or client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses in that person's behalf; or

(E) a patient or client agrees to a waiver of the privilege accorded by paragraph (b)(33);

(34) failing to exercise due diligence in protecting information, confidences, and secrets of any client, patient, supervisee, or student of the alcohol or other drug abuse counselor from disclosure by employees, associates, and others whose services are utilized by the alcohol or other drug abuse counselor;

(35) if engaged in research, failing to perform the following:

(A) Consider the possible consequences for human beings participating in the research;

(B) protect each participant from unwarranted physical or mental harm;

(C) obtain the written, voluntary, and informed consent of the participant; and

(D) treat information obtained as confidential;

(36) failing to terminate the alcohol or drug abuse counseling relationship when it is apparent that the relationship no longer serves the needs of the client or patient;

(37) abandoning or neglecting any client or patient under or in need of care without making reasonable arrangements for the continuation of that care;

(38) abandoning employment under circumstances that seriously impair the delivery of professional care to clients or patients, without providing reasonable notice to the employer;

(39) providing counseling services while using alcoholic beverages or controlled substances or using drugs or alcohol, or both, to an extent that impairs the individual's ability to engage in the practice of alcohol or other drug abuse counseling, or interferes with the credibility of services provided by the alcohol or other drug abuse counselor;

(40) violating 42 CFR Part 2, as in effect on October 1, 1991, concerning confidentiality of alcohol or drug abuse records maintained in connection with any federally assisted alcohol or drug abuse program;

(41) acting with gross incompetence or gross negligence in the practice of the profession;

(42) failing to inform the proper authorities pursuant to K.S.A. 38-2223 and amendments thereto when it is suspected or there is reason to believe that a client has been involved in harming or has harmed a child either by physical, mental, or emotional abuse or neglect or by sexual abuse;

(43) failing to inform the proper authorities pursuant to K.S.A. 39-1402 and amendments thereto that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:

(A) Has been or is being abused, neglected, or exploited;

(B) is in a condition that is the result of abuse, neglect, or exploitation; or

(C) is in need of protective services; or

(44) failing to inform the proper authorities pursuant to K.S.A. 39-1431 and amendments thereto that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:

(A) Is being or has been abused, neglected, or exploited;

(B) is in a condition that is the result of abuse, neglect, or exploitation; or

(C) is in need of protective services. (Authorized by and implementing K.S.A. 2007 Supp. 74-7507; effective July 17, 1995; amended Aug. 8, 2008.)

Phillis Gilmore  
Executive Director

Doc. No. 036018

## State of Kansas

### Department of Corrections

#### Permanent Administrative Regulations

#### Article 6.—GOOD TIME CREDITS AND SENTENCE COMPUTATION

**44-6-101. Definitions.** (a) For purposes of sentence computation, as used in this article, terms dealing with good time credits shall be defined as follows:

(1) "Establishment of good time credits" means the creation of that pool of credits that decreases part of the term of actual imprisonment for good work and behavior over a period of time. Good time credits shall not forgive or eliminate the sentence but shall function only to allow the inmate to earn the privilege of being released from incarceration earlier than the full minimum, maximum, or guidelines prison sentence, subject to conditions specified and imposed pursuant to applicable law. Following a revocation of parole or conditional release, good time credits shall not be available to reduce the period of incarceration before a Kansas parole board hearing for reparole. Following a revocation of postrelease supervision, good time credits shall be available to reduce the incarceration penalty period as authorized by applicable statutes.

(2) "Allocation of good time credits" means the breakdown of the total number of established good time credits into groups of credits that are available to the inmate in separate time periods.

(3) To “earn good time credits” means that the inmate has acted in a way that merits a reduction of the term of actual imprisonment by those credits.

(4) “Award of good time credits” means the act of the unit team, as approved by the program management committee and the warden or designee, granting all or part of the allocation of credits available for the time period under review.

(5) “Application of good time credits” means the entry of the credits of forfeitures into the official record of the inmate and the consequent adjustment of parole eligibility, conditional release, the guidelines release date, or the guidelines sentence discharge date.

(6) “Forfeiture of good time credits” means the removal of the credits and consequent reinstatement of a term of actual imprisonment by the disciplinary board according to article 12 and article 13, as published in the inmate rule book.

(b) For purposes of sentence computation, as used in this article, terms dealing with sentence structure shall be defined as follows:

(1) “Composite sentence” means any sentence formed by the combination of two or more sentences.

(2) “Concurrent sentence” means two or more sentences imposed by the court with minimum and maximum terms, respectively, to be merged, or two or more sentencing guidelines sentences imposed by the court with their prison terms to be merged.

(3) “Consecutive sentence” means a series of two or more sentences imposed by the court in which the minimum terms and the maximum terms, respectively, are to be aggregated, or a series of two or more sentencing guidelines sentences in which the prison terms are to be aggregated pursuant to K.S.A. 21-4720 and amendments thereto.

(4) “Controlling sentence” means the sentence made up of the controlling minimum term and the controlling maximum term of any sentence or composite sentence or the sentencing guidelines sentence made up of two or more sentences, whether concurrent or consecutive, that results in the longest prison term.

(5) “Aggregated controlling sentence” means a controlling sentence composed of two or more sentences. An aggregated controlling sentence has a minimum term consisting of the sum of the minimum terms and a maximum term consisting of the sum of the maximum terms. In the case of sentencing guidelines sentences, an aggregated controlling sentence has a prison term that is the sum of all the prison terms of the sentences that are aggregated, pursuant to K.S.A. 21-4720 and amendments thereto. The term “aggregated” shall be applied only to consecutive sentences.

(c) For purposes of sentence computation, as used in this article, terms dealing with sentence service credits, other than good time credits, shall be defined as follows:

(1) “Jail credit” and “JC” mean the time spent in confinement, pending the disposition of the case, before the sentencing to the custody of the secretary of corrections pursuant to K.S.A. 21-4614, and amendments thereto, or on or after May 19, 1988, time spent in a residential center while on probation or assignment to a community cor-

rectional residential services program, pursuant to K.S.A. 21-4614a and amendments thereto.

(2) “Maximum sentence credit” means the total period of incarceration served on a sentence beyond the limitation for credit awarded as prior penal credit. This credit shall be used to adjust the maximum expiration date of the sentence.

(3) “Prior penal credit” means the penal time credited for time the inmate previously was incarcerated on the sentence. Prior penal credit shall be given for time spent incarcerated on a sentence that has subsequently been aggregated due to the imposition of a consecutive sentence. This credit shall be limited to the time spent incarcerated on the previous sentence but shall not exceed an amount equal to the previous minimum sentence less the maximum amount of good time credit that could have been earned on the minimum sentence under the law in effect at that time.

(4) “Program credit” means the pool of credits that serve to decrease the term of actual imprisonment awarded for a completion of a program designated by the secretary. Program credits shall not decrease or eliminate the sentence but shall function only to allow the inmate to earn the privilege of being released from incarceration earlier than the prison sentence adjusted for earned and retained good time credits. Program credits earned and retained while an offender is incarcerated shall be added to the offender’s postrelease supervision period.

(d) For purposes of sentence computation, as used in this article, terms dealing with terms or length of sentences shall be defined as follows:

(1) “Controlling minimum term” means the length of the sentence to be served to reach the controlling minimum date as determined according to applicable case, statutory, and regulatory law.

(2) “Controlling maximum term” means the length of the maximum sentence imposed by the court that constitutes the longest required period of incarceration, determined according to applicable case and statutory law and these regulations.

(e) For purposes of sentences computation, as used in this article, terms dealing with calculation of specific dates in the execution of sentences shall be defined as follows:

(1) “Sentencing date” means the date on which the sentence is imposed by the court upon conviction. “Sentencing date” is also known as the sentence imposition date.

(2) “Sentence begins date” means the calendar date on which service of the sentence is to begin running. This date, as established by the court, shall reflect the time allowances as defined in jail time credit. This date shall be adjusted by department of corrections staff if prior penal credit is applicable. If no jail credit is involved but prior penal credit exists, the prior penal credit shall be subtracted from the sentence imposition date to determine the sentence begins date.

(3) “Controlling minimum date” means the calendar date derived by adding the controlling minimum term to the sentence begins date.

*(continued)*

(4) "Controlling maximum date" means the calendar date derived by adding the controlling maximum term imposed by the court to the sentence begins date.

(5) "Guidelines release date" means, for offenders with sentences imposed pursuant to the sentencing guidelines act, K.S.A. 21-4701 et seq. and amendments thereto, the date yielded by adding the prison portion of the sentence to the sentence, less any good time credits earned and awarded pursuant to K.S.A. 21-4722 and amendments thereto, plus any good time credits forfeited.

(6) "Conditional release date" and "CR date" mean the controlling maximum date minus the total number of authorized good time credits not forfeited.

(7) "Parole eligibility" means the status that results if the inmate has served the sentence required by law to the extent that the law allows the inmate's immediate release if the Kansas parole board grants a parole to that inmate.

(8) "Program release date" means the date the offender may be released with the application of the actually earned, awarded, and retained good time and program credits.

(f) For purposes of sentence computation, as used in this article, terms dealing with loss of forfeiture of sentence service credit while on parole or postrelease supervision status as well as escape status shall be defined as follows:

(1) "Postincarceration supervision" means supervision of any offender released to the community after service of the requisite term of incarceration. This term shall include both parole and postrelease supervision.

(2) "Abscond" means departing without authorization from a geographical area or jurisdiction prescribed by the conditions of one's parole or postrelease supervision.

(3) "Delinquent time lost on postincarceration status" and "DTLOPIS" mean the time lost on the service of sentence from which the offender was paroled or released to postrelease supervision due to being on absconder status after a condition violation warrant was issued and until the warrant was served.

(4) "Forfeited good time on postincarceration status" means the amount of good time ordered forfeited by the Kansas parole board from the amount earned from the date of authorized release to the date delinquent time on parole or postincarceration began or to the date of admission to a department of corrections facility.

(5) "Time lost on escape" means the time not counted on the service of sentence while the inmate is on escape

status. This term shall mean the time from which the escape took place to the time of apprehension. (Authorized by K.S.A. 21-4722, K.S.A. 2007 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 21-4608, K.S.A. 21-4722, K.S.A. 22-3717, K.S.A. 22-3725, K.S.A. 2007 Supp. 75-5210, K.S.A. 2007 Supp. 75-5217, K.S.A. 75-5251; effective May 1, 1981; amended, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 6, 2002; amended June 1, 2007; amended Aug. 8, 2008.)

**44-6-114e. Guidelines release date.** (a) Except for off-grid crimes, the prison portion of sentences for crimes committed on or after July 1, 1993 but before April 20, 1995, as well as crimes at non-drug severity levels 7 through 10 and drug grid severity levels 3 and 4 committed on or after January 1, 2008, may be reduced by no more than 20% through awarded and retained good time credits.

(b) Except for off-grid crimes, the prison portion of sentences for all crimes committed on or after April 20, 1995 but before January 1, 2008, as well as crimes at non-drug grid severity levels 1 through 6 and drug grid severity levels 1 and 2 committed on or after January 1, 2008, may be reduced by no more than 15% through awarded and retained good time credits. Partial days shall be rounded to the next whole number, but over the length of the sentence no more than 15% of the imprisonment portion of the sentence may be awarded as good time.

(c) Concurrent and consecutive sentences for off-grid crimes committed on or after July 1, 1993 shall not be subject to reduction through application of good time credits.

(d) For determinate sentences that are concurrent or consecutive with indeterminate sentences, good time may be awarded on the indeterminate sentence term as described in these regulations and applicable law.

(e) Good time credits awarded and retained on the prison portion of a determinate sentence shall be added to the period of postrelease supervision applicable to the offender's sentence.

(f) The following charts shall establish the good time credit rate for a 20% reduction of the prison portion of a determinate sentence.

(1) Total good time credits available for the length of sentence imposed.

(2) Except as provided in subsection (h), allocation of good time credits available during the service of sentence.

**TOTAL GOOD TIME AVAILABLE (20% RATE)  
OFFENSES COMMITTED ON OR AFTER JULY 1, 1993 THROUGH APRIL 19, 1995**

<i>Length of Sentence [Months]</i>	<i>Possible Good Time Earned</i>			<i>Time To Serve [All GT Kept]</i>		
	<i>Years</i>	<i>Months</i>	<i>Days</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
5	0	1	0	0	4	0
6	0	1	6	0	4	24
7	0	1	12	0	5	18
8	0	1	18	0	6	12
9	0	1	24	0	7	6
10	0	2	0	0	8	0
11	0	2	6	0	8	24
12	0	2	12	0	9	18
13	0	2	18	0	10	12



Length of Sentence [Months]	Possible Good Time Earned		Time to Serve [All GT Kept]			
	Years	Months	Days	Years	Months	Days
14	0	2	24	0	11	6
15	0	3	0	1	0	0
16	0	3	6	1	0	24
17	0	3	12	1	1	18
18	0	3	18	1	2	12
19	0	3	24	1	3	6
20	0	4	0	1	4	0
21	0	4	6	1	4	24
22	0	4	12	1	5	18
23	0	4	18	1	6	12
24	0	4	24	1	7	6
25	0	5	0	1	8	0
26	0	5	6	1	8	24
27	0	5	12	1	9	18
28	0	5	18	1	10	12
29	0	5	24	1	11	6
30	0	6	0	2	0	0
31	0	6	6	2	0	24
32	0	6	12	2	1	18
33	0	6	18	2	2	12
34	0	6	24	2	3	6
35	0	7	0	2	4	0
36	0	7	6	2	4	24
37	0	7	12	2	5	18
38	0	7	18	2	6	12
39	0	7	24	2	7	6
40	0	8	0	2	8	0
41	0	8	6	2	8	24
42	0	8	12	2	9	18
43	0	8	18	2	10	12
44	0	8	24	2	11	6
45	0	9	0	3	0	0
46	0	9	6	3	0	24
47	0	9	12	3	1	18
48	0	9	18	3	2	12
49	0	9	24	3	3	6
50	0	10	0	3	4	0
51	0	10	6	3	4	24
52	0	10	12	3	5	18
53	0	10	18	3	6	12
54	0	10	24	3	7	6
55	0	11	0	3	8	0
56	0	11	6	3	8	24
57	0	11	12	3	9	18
58	0	11	18	3	10	12
59	0	11	24	3	11	6
60	1	0	0	4	0	0
61	1	0	6	4	0	24
62	1	0	12	4	1	18
63	1	0	18	4	2	12
64	1	0	24	4	3	6
65	1	1	0	4	4	0
66	1	1	6	4	4	24
67	1	1	12	4	5	18
68	1	1	18	4	6	12
69	1	1	24	4	7	6
70	1	2	0	4	8	0
71	1	2	6	4	8	24

(continued)

Length of Sentence [Months]	Possible Good Time Earned			Time to Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
72	1	2	12	4	9	18
73	1	2	18	4	10	12
74	1	2	24	4	11	6
75	1	3	0	5	0	0
76	1	3	6	5	0	24
77	1	3	12	5	1	18
78	1	3	18	5	2	12
79	1	3	24	5	3	6
80	1	4	0	5	4	0
81	1	4	6	5	4	24
82	1	4	12	5	5	18
83	1	4	18	5	6	12
84	1	4	24	5	7	6
85	1	5	0	5	8	0
86	1	5	6	5	8	24
87	1	5	12	5	9	18
88	1	5	18	5	10	12
89	1	5	24	5	11	6
90	1	6	0	6	0	0
91	1	6	6	6	0	24
92	1	6	12	6	1	18
93	1	6	18	6	2	12
94	1	6	24	6	3	6
95	1	7	0	6	4	0
96	1	7	6	6	4	24
97	1	7	12	6	5	18
98	1	7	18	6	6	12
99	1	7	24	6	7	6
100	1	8	0	6	8	0

**ALLOCATION OF GOOD TIME CREDITS  
AVAILABLE DURING THE SERVICE OF  
SENTENCE-20% RATE OFFENSES COMMITTED ON  
OR AFTER JULY 1, 1993 THROUGH APRIL 19, 1995**

				MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS
				23		5	23
				24		6	00
				25		6	08
				26		6	15
				27		6	23
				28		7	00
				29		7	08
				30		7	15
				31		7	23
				32		8	00
				33		8	08
				34		8	15
				35		8	23
				36		9	00
				37		9	08
				38		9	15
				39		9	23
				40		10	00
				41		10	08
				42		10	15
				43		10	23
				44		11	00
				45		11	08
				46		11	15
				47		11	23
				48	1	00	00
				49	1	00	08

MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS	MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS
50	1	00	15	79	1	7	23
51	1	0	23	80	1	8	00
52	1	1	00	81	1	8	08
53	1	1	08	82	1	8	15
54	1	1	15	83	1	8	23
55	1	1	23	84	1	9	00
56	1	2	00	85	1	9	08
57	1	2	08	86	1	9	15
58	1	2	15	87	1	9	23
59	1	2	23	88	1	10	00
60	1	3	00	89	1	10	08
61	1	3	08	90	1	10	15
62	1	3	15	91	1	10	23
63	1	3	23	92	1	11	00
64	1	4	00	93	1	11	08
65	1	4	08	94	1	11	15
66	1	4	15	95	1	11	23
67	1	4	23	96	2	00	00
68	1	5	00	97	2	00	08
69	1	5	08	98	2	00	15
70	1	5	15	99	2	00	23
71	1	5	23	100	2	01	00
72	1	6	00				
73	1	6	08				
74	1	6	15				
75	1	6	23				
76	1	7	00				
77	1	7	08				
78	1	7	15				

(g) The following charts shall establish the good time credit rate for a 15% reduction of the prison portion of a determinate sentence.

(1) Total good time credits available for the length of sentence imposed.

(2) Except as provided in subsection (h), allocation of good time credits available during the service of sentence.

**TOTAL GOOD TIME AVAILABLE (15% RATE)  
OFFENSES COMMITTED ON OR AFTER APRIL 20, 1995**

Length of Sentence [Months]	Possible Good Time Earned			Time To Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
5	0	0	23	0	4	7
6	0	0	27	0	5	3
7	0	1	2	0	5	28
8	0	1	6	0	6	24
9	0	1	11	0	7	19
10	0	1	15	0	8	15
11	0	1	20	0	9	10
12	0	1	24	0	10	6
13	0	1	29	0	11	1
14	0	2	3	0	11	27
15	0	2	8	0	12	22
16	0	2	12	0	13	18
17	0	2	17	0	14	13
18	0	2	21	0	15	9
19	0	2	26	0	16	4
20	0	3	0	0	17	0
21	0	3	5	0	17	25
22	0	3	9	0	18	21
23	0	3	14	0	19	16
24	0	3	18	0	20	12
25	0	3	23	0	21	7
26	0	3	27	0	22	3
27	0	4	2	0	22	28

(continued)

<i>Length of Sentence [Months]</i>	<i>Possible Good Time Earned</i>		<i>Time To Serve [All GT Kept]</i>			
	<i>Years</i>	<i>Months</i>	<i>Days</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
28	0	4	6	0	23	24
29	0	4	11	0	24	19
30	0	4	15	0	25	15
31	0	4	20	0	26	10
32	0	4	24	0	27	6
33	0	4	29	0	28	1
34	0	5	3	0	28	27
35	0	5	8	0	29	22
36	0	5	12	0	30	18
37	0	5	17	0	31	13
38	0	5	21	0	32	9
39	0	5	26	0	33	4
40	0	6	0	0	34	0
41	0	6	5	0	34	25
42	0	6	9	0	35	21
43	0	6	14	0	36	16
44	0	6	18	0	37	12
45	0	6	23	0	38	7
46	0	6	27	0	39	3
47	0	7	2	0	39	28
48	0	7	6	0	40	24
49	0	7	11	0	41	19
50	0	7	15	0	42	15
51	0	7	20	0	43	10
52	0	7	24	0	44	6
53	0	7	29	0	45	1
54	0	8	3	0	45	27
55	0	8	8	0	46	22
56	0	8	12	0	47	18
57	0	8	17	0	48	13
58	0	8	21	0	49	9
59	0	8	26	0	50	4
60	0	9	0	0	51	0
61	0	9	5	0	51	25
62	0	9	9	0	52	21
63	0	9	14	0	53	16
64	0	9	18	0	54	12
65	0	9	23	0	55	7
66	0	9	27	0	56	3
67	0	10	2	0	56	28
68	0	10	6	0	57	24
69	0	10	11	0	58	19
70	0	10	15	0	59	15
71	0	10	20	0	60	10
72	0	10	24	0	61	6
73	0	10	29	0	62	1
74	0	11	3	0	62	27
75	0	11	8	0	63	22
76	0	11	12	0	64	18
77	0	11	17	0	65	13
78	0	11	21	0	66	9
79	0	11	26	0	67	4
80	1	0	0	0	68	0
81	1	0	5	0	68	25
82	1	0	9	0	69	21
83	1	0	14	0	70	16
84	1	0	18	0	71	12
85	1	0	23	0	72	7

Length of Sentence [Months]	Possible Good Time Earned			Time To Serve [All GT Kept]		
	Years	Months	Days	Years	Months	Days
86	1	0	27	0	73	3
87	1	1	2	0	73	28
88	1	1	6	0	74	24
89	1	1	11	0	75	19
90	1	1	15	0	76	15
91	1	1	20	0	77	10
92	1	1	24	0	78	6
93	1	1	29	0	79	1
94	1	2	3	0	79	27
95	1	2	8	0	80	22
96	1	2	12	0	81	18
97	1	2	17	0	82	13
98	1	2	21	0	83	9
99	1	2	26	0	84	4
100	1	3	0	0	85	0

**ALLOCATION OF GOOD TIME CREDITS  
AVAILABLE DURING THE SERVICE OF  
SENTENCE-15% RATE OFFENSES  
COMMITTED ON OR AFTER  
APRIL 20, 1995**

MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS	MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS
				33		5	25
				34		6	00
				35		6	05
				36		6	10
				37		6	16
				38		6	21
				39		6	26
				40		7	02
				41		7	07
				42		7	12
				43		7	17
				44		7	23
		1	07	45		7	28
		1	12	46		8	03
		1	18	47		8	09
		1	23	48		8	14
		1	28	49		8	19
		2	03	50		8	25
		2	09	51		9	00
		2	14	52		9	05
		2	19	53		9	10
		2	25	54		9	16
		3	00	55		9	21
		3	05	56		9	26
		3	10	57		10	02
		3	16	58		10	07
		3	21	59		10	12
		3	26	60		10	17
		4	02	61		10	23
		4	07	62		10	28
		4	12	63		11	03
		4	18	64		11	09
		4	23	65		11	14
		4	25	66		11	19
		5	03	67		11	24
		5	09	68		12	00
		5	14	69		12	05
		5	19	70		12	10

(continued)

MONTHS SERVED	YEARS	TIME EARNED MONTHS	DAYS
71		12	16
72		12	21
73		12	26
74	1	01	01
75	1	01	07
76	1	01	12
77	1	01	17
78	1	01	23
79	1	01	28
80	1	02	03
81	1	02	08
82	1	02	14
83	1	02	19
84	1	02	24
85	1	03	00
86	1	03	05
87	1	03	10
88	1	03	16
89	1	03	21
90	1	03	26
91	1	04	01
92	1	04	06
93	1	04	12
94	1	04	17
95	1	04	23
96	1	04	28
97	1	05	03
98	1	05	08
99	1	05	14
100	1	05	19

(h) The charts in subsections (f) and (g) shall be used to compute the total pool of good time credits available on composite sentences for crimes committed on or after January 1, 2008, except that good time credit shall be allocated over the period of time equal to the inmate's composite sentence term less a number that is the sum of the total pool of available good time credits and four months. (Authorized by and implementing K.S.A. 21-4722, K.S.A. 2007 Supp. 75-5210, K.S.A. 75-5251; effective Sept. 6, 2002; amended Aug. 8, 2008.)

**44-6-115a. Awarding and withholding good time credits for incarcerated offenders.** (a) With the exception of calculation of good time credits affecting the conditional release dates, which are controlled by K.A.R. 44-6-114d, this regulation shall govern the award and withholding of good time credits.

(b) (1) At the conclusion of the initial inmate classification, 100% of the good time credits available from the sentence begins date to the date of the initial good time award shall be awarded, unless there is written documentation of maladjustment before the date of the initial award.

(2) The initial award of good time credits shall be made on the same day of the month on which the sentence was established. If a full month has not elapsed between the computed sentence begins date and the conclusion of the initial classification, good time credits shall not be awarded until the first classification review following the initial classification.

(c) Following the initial award, good time credits may be awarded at each classification review from credits available since the previous classification review.

(d) The following factors shall be considered in determining whether or not an inmate is awarded good time credits:

- (1) The inmate's performance in a work assignment;
- (2) the inmate's performance in a program assignment;
- (3) the inmate's maintenance of an appropriate personal and group living environment;
- (4) the inmate's participation in release planning activities;
- (5) the inmate's disciplinary record; and
- (6) any other factors related to the inmate's general adjustment, performance, behavior, attitude, and overall demonstration of individual responsibility and accountability.

(e) If an inmate refuses to work constructively or participate in assigned programs, 100% of the good time credits available for program classification review periods shall be withheld until the inmate participates in the assigned program at a time that permits the inmate to complete the program, unless the facility health authority determines that the inmate is physically or mentally incapable of working or participating in a particular program or detail.

(f) If an inmate fails to cooperate in the development of an acceptable release plan, the good time credits available for award during the 120-day period immediately before the inmate's projected or scheduled release date shall not be awarded.

(g) Award of good time credits shall be withheld on the basis of an inmate's disciplinary record in the following manner:

(1) If a facility disciplinary hearing officer finds the inmate guilty of a class I disciplinary offense, at least 50% of the good time credits available for that classification review period shall be withheld.

(2) If a facility disciplinary hearing officer finds the inmate guilty of a class II disciplinary offense, at least 25% but not more than 50% of the good time credits available for the classification review period shall be withheld. For purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(3) If a facility disciplinary hearing officer finds the inmate guilty of a class III disciplinary offense, at least 10% but not more than 25% of the good time credits available for that classification review period shall be withheld. For purposes of this paragraph, summary disciplinary judgments pursuant to K.A.R. 44-13-201b shall not be considered a guilty finding.

(4) If a facility disciplinary hearing officer finds the inmate guilty of multiple disciplinary violations within a single disciplinary report, only the most serious violation shall be used in determining the percentage of good time credits to be withheld.

(h) The percentage of good time credits withheld during a classification review period shall be cumulative but shall not exceed 100% of that available for that classification review period.

(i) Good time credits and program credits forfeited as a result of a penalty imposed by a facility disciplinary hearing officer shall not be restored to an inmate. (Authorized by K.S.A. 21-4722, K.S.A. 2007 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 21-4722, K.S.A. 2007 Supp. 75-5210, K.S.A. 75-5251; effective Sept. 6, 2002; amended, T-44-3-11-03, March 11, 2003; amended July 25, 2003; amended Aug. 8, 2008.)

**44-6-125. Good time forfeitures not restored; exceptions; limits; parole; guidelines release date.** (a) On and after May 1, 1981, no good time restored. For all inmates, good time that was forfeited on and after May 1, 1981 shall not be restored at a later date. An exception may be requested by the warden in order that standards of basic fairness, equity, and justice may be met. In such a case, good cause for restoration of good time credits shall be shown, in writing, by the warden to the secretary or the secretary's designee. Restoration of good time credits by exception shall be granted only upon written approval by the secretary or the secretary's designee. Good time forfeited before the first effective date of this regulation, May 15, 1980, may be restored in accordance with the secretary of corrections' policies and procedures then in force and effect. Good time credits that are eligible for award but have not yet actually been awarded due to an administrative error or omission may be forfeited.

(b) Forfeit only on minimum until parole eligibility. Before parole eligibility, forfeited good time credits shall be subtracted from the amount of good time credits earned toward the parole eligibility only, and not from those credits used to create the conditional release date. After parole eligibility is achieved, subsequent forfeited credits shall be subtracted from the credits used to form the conditional release date.

(c) Forfeitures limited to awards; no extension of maximum. Good time credits shall not be forfeited in an amount in excess of the good time earned before the disciplinary conviction. If an inmate receives an award of jail credit from the sentencing court after issuance of the original journal entry of sentencing and the sentence computation is revised accordingly, previous forfeitures of good time credits shall not be revised or modified. In cases of a new sentence conviction, disciplinary offenses occurring before the effective date of the new sentence that result in the forfeiture of good time credits shall not be applied to the computation. In no case shall forfeiture of good time credits extend the controlling maximum sentence, nor shall the forfeiture interfere with or bypass any statutorily fixed parole eligibility that is not controlled by good time credits.

(d) No parole eligibility if forfeited time remains unserved. If good time credits on the term have been forfeited, an inmate shall not be eligible for parole until the inmate has served the time that otherwise would have been subtracted from the term by the application of the credits, or has obtained a restoration of those credits.

(e) In the case of an offender serving a guidelines sentence, forfeiture of good time credits shall affect the guidelines release date. Good time credits shall not be forfeited in an amount in excess of good time previously earned.

(f) Forfeitures made by disciplinary process. Forfeiture of good time credits or program credits may be ordered by the disciplinary board or hearing officer as a penalty for the inmate's commission of certain offenses as set out in articles 12 and 13 of these regulations. (Authorized by K.S.A. 21-4722, K.S.A. 2007 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 21-4722, K.S.A. 22-3717, K.S.A. 2007 Supp. 75-5210, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Nov. 12, 1990; amended April 6, 1992; amended Sept. 6, 2002; amended June 1, 2007; amended Aug. 8, 2008.)

**44-6-127. Program credits.** (a) Program credits may be earned on the prison portion of a sentence for crimes at non-drug severity levels 4 through 10 and drug grid severity levels 3 and 4 committed on or after January 1, 2008, for successful completion of programs designated by the secretary of corrections. These credits shall be in addition to good time credits awarded pursuant to K.A.R. 44-6-115a.

(b)(1) Subject to the exception stated in this subsection, if any portion of an inmate's composite sentence does not qualify for application of program credits, the inmate's entire sentence shall be found to be ineligible.

(2) Notwithstanding paragraph (b)(1), any inmate serving a composite sentence consisting of a sentence for a crime committed before July 1, 1993, with an indeterminate term of years, which shall mean a term other than a sentence of life imprisonment or a sentence with a maximum term of life imprisonment, and a determinate sentence for an offense committed while on release that otherwise meets the criteria specified in this regulation may be eligible to earn program credits on the remaining determinate sentence if the inmate meets any of the following conditions:

- (A) Is paroled to the determinate sentence;
- (B) attains conditional release; or
- (C) reaches the maximum sentence expiration date on the indeterminate sentence.

(c) Program credits shall not be awarded for successful completion of a sex offender treatment program.

(d) Program credits shall not exceed 60 days on any one eligible controlling sentence, regardless of the number of programs completed. For the purposes of awarding and applying program credits, all calculations shall be based upon a year, which shall be considered a 360-day period with each month consisting of 30 days.

(e) Program credits earned and retained on the prison portion of the sentence shall be added to the inmate's postrelease supervision term.

(f) Earned program credits may be forfeited through the disciplinary process in the same manner as that for any other earned good time credits.

(g) Criteria to determine if an inmate's performance and conduct warrant the awarding of some or all of the available program credits shall be established by the secretary through the issuance of an internal management policy and procedure. (Authorized by and implementing K.S.A. 21-4722; effective Aug. 8, 2008.)

**44-6-128. Adjustments of previous awards of good time credits; scope of review and decision-making**  
*(continued)*

**procedure; effect of noncompliance with procedure.** (a) The procedures specified in K.A.R. 44-6-129 through K.A.R. 44-6-132 shall be used by department of corrections staff to correct an error made in regard to an award of good time credits for a prior classification review or award period that will result in a decrease in the amount of good time credit previously awarded to the inmate or supervised offender.

(b) The scope of the review and decision-making procedures shall be confined to the good time credits associated with the review or award period or periods identified in the notice to the inmate or offender described in K.A.R. 44-6-129.

(c) A failure to follow any part of the procedure outlined in K.A.R. 44-6-129 through K.A.R. 44-6-132, including observance of deadlines, shall not be considered to constitute substantial error indicating that appropriate relief should be granted by the appellate review officer, unless the inmate or offender shows affirmatively that the error in question has actually interfered with the inmate or offender's rights to such a degree that justice has been denied to the inmate or offender. (Authorized by and implementing K.S.A. 21-4722 and K.S.A. 2007 Supp. 75-5210; effective Aug. 8, 2008.)

**44-6-129. Same; notice of proposed action; service; election of hearing or waiver; hearing officer designation; issuance and service of notice of hearing; requests for witnesses.** (a) The supervising correctional counselor in the case of inmates as well as offenders serving an incarceration penalty period for revocation of postrelease supervision status, or the supervising parole officer in the case of offenders serving postrelease supervision, shall prepare a concise written statement on a form prescribed by the secretary that notifies the inmate or offender of the proposed action and includes the following information:

(1) The amount of good time credit previously awarded that is proposed for removal from the pool of earned and awarded credits and either the revised release date or sentence discharge date, or both, that would result from the proposed adjustment;

(2) review or award periods affected;

(3) reason or reasons for the proposed decrease in credits previously awarded, in sufficient detail to permit the inmate or offender a reasonable opportunity to know and either contest or otherwise reply to the proposed adjustment, including attachment of a copy of each document referenced in the statement of reasons;

(4) a statement advising the inmate or offender of the opportunity for a hearing on the proposed adjustment in which the inmate or offender will have opportunity to present an oral statement, statements by any other witnesses who agree to voluntarily participate in the hearing, and any relevant documentary evidence, including affidavits submitted in lieu of in-person statements at the hearing to an impartial decision-maker;

(5) a provision permitting the inmate or offender to affirmatively elect to have such a hearing, or alternatively to waive the hearing and accept the proposed adjustment;

(6) the signature of the supervising correctional counselor or parole officer; and

(7) an acknowledgment of receipt of the notice by the inmate or offender.

(b) The original and one copy of the notice of proposed adjustment shall be personally presented to the inmate or offender by any suitable staff member, including the proposing correctional counselor or parole officer, who shall obtain the inmate or offender's signature on the acknowledgment of receipt form on the original. If the inmate or offender refuses to sign the receipt form, the serving staff member shall document the refusal and leave a copy of the notice form with the inmate or offender. The inmate or offender may elect to request a hearing or waive the hearing at time of presentation of the notice form and shall indicate that person's decision in that regard on the original of the notice form, which shall be returned to the proposing correctional counselor or supervising parole officer by the end of the next working day. A waiver of hearing shall be witnessed by a staff member other than the staff member proposing the adjustment.

(c) If the inmate or offender does not make an affirmative election to proceed with or to waive the hearing at time of presentation of the notice, it shall be presumed that the hearing on the proposed adjustment shall proceed. The matter shall be referred to an impartial supervisory-level staff member designated as a hearing officer by the warden of the facility, or the regional parole director, on either a standing or a case-by-case basis. The hearing officer shall not be the immediate supervisor of the correctional counselor or parole officer proposing the action.

(d) The hearing officer shall issue written notice of the date, time, and location of the hearing both to the inmate or offender and to the proposing staff member. The hearing notice shall be personally served upon the inmate or offender by any suitable staff member, including the proposing staff member. The hearing shall not be scheduled to occur any earlier than 24 hours after time of presentation of the notice of proposed adjustment, unless the inmate or offender chooses to waive that time period in writing on a form prescribed by the secretary for that purpose.

(e) If time permits after service of the notice of proposed action, the inmate or offender may submit a written request by interdepartmental correspondence form or ordinary correspondence, as applicable, to the designated hearing officer requesting that the hearing officer summon a witness or witnesses for voluntary appearance at the hearing. The written request shall include a proffer of the substance of the statement expected to be made by the witness. The hearing officer may deny the requested witness appearance if the proffered statement is deemed by the hearing officer to be clearly irrelevant, immaterial, repetitious of other witness statements not including those of the inmate or offender, or unduly risky to personal or facility safety. If so denied, the hearing officer shall record each reason for denial in the hearing officer's written decision following the hearing. (Authorized by and implementing K.S.A. 21-4722 and K.S.A. 2007 Supp. 75-5210; effective Aug. 8, 2008.)

**44-6-130. Same; hearing procedure; written decision; service upon inmate or offender; effect of a denial of proposed action.** (a) Each hearing shall be conducted according to the following:



(1) The proposing staff member shall present a concise explanation, outlining the facts and law applicable to the proposed action that require a decrease in the pool of previously awarded good time credits in the opinion of the staff member. The proposing staff member may choose to stand upon that person's statement of reasons for the proposed adjustment set forth in the notice of proposed action in lieu of an oral statement. A copy of each document relied upon by the proposing staff member shall be submitted to the hearing officer. Cross-examination by the inmate or offender shall not be permitted, but the hearing officer may freely question the proposing staff member throughout the hearing, as deemed necessary, in order to discover the truth as to any disputed facts or to better understand legal propositions submitted by the staff member in support of the proposed action.

(2) The offender or inmate shall then be given an opportunity to present a response to the proposed action, which may consist of an oral statement of facts or applicable legal authorities, or both, statements from other witnesses who voluntarily appear at the hearing, or any documentary evidence, including affidavits from witnesses. The inmate or offender may also initially request that the hearing officer summon a witness or witness if submission of a written request for issuance of summons in advance of the hearing, as permitted by K.A.R. 44-6-129, was not practicable under the circumstances in the hearing officer's judgment. The hearing officer may require a proffer of the expected statement from any witness so requested and may deny the request if the proffered statement is deemed by the hearing officer to be one or more of the following:

(A) Irrelevant, immaterial, or otherwise unnecessary;

(B) repetitious of the statement of another witness or witnesses, not including that of the inmate or offender; or

(C) unduly risky to personal or facility safety.

If a proffered statement is denied, the hearing officer shall record each reason for denial in the hearing officer's written decision following the hearing. Cross-examination shall not be permitted, but the hearing officer may question the inmate or offender, or other witness presented, as deemed necessary by the hearing officer in order to discover the truth of any disputed facts or to better understand legal propositions submitted by the inmate or offender in opposition to the proposed action.

(3) Subject to approval of the hearing officer, the proposing staff member may present a brief rebuttal, which shall be limited to responding to new factual contentions or legal arguments in statements or documents presented by the inmate or offender.

(4) The hearing officer may hear statements by telephone. If statements are received by telephone, each statement shall be taken in such a manner that all individuals present can hear the statement simultaneously. The statement shall be otherwise subject to the same requirements for presentation and reception as those for in-person statements.

(5) The hearing officer may take notes of the statements and other evidence submitted. All statements shall be unsworn. If notes of statements are taken, the notes shall be preserved and attached to the hearing officer's written

decision. If documentary evidence is considered, a copy of the evidence shall be attached to the decision, and the original shall be returned to the party offering the evidence.

(6)(A) Before or after the hearing, the hearing officer may freely consult all relevant classification and parole supervision records that pertain to the review or award period or periods specified in the notice of proposed action, including the following:

(i) Chronological notes;

(ii) police reports;

(iii) correspondence;

(iv) drug testing results;

(v) program reviews;

(vi) progress reports from treatment or program providers;

(vii) discharge notes or reports;

(viii) certificates of completion; and

(ix) disciplinary reports and records of convictions.

The hearing officer may consult these records outside the presence of the inmate or offender.

(B) If the hearing officer intends to rely upon any record specified in (a)(6)(A) that has not already been served upon the inmate or offender in either upholding or modifying a proposed adjustment of an award of good time credits, the hearing officer shall make that intention known to the inmate or offender in writing and shall provide to the inmate or offender a copy of each record, which may be redacted if necessary to protect the safety and identity of a confidential informant or to protect victim information.

(7) The inmate or offender shall have five working days from date of the notification from the hearing officer to submit a written response, which the hearing officer shall receive and duly consider before making a final decision in the matter.

(8) The hearing officer shall not discuss with the counselor or officer the contents of any such records, or any piece of evidence received at the hearing, outside the presence of the inmate or offender.

(9) If the hearing officer during the course of review of relevant documentation discovers a factual basis for proposing that a greater amount of good time credit should be removed than was originally proposed, the hearing officer shall issue a second notice of proposed action setting forth each reason and attaching any relevant documents relied upon for that proposal, which shall be served upon the inmate or offender by the end of the next working day. If the inmate or offender requests a further hearing on the new notice of proposed action, a new hearing officer shall be designated, and the matter shall be processed as otherwise provided in these regulations.

(b) After the hearing is completed and any posthearing procedure as stated in paragraph (a) (6), (7) or (9) is also completed, the hearing officer shall proceed within five working days to write and issue a decision that upholds, modifies, or denies the proposed action. The decision shall be concisely written and shall express the hearing officer's findings of fact and reasoning for taking the action decided upon. While the hearing officer may discuss the various theories and contentions of the parties, it shall

*(continued)*

not be necessary that a comprehensive or exhaustive opinion touching on all points of dispute be produced.

(c) The decision shall be served upon the inmate or offender within two working days after its issuance by the hearing officer. A written, dated receipt shall be obtained from the inmate or offender upon service of the decision.

(d) A decision to deny a proposed action shall not be subject to appeal, and the good time award record and associated release and sentence discharge dates shall be left unchanged. (Authorized by and implementing K.S.A. 21-4722 and K.S.A. 2007 Supp. 75-5210; effective Aug. 8, 2008.)

**44-6-131. Same; appeal procedure.** (a) If an inmate or offender desires to appeal the decision of a hearing officer that upholds the proposed action or modifies the decision by deciding that a greater or smaller amount of good time credit than originally proposed should be removed from the pool of awarded good time credits, the inmate or offender may submit a written appeal within three working days of the inmate or offender's receipt of the hearing officer's decision. The appeal shall be submitted to the inmate's unit team manager or to the parole supervisor who supervises the offender's parole officer, who shall note filing of the appeal. The modification of the inmate's or offender's good time awards and associated release or sentence discharge date, or both, in the relevant departmental database or databases shall be postponed during the appeal.

(b) The unit team manager or parole supervisor shall then forward the appeal, along with a copy of the hearing officer's decision and the notice of proposed action, which shall be provided free of charge, within two working days to the deputy secretary of facilities management in the case of inmates or to the deputy secretary of community and field services in the case of offenders on postrelease supervision. Those officials or their respective designees shall then proceed to determine the merits of the appeal within 10 working days of receipt and shall issue a brief written decision that upholds or modifies the hearing officer's decision.

(c) The decision on the appeal shall be sent within two working days to the unit team manager or parole super-

visor, as applicable, and shall then be personally served upon the inmate or offender by the end of the next working day. A written, dated receipt shall be secured from the inmate or offender upon service and shall be filed with all other papers regarding the matter in the inmate's master file or the postreleasee's supervision file.

(d) If a successful appeal of the hearing officer's decision would cause the inmate to be immediately released or an offender on postrelease supervision to be immediately sentence-discharged, upon submission of the appeal, the appeal shall be handled as the highest priority at each level. (Authorized by and implementing K.S.A. 21-4722 and K.S.A. 2007 Supp. 75-5210; effective Aug. 8, 2008.)

**44-6-132. Entry of adjustments of good time awards in relevant departmental database or databases.**

(a) Unless the inmate or offender files an appeal according to K.A.R. 44-6-131, the decision by the hearing officer either to uphold the proposed action or to modify the action to remove a greater or smaller amount of previously awarded good time credit shall be implemented by entering the adjusted good time award for the review or award periods affected in each relevant departmental database no earlier than four working days after the inmate or offender receives a copy of the decision.

(b) If an appeal is filed, any action to enter the adjusted good time award shall be suspended during the appeal. If the hearing officer's decision is either upheld or modified to order that a smaller amount of awarded good time credit be removed, the unit team manager or parole supervisor shall then make the necessary entries in the relevant departmental database or databases to cause a change in the release or sentence discharge date, or both.

(c) If an appeal is sustained, the good time awards in question shall remain unchanged. The release or sentence discharge date, or both, shall also remain unchanged. (Authorized by and implementing K.S.A. 21-4722 and K.S.A. 2007 Supp. 75-5210; effective Aug. 8, 2008.)

Roger K. Werholtz  
Secretary of Corrections

Doc. No. 035987

**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 and the 2007 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-64-1	New	V. 26, p. 1393

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-3-1	Amended (T)	V. 27, p. 1091
3-3-2	New (T)	V. 27, p. 1091

3-4-1	Amended	V. 26, p. 1045
3-4-2	Amended	V. 26, p. 1045
3-4-4	Amended	V. 26, p. 1045
3-4-5	Amended	V. 26, p. 1045
3-4-6	Amended	V. 26, p. 1045

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-2-8	Amended	V. 27, p. 16
4-2-20	Amended	V. 27, p. 16
4-3-47	Amended	V. 27, p. 16
4-3-49	Amended	V. 27, p. 16
4-3-51	Amended	V. 27, p. 16
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
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
4-11-15	New	V. 26, p. 101
4-13-1	Amended	V. 27, p. 186
4-13-3	Amended	V. 27, p. 187
4-13-9	Amended	V. 27, p. 188
4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
4-13-20	Amended	V. 27, p. 190
4-13-21	Amended	V. 27, p. 191
4-13-22	Amended	V. 27, p. 191
4-13-23	Amended	V. 27, p. 191
4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
4-13-42	Revoked	V. 27, p. 1023
4-13-60	Amended	V. 27, p. 1023

4-13-61	Revoked	V. 27, p. 1023
4-13-64	Amended	V. 27, p. 1023
4-13-65	Amended	V. 27, p. 1024
4-15-9	Amended	V. 26, p. 81
4-15-11	Amended	V. 27, p. 1024
4-15-12	Revoked	V. 27, p. 1024
4-15-13	Amended	V. 27, p. 1024
4-15-14	Amended	V. 27, p. 1024
4-16-7a	Amended	V. 27, p. 1024
4-16-300	Amended	V. 27, p. 1025
4-16-301	Revoked	V. 27, p. 1025
4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025
4-16-304	Amended	V. 27, p. 1025
4-16-305	Amended	V. 27, p. 1025
4-17-300	Amended	V. 27, p. 1026
4-17-301	Revoked	V. 27, p. 1026
4-17-302	Amended	V. 27, p. 1026
4-17-303	Amended	V. 27, p. 1026
4-17-304	Amended	V. 27, p. 1026
4-17-305	Amended	V. 27, p. 1027
4-19-1	Amended	V. 26, p. 173
4-20-11	Amended	V. 27, p. 1027
4-28-8		
through		
4-28-16	New	V. 27, p. 191-195

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

Reg. No.	Action	Register
5-40-1	Amended	V. 26, p. 642
5-40-2	Amended	V. 26, p. 644
5-40-2a	New	V. 26, p. 646
5-40-2b	New	V. 26, p. 647
5-40-3	Amended	V. 26, p. 647
5-40-4	Amended	V. 26, p. 647
5-40-5	Amended	V. 26, p. 648
5-40-5a	New	V. 26, p. 648
5-40-8	Amended	V. 26, p. 648
5-40-9	Revoked	V. 26, p. 648
5-40-10	Revoked	V. 26, p. 648
5-40-11	Revoked	V. 26, p. 648
5-40-12	Amended	V. 26, p. 648
5-40-13	Revoked	V. 26, p. 649
5-40-20	New	V. 26, p. 649
5-40-21	New	V. 26, p. 649
5-40-22	New	V. 26, p. 649
5-40-23	New	V. 26, p. 650
5-40-24	New	V. 26, p. 650
5-40-26	New	V. 26, p. 651
5-40-30	New	V. 26, p. 651
5-40-31	New	V. 26, p. 652
5-40-32	New	V. 26, p. 653
5-40-33	New	V. 26, p. 653
5-40-40	New	V. 26, p. 653
5-40-41	New	V. 26, p. 654
5-40-42	New	V. 26, p. 654
5-40-43	New	V. 26, p. 655
5-40-44	New	V. 26, p. 655
5-40-45	New	V. 26, p. 655
5-40-46	New	V. 26, p. 655
5-40-50	New	V. 26, p. 656
5-40-51	New	V. 26, p. 656
5-40-52	New	V. 26, p. 657
5-40-53	New	V. 26, p. 657
5-40-54	New	V. 26, p. 657
5-40-55	New	V. 26, p. 658
5-40-56	New	V. 26, p. 658
5-40-57	New	V. 26, p. 658
5-40-70	New	V. 26, p. 659
5-40-71	New	V. 26, p. 659
5-40-72	New	V. 26, p. 659
5-40-73	New	V. 26, p. 659
5-40-73a	New	V. 26, p. 660
5-40-74	New	V. 26, p. 661
5-40-75	New	V. 26, p. 661
5-40-76	New	V. 26, p. 662
5-40-77	New	V. 26, p. 662
5-40-90	New	V. 26, p. 662
5-40-91	New	V. 26, p. 663
5-40-92	New	V. 26, p. 663
5-40-93	New	V. 26, p. 663
5-40-94	New	V. 26, p. 663

5-40-100	New	V. 26, p. 663
5-40-101	New	V. 26, p. 663
5-40-102	New	V. 26, p. 664
5-40-103	New	V. 26, p. 664
5-40-104	New	V. 26, p. 664
5-40-105	New	V. 26, p. 664
5-40-106	New	V. 26, p. 664
5-42-1	Amended	V. 26, p. 664
5-42-5	New	V. 26, p. 665
5-44-7	New	V. 26, p. 666

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-17-1	Amended	V. 27, p. 965
7-17-4	Amended	V. 27, p. 966
7-17-11	Amended	V. 27, p. 966
7-17-19	Amended	V. 27, p. 966
7-17-21	Amended	V. 27, p. 966
7-17-22	Amended	V. 27, p. 966
7-17-24	Amended	V. 27, p. 967
7-21-1	Amended	V. 27, p. 967
7-21-2	Amended	V. 27, p. 967
7-21-3	Revoked	V. 27, p. 967
7-21-4	New	V. 27, p. 967
7-23-13	Revoked	V. 27, p. 968
7-37-2	Revoked	V. 27, p. 968
7-38-2	Revoked	V. 27, p. 968
7-44-1		
through		
7-44-7	New	V. 26, p. 505, 506
7-45-1	New	V. 27, p. 968
7-45-2	New	V. 27, p. 968

**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
10-20-4	Amended	V. 26, p. 507

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-8-3	Amended	V. 26, p. 1543
11-8-4	Amended	V. 26, p. 1543
11-12-1		
through		
11-12-7	New	V. 26, p. 1184-1187

**AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

Reg. No.	Action	Register
14-8-2	Amended	V. 26, p. 1906
14-8-3	Amended	V. 26, p. 1906
14-16-23	Revoked	V. 26, p. 1906
14-16-24	Revoked	V. 26, p. 1906
14-24-1		
through		
14-24-6	New	V. 26, p. 1907

**AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-25-1	New	V. 27, p. 356

**AGENCY 19: GOVERNMENTAL ETHICS COMMISSION**

Reg. No.	Action	Register
19-20-4	Amended	V. 27, p. 1020
19-20-5	New	V. 27, p. 1021
19-27-2	Amended	V. 27, p. 1021

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

Reg. No.	Action	Register
28-1-5	Amended	V. 26, p. 1115
28-1-6	Amended	V. 26, p. 1115
28-1-20	Amended	V. 27, p. 989
28-4-117	Amended	V. 27, p. 990
28-4-120	Amended	V. 27, p. 990
28-4-121	New	V. 27, p. 990
28-4-122	Amended	V. 27, p. 317

28-4-311	Amended	V. 27, p. 317
28-4-312		
through		
28-4-317	Revoked	V. 27, p. 317, 318
28-4-430	Amended	V. 27, p. 991
28-4-800		
through		
28-4-825	New	V. 27, p. 318-334
28-15-35	Amended	V. 26, p. 825
28-15-36	Amended	V. 26, p. 829
28-15-36a	Amended	V. 26, p. 829
28-15-37	Amended	V. 26, p. 830
28-16-28g	Amended	V. 27, p. 779
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. 1929
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. 1929
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
28-19-720	Amended	V. 26, p. 951
28-19-728	New	V. 26, p. 951
28-19-728a		
through		
28-19-728f	New	V. 26, p. 951, 952
28-19-735	Amended	V. 26, p. 953
28-19-750	Amended	V. 26, p. 953
28-23-16	Revoked	V. 27, p. 191
28-24-1		
through		
28-24-14	Amended	V. 26, p. 1510-1514
28-24-15	Revoked	V. 26, p. 1514
28-24-16	Revoked	V. 26, p. 1514
28-24a-1	New	V. 26, p. 1514
28-24a-2	New	V. 26, p. 1514
28-24a-3	New	V. 26, p. 1515
28-29-28	Amended	V. 26, p. 1610
28-29-29	Amended	V. 26, p. 1611
28-29-29a	Amended	V. 26, p. 1611
28-29-29b	New	V. 26, p. 1612
28-29-30	Amended	V. 26, p. 1612
28-29-31	Amended	V. 26, p. 1613
28-29-31a	New	V. 26, p. 1614
28-29-32	Amended	V. 26, p. 1614
28-29-33	Amended	V. 26, p. 1615
28-29-2011	New	V. 26, p. 1615
28-29-2101	Amended	V. 26, p. 1615
28-32-1	Revoked	V. 27, p. 247
28-32-2	Revoked	V. 27, p. 247
28-32-4	Revoked	V. 27, p. 247
28-32-5	Revoked	V. 27, p. 247
28-32-6	Revoked	V. 27, p. 247
28-32-7	Revoked	V. 27, p. 247
28-32-8		
through		
28-32-14	New	V. 27, p. 247-249
28-35-135a	Amended	V. 26, p. 1142
28-35-135d	Amended	V. 26, p. 1144
28-35-135n	Amended	V. 26, p. 1145
28-35-135p	Amended	V. 26, p. 1145
28-35-135r	Amended	V. 26, p. 1147
28-35-177a	Amended	V. 26, p. 1148
28-35-178a	Amended	V. 26, p. 1149
28-35-178b	Amended	V. 26, p. 1150

(continued)

28-35-180a	Amended	V. 26, p. 1151
28-35-181d	Amended	V. 26, p. 1152
28-35-181m	Amended	V. 26, p. 1153
28-35-181n	Amended	V. 26, p. 1154
28-35-181o	Amended	V. 26, p. 1155
28-35-182c	Amended	V. 26, p. 1155
28-35-184a	Amended	V. 26, p. 1156
28-35-201	Amended	V. 26, p. 1156
28-35-202	Revoked	V. 26, p. 1158
28-35-203	Amended	V. 26, p. 1158
28-35-216a	Amended	V. 26, p. 1159
28-35-230g	New	V. 26, p. 1159
28-35-289	Amended	V. 26, p. 1160
28-35-292	Amended	V. 26, p. 1162
28-35-308	Amended	V. 26, p. 1162
28-35-349	Amended	V. 26, p. 1162
28-35-450	Amended	V. 26, p. 1162
28-36-33		
through		
28-36-49	Revoked (T)	V. 26, p. 1682
28-36-33		
through		
28-36-49	Revoked	V. 27, p. 73
28-36-70		
through		
28-36-89	New (T)	V. 26, p. 1682-1696
28-36-70		
through		
28-36-89	New	V. 27, p. 73-87
28-36-101		
through		
28-36-108	Amended	V. 26, p. 1776-1779
28-36-109	New	V. 26, p. 1780
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
28-54-1		
through		
28-54-7	New	V. 26, p. 1640-1642
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-98	Amended	V. 26, p. 1905
30-5-65	Revoked	V. 26, p. 1091
30-5-78	Revoked	V. 27, p. 1022
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-37	Amended	V. 26, p. 1393
40-1-51	Revoked	V. 26, p. 1364
40-2-20	Amended	V. 26, p. 101
40-2-29	New	V. 27, p. 15
40-2-30	New	V. 26, p. 1545
40-3-25	Amended	V. 27, p. 15
40-3-34	Revoked	V. 26, p. 1423
40-3-52	New	V. 27, p. 133
40-4-41	Amended	V. 27, p. 434
40-4-41a		
through		
40-4-41j	Revoked	V. 27, p. 434, 435
40-7-19	Amended	V. 26, p. 881
40-7-20a	Amended	V. 26, p. 103
40-7-25	Amended	V. 26, p. 488

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-6-101	Amended	V. 26, p. 817
44-6-125	Amended	V. 26, p. 818
44-6-136	Amended	V. 26, p. 819
44-11-111	Amended	V. 26, p. 819
44-11-113	Amended	V. 26, p. 820
44-11-123	Amended	V. 26, p. 820
44-12-103	Amended	V. 26, p. 1074

44-12-105	Amended	V. 26, p. 1075
44-12-106	Amended	V. 26, p. 1075
44-12-107	Amended	V. 26, p. 1075
44-12-208	Amended	V. 26, p. 1075
44-12-210	Amended	V. 26, p. 1075
44-12-211	New	V. 26, p. 1075
44-12-212	New	V. 26, p. 1075
44-12-304	Amended	V. 26, p. 1075
44-12-306	Amended	V. 26, p. 1076
44-12-308	Amended	V. 26, p. 1076
44-12-312	Amended	V. 26, p. 1076
44-12-315	Amended	V. 26, p. 1076
44-12-320a	New	V. 26, p. 1076
44-12-325	Amended	V. 26, p. 1076
44-12-601	Amended	V. 26, p. 1077
44-12-901	Amended	V. 26, p. 1079
44-12-902	Amended	V. 26, p. 1079
44-12-903	New	V. 26, p. 1079
44-12-1101	Amended	V. 26, p. 1080
44-12-1201	Amended	V. 26, p. 1080
44-12-1301	Amended	V. 26, p. 1080
44-12-1302	Amended	V. 26, p. 1081
44-12-1303	Amended	V. 26, p. 1081
44-12-1306	Amended	V. 26, p. 1081
44-12-1308	Amended	V. 26, p. 1081
44-13-101a	Amended	V. 26, p. 1082
44-13-106	Amended	V. 26, p. 1082
44-13-201	Amended	V. 26, p. 1082
44-13-201a	New	V. 26, p. 1083
44-13-201b	Amended	V. 26, p. 1084
44-13-202	Amended	V. 26, p. 1084
44-13-307	Amended	V. 26, p. 1085
44-13-402	Amended	V. 26, p. 1085
44-13-403	Amended	V. 26, p. 1085
44-13-404	Amended	V. 26, p. 1087
44-13-405a	Amended	V. 26, p. 1088
44-13-406	Amended	V. 26, p. 1089
44-13-408	Amended	V. 26, p. 1089
44-13-603	Amended	V. 26, p. 1089
44-13-610	Amended	V. 26, p. 1089
44-13-701	Amended	V. 26, p. 1090
44-13-703	Amended	V. 26, p. 1090
44-13-704	Amended	V. 26, p. 1090
44-15-101a	Amended	V. 26, p. 820
44-15-102	Amended	V. 26, p. 821
44-15-104	Amended	V. 26, p. 822
44-16-104a	New	V. 26, p. 822

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-36	New	V. 26, p. 1647
49-50-6	Amended	V. 26, p. 1647
49-50-20	Amended	V. 26, p. 1647

**AGENCY 50: DEPARTMENT OF LABOR— DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-3-2	Amended	V. 26, p. 1642

**AGENCY 51: DEPARTMENT OF LABOR— DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-7	Amended	V. 26, p. 1639

**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
60-9-106	Amended	V. 26, p. 1112
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
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108

63-5-1	Amended	V. 26, p. 126
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**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-9-5	Amended	V. 26, p. 1024
66-10-1	Amended	V. 27, p. 317
66-10-10a	Amended	V. 26, p. 1024
66-11-5	Amended	V. 26, p. 1025

**AGENCY 67: BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS**

Reg. No.	Action	Register
67-5-3	Revoked	V. 26, p. 692
67-5-4	Amended	V. 26, p. 692
67-5-5	New	V. 26, p. 692

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-5-16	Amended	V. 26, p. 488
68-7-11	Amended	V. 26, p. 1112
68-7-12	Amended	V. 26, p. 1114
68-7-20	Amended	V. 27, p. 435
68-20-17	Amended	V. 26, p. 488

**AGENCY 69: BOARD OF COSMETOLOGY (by Dept. of Health and Environment)**

Reg. No.	Action	Register
69-12-6	Revoked	V. 26, p. 1515
69-12-13	Revoked	V. 26, p. 1515

**AGENCY 70: BOARD OF VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-5-1	Amended	V. 26, p. 1863

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-2	Amended	V. 26, p. 1954
74-1-3	Amended	V. 26, p. 1954
74-1-6	Amended	V. 26, p. 1955
74-1-8	Amended	V. 26, p. 1955
74-2-7	Amended	V. 26, p. 1955
74-4-1a	Amended	V. 26, p. 126
74-4-7	Amended	V. 27, p. 626
74-4-8	Amended	V. 27, p. 626
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 26, p. 1956
74-5-101	Amended	V. 26, p. 1957
74-5-105	Revoked	V. 26, p. 127
74-5-201	Amended	V. 26, p. 1957
74-5-202	Amended	V. 26, p. 1957
74-5-204	Revoked	V. 26, p. 1957
74-5-403	Amended	V. 26, p. 128
74-5-405a	New	V. 26, p. 1957
74-5-406	Amended	V. 26, p. 1958
74-5-408	New	V. 26, p. 128
74-6-1	Amended	V. 26, p. 1958
74-7-2	Amended	V. 26, p. 1958
74-11-6	Amended	V. 26, p. 128

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-103	Amended	V. 26, p. 1609
82-3-119	Revoked	V. 26, p. 1643
82-3-123	Amended	V. 26, p. 1643
82-3-123a	Amended	V. 26, p. 1644
82-3-124	Amended	V. 26, p. 1644
82-3-131	Amended	V. 26, p. 1645
82-3-140	Amended	V. 26, p. 1645
82-3-300	Amended	V. 26, p. 1645
82-3-303	Amended	V. 26, p. 823
82-3-304	Amended	V. 26, p. 824
82-3-408	Amended	V. 26, p. 1646
82-3-603a	New	V. 26, p. 1610
82-4-30a	Amended (T)	V. 26, p. 1930
82-4-30a	Amended	V. 27, p. 1020
82-11-1	Amended	V. 27, p. 43
82-11-3	Amended	V. 27, p. 43

82-11-4	Amended	V. 27, p. 44
82-11-7	Amended	V. 27, p. 49
82-11-8	Amended	V. 27, p. 49

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-2	Amended	V. 26, p. 1728
86-1-5	Amended	V. 26, p. 1728
86-1-10	Amended	V. 26, p. 1729
86-1-11	Amended	V. 26, p. 1730
86-1-13	Amended	V. 26, p. 1731
86-1-15	Amended	V. 26, p. 1732
86-1-17	Amended	V. 26, p. 1732
86-1-18	Amended	V. 26, p. 1733
86-1-19	Amended	V. 26, p. 1733
86-1-20	New	V. 26, p. 1734
86-2-3	Revoked	V. 26, p. 1734
86-2-5	Revoked	V. 26, p. 1734
86-2-7	Revoked	V. 26, p. 1734
86-3-3	Revoked	V. 26, p. 1734
86-3-8	Amended	V. 26, p. 1734
86-3-9	Amended	V. 26, p. 1734
86-3-15	Amended	V. 26, p. 1734
86-3-19	Amended (T)	V. 27, p. 1090
86-3-21	Amended	V. 26, p. 1735
86-3-22	Amended	V. 26, p. 1735
86-3-26a	New	V. 26, p. 1736
86-3-30	New (T)	V. 27, p. 1091

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-3-8	Revoked	V. 26, p. 1141
88-3-8a	New	V. 26, p. 1141
88-3-12	Amended	V. 26, p. 1141
88-24-1	Amended	V. 26, p. 1142
88-24-2	Amended	V. 26, p. 1142
88-29-1	through	
88-29-19	New	V. 26, p. 216-229
88-30-1	New	V. 26, p. 1544
88-30-2	New	V. 26, p. 1544
88-30-3	New	V. 26, p. 1544

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-200	Amended	V. 27, p. 1027
91-1-201	Amended	V. 27, p. 1028
91-1-202	Amended	V. 26, p. 1218
91-1-203	Amended	V. 27, p. 1030
91-1-204	Amended	V. 27, p. 1034
91-1-205	Amended	V. 27, p. 1036
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-1-234	New	V. 26, p. 1226
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7	through	
91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26	through	
91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293

91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-114	New	V. 27, p. 865
92-12-140	through	
92-12-145	New	V. 27, p. 866, 867
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-55a	Revoked	V. 26, p. 409
92-19-70	Revoked	V. 27, p. 868
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
92-27-1	through	
92-27-5	New	V. 26, p. 1648, 1649

**AGENCY 94: COURT OF TAX APPEALS**

Reg. No.	Action	Register
94-2-1	through	
94-2-5	Amended (T)	V. 27, p. 1091-1093
94-2-8	through	
94-2-16	Amended (T)	V. 27, p. 1093-1095
94-2-19	Amended (T)	V. 27, p. 1095
94-2-20	Amended (T)	V. 27, p. 1096
94-2-21	Amended (T)	V. 27, p. 1096
94-3-1	Amended (T)	V. 27, p. 1097
94-3-2	Amended (T)	V. 27, p. 1098
94-4-1	Amended (T)	V. 27, p. 1098
94-4-2	Amended (T)	v. 27, p. 1098

**AGENCY 97: KANSAS COMMISSION ON VETERANS' AFFAIRS**

Reg. No.	Action	Register
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 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES**

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 26, p. 1258
100-15-5	Amended	V. 26, p. 384
100-15-6	Amended	V. 26, p. 385
100-22-6	New	V. 26, p. 1642
100-22-7	New	V. 26, p. 1043
100-22-8	New	V. 26, p. 1367
100-22-8	Revoked (T)	V. 26, p. 1929
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New (T)	V. 26, p. 1929
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended	V. 26, p. 1753
100-29-7	Amended	V. 27, p. 209
100-49-4	Amended	V. 26, p. 1258
100-49-10	New	V. 26, p. 1367
100-54-4	Amended	V. 27, p. 209
100-54-7	Amended	V. 26, p. 1043
100-54-8	Amended	V. 26, p. 1044

100-55-4	Amended	V. 27, p. 209
100-73-1	Amended	V. 26, p. 1258
100-73-9	Amended	V. 27, p. 315

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-7	Revoked	V. 26, p. 881
102-1-12	Amended	V. 27, p. 407
102-1-13	Amended	V. 26, p. 1774
102-2-3	Amended	V. 26, p. 1775
102-2-10	Revoked	V. 26, p. 881
102-3-2	Amended	V. 26, p. 1775
102-3-8a	Revoked	V. 26, p. 881
102-4-2	Amended	V. 26, p. 1775
102-4-8a	Revoked	V. 26, p. 881
102-5-2	Amended	V. 26, p. 1776
102-5-8	Revoked	V. 26, p. 881
102-6-8	Amended	V. 26, p. 881

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-11-1	Amended	V. 26, p. 1752

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-13-10	Amended	V. 26, p. 1752
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-15-1	through	
110-15-4	New	V. 26, p. 1864
110-16-1	through	
110-16-4	New	V. 26, p. 1865, 1866
110-17-1	through	
110-17-4	New	V. 26, p. 1866, 1867
110-18-1	through	
110-18-4	New	V. 26, p. 1867, 1868
110-19-1	through	
110-19-4	New	V. 27, p. 1064, 1065
110-20-1	through	
110-20-4	New	V. 27, p. 1065, 1066

**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. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-2-211	New	V. 27, p. 992
111-4-2614	Amended	V. 27, p. 964
111-4-2645	through	
111-4-2656	New	V. 27, p. 436-442
111-4-2657	through	
111-4-2662	New	V. 27, p. 992-996
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-4-9a	Amended	V. 27, p. 19
112-4-14a	Amended	V. 27, p. 19

(continued)

112-5-1	Amended	V. 27, p. 19
112-6-1	Amended	V. 27, p. 20
112-7-6	Amended	V. 27, p. 20
112-7-8	Amended	V. 27, p. 21
112-7-15a	Amended	V. 27, p. 21
112-7-16	Amended	V. 27, p. 22
112-7-18a	Amended	V. 27, p. 22
112-7-20	Amended	V. 27, p. 23
112-8-9	Amended	V. 27, p. 23
112-10-12	Amended	V. 27, p. 23
112-10-32	Amended	V. 27, p. 23
112-11-10	Amended	V. 27, p. 24
112-11-20	Amended	V. 27, p. 24
112-18-1	Amended	V. 27, p. 26

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 26, p. 1722
115-2-3a	Amended	V. 27, p. 570
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 26, p. 1725
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 27, p. 572
115-8-7	Amended	V. 26, p. 1364
115-8-13	Amended	V. 27, p. 112
115-9-9	Amended	V. 26, p. 641
115-18-7	Amended	V. 27, p. 406
115-18-10	Amended	V. 26, p. 1727
115-18-12	Amended	V. 26, p. 1728
115-18-20	Amended	V. 26, p. 1728

115-30-1	Amended	V. 26, p. 1364
115-30-5	Amended	V. 26, p. 1365
115-30-7	Amended	V. 26, p. 1365
115-30-8	Amended	V. 26, p. 1365
115-30-10	Amended	V. 26, p. 1366
115-30-12	New	V. 26, p. 1366

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 26, p. 1259
117-2-1	Amended	V. 26, p. 1259
117-2-2	Amended	V. 26, p. 1260
117-2-2a	Amended	V. 27, p. 16
117-2-3	Amended	V. 26, p. 1261
117-2-4	Amended	V. 26, p. 1261
117-3-1	Amended	V. 26, p. 1262
117-3-2	Amended	V. 26, p. 1265
117-3-2a	Amended	V. 27, p. 17
117-3-4	Amended	V. 26, p. 1264
117-4-1	Amended	V. 26, p. 1264
117-4-2	Amended	V. 26, p. 1265
117-4-2a	Amended	V. 27, p. 17
117-4-3	Amended	V. 26, p. 1266
117-4-4	Amended	V. 26, p. 1266
117-5-2a	Amended	V. 27, p. 18
117-6-1	Amended	V. 27, p. 357
117-6-2	Amended	V. 26, p. 1267
117-7-1	Amended	V. 27, p. 18
117-8-1	Amended	V. 27, p. 19

**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
121-2-1	Amended	V. 26, p. 1908
121-3-1	Amended	V. 26, p. 1908

121-5-4	New	V. 26, p. 1909
121-9-1	New	V. 26, p. 1910
121-10-1	New	V. 27, p. 1099
121-10-2	New	V. 27, p. 1099

**AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION**

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-1-1	New	V. 27, p. 358
128-2-1	New	V. 27, p. 360
128-2-3	through	
128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1	through	
128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368
128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 27, p. 628
129-5-65	New	V. 26, p. 1091
129-5-78	New	V. 27, p.1022

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