

# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

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

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

**Harvey County Clerk**

**Joyce J. Truskett**, 3013 Autumn Ridge, Newton, 67114. Succeeds Margaret Wright, deceased.

**Haskell County Register of Deeds**

**Candy Huffine**, 600 N. Inman, Sublette, 67877. Succeeds Dixie Sutherland, resigned.

**Governor's Commission on Healthcare Cost Containment**

(Established by Executive Order 04-14.  
Members serve at the pleasure of the Governor.)

**Ronald C. Brunton**, 3025 Benjamin Court, Wichita, 67204.

**Scott Glasrud**, University of Kansas Hospital Authority, 3901 Rainbow Blvd., Suite 1215, Kansas City, KS 66160.

**Leonard R. Hernandez**, 316 Hilltop, Elkhart, 67950.

**Dr. John B. Hiebert**, 1521 Stratford Road, Lawrence, 66044.

**John H. Jeter**, 3103 Tam O'Shanter Drive, Hays, 67601.  
**Jacqueline A. John**, Route 2, Box 506, Phillipsburg, 67661.

**Audrey H. Langworthy**, 6324 Ash St., Prairie Village, 66208.

**Wilbert J. Leiker**, 11521 S.W. Frontage Road, Topeka, 66615.

**Lt. Gov. John E. Moore, Chair**, Room 222-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612.

**Nelson Mann**, 465 Terrace Trail East, Shawnee Mission, 66217.

**Phillip R. Neff**, 1440 N. Gatewood, #55, Wichita, 67202.

**Dr. Kent E. Palmberg**, 8444 S.W. 21st, Topeka, 66615.

**Sandy Praeger**, Kansas Insurance Commissioner, 420 S.W. 9th, Topeka, 66612.

**Dr. Robert St. Peter**, 212 S.W. 8th Ave., Suite 300, Topeka, 66603.

**William J. Wallace**, 2400 N.W. 44th St., Topeka, 66618.

**Joy D. Wheeler**, 4001 Blue Parkway, Suite 300, Kansas City, MO 64130.

**Dr. Craig H. Yorke**, 3155 S.W. 15th St., Topeka, 66604.

**State Board of Veterinary Medical Examiners**

**Richard Donham Coffelt**, 2107 Lincoln, Hays, 67601. Term expires June 30, 2008. Succeeds Eileen Beltz.

**Mary S. Painter**, 211 Ash St., Frontenac, 66763. Term expires June 30, 2008. Succeeds Laura Morland.

Ron Thornburgh  
Secretary of State

Doc. No. 031468

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**State of Kansas**  
**Kansas Sentencing Commission**

**Notice of Meeting**

The Kansas Sentencing Commission will meet from 1:30 to 3:30 p.m. Friday, January 14, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. For more information, call (785) 296-0923.

Patricia Biggs  
 Executive Director

Doc. No. 031459

**State of Kansas**  
**Social and Rehabilitation Services**

**Public Notice**

Effective with dates of service on and after January 1, 2005, the following changes are proposed for inpatient hospital payments:

The Graduate Medical Education Rates have been updated to reflect new direct medical education and indirect medical education rates. This is estimated to result in an additional cost of \$2,500,000 of all funds and \$1,000,000 of state funds for FY 2004.

A copy of the proposed state plan change, which has additional information, may be obtained from local SRS offices. For any comments or additional information, contact Rita Haverkamp, SRS Health Care Policy, Room 651S, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-2210.

Gary J. Daniels  
 Acting Secretary of Social and  
 Rehabilitation Services

Doc. No. 031466

(Published in the Kansas Register December 30, 2004.)

**Marmaton Watershed Joint  
 District No. 102**

**Request for Engineering Services**

The Marmaton Watershed Joint District No. 102 is soliciting qualified consulting engineering firms for the project listed below. Responding firms should mail their response to Charles Bruner, Contracting Officer, Marmaton Watershed District, P.O. Box 114, Uniontown, KS 66779. Responses must be received by 5 p.m. January 20 for the consulting engineering firm to be considered.

The following criteria will be used as the basis for selection of the consulting engineering firms:

1. Professional qualifications necessary for satisfactory performance of required services;
2. Specialized experience and technical competence with respect to watershed dam design and construction;
3. Work load of firm and capacity to accomplish the work in the required time; and
4. Firm's performance record in contracts with watershed districts and private industry in terms of cost control, quality of work and compliance with performance schedules.

**Project: Marmaton Watershed Site J-1  
 Dam Construction**

The scope of services is to provide engineering services for the design plans, drawings, specifications, permit application, construction bidding process, contract documents and other required documentation to be submitted to the Kansas Division of Water Resources for the construction of the Marmaton Watershed Site J-1. This structure is to be designed in accordance with the NRCS e-FOTG Standard 402 and TR 60. Services also will include geologic site investigation, laboratory soil testing, site staking, surveying, construction inspection and testing, and submittal of all required as-built plans and certificates of completion. Services also may include habitat evaluations, wetland determinations, and habitat mitigation planning and gaining of easements required for habitat mitigation.

Site J-1 is located from Highways 3 and 39, 2 miles north and .5 mile east in Sections 35 and 36, Township 26 South, Range 22 East, Bourbon County, Kansas, and consists of the construction of an earthen dam that controls approximately 18.16 sq. miles of drainage area. Significant preliminary engineering data and documentation on this project may be reviewed by contacting the contracting officer.

Charles Bruner  
 Contracting Officer

Doc. No. 031456

**State of Kansas**  
**Kansas Housing Resources Corporation**

**Notice of Hearing on the Low-Income  
 Weatherization Assistance Program**

In accordance with U.S. Department of Energy regulations, the Kansas Weatherization Assistance Program will conduct a public hearing at 10 a.m. Thursday, January 27, at the Kansas Housing Resources Corporation, 611 S. Kansas Ave., Suite 300 (main conference room), Topeka, to receive comments on the 2005 Department of Energy State Plan.

A draft copy of the 2005 plan will be available upon request prior to the hearing by calling (785) 296-2065 or fax (785) 296-8985. Reasonable accommodations are available for persons needing assistance. Requests for accommodation should be submitted at least five business days in advance of the hearing to Alfanzo Dorsey.

All comments are to be submitted in writing for incorporation into the minutes of the hearing. Written comments should be mailed to Al Dorsey, Director, Housing With Supportive Services, Kansas Housing Resources Corporation, 611 S. Kansas Ave., Suite 300, Topeka, 66603-3803.

Norma Phillips  
 Executive Vice President

Doc. No. 031464

## State of Kansas

**Social and Rehabilitation Services****Public Notice**

Effective with dates of service on and after October 1, 2004, the following changes are proposed for inpatient hospital payments:

The DRG weights and rates have been updated to reflect newer claims data and newer cost report data. A budget neutrality factor has been applied that results in no overall change in payment.

A copy of the proposed state plan change, which has additional information, may be obtained from local SRS offices. For any comments or additional information, contact Rita Haverkamp, SRS Health Care Policy, Room 651S, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-2210.

Gary J. Daniels  
Acting Secretary of Social and  
Rehabilitation Services

Doc. No. 031467

## State of Kansas

**Social and Rehabilitation Services****Request for Comments**

The following proposal to amend the Medicaid State Plan for Class II ICFs-MR is being set forth for public comment, which will expire in 30 days from the publication of this notice. Comments should be sent to Clarissa M. Ashdown, Community Integration Manager, Community Supports and Services, 10th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Copies of this notice will be sent to all licensed and Medicaid-certified ICFs-MR.

**Primary Changes in the State Plan:**

1. Rates based on base year cost data adjusted for inflation. The current base year is the facilities' most recent fiscal year ending prior to January 1, 2004.

2. The Centers for Medicare and Medicaid allowed Kansas to implement changes to the state plan by December 26, 2003. To ensure smooth transition, SRS has chosen January 1, 2005, as its new implementation date, with rates and cost center limits reviewed and adjusted annually (in October). Currently, rates change twice a year (due to the limit and inflation adjustment in October and after the cost report is completed). With implementation of the SPA, rates would change only once a year.

3. The annual analysis of cost coverage would ensure that 60% or more of the facilities have at least 90% cost coverage. Currently, the threshold is 75% must have 95% cost coverage. With a decreasing number of facilities, this threshold has been increasingly difficult to meet.

4. Reclassification of Levels of Care/DDP Scores.

5. Adjustment of Habilitation Cost Center Limits. In prior years, direct service limits were not always adjusted for each level based on facility size.

**Fiscal Impact of Proposed State Plan Amendment:**

For state fiscal year 2005, the impact is \$0 - minimal. The main reasons for this are: (1) SRS had to increase the

cost center limits substantially October 1, 2003, (2) costs for many of the facilities have actually gone down since they were anticipating a rate reduction last year, and (3) because of the first two reasons, SRS did not have to increase cost center limits October 1, 2004. For SFY 2006, SRS would save approximately \$150,000 (federal funds) by implementing the SPA. The SPA would potentially save SRS more in future years since it will control costs (due to implementation of a base year).

Gary J. Daniels  
Acting Secretary of Social and  
Rehabilitation Services

Doc. No. 031465

## State of Kansas

**Kansas Development Finance Authority****Notice of Hearing**

A public hearing will be conducted at 9 a.m. Thursday, January 13, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA 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 respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

**Project No. 000621—Maximum Principal Amount: \$88,141.**  
Owner/Operator: Jacob Stowell. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Section 17, Rock Township, Marshall County, Kansas, approximately 6 miles northwest of Frankfort.

The bond, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, 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 KDFA 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 KDFA.

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the KDFA that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Stephen R. Weatherford  
President

Doc. No. 031453

## State of Kansas

## Office of the Governor

## Executive Order 04-13

WHEREAS, administrative regulations of the Secretary of Administration have been adopted for classified employees; and

WHEREAS, on October 4, 1998, Executive Order No. 98-7 adopted and extended the application of certain administrative regulations of the Secretary of Administration to certain positions in the unclassified service under the Kansas Civil Service Act;

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby adopt and extend the application of the following Kansas Administrative Regulations of the Secretary of Administration to unclassified employees under the Kansas Civil Service Act whose salaries are established or approved by the Governor, with limitation, expansions, or further definitions as hereinafter specified:

K.A.R. 1-2-46. Length of service.

K.A.R. 1-5-24. Overtime.

K.A.R. 1-9-1. Hours of work.

K.A.R. 1-9-2. Holidays.

K.A.R. 1-9-3. Request and approval of leave; authorized leave; unauthorized leave.

K.A.R. 1-9-4. Vacation leave.

K.A.R. 1-9-5. Sick leave. Exception: Any unclassified employee receiving a starting balance of sick leave pursuant to Executive Order No. 04-06 that separates prior to completing one (1) year of service shall be exempt from the provisions of K.A.R. 1-9-5(h) that provide for the restoration of unused sick leave upon the former employee's return to a regular position with the State of Kansas within one (1) year of the time of separation with respect to the hours of sick leave granted under Executive Order 04-06. Any amount of unused sick leave that the employee accrued in accordance with K.A.R. 1-9-5 shall be available to be restored to the employee should the employee return to state service within a year of separation, but the amount of sick leave granted as a starting balance shall be excluded from that amount.

K.A.R. 1-9-6. Leave without pay.

K.A.R. 1-9-7a. Military leave; voluntary or involuntary service in the Armed Forces.

K.A.R. 1-9-7b. Military leave; voluntary or involuntary service with reserve component of the Armed Forces.

K.A.R. 1-9-7c. Military leave; state duty with Kansas National Guard or state Guard when organized.

K.A.R. 1-9-8. Jury duty; other required appearances before a court or other public body.

K.A.R. 1-9-12. Funeral or death leave.

K.A.R. 1-9-13. Payment for accumulated vacation leave and compensatory time credits upon separation. Exception: Any unclassified employee receiving a starting balance of vacation leave pursuant to Executive Order No. 04-06 that separates prior to completing one (1) year of service shall be exempt from the provisions of K.A.R. 1-9-13 providing for compensation of the employee's vacation leave balance at the time of separation with respect to the amount of hours of vacation leave granted under

Executive Order No. 04-06. Such employees shall be compensated for any amount of vacation leave in the employee's vacation leave balance at the time of separation that was accrued in accordance with K.A.R. 1-9-4, but not for the amount of vacation leave granted as a starting balance.

K.A.R. 1-9-14. Transfer of leave credits.

K.A.R. 1-9-22. Job injury leave.

K.A.R. 1-9-23. Shared leave. Exception: The extension of K.A.R. 1-9-23 shall be limited to unclassified employees that are eligible for benefits only.

K.A.R. 1-9-24. Disaster service volunteer leave.

K.A.R. 1-9-27. Family and Medical Leave Act of 1993 (FMLA).

K.A.R. 1-11-1. Resignation. Exception: The extension of K.A.R. 1-11-1 is limited to subsections (a) and (b) only.

K.A.R. 1-13-1a. Content and disclosure of information in employees' official personnel records.

An unclassified employee shall be considered to be a temporary employee if the employee will be employed in an agency for less than six (6) months.

Nothing contained in this Order shall apply to certain unclassified part-time positions exempted by the Secretary of Administration with the approval of the Governor.

The application of the above-cited administrative regulations to the unclassified service shall commence on the effective date of this document.

Resolution of any conflict arising from the adoption and application of these administrative regulations to the unclassified services shall be by the Secretary of Administration, subject to appeal to the Governor.

From and after the effective date of this Executive Order, Executive Order No. 98-7 is hereby superseded by this order and the force and effect of Executive Order No. 98-7 is hereby rescinded.

This document shall be filed with the Secretary of State as Executive Order No. 04-13 and shall become effective immediately.

Dated December 1, 2004.

Kathleen Sebelius

Governor

Attest: Ron Thornburgh

Secretary of State

Doc. No. 031462

## State of Kansas

## Office of the Governor

## Executive Order 04-14

WHEREAS, escalating health care costs are of primary concern to Kansans, making health care increasingly unaffordable and without corresponding improvements in quality of care;

WHEREAS, 25 to 35 percent of the total annual U.S. healthcare expenditure is attributable to administrative costs resulting from complex payment mechanisms, inconsistent practice standards and an underdeveloped information technology infrastructure; and

(continued)

WHEREAS, the Institute of Medicine has estimated that preventable medical errors result in as many as 98,000 deaths in the United States each year; and

WHEREAS, ensuring the privacy and security of personal health information is of great importance to and in the best interests of the people of the State of Kansas; and

WHEREAS, advances in information technology have made it feasible to implement a health information infrastructure capable of accurately and efficiently recording and tracking all aspects of health care delivery and payment, incorporating evidence-based practice guidelines, and providing health care data to authorized parties in a format that supports sound health policy decisions; and

WHEREAS, the creation of a plan to revamp Kansas' health system infrastructure is necessary to reduce costly and duplicative administrative processes, improve health care delivery and outcomes, and expand the use of health information technology;

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby create the Governor's Commission on Healthcare Cost Containment with the following purposes and charges:

1. The Commission shall be advisory in nature.
2. The Commission shall be composed of 19 members, to be appointed by the Governor. Membership shall include representatives of the health care provider community, business community, health plans, legislators and other stakeholders in the health care community.
3. Lieutenant Governor John E. Moore shall serve as Chair of the Commission.
4. The Commission shall make recommendations on solutions to reduce health care administrative processes that increase costs without improving patient care.
5. The Commission shall advise and support the Governor and her staff as they develop and implement strategies for more efficient and effective uses of health related information.
6. The Commission shall identify obstacles to revamping Kansas' health system infrastructure and provide recommendations to remove or minimize those obstacles.
7. The Commission shall assist the Governor in ensuring that the strategy and plan preserve the privacy and security of health information, as required by state and federal law.

8. The Governor shall provide staff support to the Commission and may enter into contracts as necessary or proper to carry out the provisions and purposes of this order. In addition, all agencies under the control of the Governor are directed, and all other agencies are requested, to render full assistance and cooperation to the Commission.

This document shall be filed with the Secretary of State as Executive Order No. 04-14 and shall become effective immediately.

Dated December 14, 2004.

Kathleen Sebelius  
Governor  
Attest: Ron Thornburgh  
Secretary of State

Doc. No. 031463

## 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:

01/10/2005	08010	Remediation Project — Galva Phase III A & B
01/11/2005	08007	OEM IBM Usage Kits and Toner Cartridges
01/11/2005	08017	Ammunition
01/18/2005	08008	Microfilm Scanner Image Management Software Upgrade
01/25/2005	08003	2005 Planting Project
03/10/2005	07997	Affinity Credit Card Program

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

<http://da.state.ks.us/purch/rfq/>

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

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

Chris Howe  
Director of Purchases

Doc. No. 031476

## 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 Capitol Plaza Hotel, Topeka, until 2 p.m. January 19 and then publicly opened:

#### District One—Northeast

**Atchison**—7-3 K-9560-01—K-7 over White Clay Creek, bridge repair. (State Funds)

**Jackson-Marshall**—106 K-9912-01—Various locations in Jackson and Marshall counties, 49.3 miles, grind rumble strips. (State Funds)

**Jefferson**—24-44 K-9883-01—U.S. 24 from Mile Post 372 to Mile Post 386.5, 14.5 miles, guard fence replacement. (State Funds)

**Johnson**—35-46 K-9564-01—Clare Road over I-35, bridge repair. (State Funds)

**Lyon**—50-56 K-6829-01—U.S. 50 bridge over the Atchison Topeka and Santa Fe Railroad, 0.9 mile east of K-99, bridge replacement. (Federal Funds)

**Osage**—75-70 K-9572-01—U.S. 75 southbound over local road, bridge overlay. (State Funds)

**Riley**—24-81 K-9562-01—U.S. 24, .5 mile southeast of the U.S. 24/K-13 junction, bridge repair. (State Funds)

**Riley**—18-81 K-3433-02—K-18/K-113 interchange at Manhattan, interchange reconstruction. (Federal Funds)

**Riley**—18-81 K-3433-03—K-18 bridge over K-113 in Manhattan, bridge replacement. (Federal Funds)

**Riley**—16-81 K-9191-01—K-16 bridge over the Big Blue River at Tuttle Creek, bridge repair. (State Funds)

**Wyandotte**—435-105 K-9893-01—I-435 from 98th Street north to the Missouri River bridge, 8.2 miles, pavement marking. (State Funds)

#### District Two—Northcentral

**Clay**—9-14 K-9597-01—K-9, Parsons Creek drainage, culvert repair. (State Funds)

**District**—106 K-9925-01—Various locations in District Two, milling. (State Funds)

**Geary**—57-31 K-9125-01—Dry Creek drainage bridges on K-57 south of I-70, bridge replacement. (Federal Funds)

**Geary**—57-31 K-9148-01—K-57 Dry Creek drainage bridge, 7.7 miles south of I-70, bridge repair. (State Funds)

**Geary**—57-31 K-9154-01—K-57, West Branch Humboldt Creek drainage and three other K-57 culverts, culvert replacement. (State Funds)

**Ottawa-Saline**—106 K-9911-01—U.S. 81, 1.8 miles south of K-106 north 14.6 miles; I-135, .5 mile north of the Mentor interchange north 9.7 miles, 24.3 miles, joint repair. (State Funds)

**Saline**—85 K-8307-02—North Ohio Street over the Union Pacific Railroad and the Central Kansas Railroad tracks in Salina, grading. (State Funds)

**Washington**—9-101 K-9598-01—K-9 culvert north of the south junction of K-15, culvert repair. (State Funds)

#### District Three—Northwest

**District**—106 K-9922-01—Various locations in District Three, 88.5 miles, milling. (State Funds)

**Trego**—283-98 K-6803-01—U.S. 283 from the Ness-Trego county line north 10 miles, grading, bridge and surfacing. (Federal Funds)

**Trego**—283-98 K-6804-01—U.S. 283, 10 miles north of the Ness-Trego county line north to the south I-70 ramps, 11.9 miles, grading, bridge and surfacing. (Federal Funds)

#### District Four—Southeast

**Anderson**—2 C-3853-01—County road 0.6 mile west and 0.1 mile north of Greeley, 0.5 mile, grading and bridge. (Federal Funds)

**Bourbon**—6 U-1934-01—Horton Street from Jayhawk Road north 0.3 mile in Fort Scott, grading and surfacing. (Federal Funds)

**Crawford**—7-19 K-7404-01—K-7 from the Cherokee-Crawford county line north to the junction of K-126, 5 miles, pavement reconstruction. (Federal Funds)

**Woodson**—54-104 K-8414-01—Intersection of U.S. 54 (Mary Street) and U.S. 75 (Fry Street) in Yates Center, 0.1 mile, intersection improvement. (State Funds)

**Chautauqua**—166-10 K-9825-01—U.S. 166 from the Cowley-Chautauqua county line east to the junction of K-99, 19.9 miles overlay. (State Funds)

**Chautauqua**—10 K-9833-01—K-99 from the Oklahoma-Kansas state line north to the east junction of U.S. 166; U.S. 166 from the west junction of U.S. 166 east to the east junction of U.S. 166, 12.5 miles, overlay. (State Funds)

#### District Five — Southcentral

**Barton**—4-5 K-7385-01—K-4 Cow Creek bridge, 10.6 miles east of the U.S. 281 east junction, bridge replacement. (Federal Funds)

**Cowley**—77-18 K-9767-01—U.S. 77 from the Oklahoma-Kansas state line north to the south city limits of Arkansas City, 3 miles, overlay. (State Funds)

**Cowley**—160-18 K-9769-01—U.S. 160 from the east junction of K-15 east to the Cowley-Elk county line, 19.5 miles, slurry seal. (State Funds)

**Reno**—50-78 K-7395-01—U.S. 50 from the junction of K-14 east 7.8 miles, grading and surfacing. (Federal Funds)

**Sedgwick-Sumner**—49-106 K-9785-01—K-49 from the Sumner-Sedgwick county line north to the junction of K-42; K-49 west junction of U.S. 160 north to the Sumner-Sedgwick county line, 15.1 miles, overlay. (State Funds)

**Reno**—96-78 K-9908-01—K-96 from the east city limits of Nickerson east 4 miles, overlay. (State Funds)

#### District Six—Southwest

**District**—106 K-9906-01—Various locations in Seward, Gray, Clark and Ford counties, 22.3 miles, milling. (State Funds)

**Meade**—23-60 K-7387-01—K-23 bridges 10.5 miles south of U.S. 54 and 4.2 miles north of K-98, bridge replacement. (Federal Funds)

**Ness**—96-68 K-6816-01—K-96, Long Branch bridge 1.3 miles east of the junction of U.S. 283, bridge replacement. (Federal 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. 031454

## 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, or seven signed copies of the response may be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages. Responses must be received by 5 p.m. January 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, 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.

**106 K-9926-01**  
**Statewide**

The scope of services is to perform a review of the short line loan/grant component of the 1998 Comprehensive Transportation Program (CTP). After five years of funding and numerous rehabilitation and acquisition projects, the review should answer the following questions: (1) Has the short line railroad loan/grant program been a good investment of state dollars? (2) Should the short line railroad loan/grant program be continued after the final year of funding in state fiscal year 2007?

Finding out if the "short line railroad loan/grant program has been a good investment of state dollars" may best be determined by looking at: first, the economic impact of the program at both local and state level; second, operating efficiencies and customer service; and third, the highway damage and maintenance costs avoided due to the existence of short line railroads.

"Should the short line railroad loan/grant program be continued after the final year of funding in State Fiscal Year 2007" can be answered, in part, from the results of the economic impact component of the study. Additional key considerations that should be taken into account in determining the continuation of the program would be: (1) The "rationalization" of the Class I (especially the BNSF) railroad infrastructure in Kansas and the role short line railroads will play in this process; (2) the pos-

sible future consolidation of the short line rail system in Kansas; (3) the projected increase of wheat production in the state; (4) the 286,000 pound jumbo grain hopper car issue; and (5) the future freight trend forecasts.

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. 031475

## State of Kansas

## Department of Transportation

## Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for safety projects on an as-needed basis according to guidelines provided by KDOT's Bureau of Traffic Engineering. Two or four firms will be selected. A response may be submitted by e-mail to neil@ksdot.org, or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages. Responses must be received by 5 p.m. January 27 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, 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.

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. 031457

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas Department of Air Quality are soliciting comments regarding a proposed air quality operating permit. Owens Corning has applied for a Class I operating permit 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.

Owens Corning, Toledo, Ohio, owns and operates a wool fiberglass insulation manufacturing facility located at 300 Sunshine Road, Kansas City, Kansas.

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, Topeka, and at the Department of Air Quality, 619 Ann Ave., Kansas City, Kansas. To obtain or review the proposed permit and supporting documentation, contact Brie Wilkins, (785) 296-6422, at the KDHE central office, or Andrew Beard, (913) 573-6700, at the Department of Air Quality. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Andrew Beard, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit decision, written comments must be received before the close of business January 31.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, not later than the close of business January 31 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity

during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Harriet Jones, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031472

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed reopening of an air quality operating permit. A Class I Air Operating Permit was issued for the operation of ACME Brick, located at Section 30, Township 15 South, Range 7 West, Kanopolis, Ellsworth County. ACME Brick Company owns and operates ACME Brick. The effective date of the permit was July 24, 2001. K.A.R. 28-19-513(e)(2) states that only those parts of the permit for which cause to reopen exists shall be affected by the reopening.

A copy of the proposed permit as modified, all supporting documentation and all information relied upon during the reopening process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed reopening and supporting documentation, contact William Stone, (785) 296-6427, at the KDHE central office; and to review the proposed permit only, contact Stan Marshall, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to William Stone, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business January 31.

A person may request a public hearing be held on the proposed action. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business January 31 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writ-

*(continued)*

ing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Harriet Jones, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031469

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas Department of Air Quality are soliciting comments regarding a proposed air quality operating permit. The PQ Corporation has applied for a Class I operating permit 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.

The PQ Corporation, Valley Forge, Pennsylvania, owns and operates a sodium silicate, silica gel, zeolite and zeolyst materials manufacturing facility located at 1700 Kansas Ave., Kansas City, Kansas.

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, Topeka, and at the Department of Air Quality, 619 Ann Ave., Kansas City, Kansas. To obtain or review the proposed permit and supporting documentation, contact Brie Wilkins, (785) 296-6422, at the KDHE central office, or Andrew Beard, (913) 573-6700, at the Department of Air Quality. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Andrew Beard, Department of Air

Quality, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit decision, written comments must be received before the close of business January 31.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, not later than the close of business January 31 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Harriet Jones, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031470

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas Department of Air Quality are soliciting comments regarding a proposed air quality operating permit. Certainteed Corporation has applied for a Class I operating permit 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.

Certainteed Corporation, Valley Forge, Pennsylvania, owns and operates a wool fiberglass insulation manufac-

turing facility located at 103 Funston Road, Kansas City, Kansas.

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, Topeka, and at the Department of Air Quality, 619 Ann Ave., Kansas City, Kansas. To obtain or review the proposed permit and supporting documentation, contact Brie Wilkins, (785) 296-6422, at the KDHE central office, or William Stevenson, (913) 573-6700, at the Department of Air Quality. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to William Stevenson, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit decision, written comments must be received before the close of business January 31.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, not later than the close of business January 31 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Harriet Jones, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031471

## State of Kansas

### Department of Health and Environment

#### Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the state of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

#### Public Notice No. KS-04-271/275

Name and Address of Applicant	Waterway	Type of Discharge
Hill's Pet Nutrition, Inc. P.O. Box 3508 Topeka, KS 66601-3508	Kansas River via City Storm Sewer	Noncontact Cooling Water
Kansas Permit No. I-KS72-CO05		Federal Permit No. KS0003077
Facility Location: 320 E. Crane, Topeka, KS 66603		

Facility Description: The proposed action is to reissue an existing permit for a discharge of noncontact cooling water to waters of the state. This facility manufactures canned pet foods. Well water treated with Chemtreat CL435, a scale inhibitor, is used for noncontact cooling in heat exchangers. All floor drains and process wastewater including city water used for contact cooling of cans in the final cooling state and steam condensate from two sterilizer water locks is treated in a pretreatment system prior to discharge to the sanitary sewer. Domestic waste is discharged directly to the sanitary sewer. The proposed permit contains generic water-quality language to protect waters of the state. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Dept. of Transportation Eisenhower State Office Bldg., 14th Floor Topeka, KS 66603	Smoky Hill River via West Kentucky Creek	Treated Domestic Wastewater
Kansas Permit No. M-SH21-OO02		Federal Permit No. KS0081469

Legal: E½, SW¼, S14, T18S, R3W, McPherson County  
Facility Name: McPherson County Rest Area (I-35)

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

(continued)

Name and Address of Applicant	Waterway	Type of Discharge
Natoma, City of P.O. Box 350 Natoma, KS 67651	Saline River via Paradise Creek	Treated Domestic Wastewater

Kansas Permit No. M-SA10-OO01 Federal Permit No. KS0031160

Legal: SW¼, NE¼, S17, T10S, R15W, Osborne County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand and total suspended solids. Monitoring for fecal coliform, ammonia, sulfates, chlorides and pH also will be required. Included in this permit is a schedule of compliance requiring the permittee to hire an engineer to prepare a facility plan to bring this facility into compliance with the requirements of this permit. The facility plan shall include a schedule of improvements for upgrade of the wastewater treatment facility. The permittee shall achieve compliance with the permit not later than December 31, 2007. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Overbrook, City of P.O. Box 288 Overbrook, KS 66524-0288	Pomona Reservoir via Valley Brook Creek	Treated Domestic Wastewater

Kansas Permit No. M-MC32-OO01 Federal Permit No. KS0046451

Legal: NW¼, SW¼, SW¼, S5, T15S, R17E, Osage County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand and total suspended solids. Monitoring of fecal coliform, ammonia and pH also will be required. Contained in the permit is a schedule of compliance to comply with terms and conditions established in the Consent Order No. 04-E-0134, issued to the city of Overbrook, signed December 8, 2004, or any amendments thereto. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
WaKeeney, City of P.O. Box 157 WaKeeney, KS 67672	Big Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-SH38-OO01 Federal Permit No. KS0030481

Legal: SW¼, SE¼, S9, T12S, R23W, Trego County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia and pH. Monitoring for fecal coliform, total Kjeldahl nitrogen, nitrate, nitrite, total nitrogen, total phosphorus and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to complete construction of a new lagoon wastewater treatment system, to be permitted under a separate permit, by July 1, 2007, and achieve compliance with requirements by December 31, 2007. 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.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of April Romero for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Di-

vision of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before January 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-04-271/275) and name of applicant/application as listed when preparing comments.

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

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

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

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

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

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

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

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

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

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 031461

(Published in the Kansas Register December 30, 2004.)

**Summary Notice of Bond Sale  
City of Wichita, Kansas**

**\$19,810,000**

**Aggregate Principal Amount  
General Obligation Bonds  
Series 778 Series 778A**

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

**\$4,140,000**

**General Obligation Bonds  
Series 958**

**(General obligation bonds payable from  
tax increments from the Gilbert & Mosley  
Redevelopment District in the city and  
backed by full faith and credit of city)**

Subject to the terms and conditions of the complete official notice of sale dated December 21, 2004, of the city of Wichita, Kansas, in connection with the city's herein-after described general obligation bonds (collectively, the bonds), and certain general obligation temporary notes of the city, electronic bids for the purchase of each series of the bonds shall be received at the office of the Department of Finance, 12th Floor, City Hall, 455 N. Main, Wichita, Kansas, until 10:30 a.m. Tuesday, January 11, 2005. All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and each series of the bonds will be awarded by the City Council in the Council Chamber at City Hall, at its earliest convenience following the bid opening.

No oral or auction bid for the bonds shall be considered, and no bid for less than the entire principal amount of each series of the bonds shall be considered. Bids shall be electronically submitted through the PARITY electronic bid submission system, provided that bids on the Series 780A Bonds only may be submitted by facsimile at (316) 219-6269 on the official bid form that may be obtained from the city's Department of Finance. To the extent any instruction or directions set forth in PARITY conflict with the official notice of sale, the terms of the official notice of sale shall control. The city shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. For further information about the electronic bidding services of PARITY, potential bidders may contact Dalcomp at 40 W. 23rd St., 5th Floor, New York, NY 10010, (212) 404-8102.

All bids must be received at the place and not later than the date and time herein specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of sale, and shall be in an amount equal to 2 percent of the principal amount of the series of bonds for which the bid is submitted. Bidders may be required to be qualified in a manner established by the city before submitting a bid.

**Description of the Bonds**

The Series 780 Bonds will be issued in the aggregate principal amount of \$19,020,000; shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year; shall bear a dated date of February 1, 2005; and shall mature serially on September 1 in each of the years and principal amounts as follows:

**Maturity Schedule - Series 780 Bonds**

Principal Amount	Maturity Date
\$ 930,000	09/01/06
970,000	09/01/07
1,015,000	09/01/08
1,055,000	09/01/09
1,100,000	09/01/10
1,150,000	09/01/11
1,200,000	09/01/12
1,250,000	09/01/13
1,300,000	09/01/14
1,355,000	09/01/15
1,415,000	09/01/16
1,475,000	09/01/17
1,535,000	09/01/18
1,600,000	09/01/19
1,670,000	09/01/20

The bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semi-annually on March 1 and September 1 of each year, commencing March 1, 2006.

The Series 780A Bonds will be issued in the aggregate principal amount of \$790,000; shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year; shall bear a dated date of February 1, 2005; and shall mature serially on September 1 in each of the years and principal amounts as follows:

**Maturity Schedule - Series 780A Bonds**

Principal Amount	Maturity Date
\$25,000	09/01/06
25,000	09/01/07
30,000	09/01/08
30,000	09/01/09
30,000	09/01/10
30,000	09/01/11
30,000	09/01/12
35,000	09/01/13
35,000	09/01/14
35,000	09/01/15
40,000	09/01/16
40,000	09/01/17
45,000	09/01/18
45,000	09/01/19
45,000	09/01/20
50,000	09/01/21
50,000	09/01/22
55,000	09/01/23

(continued)

55,000	09/01/24
60,000	09/01/25

The bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semi-annually on March 1 and September 1 of each year, commencing March 1, 2006.

The Series 958 Bonds will be issued in the aggregate principal amount of \$4,140,000; shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year; shall bear a dated date of February 1, 2005; and shall mature serially on September 1 in each of the years and principal amounts as follows:

**Maturity Schedule - Series 958 Bonds**

<b>Principal Amount</b>	<b>Maturity Date</b>
\$205,000	09/01/06
210,000	09/01/07
220,000	09/01/08
230,000	09/01/09
240,000	09/01/10
250,000	09/01/11
260,000	09/01/12
270,000	09/01/13
285,000	09/01/14
295,000	09/01/15
310,000	09/01/16
320,000	09/01/17
335,000	09/01/18
350,000	09/01/19
360,000	09/01/20

The bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semi-annually on March 1 and September 1 of each year, commencing March 1, 2006.

**Form of Bonds**

The bonds will be issued in book-entry-only form.

**Paying Agent and Bond Registrar; Payment of Principal and Interest**

The Kansas State Treasurer, Topeka, Kansas, shall serve as bond registrar and paying agent for the bonds. The principal amount of and the interest on the bonds shall be paid by the paying agent from funds made available by the city by wire transfer of same day funds to Cede & Co., nominee for the Depository Trust Company, New York, New York (DTC). The transfer of principal and interest payments to the participants of DTC will be the responsibility of DTC, and the transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Reference is made to the official notice of sale for additional information regarding payment of principal and interest to owners of the bonds.

**Redemption**

Certain of the bonds are subject to redemption as set forth in the official notice of sale.

**Delivery**

The bonds shall be delivered at the expense of the city on or about February 3, 2005. As a condition to delivery, the successful bidders shall be required to deposit the bonds with DTC. Reference is made to the official notice of sale for additional information regarding delivery.

**Legal Opinion**

Hinkle Elkouri Law Firm L.L.C., Wichita, Kansas. All fees and expenses of bond counsel shall be paid by the city. Reference is made to the official notice of sale and the city's preliminary official statement for additional information regarding legal matters.

**Security**

The Series 780 Bonds, the Series 780A Bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. Reference is made to the official notice of sale and the city's preliminary official statement for a further discussion of the security for the Series 780 Bonds and Series 780A Bonds.

The Series 958 Bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. Payment of the principal and interest on the Series 958 Bonds is additionally secured by a payment from tax increments from a certain redevelopment district of the city. Reference is made to the official notice of sale and the city's preliminary official statement for a further discussion of the security for the Series 958 Bonds.

**Ratings**

The city's outstanding general obligation bonds issued since 1975 have been rated by Moody's Investors Service, Inc. and by Standard & Poor's, a division of the McGraw-Hill Companies. The most recent ratings given to the city's general obligation refunding bonds (dated December 1, 2004) by such rating agencies were "Aa2" and "AA" respectively. The city has applied to both of said rating services for ratings on the bonds described herein.

**Financial Matters**

The city's equalized assessed tangible valuation for computation of bonded debt limitations is \$2,545,942,142. The total outstanding general obligation bonded indebtedness of the city as of February 1, 2005, including the bonds being sold and including a series of temporary notes being sold by the city on the same date, but excluding \$52,300,000 of temporary notes to be retired in connection therewith, is \$539,766,534.

**Official Statement**

The city has authorized and directed preparation of a preliminary official statement in connection with the bonds herein described. Said preliminary official statement is in a form "deemed final" by the city for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Not later than seven business days after the date of the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without cost.

**Continuing Disclosure**

The city has adopted an ordinance establishing a master undertaking to provide ongoing disclosure concerning the city in connection with its general obligation bonds for the benefit of owners of the bonds, as required under Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12. A copy of that ordinance is included as an appendix to the official statement.

**Additional Information**

Copies of the official notice of sale and preliminary official statement may be obtained from the city's Department of Finance, City Hall, 12th Floor, 455 N. Main, Wichita, KS 67202-1679 (Kristi McMinville, Debt Coordinator, 316-268-4143), or online at [www.onlinemuni.com](http://www.onlinemuni.com).

City of Wichita, Kansas  
By Karen Sublett, City Clerk

Doc. No. 031474

**State of Kansas**

**Board of Pharmacy**

**Permanent Administrative Regulations**

**Article 1.—REGISTRATION AND EXAMINATION OF PHARMACISTS**

**68-1-3a. Qualifying pharmaceutical experience.**

(a) Pharmaceutical experience that qualifies as one year of experience shall consist of 1,500 clock-hours as a pharmacy student or registered intern while being supervised by a preceptor. A preceptor may supervise no more than two individuals who are pharmacy students or interns at any time. All hours worked when the pharmacy student or intern is in regular attendance at an approved school of pharmacy and during vacation times and other times when the pharmacy student or intern is enrolled but not in regular attendance at an approved school of pharmacy may be counted as qualified hours. However, not more than 60 hours shall be acquired in any one week.

(b) No time may accrue to a pharmacy student before acceptance in an approved school of pharmacy or before being registered as an intern with the board. However, any foreign pharmacy graduate who has successfully passed an equivalent examination as specified in K.A.R. 68-1-1f (b) may apply for registration as an intern.

(c) Once registered as an intern, the intern shall complete all required hours within six years.

(d) Reciprocity shall not be denied to any applicant who is otherwise qualified and who meets either of the following conditions:

(1) Has met the internship requirements of the state from which the applicant is reciprocating; or

(2) has at least one year of experience as a registered pharmacist. (Authorized by K.S.A. 65-1630; implementing K.S.A. 2003 Supp. 65-1626(g) and K.S.A. 65-1631; effective, E-76-31, Aug. 11, 1975; effective May 1, 1976; amended May 1, 1983; amended May 1, 1985; amended May 31, 2002; amended Jan. 14, 2005.)

Debra L. Billingsley  
Executive Director

Doc. No. 031473

**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 12-27-04 through 1-2-05**

Term	Rate
1-89 days	2.27%
3 months	2.14%
6 months	2.49%
1 year	2.73%
18 months	2.88%
2 years	2.98%

Derl S. Treff  
Director of Investments

Doc. No. 031455

**State of Kansas**

**State Corporation Commission**

**Permanent Administrative Regulations**

**Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS**

**82-3-108. Well location; exception.** (a) General setback requirement. Except as provided by subsection (b) or (c), an oil well or gas well shall not be drilled nearer than 330 feet from any lease or unit boundary line.

(b) Setback requirements for eastern Kansas. An oil well that is drilled to a total depth of less than 2,000 feet and is drilled in one of the following counties shall not be drilled nearer than 165 feet from the nearest lease or unit boundary line: Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Douglas, Elk, Franklin, Greenwood, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Shawnee, Wilson, Woodson, and Wyandotte. An oil well that is drilled in Chautauqua County and is drilled to a total depth of less than 2,500 feet shall not be drilled nearer than 165 feet from the nearest lease or unit boundary line.

(c) Well location exception. A well location exception may be granted to permit drilling within shorter distances than those provided in subsection (a) or (b), whichever is applicable, and to the acreage attributable and assigned allowables, if these exceptions are necessary either to prevent waste or to protect correlative rights. In granting the exception, the acreage attributable to the well and the assigned allowables shall be considered.

(d) Application for well location exception. If an exception to this regulation is desired according to subsection (c), an application shall be submitted to the conservation division. The application shall contain the following:

(1) A brief explanation of the exception or exceptions requested;

(continued)

(2) the proposed location of the well, including the distance to the nearest lease or unit boundary line;

(3) a list of the following:

(A) Each offset operator whose lease line is located less than the required distance from the proposed location;

(B) each unleased offset mineral owner whose property boundary is located less than the minimum distance required by subsection (a) or (b) from the proposed locations; and

(C) the applicant's lessor or lessors, if the applicant operates any lease that will be situated less than the minimum distance required by subsection (a) or (b) from the proposed well location;

(4) the acreage attributable to the well; and

(5) the allowable requested.

(e) Additional application requirements. Each application submitted under subsection (d) shall be accompanied by the proposed notice of the intention to drill and a plat, drawn to the scale of one inch equalling 1,320 feet, that accurately shows the following:

(1) The property on which the well is sought to be drilled;

(2) all other completed, partially drilled, or permitted wells on the property; and

(3) all adjacent properties and wells.

(f) Notice; protest. Notice of the application shall be provided as required in K.A.R. 82-3-135a(b). If a protest is filed in accordance with K.A.R. 82-3-135a(e), the application shall be set for hearing by the commission.

(g) Approval of intent to drill. Upon the issuance of a written permit by the conservation division for the well location exception, the proposed notice of intention to drill shall be approved in accordance with K.A.R. 82-3-103, if all other applicable requirements for approval have been met.

(h) Allowable required. Each operator of any well drilled nearer than the minimum distance required by subsection (a) or (b) from any lease or unit boundary line without a previously obtained well location exception shall be prohibited from producing either oil or gas until an appropriate allowable is determined.

(i) Factors considered for allowable. Whenever authority is granted to drill a well at a location other than a location specified by this regulation, the allowable shall be determined by the conservation division for the protection of the correlative rights of all persons entitled to share in the common source of supply in accordance with K.A.R. 82-3-207 and K.A.R. 82-3-312. (Authorized by K.S.A. 55-152, K.S.A. 2003 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 55-152, K.S.A. 2003 Supp. 55-603, K.S.A. 55-605, 55-703a, 55-706; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended Jan. 14, 2005.)

**82-3-123. Well bore; commingling of production.**

(a) Applicability. Commingling of production from more than one source of supply shall be permitted if the total production potential is less than the allowable for a single common source of supply for the immediate area and

after application and approval by the conservation division.

(b) Coalbed natural gas. Each well producing only coalbed natural gas shall be exempt from this regulation.

(c) Application. Each original application for commingling and one copy shall be filed with the conservation division. The application shall be submitted to the commission on the form provided by the commission and shall be accompanied by the following information:

(1) A description of the well with a plat attached showing the location of the subject well, the location of other wells on the lease, the location of offset wells within a ½-mile radius of the subject well, and for each of these wells, the name of the lessee of record or the operator;

(2) the names of the upper and lower limits of the sources of supply to be commingled, with proposed perforations or open holes noted;

(3) a wireline log of the subject well;

(4) the production potential of oil, water, gas, or a combination for each source of supply;

(5) the total anticipated production for the formations sought to be commingled; and

(6) the applicant's license number.

(d) Allowable. The maximum well allowable for a well in which commingled production is approved shall be the following:

(1) For oil wells, the allowable for the deepest source of supply demonstrating productivity as specified in K.A.R. 82-3-203 or special order; and

(2) for gas wells, the allowable specified in K.A.R. 82-3-312, based on the combined actual open-flow potential from all producing zones or as provided by special order.

(e) Notice; protest. The applicant shall provide notice of the application as required in K.A.R. 82-3-135a(b). If a protest is filed in accordance with K.A.R. 82-3-135a(e), the application shall be set for hearing by the commission. Commingling shall be prohibited if the commission finds that waste or a violation of correlative rights is likely to result.

(f) Application for additional sources of supply. A new commingling application shall be required if the operator desires to open an additional source of supply that was not included in the initial application. (Authorized by K.S.A. 2003 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 2003 Supp. 55-603, K.S.A. 55-605; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990; amended Aug. 29, 1997; amended Jan. 25, 2002; amended Jan. 14, 2005.)

**82-3-123a. Well bore; commingling of fluids.**

(a) When applicable. Well bore commingling of fluids from one or more intervals with fluids from a production interval shall be permitted after application and approval by the conservation division.

(b) Application. Each original application for commingling and one copy shall be filed with the conservation division. The application shall contain the following information:

(1) A plat map showing the location of the subject well, the location of other wells on the lease, the location of

offset wells within a ½-mile radius of the subject well, and, for each well, the name of the lessee of record or the operator;

(2) the intervals to be commingled, with proposed perforations or open holes noted;

(3) a well construction diagram of the subject well;

(4) any available water chemistry data demonstrating the compatibility of the fluids to be commingled; and

(5) an estimate of the amount of fluids to be commingled.

(c) Notice; protest. The applicant shall provide notice of the application as required in K.A.R. 82-3-135a(b). If a protest is filed in accordance with K.A.R. 82-3-135a(e), the application shall be set for hearing by the commission. Commingling shall be prohibited if the commission finds that waste or a violation of correlative rights is likely to result. (Authorized by K.S.A. 2003 Supp. 55-604; implementing K.S.A. 2003 Supp. 55-603, K.S.A. 55-605; effective May 8, 1989; amended April 23, 1990; amended Jan. 14, 2005.)

**82-3-138. New pool application.** (a) Application requirements. Each application for a new pool certificate shall be submitted to the conservation division on the form provided by the conservation division and shall be accompanied by the following:

(1) The affidavit of completion;

(2) a copy of the results of a state-supervised production test, showing volumes of oil, gas, and water;

(3) the names and addresses of each operator or lessee of record and each unleased mineral owner within a ½-mile radius of the subject well;

(4) the exhibits and evidence needed to substantiate the applicant's claim of a new pool; and

(5) any other relevant information required by the conservation division.

(b) New pool certificate. Each newly discovered pool shall be recognized only upon issuance of a certificate by the conservation division, signifying that the application has been approved. When a new pool certificate is requested, the applicant shall not be required to provide notice. (Authorized by K.S.A. 2003 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 2003 Supp. 55-603; effective May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended June 6, 1994; amended Jan. 14, 2005.)

**82-3-208. Venting or flaring of casinghead gas.** (a) Exception to hearing requirement. Without a hearing, the venting or flaring of casinghead gas, other than sour casinghead gas, may be permitted by the commission if the requirements of this subsection are met. The operator shall file an affidavit with the conservation division. The affidavit shall be submitted on a form supplied by the commission and shall state all of the following:

(1) The well has 25 mcf/d or less of casinghead gas available for sale as established by a state-supervised test.

(2) The casinghead gas volume is uneconomic to market because a pipeline connection is not feasible, or the price received would not allow reasonable recovery of the investment required to market the gas and the direct expense attributable to marketing.

(3) The operator has made a diligent effort to obtain a market for the gas, and the volume of casinghead gas produced from this well will not economically justify a pipeline connection.

(b) Notice; hearing. If the total volume produced and available for sale from a well is in excess of 25 mcf/d, the venting or flaring of a specified amount of casinghead gas may be permitted by the commission upon application and after notice and hearing. In making such a determination, the following shall be considered by the commission:

(1) The availability of a market or of pipeline facilities;

(2) the probable recoverable gas reserves;

(3) the necessity for maintenance of reservoir gas pressure to maximize the recoverability of oil reserves from the formation;

(4) the feasibility of reinjecting the gas;

(5) a reasonable testing period;

(6) any anticipated change in the gas-to-oil ratio;

(7) the applicant's compliance with the department's applicable air quality regulations; and

(8) any other fact or circumstance demonstrating the reasonableness of the request.

(c) Application. Any interested party may file an application to vent or flare a total volume of casinghead gas in excess of 25 mcf/d from a well. The original and four copies of the application shall be filed with the conservation division. The application shall be set for hearing by the commission. The applicant shall publish notice of the hearing pursuant to K.A.R. 82-3-135.

(d) Form and contents. The application shall include the following:

(1) The name and address of each operator or lessee of record within a ½-mile radius of the subject well, and a certificate of mailing indicating the date on which service of a copy of the application was made to each operator or lessee;

(2) the name and address of each owner of record of the minerals in unleased acreage within a one-half mile radius of the subject well, and a certificate of mailing indicating the date on which service of a copy of the application was made to each owner of record; and

(3) the name and address, as shown by the applicant's books and records, of each person owning the royalty or leasehold interest in the acreage upon which the well is located, and a certificate of mailing indicating the date on which service of a copy of the application was made to each person.

(e) Gas measurement; continuing jurisdiction. The volume of gas vented or flared under this regulation shall be metered, measured, or monitored, and the charts or records shall be retained for two years. This information shall be reported to the commission semiannually or as designated by the commission. The continuing jurisdiction with authority to terminate the venting or flaring of gas when necessary shall lie with the commission.

(f) Protection of persons and property. All gas vented or flared under this regulation shall be done in a manner designed to prevent damage to property and injury to persons who are reasonably expected to be in the vicinity for work, pleasure, or business. (Authorized by K.S.A.

*(continued)*

2003 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 2003 Supp. 55-102, K.S.A. 2003 Supp. 55-604, K.S.A. 55-605, 55-702, and 55-704; effective May 1, 1984; amended May 1, 1986; amended April 23, 1990; amended Jan. 14, 2005.)

**82-3-301.** (Authorized by K.S.A. 55-704; implementing K.S.A. 1982 Supp. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; revoked Jan. 14, 2005.)

**82-3-304. Tests of gas wells; penalty.** (a) Initial certified tests.

(1) Initial certified tests run on gas wells to determine the standard daily allowable as a percentage of the well's actual open-flow potential shall be conducted in conformance with K.A.R. 82-3-303 or special orders of the commission. These tests shall be completed and filed by the well operator with the commission within 60 days of the first gas sales. The well operator shall conduct the tests under the supervision of the conservation division, and a representative of the commission may be present to witness these tests. A test of any individual well may be required by the commission at any time.

(2) The operator of any gas wells producing a minimum allowable of 250 mcf or less of gas per day in non-prorated fields shall not be required to perform an initial certified test in conformance with K.A.R. 82-3-303. Each operator of a minimum allowable gas well shall perform an initial test consisting of a 24-hour shut-in pressure test within 30 days of the first gas sales. The operator of the well shall report the results of the shut-in pressure test to the commission on a prescribed form within 30 days of the test date.

(3) In prorated fields, all gas produced into a pipeline shall be counted against the allowable.

(b) Test witnessing; notification. Tests may be witnessed by a representative of any producer, purchaser, or transporter in the gas field from which the well produces. Any producer, purchaser, or transporter may request notification of the time the tests will commence from the operator of the well on which a test is to be run.

(c) Annual testing.

(1) An annual test shall be run, in accordance with these regulations, on all gas wells not covered by a proration order or special order, unless these wells are exempt pursuant to subsection (d) below. The test shall be effective during the following year. The test shall become effective the first day of the month following receipt of test results by the conservation division.

(2) Each operator who fails to submit an annual gas well test shall shut in the well until the annual well test has been submitted.

(d) Exemption from annual testing. If the well does not produce gas with more than 30 grains per 100 cubic feet of H<sub>2</sub>S and, if applicable, the operator has submitted an open-flow test in accordance with K.A.R. 82-3-303, the following shall be exempt from annual testing requirements:

- (1) Gas wells used for domestic purposes where gas is not sold;
- (2) gas wells that produce 250 mcf of gas or less per day;
- (3) water-prone gas wells equipped with a plunger lift;

(4) gas wells used exclusively for secondary oil recovery; and

(5) gas wells employing a vacuum to recover gas.

(e) Request for exemption. Each operator shall request the exemption from annual testing each year on forms prescribed by the commission, shall perform a shut-in pressure test during each year, and shall furnish the results of the test to the commission with the request for exemption. However, a written request for exemption shall not be required for those wells that are exempt according to subsection (d).

(f) Coalbed natural gas exemption.

(1) Any operator of a well producing only coalbed natural gas may seek an exemption from subsections (a) and (c) by filing an application for exemption with the conservation division stating that only coalbed natural gas is produced from the well and that the testing would be physically impossible or contrary to prudent practices for the wells. No well shall be deemed exempt unless the application for exemption has been approved by the conservation division. The conservation division's approval shall be deemed granted 30 days after the application has been filed, unless the conservation division has notified the applicant before the expiration of the 30-day time period that the application has been denied. Each notice of denial shall be in writing and shall include the procedure for the applicant to appeal the denial.

(2) If this exemption is granted, the exemption shall continue until the well no longer meets the criteria for exemption under this subsection. The operator shall notify the conservation division immediately if the well begins producing oil or gas other than coalbed natural gas or if the well characteristics change so that testing becomes possible.

(g) Responsibility for conducting test; confirmation of allowable. Each operator of a gas well shall be responsible for conducting all tests required to obtain an allowable for the well. Each operator shall submit one copy of the test required under subsection (c) to the conservation division and one copy to the purchaser to confirm the allowable as determined by these regulations or by special orders.

(h) Illegal production. All gas produced and sold without the required test shall be considered illegal production.

(i) Penalty. The failure to submit an annual gas well test shall be punishable by a \$500.00 penalty. (Authorized by K.S.A. 55-704; implementing K.S.A. 2003 Supp. 55-164 and K.S.A. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended Aug. 29, 1997; amended Jan. 25, 2002; amended Jan. 14, 2005.)

**82-3-312. Gas allowables and drilling unit.** In the absence of basic proration orders issued by the commission, the following provisions shall apply to all gas wells: (a) Standard daily allowable. The standard daily allowable for a gas well shall be limited to 50 percent of the well's actual open-flow potential. The actual open-flow potential used to determine the standard daily allowable shall be measured by the testing procedures specified in

K.A.R. 82-3-303. All gas wells that are in compliance with the provisions of K.A.R. 82-3-304 shall be entitled to a minimum allowable of 250 mcf per day.

(b) Coalbed natural gas exemption. Coalbed natural gas wells that are exempt from the requirements of K.A.R. 82-3-304(a) and (c) shall be exempt from subsection (a) of this regulation.

(c) Standard drilling unit. A standard drilling unit shall be 10 acres. Except as otherwise provided in K.A.R. 82-3-108(c), the well for that unit shall be located at least 330 feet from any lease or unit boundary.

(d) Acreage-attribution unit. Unless a well location exception is granted, each gas well located nearer than 330 feet to any lease or unit boundary line shall have acreage attributed to it by the establishment of an acreage-attribution unit. The width of each unit shall be defined as being twice the distance from the well to the nearest lease or unit boundary line. The length of the unit shall be defined to be the same as the width.

(e) Acreage attributable. If any gas well is located nearer than 330 feet to any lease or unit boundary line, the standard daily allowable or minimum allowable shall be reduced in the same proportion that the acreage attribution to the well bears to 10 acres.

(f) Exceptions. Exceptions may be granted, and adjustments to the allowables may be made by the commission to protect correlative rights, prevent waste, and give the full allowable if any of these conditions exists:

(1) Location exceptions have been granted for man-made structures or topographic features.

(2) No interference with drainage of adjacent wells can be shown by competent evidence.

(3) Actual interference is less than the reduced allowable. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703; effective May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended April 23, 1990; amended Aug. 29, 1997; amended June 1, 2001; amended Jan. 25, 2002; amended Jan. 14, 2005.)

**82-3-314. Venting or flaring of gas other than casinghead gas.** (a) Coalbed natural gas.

(1) Without a hearing, the venting or flaring of coalbed natural gas may be permitted by the commission if the requirements specified in this subsection are met. The operator shall file an affidavit with the conservation division. The affidavit shall be submitted on a form supplied by the commission and shall meet the following requirements:

(A) Identify the geographic area included in the proposed pilot project;

(B) state that there are no gathering or pipeline facilities available;

(C) state that venting or flaring of gas is necessary to dewater wells while they are being tested to determine the economic feasibility of installing gathering or other facilities to make the gas marketable and to determine the required capacity of the facilities;

(D) state the maximum daily volume of gas anticipated to be vented or flared; and

(E) state that the applicant will comply with the department's applicable air quality regulations.

(2) Venting or flaring for any reason shall not exceed 180 days without reapplication with the commission.

Without a hearing, one extension not to exceed 180 days may be granted by the commission.

(3) The operator shall publish notice of the affidavit and any request for an extension of the venting or flaring period, pursuant to K.A.R. 82-3-135. In addition, the operator shall give notice to the local emergency planning commission (LEPC). If any part of the proposed project area falls within the corporate limits of any city, the operator shall give notice to the city clerk. The operator shall file with the conservation division a certificate of mailing indicating the date on which service of a copy of the affidavit was made to the LEPC or city clerk.

(b) Natural gas.

(1) Without a hearing, the venting or flaring of natural gas, other than sour gas, may be permitted by the commission if necessary for any of the following purposes:

(A) Dewatering or well cleanup;

(B) well testing;

(C) well cleanup after stimulation or workover;

(D) evaluation and testing before connecting to a pipeline;

(E) emergencies; or

(F) those purposes and conditions specified under K.S.A. 55-102(a), and amendments thereto.

(2) If a well is to be vented or flared for more than seven days, either pursuant to K.S.A. 55-102(a) and amendments thereto or for any other reason, the operator shall notify the appropriate district office and shall file an affidavit with the conservation division, on a form supplied by the commission. The affidavit shall state that the extended period of time to vent the well is necessary for at least one of the following:

(A) The efficient operation of the well;

(B) evaluation and determination of whether the quality of gas meets pipeline specifications; or

(C) evaluation and determination of whether the well is capable of producing in economic quantities.

(c) Gas measurement; continuing jurisdiction. The volume of gas vented or flared under this regulation shall be metered, measured, or monitored, and the charts or records shall be retained for two years. This information shall be reported to the commission semiannually or as designated by the commission. The continuing jurisdiction with authority to terminate the venting or flaring of gas when necessary shall lie with the commission.

(d) Protection of persons and property. All gas vented or flared under this regulation shall be done in a manner designed to prevent damage to property and injury to persons who are reasonably expected to be in the vicinity for work, pleasure, or business.

(e) The venting or flaring of natural gas under conditions not addressed in this regulation may be authorized if the operator files an application and the commission approves the application before the start of the venting or flaring activity. (Authorized by K.S.A. 55-152; implementing K.S.A. 2003 Supp. 55-102; effective Jan. 14, 2005.)

**82-3-1005. Testing and inspection requirements for underground porosity gas storage facilities and underground porosity gas storage wells; penalty.** (a) Mechanical integrity testing requirements; existing wells.

(continued)

Each operator of a gas storage injection and withdrawal well or a gas storage withdrawal well completed before July 1, 2002 shall demonstrate the mechanical integrity of each such well according to this regulation before July 1, 2004. Each operator of an existing gas storage observation well shall demonstrate the mechanical integrity of each gas storage observation well according to this regulation on or before July 1, 2007. Each operator of a gas storage well shall subsequently retest each well at least once every five years following the initial mechanical integrity test performed on the well. The operator and a representative of the conservation division shall mutually agree to a date for the mechanical integrity test. Test results shall be verified by the operator's representative. An extension of time to complete or conduct mechanical integrity testing may be granted upon a showing of good cause or as part of an approved alternate testing program. Approved testing procedures for gas storage wells shall include the following:

(1) Pressure tests.

(A) Gas storage wells equipped with a tubing and packer completion shall be pressure tested at no less than 300 psig or 100 percent of the maximum authorized injection pressure for the underground porosity gas storage facility, whichever is less. The pressure shall be applied to the tubing casing annulus at the surface for a period of 30 minutes and shall have no decrease in pressure greater than 10 percent of the required minimum test pressure. For tubing completions, the packer shall be set at a depth at which the packer will be opposite a cemented interval of the long string casing and shall be set no more than 50 feet above the uppermost perforation or open hole for the gas storage reservoir.

(B) Gas storage wells not completed with a tubing and packer completion shall be pressure tested at 100 percent of the maximum authorized injection pressure for the underground porosity gas storage facility. The pressure shall be applied to the long string casing at the surface after running a retrievable plug, which shall be set no more than 50 feet above the uppermost perforation or open hole of the gas storage reservoir. The test pressure shall be applied for at least 30 minutes and shall have no decrease in pressure greater than 10 percent of the required minimum test pressure.

(2) Alternate tests. An alternative test method, including a tracer survey, temperature survey, gamma ray log, neutron log, noise log, casing inspection log, or a combination of two or more of these surveys and logs, may be used to demonstrate mechanical integrity if approved in advance by the conservation division.

(b) Mechanical integrity testing requirements; newly constructed wells. Each operator of a gas storage well completed after July 1, 2002 shall demonstrate the mechanical integrity of each well according to the testing procedures established in subsection (a) of this regulation before placing the well into service as an active gas storage well. Each operator of a gas storage well shall subsequently retest each well at least once every five years following the initial mechanical integrity test performed on the well. The date for this mechanical integrity test shall be mutually agreed upon by the operator and a representative of the conservation division. Test results shall

be verified by the operator's representative. An extension of time to complete or conduct mechanical integrity testing may be granted upon a showing of good cause or as part of an approved alternate testing program.

(c) Supervision of mechanical integrity testing. Conservation division representatives shall be responsible for witnessing a minimum of 25 percent of all mechanical integrity tests conducted by each storage facility operator. However, the conservation division's inability to witness a minimum of 25 percent of all mechanical integrity tests shall not result in any penalty to the operator of the underground porosity gas storage facility if the operator has complied with subsections (a) and (b) of this regulation.

(d) Requirements upon test failure. If a gas storage well fails to demonstrate mechanical integrity by an approved method, the operator of the well shall immediately isolate the leak or leaks in a manner that contains natural gas and associated fluids in the well or storage reservoir and demonstrates that the well does not pose a threat to fresh and usable water resources or to public safety. The operator shall, within 90 days, perform one of the following:

(1) Repair and retest the well to demonstrate mechanical integrity;

(2) plug the well; or

(3) file an application with the conservation division for temporary abandonment according to K.A.R. 82-3-1011.

(e) Leak detector inspections and testing. Each leak detector required under K.A.R. 82-3-1003 shall be tested once each calendar year and, if defective, shall be repaired or replaced within 10 days. Each repaired or replaced detector shall be retested if required by the conservation division. An extension of time for repair or replacement of a leak detector may be granted upon a showing of good cause by the operator of the underground porosity gas storage facility. A record of each inspection, which shall include the inspection results, shall be maintained by the operator for at least five years and shall be made available to the conservation division upon request.

(f) Penalties.

(1) The failure to perform a mechanical integrity test on a gas storage well as required under subsection (a) or (b) of this regulation shall be punishable by a \$1,000 penalty.

(2) The failure to comply with the requirements of subsection (d) of this regulation shall be punishable by a \$1,000 penalty.

(3) The failure to comply with the requirements of subsection (e) of this regulation shall be punishable by a \$500 penalty per occurrence.

(4) Each day that a violation of this regulation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2003 Supp. 55-162, K.S.A. 2003 Supp. 55-164, and K.S.A. 2003 Supp. 55-1,115; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002; amended Jan. 14, 2005.)

Susan K. Duffy  
Executive Director

Doc. No. 031458

## State of Kansas

**Department of Administration  
Division of Personnel Services**
**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Tuesday, March 1, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Division of Personnel Services, Department of Administration, on a permanent basis.

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 the Secretary of Administration, 1000 S.W. Jackson, Suite 500, Topeka, 66612, or at [Kraig.Knowlton@da.state.ks.us](mailto:Kraig.Knowlton@da.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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6000 or TTY (785) 296-4798. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of building, across the street from the north entrance to the building, and on Ninth Street just around the corner from the north entrance.

Summaries of the proposed regulations and their economic impact follow:

(Note: Statements indicating that a regulation is not anticipated to have any economic impact or any identifiable economic impact indicate that no economic impact on the Department of Administration, other state agencies, state employees or the general public has been identified.)

**K.A.R. 1-1-1—State human resource program, responsibilities, regulations and guidelines.**

The bulk of the changes to this regulation are terminology changes reflecting the state's new decentralized approach to its human resource program. New language is being added to clarify that the statewide human resource program is a shared responsibility between the division and agency human resource departments and specifically includes agencies as partners in this process. Language regarding the authority of DPS to direct, monitor and review agency programs as well as an itemized list of specific human resource topics that must be addressed are being deleted. The current language from K.A.R. 1-9-19 regarding the establishment of health and safety standards and a comprehensive health and safety program for the state of Kansas also is being moved to this regulation. These changes are not anticipated to have any economic impact.

**K.A.R. 1-2-9—Appointing authority.**

Language is being added to this regulation to specifically recognize that an appointing authority may delegate authority to make specific human resource decisions to a designee. This change is not anticipated to have any economic impact.

**K.A.R. 1-2-25—Compensatory time.**
**K.A.R. 1-2-25a—Holiday compensatory time.**

The regulation defining compensatory time is being amended and a new regulation defining holiday compensatory time is being proposed in order to make a better distinction between the two types of compensation. These amendments will have no substantive or economic impact.

**K.A.R. 1-2-30—Designated position.**

This regulation is being revoked because of amendments to K.S.A. 75-4362 that were enacted in 2002. The list of positions that are to be included in the state's drug screening program are set out in that statute, making the requirement for a definition of "designated position" unnecessary. This change is a technical cleanup and will have no substantive or economic impact.

**K.A.R. 1-2-31—Demotion.**

The language in this regulation is being rearranged for clarity, and the internal reference to K.A.R. 1-10-6 is being removed. These changes will have no substantive or economic impact.

**K.A.R. 1-2-43a—Incumbent.**

This new regulation defines the term "incumbent," which is an undefined term that is used in a number of the personnel regulations. This regulation will have no substantive or economic impact.

**K.A.R. 1-2-44—In pay status.**

A reference to holiday compensatory time is being added to this regulation in accordance with the amendments to K.A.R. 1-2-25 and K.A.R. 1-2-25a above. This will have no economic impact.

**K.A.R. 1-2-46—Length of service.**

This regulation provides that authorized leave without pay of more than 30 days does not count toward length of service. Language is being added to clarify that the 30-day period must be 30 consecutive days. Since this change reflects current policy, there will be no economic impact.

**K.A.R. 1-2-74—Administrative leave.**

This regulation currently provides that administrative leave can only be used for emergencies, situations that create dangerous or unsafe work conditions, or other circumstances that require the closing of an office or building, and agencies are required to notify DPS each time this leave type is used. The proposed changes remove these limitations so that administrative leave may be used at the discretion of the appointing authority provided that the leave is in the best interests of the state. The notice requirement also is being removed, but the administrative leave would still be recorded centrally in SHARP. A provision specifically stating that this type of leave shall not be used as a reward for employees is included to in-

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sure that administrative leave will not be abused in that way.

These amendments broaden the number of circumstances in which administrative leave is authorized, which could result in more frequent use of this leave. This would result in a positive economic impact to employees who are authorized to use administrative leave and there would be an economic impact, primarily in the form of lost productivity, on agencies granting administrative leave. However, there is no way to accurately predict how much the use of this leave will increase, and it is therefore impossible to accurately estimate an economic impact on either state employees or agencies, but any increase in use will be managed within existing budgets. No economic impact on the Department of Administration or the general public is anticipated.

**K.A.R. 1-2-84a—Lead worker.**

**K.A.R. 1-2-84b—Manager.**

In concert with proposed changes to the state's training program, the state is proposing to use one broad term for employee leadership positions ("supervisor"), rather than three, more specialized terms. Changes to the SHARP system to implement this change will result in a cost of \$2,080. This change will have no other economic impact.

**K.A.R. 1-2-97—Unclassified service.**

This regulation is being amended to acknowledge positions designated as being in the unclassified service "by law" rather than limiting the definition to those positions established in K.S.A. 75-2935, since other statutes and appropriations bills also establish unclassified positions. This regulation will have no substantive or economic impact.

**K.A.R. 1-3-2—Reciprocal agreements with other public agencies; cooperation with other personnel agencies.**

This regulation is being revoked because it is duplicative of K.S.A. 75-2956a. This change will have no substantive or economic impact.

**K.A.R. 1-4-2—Position management.**

The requirement that a position review must be conducted at least annually in conjunction with an employee's performance evaluation is being removed from this regulation, as is the requirement that the position review must be certified by the director. The term "manager" also is being deleted to reflect the single, broad term (supervisor) used for leadership positions. The amendments to this regulation may have some positive economic impact on state agencies as they will free up time that was previously spent conducting annual position reviews that were sometimes unnecessary. However, it is impossible to quantify the potential time savings. No economic impact on the Department of Administration, state employees or the general public is anticipated.

**K.A.R. 1-4-3—Position description.**

The requirements that position descriptions must be on forms provided by the director and that agencies must automatically submit a copy of each position description to DPS are being removed. Agencies will have the flexibility to use position description forms of their own de-

sign, provided the form contains all required elements, and will be required to make position descriptions available to DPS upon request. Language also is being changed to provide agencies with more flexibility with regard to who prepares and maintains position descriptions. Currently, the regulation places this responsibility on each supervisor in cooperation with the employee whose description is being reviewed, but the new language will allow the agency's appointing authority to determine who prepares and maintains position descriptions in his or her agency. These changes will result in enhanced flexibility for agencies and are not expected to have any identifiable economic impact.

**K.A.R. 1-4-5—Position allocation; delegation to appointing authority.**

The requirement that the form of notification required to be provided to the director when a new position is created is to be prescribed by the director will be removed. A reference to K.S.A. 75-2938 also is being added to clarify that any modifications or withdrawals of delegated authority to allocate classified positions made by the secretary must be consistent with the provisions of that statute. These changes will have no identifiable economic impact.

**K.A.R. 1-4-7—Position reallocation.**

The only substantive change to this regulation is that the word "employee" is being replaced with the word "incumbent" in subsection (a)(1). This clarifies that, along with the appointing authority, only the employee already in a position or scheduled to start in a position is able to request a review of the position's reallocation. This change will have no identifiable economic impact.

**K.A.R. 1-4-8—Effect of position reallocation on incumbent.**

**K.A.R. 1-5-7—Employees to be paid within the pay grade; approval of employee pay changes; effective date; retroactive increases.**

Proposed amendments to these two regulations remove the approval of the director required for retroactive reallocations and retroactive pay changes due to errors, eliminating unnecessary central oversight and decentralizing approval of these retroactive changes to the agencies. Any such reallocation must be recorded in the SHARP system, and in that way will provide notice to DPS of all such actions.

In K.A.R. 1-5-7, the six-payroll period limitation on retroactive pay increases also is proposed to be removed. As a result, approval of the director would no longer be needed to exceed retroactive pay changes covering more than six payroll periods. Language also is being added to clarify that retroactive pay changes must otherwise be authorized by statute, memorandum of agreement, contract, court order or another lawful basis. Although these changes will allow agencies to approve retroactive reallocations and pay changes, the department does not anticipate that this will result in any economic impact.

Other proposed amendments to K.A.R. 1-4-8 consist of nonsubstantive clarifications, including updates to the terminology regarding probationary periods and probationary status and a clearer outline of the steps that must

be taken if an incumbent does not wish to remain in a reallocated position or does not possess a special license or certificate required for the new classification. There is no economic impact associated with these changes.

**K.A.R. 1-5-8—Beginning pay.**

Proposed amendments to this regulation regard the policy whereby newly-hired employees may be paid above the beginning step of a pay grade in certain, specific circumstances. Currently, authorization for this higher beginning pay expires on the last day of the last payroll chargeable to the fiscal year in which the authorization was granted. Proposed amendments remove this time limit and add a provision providing that such authorization remains in place until cancelled. The language further states that if such authorization has remained in place for three years for reasons other than a geographic basis, the director shall conduct a compensation study on the class. The remaining proposed changes to this regulation are nonsubstantive.

Despite the requirement of an automatic compensation study, it is not anticipated that this change will result in any adverse economic impact since this requirement can be managed within the existing budget and staff allocations or monies specifically set aside or allocated for such studies.

**K.A.R. 1-5-9—Pay of temporary employee.**

This regulation is being amended to remove redundant and unnecessary language regarding the step at which a temporary employee is hired and will have no identifiable economic impact.

**K.A.R. 1-5-14—Pay of employee upon transfer.**

This regulation is being amended to allow agencies to give pay increases to employees who transfer to other positions within that agency when such a pay increase is in the best interest of the agency, but specifically provides that this type of pay increase cannot be granted to an employee who is transferring from one agency to another agency in order to avoid an adverse economic impact on state agencies whose funding sources are more limited or less flexible than others. This amendment will most likely result in additional costs for agencies that choose to provide this type of pay increase to any of their transferring employees, but there is no way to accurately predict the potential economic impact on the transferring employees or on the agencies since it is dependent upon a number of factors. However, it is anticipated that the costs associated with pay increases granted to transferring employees will be managed by agencies within their existing budgets. Changes to the SHARP system to implement this change will result in a cost of \$160. No other economic impact on the Department of Administration or the general public is anticipated.

**K.A.R. 1-5-15—Pay of employee upon demotion.**

Amendments to this regulation remove the list of specific instances in which an employee who accepts a voluntary demotion may be paid at a step of the new pay grade that does not result in a decrease in pay as well as the prohibition on such a transfer within the same organizational unit and replaces them with a more general provision that allows for voluntary demotions without a de-

crease in pay if the action is in the best interest of the state service. The only limitation that is retained is that the employee's rate of pay may not exceed the maximum pay rate for the pay grade to which he or she is demoted. These amendments may have a positive economic impact on some employees whose circumstances did not mesh with the existing conditions and limitations set out in the regulation. Although the employing agencies would bear the cost of the additional pay for such an employee, these changes are not expected to have a substantial economic impact on state agencies as the appointing authority determines the pay rate for the demoted employee. No economic impact on the Department of Administration or the general public is anticipated.

**K.A.R. 1-5-19c—Effect of pay grade changes on pay.**

**K.A.R. 1-5-20—Individual pay decreases.**

The changes to K.A.R. 1-5-19c expand the options available to an appointing authority with regard to employees who are in positions in a class that is assigned to a higher pay grade. Currently, such employees are placed on a step of the new pay grade that provides the same rate of pay as the employee's current pay rate or on the minimum step of the higher pay grade, whichever is higher. Proposed amendments would permit the appointing authority to elect to pay these employees on a step of the new pay grade that provides the same pay rate, the same step of the new pay grade as the step on which the employee was paid on the old pay grade, or any lower step of the new pay grade that provides an increase in pay. These amendments may have a positive economic impact on some employees in an amount that cannot be estimated. Although the employing agencies would bear the cost of the additional pay for such an employee, these changes are not expected to have a substantial economic impact on state agencies as the appointing authority determines the pay rate for these employees, so it is expected that agencies will manage any additional costs within existing budgets. No economic impact on the Department of Administration or the general public is anticipated.

In addition, the provision from K.A.R. 1-5-20 that addresses what happens when the governor assigns a class to a lower pay grade is being removed from K.A.R. 1-5-20 and placed in K.A.R. 1-5-19c. This change will have no economic impact.

**K.A.R. 1-5-24—Overtime.**

The first substantive amendment to this regulation is to expand the conditions for which agencies can count time off for an official state holiday as time worked for overtime purposes. Currently, agencies only are able to consider a holiday as time worked when employees work hours outside of their normal schedule in the same work-week or work period due to a building, highway or public safety emergency. The proposed amendment adds "or other emergency" to that list.

To the extent that the proposed amendment results in the possibility of additional hours of overtime, the proposed amendment may have a positive economic impact on some employees. However, the economic impact would vary for each employee and, therefore, cannot be

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estimated. Although the employing agencies would bear the cost of the additional pay for such an employee, this change is not expected to have a substantial economic impact on state agencies as the appointing authority determines both the emergency circumstances in which the holiday is counted towards hours of work and the number of additional hours that employees work outside their normal schedules. Although it is not possible to estimate this economic impact, it is expected that agencies will be able to manage any additional costs within their existing budgets. No economic impact on the Department of Administration is anticipated. The amendment may have an indirect positive impact on the general public to the extent that agencies providing critical public services are able to ensure adequate staffing to respond appropriately to emergencies during work weeks with holidays.

In addition, the language requiring appointing authorities to notify the director of the nature of any emergency serving as the basis for counting a holiday as time worked is being removed. Agencies will continue to report the name and position number of each employee who will have a holiday counted as time worked in the SHARP system, thereby providing notice to DPS.

The other proposed change to this regulation is to raise the maximum amount of compensatory time that a non-exempt employee can accrue from 120 hours to 240 hours. This change is being made because it brings the state of Kansas into line with the provisions of the Federal Fair Labor Standards Act (FLSA). The department also is proposing to add language that authorizes an appointing authority to establish a lower maximum accumulation of compensatory time for employees in his or her agency. These two changes provide maximum flexibility within the law for agencies to manage their employees' accumulation of compensatory time.

Although this amendment does not increase the amount of overtime worked, it may affect the form and timing of overtime compensation because agencies could allow employees to accumulate as much as two times more compensatory time than is currently allowed. However, since agencies will be able to establish their own accumulation limits and agencies are able to require employees to use compensatory time in order to keep such balances at manageable levels, agencies should be able to manage any additional costs as a result of these changes within their existing budgets. No economic impact on the Department of Administration or the general public is anticipated.

#### **K.A.R. 1-5-30—Benefits for employees activated to military duty.**

The proposed amendments to this regulation consist of nonsubstantive technical clarifications and cleanup language and will have no economic impact.

#### **K.A.R. 1-6-2—Recruitment.**

Proposed technical amendments to this regulation update language to reflect electronic recruiting systems. Current language requiring agencies to submit job requisitions to DPS, which then distributes the notices of vacancy to all agency personnel offices, is being replaced with language reflecting the current practice where agencies post their own notices directly to a central Web site

maintained by DPS. Since this change reflects current practices, there is no economic impact associated with these amendments.

#### **K.A.R. 1-6-8—Selection instruments.**

Existing language in this regulation provides for the appointing authority or the director to establish confidentiality policies regarding information obtained through the use of a selection instrument. The reference to the director is being stricken in order to reflect the decentralized approach to the employment process that is now being used by the state of Kansas. The remaining proposed changes are updates to language and have no substantive effect. These changes are not anticipated to have any economic impact.

#### **K.A.R. 1-6-27—Demotion.**

The reference to Article 10 of the personnel regulations is being removed from this regulation and replaced with references to the applicable statutes in conjunction with the proposed revocation of the regulations in Article 10, as described later in this document. The terminology regarding probationary periods and probationary status also is being updated to reflect current terminology. These changes will have no economic impact.

#### **K.A.R. 1-6-29—Acting assignments.**

Proposed amendments to this regulation will remove the provision that acting assignments only can be used when a position is vacant and allow agencies to use an acting assignment in situations where the position that needs to be filled is occupied by an employee who is unable to perform the duties of the position for an extended period of time. This amendment may have a positive economic impact on employees who are placed on such an acting assignment if they receive a higher rate of pay during the acting assignment. The economic impact on the agency will vary, depending upon factors such as whether the incumbent in the position is absent on a paid or unpaid leave and whether the employee placed on the acting assignment receives an increase in pay, but agencies should be able to manage any additional costs within their existing budgets. No economic impact on the Department of Administration is anticipated. The amendment may have an indirect positive impact on the general public to the extent that agencies providing critical public services are able to ensure adequate staffing during extended absences of an employee.

This regulation also is being modified to allow appointing authorities to compensate an employee assigned to an acting assignment in a position that is on the same pay grade as the employee's own position at a higher step of the pay grade than the step on which the employee is paid in the employee's normal position if the appointing authority determines the pay increase is in the best interest of the agency. Currently, if an acting assignment is to a position that is on the same pay grade, no change in pay is permitted. This proposed amendment may have a positive economic impact of an unknown amount on employees who are compensated at a higher rate. Likewise, if an agency chooses to utilize this option, it may result in additional costs to the agency, depending upon multiple factors such as the number of acting assignments

and the pay grades of the positions involved. While this prevents accurate estimates of the potential economic impact on agencies, any additional costs should be able to be managed within agencies' existing budgets. No economic impact on the Department of Administration is anticipated. The amendment may have an indirect positive impact on the general public to the extent that agencies providing critical public services are able to ensure adequate staffing during extended absences of an employee.

Other amendments include reorganization for greater clarity and technical amendments relating to the effect of acting assignments on step increases. These changes will have no economic impact.

**K.A.R. 1-6-32—Candidate drug screening test for designated positions.**

The references to "designated" positions in this regulation are being removed and replaced with the term "safety-sensitive" position in accordance with 2002 amendments to K.S.A. 75-4362. In addition, language regarding standards set by the director for testing personnel and procedures and the threshold levels for substances to be tested is being deleted due to concerns from the Attorney General's Office that the language is too broad. These procedures and threshold levels can still be maintained as they are included in the state's drug screening services contract. Changes to the SHARP system to implement this change will result in a cost of \$40. Otherwise, these changes are not expected to have any additional economic impact or effect on the drug screening program.

**K.A.R. 1-7-3—Probationary periods.**

The only amendment being made to this regulation is to insert language currently found in K.A.R. 1-10-6 stating that employees on probation, except those serving a probationary period as a result of a promotion, may be dismissed at any time during the probationary period. This language is an important clarification regarding the status of employees during a probationary period and agencies expressed concern that if K.A.R. 1-10-6 is revoked without moving this provision to another regulation, there would be no language to cite to in letters dismissing employees on probation. Since this is current policy, this amendment will have no substantive or economic impact.

**K.A.R. 1-7-10—Performance reviews.**

The language in this regulation requiring that performance reviews be completed on forms prescribed by the director is being removed, as is language setting out procedural requirements relating to priority outcomes and feedback sessions. Agencies will still be required to complete an annual performance review and rating at least annually in the manner required by the director, but will be able to develop their own forms and procedures in order to meet their own unique needs.

In addition, the language regarding unsatisfactory performance reviews in subsection (c) is being amended to correspond with the provisions of K.S.A. 75-2949e (b). Currently, the regulation specifies that two, consecutive unsatisfactory ratings are required as a basis for disciplinary actions based on deficiencies in work performance

while the statute only requires two unsatisfactory performance reviews within 180 days.

Other proposed amendments consist of nonsubstantive clarifications, including updates to provisions regarding filing and copying of performance reviews, changes to terminology and reorganization for greater clarity. None of these changes are anticipated to have any identifiable economic impact.

**K.A.R. 1-7-11—Employees entitled to appeal performance reviews.**

Proposed amendments to K.A.R. 1-7-11 consist of nonsubstantive clarifications only, including updates to the terminology regarding probationary periods and probationary status and reorganization for clarity. None of these changes will have an economic or substantive impact.

**K.A.R. 1-7-12—Performance review appeal procedure.**

Proposed amendments to K.A.R. 1-7-12 consist of nonsubstantive clarifications, including removing language referring to the appointing authority's designee (in conjunction with proposed amendments to K.A.R. 1-2-9) and a qualification that extensions of time in performance appeal committee proceedings must be for a reasonable period of time. A provision also is being added to allow the appeal committee to limit the offering of irrelevant, as well as repetitious, evidence. In general, these changes will have no economic impact. The change allowing the limitation of irrelevant evidence should provide for more effective management of appeal hearings and thereby have an indirect economic impact on agencies, but its effect cannot be quantified. These changes will not have any economic impact on the Department of Administration or the general public.

**K.A.R. 1-8-2—Orientation.**

**K.A.R. 1-8-3—Training standards.**

**K.A.R. 1-8-4—Agency reports and plans.**

**K.A.R. 1-8-5—Supplemental management training programs.**

**K.A.R. 1-8-6—Supervisory training programs.**

These regulations are being amended to decentralize the responsibility for establishing and maintaining orientation and training programs for state employees. This will allow agencies to develop orientation and training programs that are specific to their own unique needs and goals.

K.A.R. 1-8-2 currently provides that establishment and maintenance of an orientation program is the responsibility of the director, in cooperation with agency administrators. Proposed amendments state that each appointing authority is to be responsible for establishing and maintaining an orientation program for that agency, within broad guidelines set out in the regulation.

Existing language in K.A.R. 1-8-3 provides for guidelines established by the director for employee training programs generally, refers to the optional payment of tuition expenses for employees as provided in K.S.A. 74-5519, and authorizes leave with or without pay for employees to attend training programs. These provisions are

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being removed and replaced with language that simply states that each appointing authority is to periodically assess, identify and provide access to appropriate education and training to meet workforce needs.

The title of K.A.R. 1-8-4 is being changed to "agency training records," and the current language requiring annual training plans and reports in the form and manner prescribed by the director is being removed and replaced with language requiring appointing authorities to maintain training records and provide them to the director upon request. The provisions of K.A.R. 1-8-5 are proposed to be revoked and a general requirement that appointing authorities are to provide access to training and opportunities for continuing education and development for supervisory employees is being included in K.A.R. 1-8-6.

K.A.R. 1-8-6 is being retitled "Leadership training programs." This regulation currently requires each employee in a lead worker, supervisor or manager position to take either a supervisory training program developed by the director or a program developed by an agency, consistent with guidelines developed by the director; establishes time frames in which this training must be completed; and requires continuing education training every three years for these types of positions. Proposed amendments eliminate these specific requirements and simply provide that each appointing authority is to develop and maintain a leadership program to provide appropriate supervisory training for all employees in supervisory positions and, as noted above, to provide these employees with ongoing training and continuing education and development opportunities. The distinctions between supervisors, lead workers and managers also are eliminated.

While the proposed amendments to these regulations will shift the full responsibility and the cost of training from the Department of Administration to the agencies, the proposal has been discussed extensively with and is supported by agency human resource and training personnel throughout the state. Agencies are better able to manage this cost by utilizing funding sources other than the state general fund (SGF) and, because of that, this proposal may well result in a net saving to the SGF. Agencies also may see a savings since mandatory, periodic supervisory continuing education training has been eliminated. Regardless of the specific details, the department expects that agencies will be able to manage this additional responsibility within their existing budgets. Over the last two fiscal years, the Department of Administration's staff and funding dedicated to training have been eliminated, so there are no further cost savings to be realized within the department as a result of these changes. No economic impact on the general public is anticipated.

#### **K.A.R. 1-9-1—Hours of work.**

Currently, this regulation establishes a standard workweek for full-time state employees of 40 hours per week and a standard workday of eight hours, and provides that if an agency wishes to establish any schedule involving any other type of workday or workweek, approval of the director must be obtained before the agency can implement such a schedule. Proposed changes to this regulation will eliminate any reference to a standard eight-hour

workday, but retain a 40-hour workweek as the standard workweek for the state of Kansas, thereby giving agencies the flexibility to adjust workdays to best meet their needs within that 40-hour framework. The requirement that agencies receive DPS approval for nonstandard workdays also is being removed. The existing requirement that agencies obtain approval of the director for any deviation from the standard 40-hour workweek is retained. These changes are not anticipated to have any economic impact.

Amendments also are being proposed to this regulation regarding employees in exempt positions. First, a reference to the proposed new regulation on usage of leave for employees in exempt positions is being added. In addition, this regulation is being amended to reflect the recent amendments to the federal regulations implementing the FLSA that allow exempt employees to be suspended for less than a full workweek (as is currently required) for violations of workplace conduct without jeopardizing their exempt status. The department is unable to accurately predict the extent to which this new provision will be used, but does not expect that it will result in any significant increase in disciplinary actions taken against exempt employees.

Since the new provision does not require the expenditure of any additional funds or resources and the remaining changes regarding exempt employees simply restate existing policy and language, the department does not anticipate that these amendments will have any identifiable economic impact.

#### **K.A.R. 1-9-2—Holidays.**

The first proposed amendment to this regulation is to add a provision allowing employees in exempt positions who are required to work on a holiday to bank the holiday credit that they earn for that holiday so it can be used at a later time. Alternatively, the proposed amendment allows appointing authorities to pay employees in this situation the value of the holiday credit.

The practice of banking holiday credit is the current practice so this amendment should not have any economic impact. If an agency chooses to pay employees rather than allow them to bank, the agency will realize an economic impact, but since this is done at the agency's discretion, any agency choosing to allow the option will be incurring the economic impact willingly.

The primary amendments to this regulation provide clarification regarding holiday credit for employees who are on leave without pay or who are separating from state service. Subsection (i) is amended to clarify the existing policy that, if an employee is on leave without pay for any amount of time on either the last working day before a holiday or the first working day after a holiday, the employee does not receive holiday credit for the holiday, unless otherwise approved by the appointing authority. Similarly, an amendment to subsection (j) clarifies the existing provision prohibiting the awarding of holiday credit to employees whose last day at work before separating from state service is the day before a holiday by adding the term "regularly scheduled" before the word holiday. These amendments should not have any identifiable economic impact.

The remaining proposed amendments to this regulation are technical in nature, including inserting the

newly-defined term "holiday compensatory time" in lieu of "compensatory time." These technical amendments will have no economic impact.

**K.A.R. 1-9-13—Payment of accumulated vacation leave and compensatory time credits upon separation.**

The proposed changes to this regulation are technical amendments inserting the newly-defined term "holiday compensatory time" and will have no substantive or economic impact.

**K.A.R. 1-9-14—Transfer of leave credits.**

The proposed amendments to this regulation restate the standard policy that all accumulated compensatory time and holiday compensatory time is to be paid by the agency from which the employee is leaving, at the time the employee separates from that agency. Since this amendment does not change current policy, there will be no economic impact.

Language also is being proposed that would allow employees to transfer accumulated compensatory time and holiday compensatory time just like other leave balances if the agency that the employee is leaving and the agency to which the employee is moving both approve. This option would save the agency from which the employee is leaving the cost of paying out the employee's compensatory leave balances, but would result in the agency to which the employee was moving realizing a loss of productivity since the employee would have access to more leave, or a liability for the cost of these balances if the employee separates from state service before they are used. Since this option could only be used if both agencies agreed, the receiving state agency will be able to determine whether the potential economic impact can be managed within budget limitations.

**K.A.R. 1-9-19—Safety and health.**

The existing provisions of this regulation are being deleted and moved to subsection (f) of K.A.R. 1-1-1. In addition, the title of the regulation is proposed to be changed to "Relief from duty or change of duties of a permanent employee" and the existing provisions of K.A.R. 1-10-7 are proposed to be transferred to this regulation, with some reorganization and rewording for clarity. The proposed amendments will have no economic impact.

**K.A.R. 1-9-19a—Drug screening test for employees in safety sensitive positions, and all state employees at correctional facilities.**

This regulation is being amended to reflect amendments that were made by the 2002 Legislature to K.S.A. 75-4362 and to eliminate references to K.S.A. 75-4363, which was revoked during the same session. In addition, language regarding standards set by the director for testing personnel and procedures and the threshold levels for substances to be tested is being deleted due to concerns from the Attorney General's Office that the language is too broad. The remaining amendments to this regulation consist of nonsubstantive rewording of the language for greater clarity. The changes to this regulation will have no economic impact.

**K.A.R. 1-9-20—Exit interview program.**

The current language of this regulation is being deleted, eliminating the requirement that agencies maintain an exit interview program. This is not expected to have any economic impact.

The title of this regulation is being changed to "Exempt position leave usage" and the regulation is being amended by inserting the substance of a current personnel Bulletin that sets out the policies and practices of the state of Kansas with regard to leave usage by employees in exempt positions. The new provision that allows exempt employees to be suspended for less than a full workweek for violations of workplace conduct (as discussed above in the entry for K.A.R. 1-9-1) also will be included in this regulation.

These amendments are not anticipated to have any economic impact as they represent existing policy and practice with respect to employees in exempt positions. As discussed in the entry for K.A.R. 1-9-1, the department is unable to accurately predict the extent to which the new provision regarding suspensions of exempt employees for less than a full workweek will be used, but the department does not expect that it will result in any significant increase in disciplinary actions taken against exempt employees.

**K.A.R. 1-9-22—Job injury leave.**

In response to recent situations that have arisen with regard to eligibility for this leave type, this regulation is being amended to add simple battery and sexual crimes to the list of crimes that may be the basis for a qualifying injury. The language defining "qualifying job injury" also is being reorganized for greater clarity.

The addition of the crimes mentioned above will expand the number of instances in which employees will be eligible for this type of leave, which may result in more frequent use of this leave type. To the extent that use of the leave type does increase, there would be a positive economic impact on the injured employees as they would be able to receive up to six months of paid leave without relying on accumulated leave, requesting shared leave or going into leave without pay status. If expanded availability of this leave results in longer absences for employees who are recovering from qualifying injuries, there would be a corresponding economic impact on agencies in the form of lost productivity or additional salary and wages for additional staff.

Given the nature of this leave, it is impossible to estimate the actual cost of this amendment. Last year, under 200 hours of this leave type was used statewide (excluding Regents institutions), for a net cost of \$2,748. Due to the relative infrequency of the use of this leave, the department does not anticipate that these amendments will result in any significant economic impact. The amendments are not expected to have an economic impact on the Department of Administration or the general public.

**K.A.R. 1-9-23—Shared leave.**

The most significant amendment proposed to this regulation is a provision establishing a Shared Leave Committee that will make determinations for all agencies regarding the main eligibility criteria for shared leave—

*(continued)*

whether or not the employee or a family member of the employee is experiencing a serious, extreme or life-threatening illness, injury, impairment, or physical or mental condition that keeps the employee from performing regular work duties and that has caused or is likely to cause the employee to take leave without pay or terminate employment. Language is being included to give appointing authorities who are elected officials the option of using the committee to make this decision or making this decision themselves, as they do now.

Another change proposed to this regulation places further limits on the maximum duration for shared leave. Under the proposed amendments, the maximum number of hours of shared leave that may be used by an employee is the total hours the employee would regularly be scheduled to work during a six-month period, and the maximum period of time over which the shared leave can be used is six consecutive months. The option of a six-month extension and the base duration of 12 months for the illness or injury of a family member are being removed. Language clarifying the manner in which shared leave is to be tracked and stating that eligibility for shared leave expires as soon as an employee becomes eligible for KPERS disability benefits also is being added.

An additional change to the regulation will require employees to provide a statement from a licensed health care provider at the time the shared leave is requested. Currently, this is something that an appointing authority may require but it is not mandatory. New language also is being added to clarify that the appointing authority may require employees receiving shared leave to provide additional medical information to substantiate that the employee's medical condition continues to be serious, extreme or life-threatening at any time while the employee is receiving shared leave.

Language also is being added to clarify that employees retiring from state service and receiving a payout for accumulated sick leave under K.S.A. 75-5517 can donate only that amount of sick leave credit that is in excess of the amounts set out in the statute for which the employee is eligible to receive a payout. This is an existing policy established by a personnel bulletin, but was determined to be appropriate for inclusion in the regulation.

Another change clarifies that unclassified employees with benefits are eligible to receive or donate shared leave. Because Executive Order 98-07 already applies K.A.R. 1-9-23 to unclassified employees under the jurisdiction of the governor, this amendment reflects existing policy.

The final substantive amendment to the regulation is a provision allowing permanent employees to count any time served as a temporary employee toward the six continuous months of service required for shared leave eligibility. The remainder of the changes proposed to this regulation involve nonsubstantive reorganization and rewording for greater clarity.

Due to the nature of shared leave, the department is unable to accurately predict the economic impact of these changes. The limitation of shared leave to six months will result in a cost savings to the state of Kansas, but the department is unable to predict the extent of any such savings since each instance of shared leave is unique. It

may have an adverse economic impact on affected state employees and their families if the termination of shared leave results in leave without pay or termination of employment and they are not eligible for KPERS disability or other forms of income replacement.

The inclusion of time worked as a temporary employee as counting toward eligibility for shared leave may result in a slight expansion of eligibility for the program. However, the department expects the impact to be very minimal since only employees who were formerly temporary employees and have since gained permanent status but have not yet accrued six continuous months of service will be affected. Again, due to the case-by-case basis nature of shared leave, the department is unable to accurately estimate the economic impact of that change either on state agencies or the affected employees.

Finally, the department is unable to predict the exact economic impact of moving the authority to make determinations regarding eligibility for shared leave to the Shared Leave Committee. Since shared leave requests have been approved by each appointing authority for more than eight years, there are no central records documenting the nature and extent of the illnesses, injuries or conditions for which shared leave has been approved. There is a general belief that some agencies have been very liberal in approving shared leave in recent years and that the conditions for which shared leave has been approved vary widely from agency to agency. If this perception is accurate, use of the Shared Leave Committee may result in a savings for the State as conditions that may have been approved by agencies in the past that do not really meet the threshold for eligibility for shared leave will no longer be granted. Whether this is the case, the existence of the Shared Leave Committee will result in the application of a common standard for eligibility for shared leave throughout the state workforce and also will allow for the keeping of records on shared leave so that the impact of this and future changes to the program can be more effectively estimated and tracked.

#### **K.A.R. 1-9-27—Family and Medical Leave Act of 1993 (FMLA).**

The existing provisions of K.A.R. 1-9-27 set a standard policy for all agencies with respect to the determination of when to begin counting an employee's time off toward the 12-workweek entitlement of FMLA leave. Currently, each eligible employee is entitled to 12 workweeks of paid or unpaid leave during any 12-month period, beginning with the first day leave was taken.

A team of agency personnel professionals recommended that this regulation be revoked and that the division issue a personnel bulletin setting out the minimum FMLA policies for the state of Kansas, while giving appointing authorities the discretion to establish more generous policies for their agencies. The team suggested that this bulletin also contain language from the federal regulations that better explains certain aspects of the FMLA's procedural requirements. Based on these recommendations, K.A.R. 1-9-27 is proposed for revocation, and upon the effective date of the revocation of this regulation, DPS will issue a bulletin setting forth the items suggested by the team.

Since the proposed bulletin will allow agencies the option of developing policies that are more permissive than the minimum requirements of the federal act, the revocation of K.A.R. 1-9-27 may have an economic impact on both state employees and state agencies. Agencies could develop policies delaying the beginning of the 12 weeks of FMLA leave until the employee has used some or all of his or her accumulated vacation, sick or any other type of applicable paid leave, effectively extending the period of time that the employee is able to remain on leave with the right to return to employment. This would have an economic impact on the agency in the form of lost productivity.

Delaying the application of FMLA leave also would affect the employee's health insurance coverage. Generally, state employees who are on leave without pay lose state agency health insurance premium contributions and must pay the full premium themselves, but the FMLA requires employers to maintain the employee's health insurance coverage under the same conditions and with the same employer contributions as provided when no leave is taken. If agencies establish a policy in which FMLA leave does not begin until eligible employees exhaust available paid leave, employees would receive maximum benefit of the FMLA health insurance continuation requirements, with a corresponding increase to state agencies' contributions.

Since revocation of the regulation would give agencies discretion with respect to the point at which FMLA begins, and because the cost is dependent on so many other factors, there is no way to accurately estimate the potential economic impact of this change. However, it is expected that agencies will manage any additional costs within their existing budgets. No economic impact on the Department of Administration or the general public is anticipated.

**K.A.R. 1-10-6—Dismissal, suspension, or demotion.**

**K.A.R. 1-10-7—Relief from duty, or change of duties, of permanent employee, with pay, under certain circumstances.**

**K.A.R. 1-10-10—Corrective action for violation of the civil service act.**

**K.A.R. 1-10-11—Corrective action for violations regarding state employee benefits.**

These regulations are proposed to be revoked. The state's disciplinary process is primarily governed by the provisions of the Civil Service Act, so these regulations are not necessary and largely redundant. The only provisions being retained are the language from K.A.R. 1-10-6 clarifying that probationary employees can be dismissed at any time during their probationary period, which is being moved to K.A.R. 1-7-3, and those from K.A.R. 1-10-7, which are being moved to K.A.R. 1-9-19.

While K.A.R. 1-10-10 and K.A.R. 1-10-11 do not deal with the disciplinary process, they have proved to be unnecessary as they have not been used since they were first adopted in 1999 and are inconsistent with the trend of decentralizing authority to agencies. The revocation of Article 10 will have no identifiable economic impact.

**K.A.R. 1-11-1—Resignation.**

The provisions of this regulation direct appointing authorities to submit a summary of the steps taken to obtain an explanation from employees who are absent from work without authorization for a period of five consecutive days before the absence can be considered a resignation. This requirement will be deleted and is anticipated to have no identifiable economic impact.

**K.A.R. 1-11-3—Death.**

This regulation is proposed to be revoked as it consists solely of a basic reporting procedure that does not need to have the effect of law. Agencies are aware of the reporting procedures to be followed upon the death of an employee. This change will have no identifiable economic impact.

**K.A.R. 1-12-1—Grievance procedure.**

The provision of this regulation that allows the director to establish guidelines for grievance procedures is proposed to be deleted. The first sentence of this regulation requires each agency to establish a written grievance procedure for its employees, and there is no reason for central oversight or coordination of this process. This proposed change will have no identifiable economic impact.

**K.A.R. 1-12-2—Agency appeals.**

This regulation establishes a procedure by which an appointing authority can appeal any final decision of the director to the Secretary of Administration and any final decision of the secretary to the governor. The second subsection of this regulation that allows appeals of the final decision of the secretary to the governor is proposed to be deleted as unnecessary. If there ever such an issue, there is no need to have a formal appeal process to resolve the matter. Elimination of this unnecessary administrative process will not result in any identifiable economic impact.

**K.A.R. 1-13-1a—Content of information in employees' official personnel records.**

**K.A.R. 1-13-1b—Disclosure of employee information.**

The provisions of K.A.R. 1-13-1a are being separated into two different regulations and the language is being updated throughout to reflect the current practices concerning employee records. K.A.R. 1-13-1a will be amended by changing its title to "Content of employees' official personnel records" and will address what items are to be included in an employee's official personnel record. Except as described below, the language will be nearly identical to that found in subsections (a) through (c) of the existing regulation.

The first amendment is to replace the word "documents" in subsection (a)(1) with the word "records" in order to clarify that the information does not have to be a document, but can be a print-out or screen print from a computer, a disc containing personnel information, or some other electronic record containing an employee's personnel information. The second proposed change is to delete the reference to the director in subsection (a)(5) and replace that language with a reference to the appointing authority. Third, a provision stating that the official personnel records are not to contain information prohibited by federal law is deleted. This provision does not provide

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meaningful guidance and is therefore not needed. The final change is to add a provision stating that records may be in formats other than paper or document form to expand on the clarification outlined above. None of these changes will have any identifiable economic impact.

The remainder of the language in the current regulation is proposed to be moved to a new regulation, K.A.R. 1-13-1b, titled "Disclosure of employee information." The language will be identical to the language found in current subsections (d) through (j) except for the removal of the reference to child support enforcement specialists from SRS. This language will be replaced with more generic language referencing employees of SRS responsible for the agency's child support enforcement activities. Neither of these amendments will have any economic impact.

**K.A.R. 1-14-8—Computation of layoff scores.**

Proposed amendments to this regulation clarify the process to be used when an employee does not have five ratings with which to calculate a layoff score and when an employee has no performance ratings on file to use for calculation of the layoff score. The remainder of the proposed changes to this regulation are updates to language for clarity. These changes do not alter any other provisions of the layoff policies or procedures for the state, so they will have no economic impact.

**K.A.R. 1-14-11—Furlough leave without pay.**

There are a number of amendments proposed to this regulation in order to create a simpler and more flexible furlough policy for the state. The first such amendment changes the amount of time in which an appointing authority must develop a furlough plan in advance of the implementation date of the furlough from 60 days to 30 days. This change provides more flexibility and recognizes that, sometimes, agencies may not be able to wait 60 days before implementation.

Additional amendments simplify the existing approval process surrounding the implementation of a furlough. Currently, an appointing authority must first submit a furlough plan that must be approved by both the Secretary of Administration and the Director of Personnel Services and then a subsequent written request in order to activate the furlough. Language requiring approval of the secretary and the director is being removed as is the

requirement of subsequent activation request. Agencies only will be required to develop a single furlough plan that contains the same information as is currently required to be contained in both the furlough plan and the activation request, and the plan will be effective as indicated in the plan without the need for a subsequent activation request. A requirement that the director be notified of the furlough plan at least 30 days prior to implementation is included, but Department of Administration or DPS approval is not required.

Another amendment requires that employees who will be affected by the furlough must be informed of the furlough not less than 10 days before the furlough begins. Currently, employees are only required to receive five days notice. A provision stating that furlough informational plans must begin and end in the same fiscal year (unless otherwise approved by DPS) also is being deleted.

The department does not anticipate that these amendments will result in any increase in the number or the extent of furloughs. Since agencies will be able to react more quickly to budgetary shortfalls, they may have more options with regard to minimizing the adverse economic impact of furloughs on affected employees and on the services provided to the customers of the agency. Likewise, with additional notice, employees may have a better opportunity to prepare for the impact of the furlough. No economic impact on the Department of Administration or the general public is anticipated.

None of these proposed amendments are mandated by a federal law as a requirement for participating in or implementing a federally subsidized or assisted program, and none exceed the requirements of any federal laws. There were no less costly or less intrusive alternatives identified.

Copies of the proposed regulations and the associated economic impact statement may be obtained from the Division of Personnel Services, Room 920-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251, (785) 296-4278, or may be viewed at the following Web site: <http://da.state.ks.us/ps/documents/regs/proposed.htm>.

Duane Goossen  
Secretary of Administration

Doc. No. 031441

**INDEX TO ADMINISTRATIVE REGULATIONS**

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

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

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

1-45-19	Amended (T)	V. 23, p. 424
1-45-19	Amended	V. 23, p. 1044
1-45-20	Amended (T)	V. 23, p. 424
1-45-20	Amended	V. 23, p. 1045
1-45-23	Amended (T)	V. 23, p. 425
1-45-23	Amended	V. 23, p. 1045
1-45-24	Amended (T)	V. 23, p. 425
1-45-24	Amended	V. 23, p. 1045

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

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

4-11-6	Revoked	V. 23, p. 896
4-11-7	Revoked	V. 23, p. 896
4-11-8	Amended	V. 23, p. 896
4-11-9	Amended	V. 23, p. 896
4-11-14	Amended	V. 23, p. 896
4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95
4-28-1	New (T)	V. 23, p. 1597
4-28-2	New (T)	V. 23, p. 1597

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

Reg. No.	Action	Register
5-3-4e	Amended (T)	V. 23, p. 1284
5-3-4e	Amended	V. 23, p. 1580
5-3-5o	New	V. 23, p. 1130
5-3-29	New (T)	V. 23, p. 1284
5-3-29	New	V. 23, p. 1580
5-17-1 through 5-17-18	New	V. 23, p. 1131-1137
5-22-1	Amended	V. 23, p. 1534

5-22-4b	New	V. 23, p. 1536
5-22-4c	New	V. 23, p. 1536
5-22-4d	New	V. 23, p. 1537
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5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69

**AGENCY 7: SECRETARY OF STATE**

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7-18-1	Revoked	V. 23, p. 1366
7-18-2	Revoked	V. 23, p. 1366
7-18-3	Revoked	V. 23, p. 1366
7-27-1	Amended	V. 23, p. 1366
7-29-2	Amended	V. 23, p. 1366

**AGENCY 22: STATE FIRE MARSHAL**

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22-1-2	Amended	V. 23, p. 978
22-1-7	New	V. 23, p. 978

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

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28-1-2	Amended	V. 23, p. 202
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28-1-20	Amended	V. 23, p. 360
28-4-576	Amended (T)	V. 23, p. 389
28-4-576	Amended	V. 23, p. 1255
28-4-577	Amended (T)	V. 23, p. 390
28-4-577	Amended	V. 23, p. 1257
28-4-578	Amended (T)	V. 23, p. 391
28-4-578	Amended	V. 23, p. 1257
28-4-583	Amended (T)	V. 23, p. 392
28-4-583	Amended	V. 23, p. 1258
28-4-585	Amended (T)	V. 23, p. 392
28-4-585	Amended	V. 23, p. 1259
28-4-587	Amended (T)	V. 23, p. 394
28-4-587	Amended	V. 23, p. 1260
28-4-590	Amended (T)	V. 23, p. 396
28-4-590	Amended	V. 23, p. 1262
28-4-591	Amended (T)	V. 23, p. 397
28-4-591	Amended	V. 23, p. 1264
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28-4-613	New	V. 23, p. 957-962
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28-4-705	New (T)	V. 23, p. 398-400
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28-15-35	Amended	V. 23, p. 305
28-15-36	Amended	V. 23, p. 309
28-15a-2	New	V. 23, p. 1368
28-15a-3	New	V. 23, p. 1368
28-15a-4	New	V. 23, p. 1368
28-15a-6	New	V. 23, p. 1369
28-15a-11	New	V. 23, p. 1369
28-15a-21	New	V. 23, p. 1369

28-15a-23		
through		
28-15a-29	New	V. 23, p. 1369, 1370
28-15a-31	New	V. 23, p. 1370
28-15a-33	New	V. 23, p. 1370
28-15a-41	New	V. 23, p. 1370
28-15a-42	New	V. 23, p. 1370
28-15a-43	New	V. 23, p. 1370
28-15a-60		
through		
28-15a-66	New	V. 23, p. 1370
28-15a-70	New	V. 23, p. 1370
28-15a-72		
through		
28-15a-76	New	V. 23, p. 1370, 1371
28-15a-80		
through		
28-15a-91	New	V. 23, p. 1371
28-15a-100	New	V. 23, p. 1371
28-15a-101	New	V. 23, p. 1371
28-15a-110	New	V. 23, p. 1371
28-15a-111	New	V. 23, p. 1371
28-15a-130		
through		
28-15a-135	New	V. 23, p. 1371, 1372
28-15a-151		
through		
28-15a-155	New	V. 23, p. 1372
28-15a-170	New	V. 23, p. 1372
28-15a-172		
through		
28-15a-175	New	V. 23, p. 1372, 1373
28-15a-201		
through		
28-15a-210	New	V. 23, p. 1373
28-15a-500		
through		
28-15a-503	New	V. 23, p. 1373, 1374
28-15a-530		
through		
28-15a-536	New	V. 23, p. 1374
28-15a-540		
through		
28-15a-544	New	V. 23, p. 1374
28-15a-550		
through		
28-15a-553	New	V. 23, p. 1374
28-15a-560		
through		
28-15a-564	New	V. 23, p. 1374, 1375
28-15a-570	New	V. 23, p. 1375
28-15a-571	New	V. 23, p. 1375
28-17-1	Amended (T)	V. 23, p. 1597
28-17-6	Amended (T)	V. 23, p. 1598
28-17-20	Amended (T)	V. 23, p. 1598
28-17-22	New (T)	V. 23, p. 1600
28-19-720	Amended	V. 23, p. 1596
28-19-735	Amended	V. 23, p. 1596
28-19-750	Amended	V. 23, p. 1596
28-19-750a	New	V. 23, p. 1596
28-29-75		
through		
28-29-82	Amended	V. 23, p. 203-205
28-31-10	Amended	V. 23, p. 1486
28-35-145	Amended	V. 23, p. 1404
28-35-146	Amended	V. 23, p. 1404
28-35-146a	New	V. 23, p. 1404
28-35-147	Revoked	V. 23, p. 1404
28-35-147a	New	V. 23, p. 1404

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-50	Amended	V. 23, p. 894
30-4-90	Amended (T)	V. 23, p. 897
30-4-90	Amended	V. 23, p. 1104
30-5-59	Amended	V. 23, p. 1637
30-5-64	Amended	V. 23, p. 1717
30-5-71	Amended	V. 23, p. 1211
30-6-91	New	V. 23, p. 894
30-46-10	Amended	V. 23, p. 977
30-46-13	Amended	V. 23, p. 978
30-46-15	Amended	V. 23, p. 978
30-46-16	Amended	V. 23, p. 978

30-46-17	Amended	V. 23, p. 978
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**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

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

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-5-115	Amended (T)	V. 23, p. 384
44-5-115	Amended	V. 23, p. 952
44-7-104	Amended (T)	V. 23, p. 385
44-7-104	Amended	V. 23, p. 953
44-7-113	Amended (T)	V. 23, p. 386
44-7-113	Amended	V. 23, p. 955
44-12-313	Amended (T)	V. 23, p. 386
44-12-313	Amended	V. 23, p. 955
44-12-601	Amended (T)	V. 23, p. 387
44-12-601	Amended	V. 23, p. 955

**AGENCY 63: BOARD OF MORTUARY ARTS**

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

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

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

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-8-5	Amended	V. 23, p. 95

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-7-20	New	V. 23, p. 382

**AGENCY 70: BOARD OF VETERINARY EXAMINERS**

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

**AGENCY 71: KANSAS DENTAL BOARD**

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

(continued)

71-6-5 Amended V. 23, p. 718  
 71-7-1 New V. 23, p. 152

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 23, p. 426
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431
82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433
82-3-700 through 82-3-704	Amended (T)	V. 23, p. 152-155
82-3-700 through 82-3-704	Amended	V. 23, p. 538-541
82-3-705 through 82-3-710	New (T)	V. 23, p. 155-158
82-3-705 through 82-3-710	New	V. 23, p. 541-544
82-4-3a	New (T)	V. 23, p. 1285

**AGENCY 88: BOARD OF REGENTS**

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

**AGENCY 91: DEPARTMENT OF EDUCATION**

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

**AGENCY 92: DEPARTMENT OF REVENUE**

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

**AGENCY 94: BOARD OF TAX APPEALS**

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

**AGENCY 100: BOARD OF HEALING ARTS**

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

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

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

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

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

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

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

**AGENCY 110: DEPARTMENT OF COMMERCE**

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

**AGENCY 111: KANSAS LOTTERY**

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

Reg. No.	Action	Register
111-2-151 through 111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-2-160	New	V. 23, p. 1655
111-2-161	New	V. 23, p. 1655
111-2-162	New	V. 23, p. 1655
111-3-13	Amended	V. 23, p. 1433
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100

111-4-2095 through 111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116 through 111-4-2125	New	V. 23, p. 311-318
111-4-2126 through 111-4-2146	New	V. 23, p. 459-471
111-4-2147 through 111-4-2160	New	V. 23, p. 901-909
111-4-2161 through 111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074
111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177 through 111-4-2180	New	V. 23, p. 1169-1171
111-4-2181 through 111-4-2185	New	V. 23, p. 1343-1346
111-4-2186 through 111-4-2195	New	V. 23, p. 1434-1438
111-4-2196 through 111-4-2205	New	V. 23, p. 1655-1659
111-5-96	Amended	V. 23, p. 101
111-5-111 through 111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
111-7-188 through 111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910
111-1-1 through 111-11-11	New	V. 23, p. 911-914
111-11-1	Amended	V. 23, p. 1077
111-12-1	New	V. 23, p. 914

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-10-3	Amended	V. 23, p. 93
112-10-5	Amended	V. 23, p. 1073
112-10-6	Amended	V. 23, p. 1073
112-10-6a	New	V. 23, p. 1074
112-10-13	New	V. 23, p. 495
112-13-2	Amended	V. 23, p. 94

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

Reg. No.	Action	Register
115-2-2	Amended	V. 23, p. 1581
115-2-3	Amended	V. 23, p. 1581
115-2-3a	New	V. 23, p. 1582
115-3-2	Amended	V. 23, p. 1043
115-4-14	New	V. 23, p. 1583
115-7-1	Amended	V. 23, p. 1584
115-18-10	Amended	V. 23, p. 1043
115-18-14	Amended	V. 23, p. 1585

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-2	Amended	V. 23, p. 1407
117-3-2	Amended	V. 23, p. 1408
117-4-2	Amended	V. 23, p. 1408
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150













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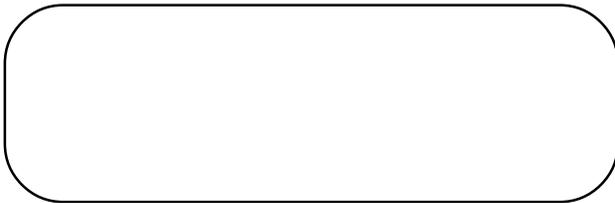
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