



# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Kansas Development Finance Authority

## Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, September 8, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFFA to issue its Agricultural Development Revenue Bond for the projects 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 projects shall be located as shown:

**Project No. 000637—Maximum Principal Amount: \$30,500.** Owner/Operator: Kevin and Julie Fast. Description: Acquisition of a loan for improvements to be used by the owner/operator for farming purposes. The project is located at the North Half of the North Half of the Northwest Quarter of Section 13, Township 22, Range 3 West, Harvey County, Kansas, approximately 10 miles west of Hesston on Dutch Avenue.

**Project No. 000638—Maximum Principal Amount: \$30,500.** Owner/Operator: Brian and Kendra Fast. Description: Acquisition of a loan for improvements to be used by the owner/operator for farming purposes. The project is located at the

North Half of the North Half of the Northwest Quarter of Section 13, Township 22, Range 3 West, Harvey County, Kansas, approximately 10 miles west of Hesston on Dutch Avenue.

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

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

Any individual affected by the above-described projects may, at or prior to the hearing, file a written request with the KDFFA 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. 032328

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[www.kssos.org](http://www.kssos.org)



**Register Office:**  
1st Floor, Memorial Hall  
(785) 296-3489  
Fax (785) 368-8024  
[kansasregister@kssos.org](mailto:kansasregister@kssos.org)

## State of Kansas

**Kansas, Inc.****Request for Proposals**

Kansas, Inc. is soliciting responses to a request for proposals to engage a contractor to develop software capability to electronically capture state and county data specific to a set number of economic variables and insert the data into Kansas, Inc.'s Indicators of the Kansas Economy (IKE) project.

The RFP may be obtained through written request to the President, Kansas, Inc., 632 S.W. Van Buren, Topeka, 66603, or by calling (785) 296-1460. The RFP and all accompanying documents are available at [www.kansasinc.org](http://www.kansasinc.org). The deadline for submission of proposals is 5 p.m. October 3.

Stan Ahlerich  
Interim President

Doc. No. 032329

## State of Kansas

**Department of Administration  
Division of Facilities Management****Notice of Commencement of Negotiations  
for Engineering Services**

Notice is hereby given of the commencement of negotiations for engineering services by the Kansas Department of Transportation to conduct a study that may include the following phases, depending upon the results and costs of the prior phases. Phase One will entail analyzing and reporting the agency's current wash bay design for structural integrity in meeting its intended function. Phase Two will entail visiting each of the 84 wash bay facilities statewide to determine and report the working condition and structural soundness of the facility. The report will include recommended corrective actions, if necessary, and the estimated cost. Phase Three will entail design, specifications, plans and project administration for those actions desired by KDOT to implement.

For more information concerning the scope of services, contact Scott Benortham, Bureau of Construction and Maintenance, (785) 296-3576.

To be considered, a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant should be provided in one bound proposal. Also required are four bound copies of the same information and one CD with one PDF file of the same information. Proposals should be concise and follow the 2005 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796. Submittals should be received by Phyllis Fast before noon September 9.

D. Keith Meyers  
Director, Division of  
Facilities Management

Doc. No. 032311

## State of Kansas

**Statewide Independent Living Council****Notice of Meeting**

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, September 16, in Room 101B at the Topeka and Shawnee County Public Library, 1515 S.W. 10th Ave., Topeka. For more information, contact Mary Lou Dunn or Shannon Jones at (785) 234-6990 or (800) 217-4525, or e-mail at [Marylouya@aol.com](mailto:Marylouya@aol.com).

Shannon Jones  
Executive Director

Doc. No. 032312

## State of Kansas

**Department of Administration  
Division of Facilities Management****Notice of Commencement of Negotiations  
for Engineering Services**

Notice is hereby given of the commencement of negotiations for engineering services for the Prairie Spirit Trail Phase III located between Welda and Iola on existing rail banked property in Allen and Anderson counties. Design will be a "rails to trails" conversion (TEA-21) of 17 miles by 10 feet wide in accordance with KDOT design standards. Some of the elements needing consideration are two trail heads, seven rest areas, two parking areas, restrooms, picnic shelters, bridge and culvert repair, maintenance building, fencing and access control. The overall project cost is \$1.1 million.

A second part of the project will be a 1.3-mile by 10-foot-wide trail paved corridor and trail head in the city of Iola. Design elements will include a trail head at Co-fachinque Park, including parking lot improvements, three rest areas, restroom, picnic shelters, fencing, access control, landscaping and lighting, two major street crossings and two potential neighborhood links. Coordination with several state and local agencies, permitting and several public meetings may be required. The project cost is \$85,000.

For more information concerning the scope of services, contact Ed DeTrude, Kansas Department of Wildlife and Parks, (785) 296-2281.

To be considered, a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant should be provided in one bound proposal. Also required are four bound copies of the same information and one CD with one PDF file of the same information. Proposals should be concise and follow the 2005 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796. Submittals should be received by Phyllis Fast before noon September 9.

D. Keith Meyers  
Director, Division of  
Facilities Management

Doc. No. 032313

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 8-22-05 through 8-28-05**

Term	Rate
1-89 days	3.54%
3 months	3.45%
6 months	3.55%
1 year	3.90%
18 months	3.95%
2 years	3.99%

Derl S. Treff  
Director of Investments

Doc. No. 032304

State of Kansas

**Department of Labor  
Division of Workers Compensation**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 1 p.m. Tuesday, November 1, in Hearing Room 2 in the lower lobby of the US Bank Building, 800 S.W. Jackson, Topeka, to consider the adoption of an amendment to a permanent regulation of the Division of Workers Compensation.

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 rule and regulation. All interested parties may submit written comments prior to the hearing to the director of the Division of Workers Compensation, 800 S.W. Jackson, Suite 600, Topeka, 66612-1227, or by e-mail to terry.tracy@dol.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation 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 oral presentation to 10 minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Terry A. Tracy, M.D., at (785) 296-0846. Parking for individuals with disabilities is located on the second level of the US Bank Building's enclosed parking, and the west entrance of the US Bank Building is accessible to individuals with disabilities.

A complete copy of the regulation and the economic impact statement may be obtained by contacting the Division of Workers Compensation. The following is a brief summary of the proposed regulation:

**K.A.R. 51-9-7, Fees for medical and hospital services.** The proposed change to this regulation has occurred be-

cause of the language contained within K.S.A. 44-510i, which mandates the director of Workers Compensation to adopt rules and regulations for the establishment of a medical fee schedule. Accordingly, the medical fee schedule hereby being proposed has been approved by the advisory panel created by K.S.A. 55-510i and is being adopted by reference. The fee schedule establishes the maximum amount that can be charged for medical and hospital services.

Paula Greathouse  
Director, Division of  
Workers Compensation

Doc. No. 032319

State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of Negotiations  
for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services to conduct a feasibility study for the District One Headquarters Office and Shop, Building #1-0001, for the Kansas Department of Transportation located at 121 W. 21st St., Topeka. The existing building is a limestone structure constructed in 1936 with approximately 40,943 sq. ft. It is comprised of office space, storage area and shop. Thirty-five employees are currently housed in the facility.

The architect will prepare a feasibility/cost effectiveness study to assist the agency in addressing current and long term needs and functionality. The study of different scenarios would include but not be limited to: complete relocation/new construction, new construction, partial razing and construction, renovation or any combination therein. Budget estimates for each scenario would be included in the study and include a recommendation. Location of the project architect within an 80-mile radius of the facility is preferred.

For more information concerning the scope of services, contact Scott Benortham, Bureau of Construction and Maintenance, (785) 296-3576.

To be considered, a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant should be provided in one bound proposal. Also required are four bound copies of the same information and one CD with one PDF file of the same information. Proposals should be concise and follow the 2005 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796. Submittals should be received by Phyllis Fast before noon September 9.

D. Keith Meyers  
Director, Division of  
Facilities Management

Doc. No. 032310

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 05-07 by adding the following project:

**Project K-7339-05** - Statewide FY-2005 Highway Use Tax Evasion Project Administered by the Kansas Department of Revenue

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

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

The comment period regarding the STIP amendment will conclude September 26.

Deb Miller  
Secretary of Transportation

Doc. No. 032327

## 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. September 14 and then publicly opened:

**District One — Northeast**

**District**—106 KA-0403-01 — Various locations in Brown, Jackson, Jefferson, Nemaha, Shawnee and Wabaunsee counties, mudjacking. (State Funds)

**Jefferson**—4-44 K-7386-01 — Delaware River, 0.2 mile northeast of the west junction of K-16, 1 mile, bridge replacement. (Federal Funds)

**Shawnee**—89 C-4080-01 — Northwest 46th Street over Little Soldier Creek, 0.1 mile, grading and bridge. (Federal Funds)

**Statewide**—106 KA-0404-01 — Various locations in Johnson and Wyandotte counties, mudjacking. (State Funds)

**District Two — Northcentral**

**Clay**—14 C-4034-01 — County road 1.5 miles north and 2.7 miles west of Industry, 0.2 mile, grading and bridge. (Federal Funds)

**Dickinson**—15-21 K-9036-01 — K-15 north of I-70 to north of Roller Coaster Road, 0.3 mile, grading and surfacing. (State Funds)

**Dickinson**—70-21 K-9576-01 — I-70 at the junction of K-15 and 0.1 mile east of the junction of K-206, concrete pavement. (State Funds)

**Ellsworth**—14-27 KA-0176-01 — K-14 Smoky Hill River bridge, 1 mile north of the junction of U.S. 156, joint repair. (State Funds)

**Morris**—64 C-4063-01 — County road 4 miles west and 3.4 miles north of White City, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Morris**—64 C-4064-01 — County road 4 miles west and 1.5 miles north of White City, 0.4 mile, grading, bridge and surfacing. (Federal Funds)

**District Three — Northwest**

**Norton**—36-69 K-6373-01 — U.S. 36 from the Decatur-Norton county line east to the west junction of K-383, 9.5 miles, grading, bridge and surfacing. (Federal Funds)

**Phillips**—74 C-3900-01 — County road 4.5 miles north of Agra, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Russell**—84 C-4102-01 — County road 6 miles north and 1.5 miles east of Bunker Hill, 0.1 mile, grading and bridge. (Federal Funds)

**District Four — Southeast**

**Cherokee**—11 C-4032-01 — County road 4.5 miles south and 4.7 miles east of Columbus, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Cherokee**—11 C-4031-01 — County road 1.3 miles south and 4 miles west of Skidmore, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Coffey**—16 C-3952-01 — County road 4 miles east of Lebo on old U.S. 50, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**District Five — Southcentral**

**Barton**—5 C-3673-01 — County road 4 miles north of Great Bend, 0.6 mile, grading, bridge and surfacing. (Federal Funds)

**District**—106 X-2481-01 — Kansas and Oklahoma railroad line in Pawnee, Barton and McPherson counties, signing. (State Funds)

**Sedgewick**—96-87 K-8290-01 — K-96 interchanges at Hillside Street, Oliver Street, Woodlawn Avenue, Rock Road, Webb Road, Greenwich Road, 13th Street, 21st Street, 127th Street and U.S. 54, lighting. (State Funds)

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

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

(continued)

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. 032326

(Editor's Note: The SRS Prior Authorization regulation, K.A.R. 30-5-64, is being revoked and replaced by a new regulation, K.A.R. 129-5-1. The explanation is in the hearing notice below.)

## State of Kansas

### Department of Administration Division of Health Policy and Finance

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 3:30 p.m. Monday, September 26, in Room 253 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a new regulation on a permanent basis effective 15 days after publication in the Kansas Register. Telephone conference is not available.

House Substitute for Senate Bill 272 (2005 legislative session) transferred specific powers, duties and regulatory authority of the Secretary of Social and Rehabilitation Services on an interim basis to a new Division of Health Policy and Finance (DHPF) within the Department of Administration effective July 1, 2005. The bill provides that DHPF will be the single state agency for Medicaid, Medikan and HealthWave in Kansas. The bill also establishes the Kansas Health Policy Authority (HPA), which will eventually assume these programs as well as other medical programs for the state of Kansas. DHPF is revoking regulation 30-5-64 and replacing it with the new proposed regulation, 129-5-1.

This 30-day notice of the public hearing shall constitute a public comment period for the proposed regulation as stated in K.S.A. 2004 Supp. 77-421(a)(3). All interested parties may submit written comments before the hearing to Rita Haverkamp, Division of Health Policy and Finance, Room 651-S, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, or by e-mail at [rszh@srskansas.org](mailto:rszh@srskansas.org). At the hearing, the Division of Health Policy and Finance will give all interested parties a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes. A copy of the regulation and the economic impact statement may be obtained by contacting Rita Haverkamp at (785) 296-5107 or from the SRS Web site at [www.srskansas.org](http://www.srskansas.org).

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic im-

pact statement in an accessible format. Requests for accommodation should be made at least five working days before the hearing by contacting Rita Haverkamp or by calling the Kansas Relay Center at (800) 766-3777.

The adoption of the new regulation will take place at 2 p.m. Tuesday, September 27, in Room 253 of the Landon State Office Building. Telephone conference will not be available.

A summary of the regulations and the economic impact follows:

#### Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENT FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

**30-5-64. Prior authorization.** This regulation is being revoked and replaced with the new proposed regulation.

**Economic Impact:** This change is not expected to have any discernable economic impact.

**129-5-1. Prior authorization.** The following changes will be made in replacing regulation 30-5-64 regarding prior authorization of pharmaceutical products:

To ensure the most clinically appropriate utilization of these drugs in the most cost-effective manner, the following drugs will require prior authorization. These therapeutic classes of drugs have been evaluated by the Preferred Drug List Advisory Board and found to be clinically equivalent:

- proton pump inhibitors: esomeprazole; omeprazole OTC; lansoprazole
- the following syringes, penfills and cartridges of insulin: Humulin R<sup>®</sup>; Humulin N<sup>®</sup>; Humulin 70/30<sup>®</sup>; Novolin R<sup>®</sup>; Novolin N<sup>®</sup>; Novolin 70/30<sup>®</sup> Velosulin BR<sup>®</sup>
- drugs for the treatment of impotence: sildenafil; tadalafil; vardenafil
- sedative-hypnotics: zaleplon
- bisphosphonates: ibandronate sodium
- ACE inhibitors-calcium channel blockers: enalapril maleate-felodipine
- trandolapril-verapamil
- ophthalmic prostaglandin analogues: latanoprost; bimatoprost; unoprostone
- topical immunomodulators: Protopic<sup>®</sup> (topical formulation); Elidel<sup>®</sup>
- narcotic analgesic: Palladone<sup>®</sup>

**Federal Mandate:** This regulation change is not federally mandated.

**Economic Impact:** It is expected that this change will reduce Medicaid expenditures by \$194,400 SGF and \$291,600 FFP, annually.

**Bearer of Cost:** The Division of Health Policy and Finance will bear the cost of reviewing prior authorization (PA). If a Medicaid consumer wishes to have a drug despite a PA denial, the consumer will bear the cost.

**Affected Parties:** Medicaid consumers, pharmacists and the Medicaid agency.

**Other Methods:** There were no other appropriate methods for the desired outcome.

Robert M. Day, Ph.D.  
Director of Health Policy and Finance

Doc. No. 032322

(Published in the Kansas Register August 25, 2005.)

**Syracuse-Hamilton County, Kansas  
Joint Airport Board**

**Notice of Proposed DBE Program**

The Joint Airport Board for the city of Syracuse and Hamilton County has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26, for FAA funding at the Syracuse-Hamilton County Municipal Airport, Syracuse. The Airport Board anticipates receiving federal financial assistance from the U.S. Department of Transportation, and, as a condition of receiving this assistance, the Airport Board will sign an assurance that it will comply with 49 CFR Part 26.

The city project-specific goal in fiscal year 2006 is 1.47 percent of the federal financial assistance.

The proposed DBE Program is available for public inspection and comment at the office of the city clerk, Hamilton County Courthouse. The Airport Board will accept comments on the goals for 30 days from the date of this notice. Comments may be sent to Steve Phillips, Airport Manager, Syracuse-Hamilton County Municipal Airport, 1301 N. Main, Syracuse, 67878.

Steve Phillips  
Airport Manager

Doc. No. 032323

**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:

**State Representative, 21st District**

**Kay Wolf**, 8339 Roe, Prairie Village, 66209. Succeeds Dean Newton, resigned.

**Abstracters' Board of Examiners**

**Jean M. Tharp**, 913 Larimer, Pratt, 67124. Term expires June 30, 2008. Reappointed.

**Athletic Commission**

**Dr. Todd Herrenbruck**, 406 Pine Ridge Drive, Salina, 67401. Term expires June 30, 2009. Reappointed.

**Dealer Review Board**

**John W. Morse**, 14195 County Road 1077, Centerville, 66014. Term expires June 30, 2008. Reappointed.

**Timothy J. Sankey**, 2036 E. North St., Salina, 67401. Term expires June 30, 2008. Reappointed.

**Howard D. Willey**, 1541 El Dorado Drive, Lawrence, 66047. Term expires June 30, 2008. Reappointed.

**Delta Dental Plan of Kansas  
Board of Directors**

**Elizabeth Kinch**, 601 Honeybrook Lane, Derby, 67037. Term expires June 30, 2006. Succeeds Steven J. Martens, resigned.

**Supreme Court Nominating Commission**

**Dr. David N. Farnsworth**, 7700 E. 13th St., #55, Wichita, 67206. Term expires June 30, 2009. Succeeds Dennis L. Greenhaw.

**State Board of Veterinary Medical Examiners**

**Dr. Christen L. Skaer**, 134 N. Old Manor, Wichita, 67208. Term expires June 30, 2009. Succeeds Dr. Thomas Jernigan.

Ron Thornburgh  
Secretary of State

Doc. No. 032306

**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:

09/07/2005	08734	Construction — On Call
09/20/2005	08726	Banking Services — Primary
		Depository for Inmate Trust Fund
09/23/2005	08738	800 Mhz Re-Banding Engineering/ Consulting Services
09/28/2005	08715	Motor Vehicle Certificate of Title (TR-19T)

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

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

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

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

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process or to obtain the following bid documents, call (785) 296-8899:

09/14/2005	A-010104	Reroof Chemical Storage Building — Leoti
09/27/2005	A-9926	Memorial Union Renovation — Fort Hays State University

The above-referenced bid documents may be downloaded at the following Web site (please monitor this Web site on a regular basis for any changes):

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

Chris Howe  
Director of Purchases

Doc. No. 032325

State of Kansas

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

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

**Before Marquardt, P.J.; McAnany and Caplinger, JJ.**

**Tuesday, September 20, 2005**

**1:30 p.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>92,909</b> State of Kansas, Appellee v. Averil Barmann, Appellant	Attorney General John Shirley, C.A. Matthew J. Edge, Asst. A.D.	Scott
<b>93,588</b> State of Kansas, Appellee v. Everett L. Benfer, Jr., Appellant	Attorney General Ann L. Smith, Asst. C.A. Cory D. Riddle, Deputy A.D.	Montgomery
<b>92,000</b> State of Kansas, Appellee v. Ramiro Bernal, Appellant	Attorney General Lois K. Malin, Asst. C.A. Patrick H. Dunn, Asst. A.D.	Finney
<b>91,981</b> Milton T. Colbert II, Appellant v. State of Kansas, Appellee	Randall L. Hodgkinson, Deputy A.D. Attorney General Debra S. Byrd Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A.	Sedgwick
<b>92,349</b> State of Kansas, Appellee v. Jessie Elaine Alqadi, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Heather Cessna, Asst. A.D.	Sedgwick

**Wednesday, September 21, 2005**

**9:30 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<b>92,216</b> State of Kansas, Appellee v. Lori L. Armstrong, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A. Carl Maughan Faith A.J. Maughan	Sedgwick
<b>92,350</b> State of Kansas, Appellee v. Barshey E. Bryant, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A. Will B. Wohlford	Sedgwick
<b>93,612</b> In the Matter of the Marriage of Brian J. Yount, Appellee and Laura Kay Hulse, Appellant	Mark W. Krusor William F. Ebert	Cowley
<b>93,725</b> State of Kansas, Appellee v. Lance Alexander, Appellant	Attorney General Susan C. Robson, C.A. Timothy C. Hodge	Marion

## Summary Calendar—No Oral Argument

Case No. / Case Name	Attorneys	Jurisdiction
<b>93,289</b> In the Interest of: J.D.T., DOB: 07/08/88 J.A.A., DOB: 03/21/96 Persons Under Eighteen (18) Years of Age	Joe M. Bogle, Jr. Debra S. Byrd Peterson, Asst. D.A. Lesley A. Isherwood, Asst. D.A.	Sedgwick
<b>94,036</b> In the Interest of: J.A.A., DOB: 03/21/96 Minor Child Under Eighteen (18) Years of Age	Eric C. Svoboda Debra S. Byrd Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
<b>91,509</b> State of Kansas, Appellee v. Christopher Swonger, Appellant	Attorney General Bobby J. Hiebert, Jr., Asst. C.A. Korey A. Kaul, Asst. A.D.	Saline
<b>93,369</b> Kanequip, Inc., Appellee v. Rooney Farms, Inc., Appellant	Jason E. Brinegar Leslie A. Hess	Ford
<b>92,541</b> State of Kansas, Appellee v. Mikkel D. Parker, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A. Ryan M. Peck	Sedgwick
<b>93,320</b> State of Kansas, Appellee v. Pouky K. Thavisay, Appellant	Attorney General Ellen Mitchell, C.A. Corey D. Riddle, A.D.	Saline
<b>93,169</b> State of Kansas, Appellee v. Robert J. Anderson III, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Michael P. Whalen	Sedgwick
<b>93,471</b> Donald Osborne and Roberta Osborne, Appellants v. Union Labor Life Insurance Company, Appellee	Jason E. Brinegar Caleb Stegall	Marshall
<b>93,012</b> State of Kansas, Appellee v. George R. Spry, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A. Michael P. Whalen	Sedgwick
<b>92,523</b> State of Kansas, Appellee v. Jason Lee Pineda, Appellant	Attorney General Lois K. Malin, Asst. C.A. Virginia A. Girard-Brady, Asst. A.D.	Finney
<b>92,856</b> State of Kansas, Appellee v. Brian L. Nelson, Appellant	Attorney General Michael Grear, Asst. C.A. Matthew J. Edge, Asst. A.D.	Miami
<b>93,154</b> State of Kansas, Appellee v. Curtis B. Turner, Sr., Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A. Michael P. Whalen	Sedgwick
<b>93,427</b> Jimmie Hill, Jr., Appellant v. Charles E. Simmons, et al., Appellees	James R. Campbell Attorney General Eric Godderz, C.A.	Osage

(continued)

<p><b>93,987</b> Jess L. Carrow, Appellant v. State of Kansas, Appellee</p>	<p>Jess L. Carrow, Pro Se Harry Kennedy, Asst. A.G. John D. Shultz</p>	<p>Miami</p>
<p><b>93,335</b> In the Matter of the Marriage of Cynthia Beitzinger, Appellee and David J. Marrone, Appellant</p>	<p>Sara S. Beezley Ronald P. Wood</p>	<p>Crawford</p>
<p><b>93,040</b> State of Kansas, Appellee v. Danny L. Kelly, Appellant</p>	<p>Attorney General Debra S. Byrd Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Matthew J. Edge, Asst. A.D.</p>	<p>Sedgwick</p>
<p><b>91,221</b> State of Kansas, Appellee v. Miguel A. Enriquez, Appellant</p>	<p>Attorney General Lucille R. Douglass, Asst. C.A. Korey A. Kaul, Asst. A.D.</p>	<p>Finney</p>
<p><b>92,563</b> State of Kansas, Appellee v. Mark Dirks, Appellant</p>	<p>Attorney General Julie A. Funk, Asst. C.A. Leslie A. Hess</p>	<p>Ford</p>

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

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

**Tuesday, September 20, 2005**

**1:30 p.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>92,850</b> State of Kansas, Appellee v. Marshall Allen Tillman, Appellant</p>	<p>Attorney General Frank E. Kohl, C.A. Korey A. Kaul, Asst. A.D.</p>	<p>Leavenworth</p>
<p><b>93,432</b> State of Kansas, Appellee v. Julius Beasley, Appellant</p>	<p>Attorney General Sean Baker, Asst. D.A. Rick Kittel, Asst. A.D.</p>	<p>Wyandotte</p>
<p><b>93,456</b> Prairie Highlands Golf Course, L.L.C., Appellant v. City of Olathe, Kansas, A Kansas Municipality, Appellee</p>	<p>Michael M. Shultz Anthony F. Rupp</p>	<p>Johnson</p>
<p><b>91,826</b> In the Matter of the Care and Treatment of Robert Ward</p>	<p>Bob L. Thomas W. Scott Toth, Special Asst. A.G. Steven J. Obermeier, Asst. D.A.</p>	<p>Johnson</p>

**Wednesday, September 21, 2005**

**9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>93,611</b> Vivorene Jones, Appellee v. Kansas City Kansas Community College, Appellant and TIG Insurance Company, Appellee and Kansas Association of School Boards, Appellant</p>	<p>Michael W. Downing Douglas M. Greenwald Frederick J. Greenbaum James P. Wolf Thomas R. Hill</p>	<p>Work Comp.</p>

<p><b>92,939</b>                  In the Interest of:                  A.E., Date of Birth: 08/28/96                  R.E., Date of Birth: 09/25/93</p>	<p>Darrell L. Smith                  Steven J. Obermeier, Asst. D.A.                  Scott E. Wasserman</p>	<p>Johnson</p>
<p><b>93,949</b>                  Carle E. Baker, Jr., et al., Appellants                  v.                  Berryhill Farm Estates Homes                  Association, Inc., et al., Appellees</p>	<p>Linus L. Baker                  Leonard R. Frischer                  Francesca Cheroutes</p>	<p>Johnson</p>
<p><b>93,467</b>                  In the Matter of the Estate of                  Esther R. Broderick, Deceased</p>	<p>Susan L. Mauch                  John C. Tillotson</p>	<p>Leavenworth</p>
<p><b>91,608</b>                  State of Kansas, Appellee                  v.                  Jeffery T. Ross, Appellant</p>	<p>Attorney General                  Sheryl L. Lidtke, Asst. D.A.                  Stephen B. Chapman</p>	<p>Wyandotte</p>
<b>1:30 p.m.</b>		
<p><b>93,366</b>                  State of Kansas, Appellee                  v.                  Robert C. Holmes, Appellant</p>	<p>Attorney General                  David L. Miller, C.A.                  Shawn E. Minihan, Asst. A.D.</p>	<p>Miami</p>
<p><b>92,430</b>                  State of Kansas, Appellee                  v.                  Roosevelt Brown, Appellant</p>	<p>Attorney General                  John J. Bryant, Asst. D.A.                  Randall L. Hodgkinson, Deputy A.D.</p>	<p>Wyandotte</p>
<p><b>93,167</b>                  Capitol Federal Savings Bank,                  f/k/a Capitol Federal Savings and                  Loan Association, Plaintiffs                  v.                  Thomas S. Hawker, et al., Defendants                  and                  Bichelmeyer Properties, Appellant</p>	<p>Michael E. Boyd                  Joanne B. Stutz</p>	<p>Johnson</p>

**Summary Calendar—No Oral Argument**

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>93,816</b>                  In the Interest of:                  D.H., Date of Birth: 08/29/02</p>	<p>Robb Edmonds                  Steven J. Obermeier, Asst. D.A.</p>	<p>Johnson</p>
<p><b>92,908</b>                  State of Kansas, Appellee                  v.                  Frank Williams, Appellant</p>	<p>Attorney General                  Constance M. Alvey, Asst. D.A.                  Janine Cox, Capital A.D.</p>	<p>Wyandotte</p>
<p><b>91,922</b>                  State of Kansas, Appellee                  v.                  Eric Eugene Stennis, Appellant</p>	<p>Attorney General                  Christopher L. Schneider, Asst. D.A.                  Sandra Carr, Asst. A.D.</p>	<p>Wyandotte</p>
<p><b>91,940</b>                  Bradley J. Samsel, A Minor Child, By and Through                  his Mother and Next Friend, Charlotte Farabee,                  and Charlotte Farabee, Individually, Appellants                  v.                  Martin L. Samsel, Appellee</p>	<p>Stanley R. McAfee                  Brian D. Levinson</p>	<p>Wyandotte</p>
<p><b>93,232</b>                  State of Kansas, Appellee                  v.                  Charles E. Jefferson, Appellant</p>	<p>Attorney General                  Debra S. Byrd Peterson, Asst. D.A.                  Mary Curtis, Asst. A.D.</p>	<p>Sedgwick</p>
<p><b>93,520</b>                  Steven K. Bloom, Appellant                  v.                  Rogert Werholtz, et al., Appellees</p>	<p>Steven K. Bloom, #70714, Pro Se                  Fred W. Phelps, Jr.                  Steve Phillips, Asst. A.G.</p>	<p>Leavenworth</p>

(continued)

<b>91,964</b> State of Kansas, Appellee v. Sean L. Ensz, Appellant	Attorney General Steven J. Obermeier, Asst. D.A. Rick Kittel, Asst. A.D.	Johnson
<b>93,876</b> Ralph M. Hankins, Appellee v. Builders Steel Co., Appellant and St. Paul Fire & Marine Ins. Co. Appellee and Builders' Assoc. Self-Ins. Fund, Appellant	Dennis L. Horner Wade A. Dorothy Douglas M. Greenwald John David Jurcyk	Work Comp.
<b>93,496</b> State of Kansas, Appellee v. Curtis Taylor, Appellant	Attorney General Frank E. Kohl, C.A. Michael G. Highland	Leavenworth
<b>93,442</b> State of Kansas, Appellee v. Felix Whitfield, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Cory D. Riddle, Asst. A.D.	Sedgwick
<b>93,348</b> State of Kansas, Appellee v. John Wayne Byrd, Appellant	Attorney General Frank E. Kohl, C.A. Rick Kittel, Asst. A.D.	Leavenworth
<b>91,760</b> State of Kansas, Appellee v. Dewayne Michael Doan, Jr., Appellant	Attorney General Steven J. Obermeier, Asst. D.A. Shawn Minihan, Asst. A.D.	Johnson
<b>93,712</b> Donald R. Spencer, Appellee v. Millard Refrigerated Services, Inc. and Sentry Insurance, A Mutual Company, Appellants	Mark E. Kolich Christopher J. Carpenter	Work Comp.
<b>93,798</b> In the Interest of: K.N., DOB: 07/21/99 J.R., DOB: 01/04/03 J.R., DOB: 02/10/01	A. J. Stecklein Victoria S. Meyer, Asst. D.A.	Wyandotte
<b>91,948</b> Michael Leighton Chadwick, Prison Number 66371, Appellant v. State of Kansas, Appellee	Virginia A. Girard-Brady, Asst. A.D. Attorney General Steven J. Obermeier, Asst. D.A.	Johnson

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

**Before Rulon, C.J.; Greene, J.; and Brazil, S.J.**

**Tuesday, September 20, 2005**

**9:00 a.m.**

Case No. / Case Name

Attorneys

Jurisdiction

**92,871**  
State of Kansas, Appellee  
v.  
Russell Lee Shumway, Appellant

Attorney General  
Robert D. Hecht, D.A.  
Michelle Davis, Asst. A.D.

Shawnee

<p><b>91,867</b> State of Kansas, Appellee v. Bobby L. Johnson, Appellant</p>	<p>Attorney General Robert D. Hecht, D.A. Randall L. Hodgkinson, A.D.</p>	<p>Shawnee</p>
<p><b>92,836</b> State of Kansas, Appellee v. Dezerro D. Smith, Appellant</p>	<p>Attorney General Brenda J. Clary, Asst. D.A. Nathan B. Webb, Asst. A.D.</p>	<p>Douglas</p>
<p><b>93,114</b> Scott Elston, Appellant v. State of Kansas, Appellee</p>	<p>Reid T. Nelson, A.D. Attorney General Michael C. Hayes, Special Prosecutor</p>	<p>Douglas</p>
<p><b>93,679</b> Jane Conroy and Joseph Conroy, Appellant v. Oak River Insurance Company, Appellee</p>	<p>Thomas A. Krueger James P. Nordstrom</p>	<p>Lyon</p>
<b>1:30 p.m.</b>		
<p><b>93,150</b> State of Kansas, Appellee v. Damian M. Boyd, Appellant</p>	<p>Attorney General Tony Cruz, Asst. C.A. Jessica R. Kunen</p>	<p>Geary</p>
<p><b>94,083</b> State of Kansas, Appellant v. Shelly Smith, Appellee</p>	<p>Attorney General Bobby J. Hiebert, Jr., Asst. C.A. Mike Sheahon</p>	<p>Saline</p>
<p><b>92,245</b> Ron Harman, Appellant v. Larry Sumner &amp; ST Inc., Appellees</p>	<p>Allen Shelton Charles E. Worden</p>	<p>Decatur</p>
<p><b>93,477</b> A.O. Smith Corporation, Appellee v. Kansas Department of Human Resources, Appellant</p>	<p>Patrick B. Hughes Heather Wilke Ross A. Hollander</p>	<p>Shawnee</p>

**Summary Calendar—No Oral Argument**

Case No. / Case Name	Attorneys	Jurisdiction
<p><b>94,071</b> State of Kansas, Appellee v. Charles W. Starnes, Appellant</p>	<p>Attorney General Chris Oakley, C.A. Shawn E. Minihan, Asst. A.D.</p>	<p>Rice</p>
<p><b>94,093</b> John Dale Cox, Appellant v. State of Kansas, Appellee</p>	<p>John J. Gillett Albert D. Keil</p>	<p>Allen</p>
<p><b>93,260</b> State of Kansas, Appellee v. Maurice Miles, Appellant</p>	<p>Attorney General Thomas R. Stanton, Deputy D.A. Randall L. Hodgkinson, Deputy A.D.</p>	<p>Reno</p>
<p><b>93,913</b> State of Kansas, Appellee v. Clifford Rust, Appellant</p>	<p>Attorney General Tony Cruz, Asst. C.A. Michelle Davis, Asst. A.D.</p>	<p>Geary</p>
<p><b>93,344</b> State of Kansas, Appellee v. James A. Roddy, Appellant</p>	<p>Attorney General Thomas R. Stanton, Deputy D.A. Randall L. Hodgkinson, Deputy A.D.</p>	<p>Reno</p>
<p><b>92,263</b> State of Kansas, Appellee v. Jeremy Murphy, Appellant</p>	<p>Attorney General Thomas R. Stanton, Deputy D.A. Randall L. Hodgkinson, Deputy A.D.</p>	<p>Reno</p>

(continued)

93,350 State of Kansas, Appellee v. Brian K. Hopkins, Appellant	Attorney General Rick J. Scheufler, C.A. Theresa Barr, Asst. A.D.	Barton
92,693 State of Kansas, Appellee v. Tracy Lee Osborne, Appellant	Attorney General Lara Blake Bors, Asst. C.A. Randall L. Hodgkinson, Deputy A.D.	Finney
93,911 State of Kansas, Appellee v. Larry A. Poage, Jr., Appellant	Attorney General Corey F. Kenney, Asst. C.A. Sarah Ellen Johnson, Asst. A.D.	Miami
93,441 State of Kansas, Appellee v. Brent J. Kirby, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A. Randall L. Hodgkinson, Deputy A.D.	Sedgwick
92,907 State of Kansas, Appellee v. Donald C. Nichols, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Randall L. Hodgkinson, Deputy A.D.	Sedgwick
94,275 Max L. Gebhardt, Appellant v. State of Kansas, Appellee	Shawn E. Minihan, Asst. A.D. Attorney General Amy Hanley, Asst. C.A.	Saline
93,198/93,199/93,200/93,201/93,202/93,203 State of Kansas, Appellee v. James Briggeman, Appellant	Attorney General Ernest H. Richardson, C.A. Randall L. Hodgkinson, Deputy A.D.	Pratt
93,204 State of Kansas, Appellee v. Frank Brough, Appellant	Attorney General Ernest H. Richardson, C.A. Matthew J. Edge, Asst. A.D.	Pratt
93,207 State of Kansas, Appellee v. Stanley Killingsworth, Appellant	Attorney General Ernest H. Richardson, C.A. Randall L. Hodgkinson, Deputy A.D.	Pratt
93,886 State of Kansas, Appellee v. Terry W. McCallum, Appellant	Attorney General John S. Sutherland, C.A. Randall L. Hodgkinson, Deputy A.D.	Linn
93,509 State of Kansas, Appellee v. Dewey T. Moran, Appellant	Attorney General Rick J. Scheufler, C.A. Randall L. Hodgkinson, Deputy A.D.	Barton
93,483 State of Kansas, Appellee v. Bradley Colson, Appellant	Attorney General Ernest H. Richardson, C.A. Randall L. Hodgkinson, Deputy A.D.	Pratt
92,954 State of Kansas, Appellee v. Freddy Stuard, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A. Randall L. Hodgkinson, Deputy A.D.	Sedgwick

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

Before Hill, P.J.; Pierron and Malone, JJ.

Tuesday, September 20, 2005

Case No. / Case Name	Attorneys	Jurisdiction
<b>92,591/92,694</b> State of Kansas, Appellee v. Cortez E. Williams, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Carl Maughan	Sedgwick
<b>91,967/91,968/92,005</b> State of Kansas, Appellee v. Foster C. Murphy, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A. Carl Maughan	Sedgwick
<b>92,737</b> State of Kansas, Appellee v. Tyler W. Sedam, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A. Charles A. O'Hara	Sedgwick
<b>92,233</b> Brian D. Phillips, Appellant v. State of Kansas, Appellee	Nathan B. Webb, Asst. A.D. Attorney General Debra S. Byrd Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
<b>92,262</b> State of Kansas, Appellee v. William King, Appellant	Attorney General Benjamin J. Fisher, Asst. D.A. Heather Cessna, Asst. A.D.	Reno
<b>92,629</b> State of Kansas, Appellee v. Randy Branton, Appellant	Attorney General Karen S. Smart, Asst. D.A. Shawn Minihan, Asst. A.D.	Reno
<b>92,171</b> State of Kansas, Appellee v. Donald Armstrong, #63625, Appellant	Attorney General Karen S. Smart, Asst. D.A. Carl Maughan Bryan C. Hitchcock	Reno
<b>93,855/93,856</b> In the Interest of A.F.M., A Minor Child	Paula D. Hofaker S. Scott Sage, G.A.L.	Phillips
<b>92,935</b> State of Kansas, Pratt County Sheriff's Department, Appellee v. .223 Caliber Thompson Center Encore Handgun (Serial #11834), Appellant	Ernest H. Richardson, C.A Michael S. Holland II	Pratt

**Summary Calendar—No Oral Argument**

Case No. / Case Name	Attorneys	Jurisdiction
<b>93,093</b> Jeffrey C. Burch, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Debra S. Byrd Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick

(continued)

<b>93,403</b> Victor Mitchell, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Debra S. Byrd Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A.	Sedgwick
<b>92,753</b> Bradford Paul Thompson, Appellant v. State of Kansas, Appellee	Virginia A. Girard-Brady, Asst. A.D. Attorney General Ernest H. Richardson, C.A.	Pratt
<b>92,931</b> State of Kansas, Appellee v. Theartic J. Jackson, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A. Matthew J. Edge, Asst. A.D.	Sedgwick
<b>92,929</b> State of Kansas, Appellee v. Ralph W. Ballard III, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A. J. Patrick Lawless, A.D.	Sedgwick
<b>92,721</b> Trevor Joseph Giebler, Appellant v. Kansas Department of Revenue, Appellee	Michael S. Holland II James G. Keller	Ellis
<b>93,613</b> James Brooks, Appellant v. Unified Government of Wyandotte County/Kansas City, Kansas, Appellee	James L. Brooks, Pro Se Ryan Carpenter	Wyandotte
<b>94,140</b> Heath Frydendall, Appellant v. State of Kansas, Appellee	Grant C. Shellenberger Attorney General Don L. Scott, C.A.	Seward
<b>92,691</b> State of Kansas, Appellee v. Harold H. Hill, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A. Carl Maughan	Sedgwick
<b>92,160</b> State of Kansas, Appellee v. Mark A. Burris, Appellant	Attorney General Debra S. Byrd Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A. Korey A. Kaul, Asst. A.D.	Sedgwick
<b>93,677</b> State of Kansas, Appellee v. Scott A. Boos, Appellant	Attorney General Robert D. Hecht, D.A. David E. Watson	Shawnee
<b>93,182</b> Steven A. Harris, Appellant v. State of Kansas, Appellee	Sarah Ellen Johnson, Asst. A.D. Attorney General Heather R. Jones, C.A.	Franklin
<b>93,448</b> State of Kansas, Appellee v. Christopher E. Zvolanek, Appellant	Attorney General R. Douglas Sebelius, Asst. C.A. Michael P. Whalen	Norton
<b>93,581</b> In the Interest of: D.A.A., DOB: 08/26/00 Child Under Eighteen (18) Years of Age	Faith A.J. Maughan Larry S. Vernon	Sedgwick
<b>93,349</b> State of Kansas, Appellee v. Samuel L. Harley, Appellant	Attorney General Larissa Payne, Deputy C.A. J. Patrick Lawless, Jr., A.D.	Riley

92,756  
State of Kansas, Appellee  
v.  
Augrelío Deleon, Appellant

Attorney General  
John Sauer, C.A.  
Rick Kittel, Asst. A.D.

Ford

92,892  
State of Kansas, Appellee  
v.  
Dianna M. Clark, aka Dianna M. Clark-Ivory, Appellant

Attorney General  
Debra S. Byrd Peterson, Asst. D.A.  
Boyd K. Isherwood, Asst. D.A.  
Patrick H. Dunn, Asst. A.D.

Sedgwick

93,697  
Frank Ruiz, Inmate No. 56464, Appellant  
v.  
L.E. Bruce, et al., Appellees

Sam S. Kepfield  
Jon D. Graves

Reno

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 032299

State of Kansas

**Kansas Dental Board**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Friday, November 18, in Conference Room 530 of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the amendment to a rule and regulation of the Kansas Dental Board.

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 amendment of the rule and regulation. All parties may submit written comments prior to the hearing to the secretary-treasurer of the Kansas Dental Board, Room 564-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the amendment of the regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to 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 regulation proposed for amendment in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Dental Board office at (785) 296-6400. Handicapped parking is located at the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Dental Board at the address and phone number given above or by accessing the board's Web site at <http://www.accesskansas.org/kdb/legislation.html>. A summary of the amendment follows:

**K.A.R. 71-2-2. Branches of dentistry.** The amendment to this regulation reorganizes current language.

Larry Williamson  
Executive Director

Doc. No. 032315

State of Kansas

**Kansas State University**

**Notice to Bidders**

The state of Kansas, Kansas State University, offers for sale through sealed bids the following land located in Pottawatomie County. The Regents reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

**Description of Land**

The property consists of a tract of land located approximately 209 feet north of the northwest quadrant of the intersection of McCall Road and Hayes Drive. The site is improved with a pre-engineered steel building measuring 80 x 135 feet, containing 10,800 square feet. The building is estimated to have been constructed in 1975. It is situated on a poured-concrete slab foundation and has clear span eave clearance of 25 feet. The address of the property is 1111 Hayes Drive, and it is presently occupied by Gymnastics Plus.

**Conditions of Sale**

All of the seller's rights, title, and interest in the described real estate will be conveyed by quitclaim deed on behalf of Kansas State University by the Board of Regents. Said real estate will be available not later than 60 days after acceptance of a qualified bid. Bids must be not less than the appraised value of \$397,000.

**Bid Guarantee**

Each bid will be accompanied by a certified check in the amount of 5 percent of such bid, which sum will be forfeited in case of default by any bidder whose bid is accepted. The State Board of Regents reserves the right to accept or reject any and all bids.

Sealed bids will be received by the Director of Purchasing, Room 21, Anderson Hall, Kansas State University, Manhattan, 66506-0108, until 2 p.m. Monday, September 19, at which time they will be publicly opened. Interested bidders may call Carla Bishop, Director of Purchasing, at (785) 532-6214 for additional information.

Carla Bishop  
Director of Purchasing

Doc. No. 032317

## State of Kansas

## Kansas State University

## Notice to Bidders

The state of Kansas, Kansas State University, offers for sale through sealed bids the following land located in Kingman County. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

## Description of Land

(1) All the tract of land in the N 1/2 of the NE 1/4 of Section 12, Township 27 South, Range 5 West of the 6th P.M., Kingman County, Kansas, lying south of the north boundary line of a 100-foot-wide easement or right of way for public highway or road and whose centerline is described as: Beginning 5.20 feet south of the NE corner of said Section 12. Said Point being the P.C. of a curve to the left whose tangent has a bearing of S 81 degrees 16' 32" W in relation to the bearings shown: Thence along said curve to the left having a radius of 1432.40 feet and through a central angle of 17 degrees 31' 45" a distance of 438.23 feet; thence bearing S 63 degrees 44' 47" W along said centerline a distance of 1496.51 feet to the P.C. of a curve to the right having a radius of 1432.40 feet. Thence along said curve to the right and through a central angle of 26 degrees 15' 13" a distance of 656.34 feet. Thence along said centerline bearing N 90 degrees 00' W a distance of 213.33 feet to a point on the west line of said NE 1/4 of Section 12. Thence bearing S 1 degree 01' 35" E along the west line of said NE 1/4 of Section 12 a distance of 409.50' to the SW corner of the N 1/2 of the NE 1/4 of said Section. Thence bearing N 89 degrees 13' 25" E along the south line of the N 1/2 of the NE 1/4 of said Section 12 a distance of 2622.85' to the SE corner of the N 1/2 of the NE 1/4 of Said Section 12. Thence bearing N 1 degree 04' 05" W along the east line of said section 12 a distance of 1315.04 feet to the point of beginning. Said tract containing 50.9 acres, more or less, including right of way for public highway or road.

## Conditions of Sale

All of the seller's rights, title and interest in the described real estate will be conveyed by quitclaim deed on behalf of Kansas State University by the Board of Regents. Said real estate will be available not later than 60 days after acceptance of a qualified bid. Bids must be not less than the appraised value of \$44,500.

## Bid Guarantee

Each bid will be accompanied by a certified check in the amount of 5 percent of such bid, which sum will be forfeited in case of default by any bidder whose bid is accepted. The State Board of Regents reserves the right to accept or reject any and all bids.

Sealed bids will be received by the Director of Purchasing, Room 21, Anderson Hall, Kansas State University, Manhattan, 66506-0108, until 2 p.m. Tuesday, September 20, at which time they will be publicly opened. Interested bidders may call Carla Bishop, Director of Purchasing, at (785) 532-6214 for additional information.

Carla Bishop  
Director of Purchasing

Doc. No. 032321

## State of Kansas

## Office of the Securities Commissioner

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, October 27, at the Office of the Securities Commissioner, 618 S. Kansas Ave., first floor, Topeka, to consider the adoption of K.A.R. 81-4-4 and 81-5-15. The regulations are proposed for adoption on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing by addressing them to the Kansas Securities Commissioner, 618 S. Kansas Ave., Topeka, 66603. 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.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the commissioner as a basis for making changes to the proposed regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Mary Connolly at (785) 296-5215 or the Kansas Relay Center at (800) 766-3777. Handicapped parking is located on Kansas Avenue, and the first floor hearing room is accessible to individuals with disabilities.

Proposed K.A.R. 81-4-4 requires registration of securities issued by nonprofit organizations rather than granting an exemption from registration. However, the change is expected to have little substantive impact upon nonprofit issuers. To qualify for the previous exemption, issuers were required to prepare a detailed disclosure document and satisfy many requirements, so the registration process is not expected to be significantly more burdensome than the exemption process. In addition, the new Kansas Uniform Securities Act (KUSA) contains other exemptions that are broader than the exemptions contained in the former Kansas Securities Act, so fewer nonprofit issuers are expected to rely upon the nonprofit exemption.

The fee for an exemption filing by a nonprofit issuer under the former Kansas Securities Act was \$100. The fee for registering the securities under KUSA is .05 percent of the amount of securities authorized to be sold in Kansas, but not less than \$100 or more than \$1,500. Therefore, the fee for nonprofit issuers will increase for any offering to Kansas residents that exceeds \$200,000. However, the increase in fees for offerings in excess of \$200,000 is expected to be offset by a decrease in the number of nonprofit issuers who rely upon Section 6(7)(C), so the adoption of K.A.R. 81-4-4 is not expected to substantially

impact the revenues to the Office of the Securities Commissioner.

Proposed K.A.R. 81-5-15 replaces a special order regarding notice filings for offerings of securities under Federal Rule 506. A security issued under Federal Rule 506 is exempt from registration at the federal level. In addition, states are preempted from requiring registration of securities issued under Rule 506, but federal law permits states to require notice filings. Proposed K.A.R. 81-5-15 adopts these notice filing requirements.

Under the special order, the notice filing fee was \$100. The proposed K.A.R. 81-5-15 contains a filing fee of \$250 with an additional fee for late filings. However, KUSA contains exemptions that are broader than the exemptions contained in the former Kansas Securities Act. As a result, fewer issuers are expected to make notice filings under Rule 506 because they can take advantage of other exemptions that do not require notice filings or fees. Therefore, the increase in fees is expected to be offset by a decrease in the number of issuers who make notice filings under Rule 506, so the adoption of K.A.R. 81-5-15 is not expected to substantially impact the revenues to the Office of the Securities Commissioner.

The proposed regulations have no impact upon other governmental units or agencies.

Copies of the full text of the proposed regulations and the economic impact statement may be obtained by writing to the Office of the Securities Commissioner at the address above or by e-mailing a request to ksc@securities.state.ks.us.

Chris Biggs  
Kansas Securities Commissioner

Doc. No. 032324

## State of Kansas

### Department of Health and Environment

#### Request for Proposals

The Kansas Department of Health and Environment invites regional and community programs (see eligibility requirements) to apply for funds, not to exceed \$5,000 per community, to reduce unintentional injuries. Projects will reduce injury deaths through the development of community-based injury prevention efforts in their respective regions.

The goal of the prevention program is to reduce unintentional injury deaths through coordination, implementation and evaluation of model intervention programs. Objectives of prevention activities include:

1. Through regional and community programs, support the coordination of community-based unintentional injury prevention initiatives:

2. Through regional and community programs, support Safe Kids Kansas coalitions and chapters, and other community-based, nonprofit organizations in the implementation of initiatives that address changes in knowledge, attitudes, behaviors and environments in an effort to reduce unintentional injury deaths and hospitalizations.

3. To evaluate model community-based injury prevention interventions including:

a. Number of local organizations participating in collaborative project.

b. Identification of target population in local community.

c. Identification of intervention/education to be implemented.

d. Number of individuals trained to conduct interventions in the injury prevention goal areas.

e. Number of individuals participating in the education/intervention.

#### Eligibility and Funding

Regional trauma councils, Safe Kids coalitions and chapters (in good standing), and/or other private or public nonprofit community-based organizations or units of local and state government are eligible to apply for these funds. Only one applicant per community will be considered; if necessary, applicants will be notified of multiple community applications following receipt of mini-grant application. The project period is from September 30, 2005 to June 30, 2006.

#### Purpose of Funds

Funds must be used for community-based coordination and the development, implementation and evaluation of unintentional injury prevention interventions. Funds may not be used for capital acquisitions.

#### Availability of Funds

This is a competitive process with mini-grant projects awarded for an 11-month period. Mini-grant awards totaling \$40,000, not to exceed \$5,000 per community, will be awarded. Only one proposal per community will be reviewed.

A one- to two-page report summarizing the results of the project and an affidavit of expenditures must be submitted within 30 days following the end of the grant period.

#### Applications

Mini-grant applications may be obtained by contacting Cherie Sage, Regional Coordinator, Injury and Disability Programs, at (785) 296-0351. Electronic copies also are available. An original and two copies of the grant application should be sent to:

Cherie Sage  
OHP, Injury and Disability Programs  
Kansas Department of Health and Environment  
1000 S.W. Jackson, Suite 230  
Topeka, 66612

To receive consideration, applications must be received by KDHE not later than 5 p.m. Monday, September 12. Only applications received by the deadline date will be considered. Applications submitted by fax or any other electronic format will not be accepted.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032309

## State of Kansas

**Department of Health  
and Environment**
**Notice of Hearing**

A public hearing will be conducted by the Kansas Department of Health and Environment at 7 p.m. Wednesday, September 28, at the Riverton Community Center, Riverton, to receive comments prior to final action on the proposed issuance of an air quality construction permit. KDHE is proposing to issue the permit in accordance with Prevention of Significant Deterioration (PSD) provisions of K.A.R. 28-19-350, which adopt the standards, procedures and requirements of 40 CFR 52.21 by reference. The permit authorizes the construction of a new combustion turbine, Unit 12, at the Empire District Electric Company — Riverton Generating Station. The new combustion turbine will be equipped with dry low NO<sub>x</sub> burners. The Empire District Electric Company — Riverton Generating Station is owned and operated by the Empire District Electric Company located in Joplin, Missouri.

The Riverton area is designated as an attainment area under the Clean Air Act, which means that the air quality meets or exceeds the national ambient air quality standards (NAAQS). Any major source or major modification to a major source has to undergo a preconstruction review as required by the PSD regulations.

KDHE has determined that an evaluation of emission reduction techniques to identify the best available control technology (BACT) for each pollutant for which the emission rate exceeds the PSD significant level is appropriate. The purpose of BACT is to affect the maximum degree of reduction achievable, taking into account energy, environmental and economic impacts for each pollutant under review. Evaluation of the estimated emissions for the proposed Riverton Generating Station project indicates that the emission rate of oxides of nitrogen (NO<sub>x</sub>) and particulate matter less than 10 microns in diameter (PM<sub>10</sub>) exceeds the significance levels. No significant impact on the ambient air quality standard for NO<sub>x</sub> or PM<sub>10</sub> was predicted from the emissions. The Empire District Electric Company conducted the required BACT analyses. The department has reviewed the Empire District Electric Company's BACT analyses and concurs with its findings that the BACT for NO<sub>x</sub> is 15 ppm<sub>dv</sub> (parts per million dry volume), 24-hour rolling average, corrected to 15 percent O<sub>2</sub> (oxygen) for the proposed turbine equipped with dry low NO<sub>x</sub> burners. Due to the extremely low concentration of particulate as a result of natural gas combustion, BACT for PM<sub>10</sub> is good combustion practices.

A copy of the proposed permit, permit application, supporting documentation and information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Christy Thurman, (785) 296-1593, at the KDHE central office, or Doug Cole, (620) 431-2390, at the KHDE Southeast

District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolting, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, (785) 296-1576. In order to be considered in formulating a final permit decision, written comments must be received before the close of business September 28.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032320

## State of Kansas

**Department of Health  
and Environment**
**Request for Bids on the Kansas Childhood  
Lead Poisoning Prevention Program**

Sealed bids for the items listed will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

**September 2, 2005**

**264-06-20**

**Project Lead Safe KCK —**

**Lead Hazard Reduction at the following properties:**

- Property #1 347 N. 8th St.  
Kansas City, KS 66101
- Property #2 3101 New Jersey Ave.  
Kansas City, KS 66102
- Property #3 3706 Freeman Ave.  
Kansas City, KS 66102
- Property #4 1504 N. 43rd St.  
Kansas City, KS 66102
- Property #5 2116 N. 33rd St.  
Kansas City, KS 66102
- Property #6 835 Quindaro Ave.  
Kansas City, KS 66101
- Property #7 1031 Sandusky Ave.  
Kansas City, KS 66102

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the Invitation for Bid. For times and actual locations, call (913) 262-0796 or go to the following Web site: [http://www.unleadedks.com/contractor\\_info.html](http://www.unleadedks.com/contractor_info.html).

The above-referenced bid documents may be downloaded at the Web site listed above.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032305

(Published in the Kansas Register August 25, 2005.)

**Summary Notice of Sale  
City of Leawood, Kansas**

**\$27,500,000**  
**General Obligation Temporary Notes**  
**Series 2005-1**

**\$5,700,000**  
**Taxable General Obligation Temporary Notes**  
**Series 2005-2**

**\$4,090,000**  
**General Obligation Improvement Bonds**  
**Series 2005-A**

**(General obligations payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$27,500,000 of General Obligation Temporary Notes, Series 2005-1, and \$5,700,000 Taxable General Obligation Temporary Notes, Series 2005-2 (collectively, the notes); and \$4,090,000 of General Obligation Improvement Bonds, Series 2005-A, of the city of Leawood, Kansas, will be received (1) in the case of sealed and facsimile bids, by the city finance director at the address and fax number hereinafter set forth, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system, until noon for the Series 2005-1 Notes, until 12:30 p.m. for the Series 2005-2 Notes, and until 1 p.m. for the bonds on Tuesday, September 6, 2005, at which time such bids will be publicly read. No bid will be considered of (a) less than 99.50 percent of the principal amount of the notes of each series and accrued interest to the date of delivery, and (b) less than 100 percent of the principal amount of the bonds and accrued interest to the date of delivery.

**Note Details**

The notes of each series will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The notes of each series shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes of each series will be dated September 15, 2005, and will become due on October 1, 2006. The notes will bear interest from the dated date at rates to be determined when the notes are sold. The interest on the notes will be payable on April 1, 2006, and at maturity on October 1, 2006. The Kansas State Treasurer, Topeka, Kansas, will be the note paying agent and note registrar for the notes.

**Bond Details**

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000, or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. In-

dividual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated September 15, 2005, and will become due annually on September 1 in the years as follows:

<b>Maturity</b>	<b>Principal Amount</b>
<b>September 1</b>	
2006	\$275,000
2007	275,000
2008	275,000
2009	275,000
2010	275,000
2011	275,000
2012	275,000
2013	275,000
2014	270,000
2015	270,000
2016	270,000
2017	270,000
2018	270,000
2019	270,000
2020	270,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2006. The Kansas State Treasurer, Topeka, Kansas, will be the bond paying agent and bond registrar for the bonds.

**Redemption Prior to Maturity**

The notes will not be subject to optional redemption prior to maturity. The bonds will be subject to mandatory and optional redemption prior to maturity, all as provided in the notice of sale and preliminary official statement.

**Good Faith Deposit**

Each bid for each series of notes must be accompanied by a good faith deposit in the form of a certified or cashier's check or a financial surety bond in the amount of 1 percent of the principal amount of such series of notes payable to the order of the city.

Each bid for the bonds must likewise be accompanied by a good faith deposit in the form of a certified or cashier's check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds, payable to the order of the city.

**Delivery**

The city will pay for preparing the notes and the bonds. The city will deliver the notes and bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about September 28, 2005.

**Assessed Valuation and Bonded Indebtedness**

The 2004 equalized assessed tangible valuation of the city for computation of bonded debt limitations is \$657,409,612. The total general obligation indebtedness of the city as of the date of the notes and bonds, including the notes and bonds being sold but excluding the temporary notes to be retired with the proceeds of the notes and bonds, is \$81,700,000.

*(continued)*

**Approval of Bonds**

The notes and bonds will be sold subject to the legal opinion of Bryan Cave LLP, Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds/notes will be furnished and paid for by the city, will accompany the notes and bonds, and will be delivered to the successful bidder when the notes/bonds are delivered.

**Additional Information**

Additional copies of this notice of sale, official bid forms or further information may be obtained from the undersigned or from George K. Baum & Company, Plaza Colonnade, 4801 Main St., Suite 510, Kansas City, MO 64112, (816) 474-1100, the city's financial advisor.

Dated August 1, 2005.

City of Leawood, Kansas  
 Kathy Rogers  
 Finance Director  
 City Hall  
 4800 Town Center Drive  
 Leawood, KS 66211  
 (913) 339-6700  
 Fax (913) 339-6781

Doc. No. 032307

**State of Kansas**

**Department of Health  
 and Environment**

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

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

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

**Public Notice No. KS-AG-05-209/210  
 Application(s) for New or Expansion of Existing  
 Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Twin Valley Enterprises Inc. 5816 CR 3300 Independence, KS 66757	Twin Valley Enterprises Inc. 5816 CR 3300 Independence, KS 66757

Legal Description	Receiving Water
SW/4 of Section 15, T31S, R15E, Montgomery County Kansas Permit No. A-VEMG-S044	Verdigris River Basin
This is an application for a new permit for an existing unpermitted swine facility. The existing facility consists of a 40-head nursery unit, a 120-head isolation unit and one swine waste retention structure. The applicant has proposed adding a 600-head nursery unit, a 1,000-head finishing unit and another swine waste retention structure, for a maximum animal capacity of 1,120 head (448 animal units) of swine weighing more than 55 pounds and 1,000 head (100 animal units) of swine weighing 55 pounds or less, for a total of 2,120 head (548 animal units) of swine. A new or modified permit will not be issued without additional public notice.	

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Legal Description	Receiving Water
Donald E. Becker Route 1, Box 78 Centralia, KS 66415	Donald E. Becker Route 1, Box 78 Centralia, KS 66415	N/2 of NW/4 of Section 02, T05S, R11E, Nemaha County Kansas Permit No. A-KSNM-S016	Kansas River Basin

This is an application for a permit for the expansion of an existing swine facility from 762 head (304.8 animal units) of swine weighing more than 55 pounds and 480 head (48 animal units) of swine weighing 55 pounds or less, to a proposed animal capacity of 938 head (375.2 animal units) of swine weighing more than 55 pounds and 960 head (96 animal units) of swine weighing 55 pounds or less, for a total of 471.2 animal units. The proposed expansion consists of constructing a 320-head nursery unit, a 16-crate farrowing unit and a 200-head breeding/gestation unit. The proposed expansion also involves abandonment of the existing 40-head bred sow lot measuring 40 feet by 136 feet. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-05-211/213  
 Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Rising Sun Farm Greg Koenig 1055 N. 280th Road Beverly, KS 67423	NW/4 of Section 15, T12S, R06W, Lincoln County	Saline River Basin
Kansas Permit No. A-SALC-M004		

This is a new permit for an existing facility for 35 head [49 animal units (a.u.)] of mature dairy cattle and 28 head (14 a.u.) of heifers and calves weighing 700 pounds or less, for a total of 63 head (63 a.u.) of dairy cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Huff & Puff Pork, LLC - Site #1 Roy and Todd Graham Route 1, Box 201 Deerfield, KS 67838	S/2 of Section 20, T23S, R36W, Kearny County	Upper Arkansas River Basin
Kansas Permit No. A-UAKE-H002      Federal Permit No. KS0094960		

This is a renewal permit for an existing facility for 43,200 head (17,280 animal units) of swine more than 55 pounds each. No new construction or operational changes are proposed.

Name and Address of Applicant	Legal Description	Receiving Water
Hays Feeders L.L.C. P.O. Box 310 Hays, KS 67601	N/2 of Section 11, NW/4 of Section 12, T13S, R19W, Ellis County	Smoky Hill River Basin
Kansas Permit No. A-SHEL-C002      Federal Permit No. KS0037630		

This is a modified permit for an existing facility for 30,000 head (30,000 animal units) of cattle weighing more than 700 pounds each. The

permit is being modified to reflect a change in the proposed completion date for construction of a freshwater diversion structure from August 29, 2005, to November 30, 2005. The change is due to a redesign of the freshwater diversion structure.

**Public Notice No. KS-05-114/119**

Name and Address of Applicant	Waterway	Type of Discharge
Atlanta, City of P.O. Box 15 Atlanta, KS 67008-0015	Timber Creek via Dutch Creek via Lower Dutch Wastewater Creek via Unnamed Tributary	Treated Domestic

Kansas Permit No. M-WA02-0001 Federal Permit No. KS0086801  
Legal Description: NE¼, S16, T30S, R6E, Cowley 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 ammonia, fecal coliform, copper and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Humboldt, City of 701 Bridge St. Humboldt, KS 66748	Neosho River via Stormwater System	Process Wastewater

Kansas Permit No. I-NE36-PO08 Federal Permit No. KS0098159  
Legal: NW¼, NE¼, SW¼, S4, T26S, R18E, Allen County

Facility Name: Humboldt Water Treatment Plant  
Facility Location: 14 Bridge St., Humboldt, KS 66748

Facility Description: The proposed action is to issue a new permit for a wastewater discharge from a water treatment plant. This is a new potable water treatment plant. Wastewater generated from this facility consists of filter backwash and sedimentation basin blowdown water. The wastewater is routed to one cell (at a time) of a two-cell lagoon treatment system. The proposed permit includes limits for total suspended solids and pH and monitoring for total residual chlorine, total recoverable lead and copper. 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
Johnson County Unified Wastewater Districts 7311 W. 130th St., Suite 100 Overland Park, KS 66213	Indian Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO28-0001 Federal Permit No. KS0119601  
Legal Description: NW¼, S13, T13S, R24E, Johnson County

Facility Name: Indian Creek Middle Basin Wastewater Treatment Plant  
Facility Location: 10001 College Blvd., Overland Park, KS 66210

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility consists of primary and final clarification, a three-basin complete mix activated sludge system, UV disinfection, anaerobic sludge digestion, effluent cascade reaeration, and a two-basin peak flow aerated lagoon with chlorination. Excess raw wastewater can be diverted under certain conditions to the Blue River, Missouri, wastewater treatment plant via the KCMO Interceptor line, which also is shared with the JoCo Tomahawk plant. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, dissolved oxygen and pH. Monitoring of temperature, total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen and

effluent flow also will be required. The permittee shall be required to perform a chronic whole effluent toxicity (WET) test annually and to conduct a priority pollutant scan between January 1 and June 30, 2008. The permittee has provided KDHE with a facility plan that will result in expanded treatment capacity and biological nutrient removal. Included in this permit is a schedule of compliance requiring the permittee to provide KDHE with semiannual progress reports on the upgrade project. Completion of the project and consistent compliance with the permit is to be achieved by December 31, 2008. The schedule of compliance also requires the permittee to conduct a receiving stream study two years following completion of the upgrade. 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
Johnson County Unified Wastewater Districts 7311 W. 130th St., Suite 100 Overland Park, KS 66213	Blue River (MO) via Indian Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO27-0001 Federal Permit No. KS0055484  
Legal Description: SW¼, S10, T13S, R25E, Johnson County

Facility Name: Tomahawk Creek M.S.D. No. 1 Wastewater Treatment Plant, F.K.A. Lower Basin

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility consists of bar screening and grit removal, primary and final clarification, a trickling filter, chlorination and dechlorination and a peak flow basin with physical/chemical treatment. Excess flows also can be routed to a Kansas City, Missouri, WWTF. Sludge from the facility is treated at the Johnson County Middle Basin or Nelson Complex WWTFs. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine, dissolved oxygen and pH. Monitoring of temperature, total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, and effluent flow also will be required. The permittee shall be required to perform a chronic whole effluent toxicity (WET) test annually and to conduct a priority pollutant scan between January 1 and June 30, 2008. The proposed permit contains a schedule of compliance requiring the permittee to conduct a study to determine the feasibility and cost of modifications to this facility so it could meet nutrient reduction in the effluent to 8.0 mg/l total nitrogen and 1.5 mg/l total phosphorus either as a stand-alone unit or in conjunction with the effluent from the Middle Basin Wastewater Treatment plant. 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
St. George, City of P.O. Box 33 St. George, KS 66535	Kansas River	Treated Domestic Wastewater

Kansas Permit No. M-KS66-0001 Federal Permit No. KS0079391  
Legal Description: N½, NE¼, NW¼, S16, T10S, R9E, Pottawatomie 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, fecal coliform and pH. Monitoring of ammonia and effluent flow also will be required. Contained in the permit is a schedule of compliance requiring the permittee to hire a Kansas-licensed engineer to study the facility and provide KDHE with a plan and schedule to upgrade the facility to meet the final permit limits. 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
Summerfield, City of P.O. Box 100 Summerfield, KS 66541	Black Vermillion River via Robidoux Creek	Treated Domestic Wastewater

Kansas Permit No. M-BB23-0001      Federal Permit No. KS0025500

Legal Description: S $\frac{1}{2}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and N $\frac{1}{2}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , S1, T1S, R9E,  
Marshall 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 and fecal coliform. Monitoring of ammonia and pH also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before September 24 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-05-209/213, KS-05-114/119) and name of the applicant/permittee when preparing comments. After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

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

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032316

## State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment received an application from Heartland Cement Company (dba Buzzi Unicem USA) to construct and operate a new industrial landfill for disposal of cement kiln dust, off-spec clinker, cement and cement feedstock. The landfill is proposed at the Heartland Cement Company facility located at 1765 Limestone Lane, Independence, in the Northeast Quarter of Section 5, Township 33 South, Range 16 East in Montgomery County. Two other landfills were permitted at this facility in the past and are currently active: Permit No. 515 is a construction and demolition landfill, and Permit No. 516 is an industrial landfill for disposal of cement kiln dust. The proposed new industrial landfill is needed because of limited remaining capacity in the existing one. The proposed new landfill would comprise 15.6 acres of the 1,184-acre facility, providing approximately 369,000 cubic yards of capacity for a projected 20 years of active disposal.

Montgomery County has certified that the application described herein is consistent with local land use restrictions or zoning. KDHE has reviewed the application and found it to be in conformance with state solid waste statutes and regulations.

KDHE is providing public notice of its intent to issue a permit to Heartland Cement Company to allow the proposed new landfill described herein. However, a final decision to issue the permit has not been made, and KDHE will consider information gathered during the public comment period before making a final decision. A copy of the administrative record, which includes the permit application, engineering drawings, draft permit and other information with respect to this permit action, will be available for public review until September 26 during normal business hours at the following locations:

Kansas Department of Health and Environment  
Bureau of Waste Management  
1000 S.W. Jackson, Suite 320  
Topeka, 66612-1366  
Contact: Paul Graves  
(785) 296-1596

Montgomery County Courthouse  
County Clerk's Office  
217 E. Myrtle  
Independence, 67301  
Contact: Charlotte Scott Schmidt  
(620) 330-1200

Additionally, the application form is available for public viewing via the Internet at [www.kdhe.state.ks.us/waste](http://www.kdhe.state.ks.us/waste). Anyone wishing to comment on the proposed facility should submit written statements by 5 p.m. September 26 to Paul Graves of KDHE at the address listed above, via facsimile to (785) 296-1592, or via e-mail to [pgraves@kdhe.state.ks.us](mailto:pgraves@kdhe.state.ks.us). Comments that are post-marked by September 26 and received within one week thereafter also will be considered.

After consideration of all formal comments as described above, KDHE will make a final decision on whether to issue the permit. Notice of the decision will be given to the applicant, to anyone who submitted formal comments and to those who requested notice of the final permit decision.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032318

## State of Kansas

### Governmental Ethics Commission

#### Opinion No. 2005-11

Written August 18, 2005, to H. Philip Elwood, Goodell, Stratton, Edmonds & Palmer, L.L.P., Topeka.

This opinion is in response to your letter dated August 16, 2005, requesting an opinion from the Kansas Governmental Ethics Commission concerning state level conflict of interest laws, K.S.A. 46-215 *et seq.* We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

You request this opinion on behalf of the Kansas Children's Service League Foundation (Foundation). You explain that the Foundation understands that the former Secretary of the Department of Social and Rehabilitation Services, Janet Schalansky, cannot accept employment with Kansas Children's Service League (KCSL). However, the Foundation would like to offer Ms. Schalansky employment.

You explain that the Foundation is a Kansas not-for-profit corporation. As such, it is an entity separate from KCSL. The Foundation was incorporated in 1998 to develop support for the charitable work of KCSL. KCSL has no power to direct or rescind actions by the Foundation Board, or to approve or disapprove the Foundation budget. KCSL cannot require the Foundation to distribute income or assets of the Foundation to KCSL or to any other entity. The Foundation operates as an autonomous entity. KCSL has no ownership interest in the Foundation and the Foundation has no ownership interest in KCSL. The KCSL Board does, however, have the power to elect and remove members of the Foundation Board of Trustees.

You state that the Foundation has had no state contracts and has not received support from any level of government. You further explain that because the Foundation's purpose is to raise money to support the charitable efforts of KCSL, Ms. Schalansky's duties at the Foundation would involve working with current and potential donors as well as general public relations responsibilities on behalf of the Foundation. She would not be employed or paid by KCSL, and her job responsibilities would be unrelated to the management and operation of KCSL.

You have enclosed a copy of the Foundation's Articles of Incorporation and Bylaws. You also have enclosed a

determination letter from the Internal Revenue Service granting the Foundation exemption from federal income tax under section 501(c)(3), stating that the Foundation is an organization rather than a private foundation under the Internal Revenue Code, and providing a separate employer identification number.

#### Question

Do the state conflict of interest laws, specifically K.S.A. 2004 Supp. 46-233, prohibit the former Secretary of SRS from accepting employment with the Kansas Children's Service League Foundation?

#### Opinion

K.S.A. 2004 Supp. 46-233(a)(2) places restrictions on a state employee's ability to accept employment after terminating their employment with the State. That statute states in pertinent part as follows:

(a)(2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment *with such person or business* as an employee, independent contractor or subcontractor until two years after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner. . . . (Emphasis added.)

K.S.A. 46-223 defines "person" as "an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group or corporation, whether or not operated for profit, or a governmental agency unit, or subdivision." K.S.A. 46-230 defines "business" as "any corporation, association, partnership, proprietorship, trust, joint venture, or a governmental agency unit, or a governmental subdivision and every other business interest, including ownership or use of land for income."

According to the information you have provided, the Foundation is a corporation, separate from KCSL. Additionally, the Foundation has not contracted with SRS or any other state agency. Because Ms. Schalansky did not participate as a state officer or employee in the making of a contract with the Foundation, the restrictions stated in K.S.A. 2004 Supp. 46-233 would not prohibit her from accepting employment with the Foundation.

#### Opinion No. 2005-12

Written August 18, 2005, to Dr. Wayne O. Wallace, Jr., Atchison.

This opinion is in response to your letter received on July 29, 2005, requesting an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws, K.S.A. 46-215 *et seq.* We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

You request this opinion in your capacity as Medical Director for Health Care and Finance of the Kansas De-

(continued)

partment of Social and Rehabilitation Services (SRS). You state that this is a .38 time position, and that your job duties include assisting a committee in evaluating and approving new medications, procedures, durable medical equipment requests, eligibility for undocumented aliens and other items. You have explained that you rarely, if ever, have anything to do with intermediate care facilities in this position.

You have been asked to contract with SRS to be a consulting physician to evaluate intermediate care facilities for mentally disabled individuals. This contractual position would also be part-time, and would be performed by you as an independent contractor with SRS on your own time outside of the time you are performing your duties as Medical Director.

### Question

May the part-time Medical Director for Health Care and Finance of SRS become an independent contractor with SRS to provide other part-time services?

### Opinion

Because you are currently a part-time employee of SRS and would be contracting with that same agency, the only provision in the Kansas Governmental Ethics laws that would apply to your situation is K.S.A. 46-235, which restricts compensation of state officers and employees. K.S.A. 46-235 provides in pertinent part:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. No person shall pay or offer to pay any state officer or employee any compensation for performance of official duties, except a state officer or employee performing official duties in making payments to state officers and employees. . . .

According to this statute, you may not, through a contract, receive compensation in addition to your current compensation for providing services that include the same duties as your current part-time position.

Based on the information provided in your letter and in telephone conversations with you and other SRS employees concerning your duties as Medical Director and the services required under the independent contract, your current duties as Medical Director do not include any of the services that you would provide under the contract. In that case, the contract would not provide additional compensation for the performance of your official duties as Medical Director, but would rather provide compensation for different services provided under the contract. The situation you and others have described would not constitute a violation of K.S.A. 46-235.

In conclusion, the conflict of interest laws do not prohibit you from contracting with SRS to perform services as an independent contractor while you are employed by SRS as long as your contractual services are different from your job duties as a part-time employee of SRS.

### Opinion No. 2005-13

Written August 18, 2005, to Judy Hawk, Hutchinson.

This opinion is in response to your letter received by email on August 8, 2005, requesting an opinion from the Kansas Governmental Ethics Commission concerning state level conflict of interest laws, K.S.A. 46-215 *et seq.*

We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

### Factual Statement

You request this opinion in your capacity as a Public Service Executive I employee for the Department of Social and Rehabilitation Services (SRS). You currently work in children and family services in the Topeka central office of SRS. Your job duties include manager of the adoption program, member of the state appeals committee that reviews decisions of SRS fair hearing officers, monitor for resource family recruitment/retention and training contracts with Children's Alliance. Additionally, you work with community groups and field staff to develop community projects in the areas of marriage, fatherhood and faith-based initiatives. You explain that prior to your current position, you were the chief of social services for SRS in Hutchinson.

You plan to retire from SRS and would like to take a position with Saint Francis Academy after your retirement. Saint Francis Academy currently has contracts with SRS for family preservation and reintegration foster care. SRS has also contracted with Saint Francis Academy in past years. You have explained in your letter and in a telephone conversation following that letter that you were not involved in the review or selection of child welfare providers in the current contracting period, that you have never been involved in contract negotiations between SRS and Saint Francis Academy and that you have not had any involvement in the selection of Saint Francis Academy as a service provider for SRS. Further, your current contract monitoring duties do not involve any contract with Saint Francis Academy.

### Question

Would you violate any conflict of interest laws if you took a position with Saint Francis Academy after you retire from SRS?

### Opinion

K.S.A.2004 Supp. 46-233 places restrictions on a state employee's ability to accept employment after terminating their employment with the State. That statute states in pertinent part as follows:

(a)(2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business as an employee, independent contractor or subcontractor until two years after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner.

...

(d) Subsections (a) and (b) shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice. . . .

...

(e)(2) "Substantially involved in the preparation or participate in the making of a contract" means having approved or disapproved a contract or having provided sig-

nificant factual or specific information or advice or recommendations in relation to the negotiated terms of the contract.

The prohibitions stated in K.S.A. 2004 Supp. 46-233(a)(2) apply to more than just the review or selection of a contractor. A state employee who provides significant factual information or specific information, advice or recommendations concerning the negotiated terms of a contract is subject to the prohibitions in the statute. The particular facts of each situation must be reviewed to determine if an employee's involvement constitutes participation in the making of a contract under K.S.A. 2004 Supp. 46-233.

If a contract was the result of a competitive bidding process that included advertising by published notice, *and none of the terms or provisions of the contract were negotiated prior to signing*, the contract would fall under the exception of K.S.A. 2004 Supp. 46-233(d)(1) and an employee's involvement in the making of the contract would not be subject to the prohibitions stated in K.S.A. 2004 Supp. 46-233(a)(2). In Opinion No. 2000-48, the Commission considered contracts that resulted from a combination of competitive bidding and negotiating. The Commission determined that:

[A]n individual who is substantially involved in the preparation of a pure competitive bid contract or whose involvement in a contract is limited to the competitive bid portion of a competitively bid/negotiated contract, will not be subject to the prohibition contained in K.S.A. 1999 Supp. 46-233(a). . . . Conversely, an individual who is substantially involved in the preparation of a pure negotiated contract or who is substantially involved in the preparation of the negotiated portion of a competitively bid/negotiated type of contract will be subject to the prohibitions contained in K.S.A. 1999 Supp. 46- 233(a). . . .

Additionally, in Opinion No. 1999-33, the Commission determined that if there are material changes made to a renewal contract, the renewal contract will be considered to be a negotiated contract and not a contract let after a competitive bidding process.

From the information you have provided, it appears that you did not participate in the making of a contract between SRS and Saint Francis Academy. If that is the case, you may accept employment with Saint Francis Academy immediately upon your retirement without violating any conflict of interest laws. If, however, upon further reflection you determine that you did participate on behalf of SRS in making a negotiated contract with Saint Francis Academy, you may not accept employment with Saint Francis Academy until two years after performance of the contract is completed or until two years after you retire from SRS, whichever is sooner.

Daniel Severt  
Chairman

Doc. No. 032330

## State of Kansas

### Board of Healing Arts

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1 p.m. Wednesday, November 2, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the revocation of two rules and regulations and the adoption of 11 proposed amended and three proposed new rules and regulations, all dealing with physical therapy.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rules and regulations. All interested parties may submit comments prior to the hearing to the Board of Healing Arts at the address above. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the regulations during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

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

A summary of the two rules and regulations proposed for revocation and the 11 proposed amended and three proposed new physical therapy rules and regulations to be considered at the hearing and the respective economic impact follows:

**K.A.R. 100-29-1. Applications.** This regulation has been extensively amended to specify what information is required to be submitted with each application for licensure as a physical therapist (PT) or certification as a physical therapist assistant (PTA).

**K.A.R. 100-29-2. Approval of physical therapy programs.** This regulation defines the programs recognized by the Board of Healing Arts for licensure as a PT and certification as a PTA. Additionally, the regulation establishes the criteria necessary for an applicant's successful completion of an educational program approved by the board.

**K.A.R. 100-29-3. Requirements for physical therapists and physical therapist assistants from non-approved schools.** This regulation states that each person who received training from a non-approved school and who applies for licensure as a PT or certification as a PTA shall submit with the application an evaluation prepared by the state of Kansas by a board-approved credentialing agency. If the evaluation shows that the applicant's educational program did not meet the criteria that a school must satisfy to be approved by the board, then with the advice of the Physical Therapy Advisory Council, the

(continued)

board may require the applicant to complete college courses in the areas that did not meet the required criteria with a grade average of at least a B, or apply college-level examination program scores towards semester credit hours for such courses as determined by the board.

**K.A.R. 100-29-4. Examination.** This regulation designates the examination and content areas of written questions required to be passed by all applicants to be licensed as a PT or certified as a PTA.

**K.A.R. 100-29-5. Temporary permits.** The board is requesting that this regulation be revoked since the regulation currently mirrors the language contained in K.S.A. 2004 Supp. 65-2909 and is redundant.

**K.A.R. 100-29-6. Lost or destroyed certificates; change of name; new certificates.** The only change to this regulation has been to change "registration" to "license." The regulation establishes the criteria necessary in order for the licensed or certified individual to obtain a duplicate certificate of licensure or certification.

**K.A.R. 100-29-8. License and certification renewal; expiration date; notification of supervision.** This regulation establishes the expiration date of each PT license and PTA certification. Additionally, at the time of renewal, the PT shall indicate the name and certificate number for each PTA working under the PT's direction. At the time of renewal, the PTA shall indicate the license number of the PT who is supervising the PTA.

**K.A.R. 100-29-9. License and certification renewal; continuing education.** This regulation establishes the conditions of renewal for each licensed PT or certified PTA. The only amendment made has been to change "registration" to "license."

**K.A.R. 100-29-10. Canceled license and certification; reinstatement.** This regulation details the criteria required for each PT and PTA desiring to reinstate an expired license or certificate. The only amendment made has been to change "registration" to "license" and "lapsed" to "canceled."

**K.A.R. 100-29-11. Grounds for discipline; institution of proceedings; hearings.** This regulation specifies the procedure used by the board when information is received by the board alleging one or more grounds for denial, revocation, suspension or limitation of a license or certificate, or for censure of a PT or PTA.

**K.A.R. 100-29-12. Unprofessional conduct, defined.** This regulation defines 31 specific grounds that would constitute unprofessional conduct by a PT or PTA.

**K.A.R. 100-29-13. Notifications to board.** This regulation states the specific criteria required of a PT before allowing a PTA to work under the direction of the PT.

**K.A.R. 100-29-14. Physical therapist assistants; number.** This regulation establishes how many PTAs may work at any time under the direction of a PT.

**K.A.R. 100-29-15. Professional liability insurance.** This is a proposed new regulation that establishes the minimum professional liability insurance coverage that a PT must obtain before rendering professional services in this state and the limit amounts of the insurer's liability per claim.

**K.A.R. 100-29-16. Supervision of physical therapist assistants and support personnel.** This proposed new regulation defines the responsibilities and considerations

to be given by the supervising PT when delegating physical therapy responsibilities to a PTA or support personnel.

**K.A.R. 100-29-17. Initiation of treatment; when.** This proposed new regulation deals with the approvals that must be acquired by the PT before initiating treatment of a patient when a referral has not been obtained.

These regulations are not mandated by any federal law.

To become licensed as a physical therapist in the state of Kansas, each PT will incur costs to purchase liability insurance prior to licensure and again prior to annual renewal. The amount of the cost of coverage is not known.

There are no foreseen costs to either the board or to the public to implement these rules and regulations dealing with physical therapy.

Copies of the proposed regulations and the associated economic impact statement may be obtained from the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, by visiting the board's Web site at [www.ksbha.org/pubinfo.html](http://www.ksbha.org/pubinfo.html), or by calling Cathy Brown at (785) 296-3680.

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 032308

## State of Kansas

### Board of Healing Arts

#### Permanent Administrative Regulations

#### Article 69.—ATHLETIC TRAINING

**100-69-1. Approved education.** (a) Each applicant for licensure as an athletic trainer shall provide proof that the applicant has received a baccalaureate degree or post-baccalaureate degree with a major course of study in athletic training curriculum from one of the following:

(1) An institution whose program for athletic trainers is accredited by the commission on accreditation of allied education programs of the American medical association;

(2) an educational institution whose programs are determined by the board to have standards at least equal to those of an accredited program; or

(3) an accredited institution at which the applicant has successfully completed at least one formal course in each of the following areas:

(A) Health education, which shall include the following:

(i) Nutrition education; and

(ii) drug and substance abuse education;

(B) human anatomy;

(C) kinesiology;

(D) human physiology;

(E) physiology of exercise;

(F) basic athletic training; and

(G) either of the following:

(i) advanced athletic training; or

(ii) evaluation, therapeutic modalities, and rehabilitation exercise.

(b) The basic athletic training courses and advanced athletic training courses required by paragraph (a)(3)

shall be provided by an athletic trainer licensed by the board or a person who would have met the requirements for licensure when the instruction was provided. (Authorized by and implementing K.S.A. 2004 Supp. 65-6905 and K.S.A. 2004 Supp. 65-6907; effective July 19, 1996; amended Sept. 9, 2005).

**100-69-2. Clinical experience.** (a) Each applicant for licensure as an athletic trainer shall provide the board with proof of satisfactory completion of clinical experience as follows:

(1) If the applicant meets the educational requirements specified in K.A.R. 100-69-1(a)(1) or (2), the applicant shall have completed, in at least two years, 800 hours of athletic training experience in settings associated with the approved program and under the supervision of either an athletic trainer licensed by the board or an athletic trainer who met the requirements for licensure in this state when the supervision was provided.

(2) If the applicant meets the educational requirements specified in K.A.R. 100-69-1(a)(3), the applicant shall have completed, in at least two years and at most five years, 1,500 hours of athletic training experience under the supervision of either an athletic trainer licensed by the board or an athletic trainer who met the requirements for licensure in this state at the time the supervision was provided. One thousand of these hours shall have been completed at the interscholastic, intercollegiate, or professional sports level.

(b) In addition to the clinical experience required in subsection (a), each applicant shall submit proof of clinical experience in first aid and cardiopulmonary resuscitation by providing the board with a copy of current certification from any of the following:

- (1) The American red cross;
- (2) the American heart association;
- (3) the national safety council; or

(4) any another provider determined by the board to have standards equal to the standards of the organizations specified in paragraphs (b)(1) through (3). (Authorized by and implementing K.S.A. 2004 Supp. 65-6905 and K.S.A. 2004 Supp. 65-6907; effective July 19, 1996; amended Sept. 9, 2005.)

**100-69-3. Examination.** (a) Each applicant for licensure as an athletic trainer shall submit proof of having passed a nationally administered, standardized examination. This examination shall be one that is approved by the board and consists of written questions, written simulation questions, and practical section questions assessing knowledge on subject matter from the following domains of athletic training:

- (1) Prevention of athletic injuries;
- (2) recognition, evaluation, and assessment of athletic injuries;
- (3) immediate care of athletic injuries;
- (4) treatment of athletic injuries, rehabilitation, and reconditioning;
- (5) health care administration; and
- (6) professional development and responsibility.

(b) In order to qualify as board-approved, the entry-level certification examination administered by the national athletic trainers' association board of certification,

inc. shall meet the standards for an examination established by the board in this regulation. (Authorized by and implementing K.S.A. 2004 Supp. 65-6905 and K.S.A. 2004 Supp. 65-6907; effective July 19, 1996; amended Nov. 15, 2002; amended Sept. 9, 2005.)

**100-69-4.** (Authorized by and implementing K.S.A. 1995 Supp. 65-6905 and K.S.A. 1995 Supp. 65-6906; effective July 19, 1996; revoked Sept. 9, 2005.)

**100-69-6. Expiration of license.** The license of each athletic trainer shall expire on December 31 of each year. (Authorized by and implementing K.S.A. 2004 Supp. 65-6909; effective July 19, 1996; amended Sept. 9, 2005.)

**100-69-7. Unprofessional conduct; definition.** "Unprofessional conduct" means any of the following: (a) engaging in conduct resulting in a denial, revocation, suspension, or limitation of an athletic trainer license, registration, or certification by the proper regulatory authority of another state, a territory, the District of Columbia, or another country;

(b) failing to furnish to the board, its investigators, or its representatives any information legally requested by the board;

(c) surrendering a license, registration, or certification to practice as an athletic trainer in another state while under investigation for acts or conduct that would constitute grounds for any of the following under K.S.A. 65-6911 and amendments thereto:

- (1) Denial;
- (2) suspension;
- (3) limitation;
- (4) reprimand; or
- (5) revocation;

(d) providing services as an athletic trainer without the consent of at least one of the following:

- (1) The person on whom the services were performed;
- (2) a person licensed by the board to practice the healing arts; or
- (3) the legal representative of the person on whom the services were performed;

(e) providing services as an athletic trainer without practice protocols or contrary to the practice protocols filed with the board;

(f) practicing as an athletic trainer with a suspended license or in violation of any limitation placed on the license by the board; or

(g) engaging in athletic training without reasonable skill and safety by reason of illness or any mental or physical condition. (Authorized by and implementing K.S.A. 2004 Supp. 65-6905 and K.S.A. 2004 Supp. 65-6911; effective July 19, 1996; amended Sept. 9, 2005.)

**100-69-8.** (Authorized by and implementing K.S.A. 1995 Supp. 65-6905; effective July 19, 1996; revoked Sept. 9, 2005.)

**100-69-9. Practice protocols.** (a) As a condition of providing services as an athletic trainer in this state that constitute the practice of the healing arts, each athletic trainer licensed by the board shall file a practice protocol with the board on a form issued by the board.

(continued)

(b) Each practice protocol shall contain the following information:

(1) The name, license number, signature, and date of signature of any person licensed to practice the healing arts who will delegate to the athletic trainer any professional responsibilities that constitute the practice of the healing arts;

(2) a description of the functions and procedures delegated to the athletic trainer that constitute the practice of the healing arts;

(3) a statement from a person licensed to practice the healing arts specifying those acts that have been delegated to the athletic trainer in the absence or unavailability of the licensee; and

(4) a statement that the board will be provided with any changes or amendments to the practice protocol within 10 days after any changes or amendments have been made. (Authorized by and implementing K.S.A. 2004 Supp. 65-6905 and 65-6906; effective July 19, 1996; amended Nov. 15, 2002; amended Sept. 9, 2005.)

**100-69-10. License renewal; continuing education.** (a) As a condition of renewal, each licensed athletic trainer shall submit, in addition to the annual application for renewal of licensure, evidence of satisfactory completion of a minimum of 20 hours of continuing education within the preceding year.

(b) Any licensee who suffered an illness or injury during the 12-month period before the expiration date of the license that made it impossible or extremely difficult to reasonably obtain the required continuing education hours may be granted an extension of not more than six months.

(c) Each athletic trainer initially licensed within one year of the expiration date of the license shall be exempt from the continuing education required by subsection (a) for that first renewal period.

(d) All continuing education shall be related to the field of athletic training and shall be presented by providers approved by the board.

(e) One hour shall be 60 minutes of instruction or the equivalent.

(f) All continuing education shall meet the requirements of subsection (g).

(g) The categories of continuing education experiences shall be the following:

(1) Category A. The number of hours for category A activities shall be granted upon receipt of documented evidence of attendance or satisfactory completion. Category A continuing education experiences shall include the following:

(A) Symposium. "Symposium" shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.

(B) Seminar. "Seminar" shall mean directed advanced study or discussion in a specific field of interest.

(C) Workshop. "Workshop" shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest.

(D) Conference. "Conference" shall mean a formal meeting of a number of people for a discussion in a specific field of interest.

(E) Home study course. "Home study course" shall mean a correspondence course designed for advanced study in a specific field of interest.

(2) Category B. Category B continuing education experiences shall include the following:

(A) Leadership activities. The number of hours granted for leadership activities shall be the following:

(i) 10 hours for a speaker at a clinical symposium where the primary audience is allied health care professionals;

(ii) five hours for a panelist at a clinical symposium where the primary audience is allied health care professionals;

(iii) 20 hours for participating in the United States olympic committee's two-week volunteer training center; and

(iv) five hours for serving as an examiner or patient model for an examination approved by the board for athletic trainers.

(B) Publication activities. The number of hours granted for writing a professional publication shall be the following:

(i) Five hours to author an article in a non-refereed journal;

(ii) 15 hours to author an article in a refereed journal;

(iii) 10 hours to coauthor an article in a refereed journal;

(iv) 40 hours to author a published textbook;

(v) 20 hours to coauthor a published textbook;

(vi) 10 hours for being a contributing author of a published textbook;

(vii) 10 hours to author a refereed or peer-reviewed poster presentation; and

(viii) five hours to coauthor a poster presentation.

(3) Category C. The number of hours assigned to category C continuing education experiences shall be the following:

(A) 10 hours for each credit hour for postcertification education; and

(B) classes in one of the six domains of athletic training:

(i) Prevention of athletic injuries;

(ii) recognition, evaluation, and assessment of athletic injuries;

(iii) treatment, rehabilitation, and reconditioning of athletic injuries;

(iv) health care administration;

(v) professional development and responsibility; and

(vi) immediate care of athletic injuries.

(4) Category D. Five hours shall be granted for satisfactory completion of CPR courses provided by the American red cross, American heart association, national safety council, and the international affiliates of each of these organizations.

(5) Category E. The number of hours granted upon receipt of documented evidence of satisfactory completion for category E continuing education experiences shall be the following:

(A) One hour shall be granted for each hour of attendance at continuing education program activities that are not approved by the board for category A or category B, but that are related to specific athletic training and sports medicine topics.

(B) One hour shall be granted for each hour of listening to continuing education program audiotapes or other multimedia products related to specific athletic training and sports medicine topics.

(h) Continuing education requirements shall be obtained by participation in two or more of the categories listed in subsection (g).

(i) No credit shall be granted for making any repeated presentations of the same subject matter.

(j) No credit shall be granted for reiteration of material or information obtained from attendance at a continuing education program.

(k) To provide evidence of satisfactory completion of continuing education, the following shall be submitted to the board:

- (1) Documented evidence of attendance at category A and category E activities;
- (2) proof of participation in category B activities, which shall include a copy of any professional publication or any presentation, or a certification of leadership activity;
- (3) receipt and personal verification of self-instruction from home study courses;
- (4) a copy of each transcript or grade report for category C activities;
- (5) a copy of the CPR card or certificate for a category D course; and
- (6) personal verification of listening to or viewing continuing education program videotapes, audiotapes, or other multimedia products. (Authorized by and implementing K.S.A. 2004 Supp. 65-6905; effective Jan. 9, 1998; amended Nov. 15, 2002; amended Sept. 9, 2005.)

**100-69-11. Reinstatement; canceled and revoked licenses.** (a) Each applicant desiring to reinstate a license that has been canceled for failure to renew for more than 30 days shall submit proof of continuing education to the board as follows:

(1) If the time since the license was canceled has been one year or less, no continuing education in addition to that which would have been necessary had the license been renewed before cancellation shall be required.

(2) If the time since the license was canceled has been more than one year, but fewer than four years, the applicant shall provide one of the following:

(A) Evidence of completion of a minimum of 20 hours of continuing education credit hours for each year the applicant has not been in active practice;

(B) proof of completion of continuing education required by the national athletic trainers' association board of certification, inc., as evidenced by proof of active status certification; or

(C) proof that the applicant has passed the written simulation section of the examination required for a license within 12 months before the date the application was submitted.

(3) If the time since the license expired has been four years or more, the applicant shall provide one of the following:

(A) Proof of current active status certification by the national athletic trainers' association board of certification, inc.; or

(B) proof that the applicant has passed the examination required for a registration within 12 months before the date the application was submitted.

(4) If, since the date the license was canceled, the applicant has been in active practice as an athletic trainer in another state or jurisdiction that requires a license, registration, or certification to practice, the applicant shall submit proof of the current license, registration, or certification and proof of compliance with the continuing education requirements of that jurisdiction.

(b) Each applicant seeking reinstatement of a revoked license shall successfully complete an individually tailored program approved by the board. (Authorized by K.S.A. 2004 Supp. 65-6905 and K.S.A. 2004 Supp. 65-6911; implementing K.S.A. 2004 Supp. 65-6909; effective Nov. 15, 2002; amended Sept. 9, 2005.)

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 032314

**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*.

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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

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-41-1		
through		
36-41-5	New (T)	V. 24, p. 273, 274
36-41-1		
through		
36-41-5	New	V. 24, p. 1111, 1112

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-44	Amended	V. 24, p. 848
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
40-2-14a	New	V. 24, p. 751
40-2-14b	New	V. 24, p. 751
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
40-3-50	Revoked	V. 24, p. 848
40-3-53	New (T)	V. 24, p. 15

40-3-53	New	V. 24, p. 615
40-4-35	Amended	V. 24, p. 1264

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

Reg. No.	Action	Register
51-9-17	Amended	V. 24, p. 959

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-3-106a	Amended	V. 24, p. 1145
60-3-107	Amended	V. 24, p. 1145
60-3-108	Amended	V. 24, p. 1145
60-3-112	Amended	V. 24, p. 1145
60-11-13	Amended	V. 24, p. 1145
60-11-120	Amended	V. 24, p. 1145
60-11-121	Amended	V. 24, p. 1145
60-13-112	Amended	V. 24, p. 1146
60-15-101	Amended	V. 24, p. 1146
60-15-104	Amended	V. 24, p. 1147
60-16-103	Amended	V. 24, p. 1147
60-16-104	Amended	V. 24, p. 1148
60-17-111	Amended	V. 24, p. 1149

**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
66-6-4	Amended	V. 24, p. 79
66-8-5	Amended	V. 23, p. 95
66-8-8	New	V. 24, p. 80
66-9-6	Amended	V. 24, p. 80
66-9-7	New	V. 24, p. 80
66-10-14	New	V. 24, p. 80
66-14-3	Amended	V. 24, p. 80
66-14-5	Amended	V. 24, p. 81

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-3a	Amended	V. 23, p. 1739
68-7-20	New	V. 23, p. 382

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-1-4	Amended (T)	V. 24, p. 14
69-1-4	Amended	V. 24, p. 392

**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
71-2-2	Amended	V. 24, p. 338
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
71-6-5	Amended	V. 23, p. 718
71-7-1	New	V. 23, p. 152

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-1a	Amended	V. 24, p. 794
74-4-8	Amended	V. 24, p. 794
74-5-2	Amended	V. 24, p. 795
74-5-101	Amended	V. 24, p. 795
74-5-102	Amended	V. 24, p. 796
74-5-103	Amended	V. 24, p. 796
74-5-104	Amended	V. 24, p. 796
74-5-201	Amended	V. 24, p. 796
74-5-202	Amended	V. 24, p. 796
74-5-203	Amended	V. 24, p. 797
74-5-205	Revoked	V. 24, p. 797
74-5-301	Amended	V. 24, p. 797
74-5-401	Amended	V. 24, p. 797
74-5-403	Amended	V. 24, p. 797
74-11-6	Amended	V. 24, p. 797
74-11-15	Amended	V. 24, p. 798

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 23, p. 426
82-3-108	Amended	V. 23, p. 1739
82-3-123	Amended	V. 23, p. 1740
82-3-123a	Amended	V. 23, p. 1740
82-3-138	Amended	V. 23, p. 1741
82-3-208	Amended	V. 23, p. 1741
82-3-301	Revoked	V. 23, p. 1742
82-3-304	Amended	V. 23, p. 1742
82-3-312	Amended	V. 23, p. 1742
82-3-314	New	V. 23, p. 1743
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
82-3-1005	Amended	V. 23, p. 1743
82-4-3	Amended (T)	V. 24, p. 97
82-4-3	Amended	V. 24, p. 463

(continued)

82-4-3a through 82-4-3m	New (T)	V. 24, p. 97-122
82-4-3a through 82-4-3m	New	V. 24, p. 463-488

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-3-29	New (T)	V. 24, p. 959

**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
91-1-68a through 91-1-68e	Revoked	V. 23, p. 1111
91-1-203	Amended	V. 24, p. 1178
91-1-213	Revoked	V. 24, p. 1181
91-1-220	New	V. 24, p. 1181
91-1-221	New	V. 24, p. 1182
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
91-8-2	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
91-15-1	Amended	V. 24, p. 272
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
91-35-1 through 91-35-4	Revoked	V. 24, p. 272

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-113	New	V. 24, p. 423
92-19-49a	Revoked	V. 24, p. 798
92-19-49b	New	V. 24, p. 798
92-19-49c	New	V. 24, p. 799
92-19-49d	New	V. 24, p. 801
92-19-81	Amended	V. 24, p. 802
92-26-4	Amended	V. 23, p. 1533
92-51-34a	Amended	V. 24, p. 423

**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 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES**

Reg. No.	Action	Register
99-25-1	Amended	V. 24, p. 1264
99-25-9	Amended	V. 24, p. 1265
99-25-10	New	V. 24, p. 1265

**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
100-15-2	Revoked	V. 24, p. 1113
100-15-4 through 100-15-7	New	V. 24, p. 1113, 1114
100-28a-1	Amended	V. 23, p. 1558
100-28a-14	Amended	V. 24, p. 1114
100-28a-17	New	V. 24, p. 1114
100-28a-18	New	V. 24, p. 1115
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
100-72-6	Amended	V. 24, p. 1115
100-72-8	New	V. 24, p. 14
100-72-9	New	V. 23, p. 1558
100-73-1 through 100-73-6	New (T)	V. 24, p. 1142-1144

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-13	Amended	V. 24, p. 424
102-1-18	Amended	V. 24, p. 424
102-2-3	Amended	V. 24, p. 424
102-2-8	Amended	V. 24, p. 424
102-2-12	Amended	V. 24, p. 426
102-2-14	Amended	V. 24, p. 427
102-3-2	Amended	V. 24, p. 428
102-3-3a	Amended (T)	V. 24, p. 330
102-3-4a	Amended	V. 24, p. 1211
102-3-7a	Amended	V. 23, p. 1139
102-3-15	Amended	V. 24, p. 428
102-4-2	Amended	V. 24, p. 428
102-4-3a	Amended	V. 23, p. 1141
102-4-4a	Amended	V. 23, p. 1143
102-4-7a	Amended	V. 23, p. 1144
102-4-15	Amended	V. 24, p. 428
102-5-2	Amended	V. 24, p. 428
102-5-4a	Amended	V. 23, p. 1145
102-5-7a	Amended	V. 23, p. 1147
102-5-14	Amended	V. 24, p. 429

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

Reg. No.	Action	Register
108-1-1	Amended	V. 24, p. 960
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
110-11-1	New	V. 24, p. 429
110-11-2	New	V. 24, p. 429
110-11-3	New	V. 24, p. 429

110-12-1 through 110-12-6	New	V. 24, p. 371
110-13-1 through 110-13-10	New	V. 24, p. 1209-1211

**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
111-2-163	New	V. 24, p. 15
111-2-164	New	V. 24, p. 199
111-2-165	New	V. 24, p. 296
111-2-166	New	V. 24, p. 296
111-2-167 through 111-2-172	New	V. 24, p. 430, 431
111-2-173	New	V. 24, p. 460
111-2-174	New	V. 24, p. 460
111-2-175	New	V. 24, p. 919
111-2-176	New	V. 24, p. 919
111-2-177	New	V. 24, p. 1265
111-2-178	New	V. 24, p. 1265
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

111-4-2206		
through		
111-4-2213	New	V. 24, p. 15-22
111-4-2214		
through		
111-4-2227	New	V. 24, p. 199-207
111-4-2228		
through		
111-4-2235	New	V. 24, p. 297-300
111-4-2228	Amended	V. 24, p. 1115
111-4-2236		
through		
111-4-2241	New	V. 24, p. 432-435
111-4-2242	New	V. 24, p. 461
111-4-2243	New	V. 24, p. 462
111-4-2244		
through		
111-4-2258	New	V. 24, p. 920-925
111-4-2246	Amended	V. 24, p. 1028
111-4-2255	Amended	V. 24, p. 1029
111-4-2259		
through		
111-4-2283	New	V. 24, p. 1029-1046
111-4-2284		
through		
111-4-2292	New	V. 24, p. 1116-1119
111-4-2293		
through		
111-4-2306	New	V. 24, p. 1266-1275
111-5-23		
through		
111-5-28	Amended	V. 24, p. 1276-1278
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
111-5-116		
through		
111-5-120	New	V. 24, p. 208, 209
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
111-6-26	New	V. 24, p. 23
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
111-7-193		
through		
111-7-197	New	V. 24, p. 436, 437
111-7-198		
through		
111-7-202	New	V. 24, p. 1046, 1047
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910
111-9-124	New	V. 24, p. 437
111-9-125	New	V. 24, p. 438
111-9-126	New	V. 24, p. 438
111-11-1		
through		
111-11-11	New	V. 23, p. 911-914
111-11-1	Amended	V. 24, p. 989
111-11-4	Amended	V. 24, p. 990
111-11-5	Amended	V. 24, p. 990
111-11-11	Amended	V. 24, p. 991
111-12-1	New	V. 23, p. 914
111-12-2	New	V. 24, p. 991
111-12-3	New	V. 24, p. 991

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-10-3	Amended	V. 23, p. 93
112-10-5	Amended	V. 24, p. 1263

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
115-2-1	Amended	V. 24, p. 147
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. 24, p. 148
115-4-2	Amended	V. 24, p. 420
115-4-4	Amended	V. 24, p. 421
115-4-4a	New	V. 24, p. 422
115-4-6	Amended	V. 24, p. 148
115-4-6a	New	V. 24, p. 151
115-4-11	Amended	V. 24, p. 151
115-4-13	Amended	V. 24, p. 422
115-4-14	New	V. 23, p. 1583
115-5-1	Amended	V. 24, p. 152
115-5-4	New	V. 24, p. 752
115-7-1	Amended	V. 23, p. 1584
115-7-2	Amended	V. 24, p. 153
115-9-4	Amended	V. 24, p. 153
115-9-9	New	V. 24, p. 1112
115-11-1	Amended	V. 24, p. 752
115-11-2	Amended	V. 24, p. 153
115-15-1	Amended	V. 24, p. 154
115-15-2	Amended	V. 24, p. 155
115-18-1	Amended	V. 24, p. 156
115-18-7	Amended	V. 24, p. 159
115-18-10	Amended	V. 24, p. 753
115-18-14	Amended	V. 23, p. 1585
115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-2	Amended	V. 23, p. 1407
117-2-2a	New	V. 24, p. 1079
117-2-3	Amended (T)	V. 24, p. 1141
117-3-2	Amended	V. 23, p. 1408
117-3-3	Amended (T)	V. 24, p. 1141
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117-4-2	Amended	V. 23, p. 1408
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117-4-3	Amended (T)	V. 24, p. 1141
117-5-2a	New	V. 24, p. 1080
117-6-3	Amended	V. 24, p. 77
117-7-1	Amended	V. 24, p. 78
117-8-1	Amended	V. 24, p. 78
117-9-1	Amended	V. 23, p. 150

**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

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123-2-110	New	V. 24, p. 338
123-5-101	New	V. 24, p. 339
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123-5-111	New	V. 24, p. 339
123-5-112	New	V. 24, p. 340
123-5-505	New	V. 24, p. 340
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123-12-107	New	V. 24, p. 301, 302
123-12-201		
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123-12-210	New	V. 24, p. 302, 303
123-12-301		
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123-12-315	New	V. 24, p. 303-305

123-12-317	New	V. 24, p. 305
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123-12-319	New	V. 24, p. 306
123-12-321		
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123-12-327	New	V. 24, p. 306
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123-12-401	New	V. 24, p. 307
123-12-501		
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123-12-505	New	V. 24, p. 307, 308
123-12-505b	New	V. 24, p. 308
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123-12-602	New	V. 24, p. 310
123-12-702	New	V. 24, p. 310
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123-13-101a	New	V. 24, p. 343
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123-13-105	New	V. 24, p. 343
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123-13-307	New	V. 24, p. 346
123-13-401		
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123-13-409	New	V. 24, p. 350
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123-15-105a	New	V. 24, p. 356
123-15-106	New	V. 24, p. 356
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**AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION**

Reg. No.	Action	Register
127-1-1	New	V. 24, p. 848







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