



Kansas Register

Kris W. Kobach, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet during the period of July 19-23, based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY 711, or e-mail LegServ@las.ks.gov.

Date	Room	Time	Committee	Agenda
July 23	152-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review and comment on proposed rules and regulations noticed for hearing by: Social and Rehabilitation Services; Board of Cosmetology; Department of Labor, Division of Workers Compensation; Wildlife, Parks, and Tourism Commission; Kansas Pharmacy Board; Department of Commerce; Real Estate Appraisal Board; Board of Indigents' Defense Services; Office of the Attorney General; Commission on Peace Officers' Standards and Training.

Jeffrey M. Russell
Director of Legislative
Administrative Services

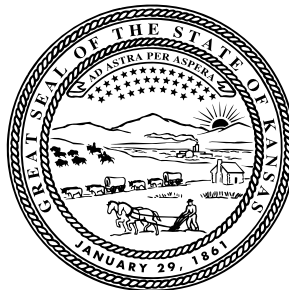
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State of Kansas
Children's Cabinet and Trust Fund

Notice of Meeting

The Kansas Children's Cabinet and Trust Fund will conduct a board meeting from 9:30 a.m. to 1 p.m. Friday, August 3, in the Marvin Auditorium, 101-A, Topeka & Shawnee County Public Library, 1515 S.W. 10th Ave., Topeka. The Children's Cabinet's website at www.kschildrenscabinet.org may contain updated information a day before the meeting.

Jim Redmon
 Executive Director

Doc. No. 040719

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. 2011 Supp. 12-1675(b)(c)(d) and K.S.A. 2011 Supp. 12-1675a(g).

Effective 7-16-12 through 7-22-12

Term	Rate
1-89 days	0.18%
3 months	0.10%
6 months	0.15%
1 year	0.21%
18 months	0.25%
2 years	0.27%

Scott Miller
 Director of Investments

Doc. No. 040705

State of Kansas
**Department of Agriculture
 Division of Conservation**

Notice to Contractors

Separate sealed bids for the construction of a 28,500-cubic-yard floodwater detention dam, Site I-1B, will be received by the Marmaton Watershed Joint District No. 102 at the office of Agricultural Engineering Associates, 1000 Promontory Drive, Box 4, Uniontown, 66779, (620) 756-1000, until 8 p.m. August 16, and then at said office publicly opened and read aloud at that time.

Parties interested in bidding must contact Agricultural Engineering Associates for bidder prequalification prior to obtaining contract documents and/or bidding. The contract documents may be examined at the office of Agricultural Engineering Associates, and copies of the contract documents may be obtained upon a nonrefundable payment of \$50 per set.

A pre-bid conference for interested contractors will be held at 10 a.m. August 6 at the office of Agricultural Engineering Associates to review any questions on the anticipated construction. Attendance at the conference is not mandatory for bidding on this project.

Greg A. Foley
 Executive Director
 Division of Conservation

Doc. No. 040720

State of Kansas
Board of Emergency Medical Services

Notice of Meetings

The Board of Emergency Medical Services will meet at 9 a.m. Friday, August 3, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Meetings for the Planning and Operations Committee, the Education, Examination, Certification and Training Committee, the Executive Committee and the Investigations Committee will be held beginning at 9 a.m. Thursday, August 2, at the same location.

Items on the agenda for the board meeting can be found on the board's website at <http://www.ksbems.org>. All meetings of the board are open to the public. For more information, contact the executive director, Room 1031, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1228, (785) 296-7296.

Steven Sutton
 Executive Director

Doc. No. 040731

State of Kansas
**Department of Revenue
 Division of Vehicles**

**Notice of Intent to Establish a New Location for
 an Existing New Motor Vehicle Dealer**

SNKCKS, LLC, dba Superior Nissan of Kansas City, has filed intent to change dealership location. SNKCKS, LLC, dba Superior Nissan of Kansas City, currently conducts business as SNKCKS, LLC, dba Superior Nissan of Kansas City, at 7951 Shawnee Mission Parkway, Merriam, Kansas. SNKCKS, LLC, dba Superior Nissan of Kansas City, seeks to relocate its location and line-make vehicles to 8400 Shawnee Mission Parkway, Merriam, Kansas.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer with standing may protest the proposed relocation of the new-line make vehicles by SNKCKS, LLC, dba Superior Nissan of Kansas City. K.S.A. 8-2430 (c) provides standing to any existing new motor vehicle dealer who has a franchise agreement for the same line-make vehicles as that which are to be sold or offered for sale by SNKCKS, LLC, dba Superior Nissan of Kansas City, at 8400 Shawnee Mission Parkway, Merriam, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the SNKCKS, LLC, dba Superior Nissan of Kansas City dealership will be relocated.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petition or complaint must be directed to the Kansas Department of Revenue, Director of Vehicles, 11th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Donna Shelite
 Director of Vehicles

Doc. No. 040716

State of Kansas

**Department of Administration
Procurement and Contracts**
Notice to Bidders

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

08/29/2012 EVT0001554 Electronic Messaging and Kiosk Services for Inmates

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

<http://www2.da.ks.gov/purch/contracts/bids.aspx>

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

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

Information regarding prequalification, projects and bid documents can be obtained at (785) 296-8899 or <http://da.ks.gov/fp/>.

Chris Howe, Director
Procurement and Contracts

Doc. No. 040732

State of Kansas

Board of Regents Universities
Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: www.emporia.edu/busaff/. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: thouse@emporia.edu. Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

Fort Hays State University – Bid postings: www.fhsu.edu/purchasing/bids. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: purchasing@fhsu.edu. Mailing address: Fort Hays State Purchasing Office, 601 Park St., 318 Sheridan Hall, Hays, KS 67601.

Kansas State University – Bid postings: www.k-state.edu/purchasing/rfq. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: www.pittstate.edu/office/purchasing. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: jensch@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

University of Kansas – Electronic bid postings: <http://www.purchasing.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: purchasing@ku.edu.

University of Kansas Medical Center – Bid postings: <http://www2.kumc.edu/finance/purchasing/bids.html>. Additional contact info: phone: 913-588-1100, fax: 913-588-1102. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: www.wichita.edu/purchasing. Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Jim Hughes
Chair of Regents Purchasing Group
Director of Purchasing
Pittsburg State University

Doc. No. 040656

State of Kansas

**Department of Administration
Office of Facilities and Property Management**
Notice of Requested "On-Call" Architectural Services

Notice is hereby given of the commencement of the selection process for "on-call" architectural services for small projects for the Kansas Commission on Veterans' Affairs. The contract will be for three years.

For more information, contact Kafer Peele at (785) 296-3977. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the website below.

To be considered, one (1) PDF file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines, which can be found in Chapter 4 of the Building Design and Construction Manual at www.da.ks.gov/fp/manual.htm. Proposals should be sent to Barbara Schilling, Office of Facilities and Property Management, Suite 600 South, Landon State Office Building, 900 SW Jackson, Topeka, 66612. If you have questions call (785) 291-3695 or email Barb.Schilling@da.ks.gov. Both the PDF and bound proposal submittals shall be delivered to the attention of Barbara Schilling before noon August 3.

Mark J. McGivern, Director
Office of Facilities and
Property Management

Doc. No. 040725

State of Kansas

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

Kansas State University-Salina is selling by sealed bid a Cessna 421B Golden Eagle/Executive Commuter. Bids are due by 3 p.m. August 2.

Details, pictures and bid procedures can be found at www.salina.k-state.edu/biditems/N31KS.

Rhonda Reed-Brann
Kansas State University-Salina

Doc. No. 040722

(Published in the Kansas Register July 19, 2012.)

City of Oakley, Kansas**Notice of Proposed DBE Program**

The city of Oakley, Kansas, 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 Oakley Municipal Airport. The city anticipates receiving federal financial assistance from the Department of Transportation and, as a condition of receiving this assistance, the city will sign an assurance that it will comply with 49 CFR Part 26.

The city's overall goal for FY 2013-2015 is the following: a three-year goal of 4.86 percent of the federal financial assistance.

The proposed DBE Program is available for public inspection and comment at the office of the city clerk, 209 Hudson Ave., Oakley, 67748. The city will accept comments on the goals for 30 days from the date of this notice. Comments can be sent to Rose Wessel, city clerk.

Rose Wessel
City Clerk

Doc. No. 040618

State of Kansas

Kansas Development Finance Authority**Notice of Hearing**

A public hearing will be conducted at 9 a.m. Thursday, August 2, in the conference room of Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its Health Facilities Revenue Bonds on behalf of Stormont-Vail HealthCare, Inc., a Kansas nonprofit corporation (the corporation), in an amount not to exceed \$11,500,000, plus all amounts required for costs of bond issuance. The bonds will be issued, pursuant to K.S.A. 74-8901 et seq., for the following purposes: (1) to finance, refinance and reimburse costs of health care facilities and equipment to be owned and operated by the corporation at the corporation's principal campus located at 1500 S.W. 10th Ave., Topeka, Kansas, and additional locations of the corporation's health facilities in the city of Topeka, listed below (collectively, the project); and (2) to pay costs incurred in connection with the issuance of the bonds.

Additional health facilities locations include: 824 Washburn Office Building, 824 S.W. Washburn Ave.; Cotton Building, 901 S.W. Garfield Ave.; Harrison Building, 929 S.W. Mulvane St.; O'Neil Building, 823 S.W. Mulvane St.; North Topeka Clinic, 1130 N. Kansas Ave.; Oakwood Apartments, 825 S.W. Lane St., 808 S.W. Washburn Ave. & 816 S.W. Washburn Ave.; Shawnee County Health Agency, 1615 S.W. 8th Ave.; CTS Building, 830 S.W. Mulvane St.; KOSM Building, 909 S.W. Mulvane St.; State of Kansas Building, 2601 S.W. East Circle Drive North; School District #501 land, directly west of property owned by Concrete Supply Co. of Topeka, 2500 S.W. East Circle Drive North.

The bonds, when issued, will be a limited obligation of the K DFA, payable solely from revenues pledged by the corporation, and will not constitute a general obligation or indebtedness of the state of Kansas, the city of Topeka or any political subdivision thereof, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bonds will be payable solely from revenues pledged by the corporation in amounts sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

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

Rebecca E. Floyd
Executive Vice President

Doc. No. 040728

(Published in the Kansas Register July 19, 2012.)

Coffey County, Kansas**Notice of Proposed DBE Program**

Coffey County, Kansas, 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 Coffey County Airport. The county anticipates receiving federal financial assistance from the Department of Transportation and, as a condition of receiving this assistance, the county will sign an assurance that it will comply with 49 CFR Part 26.

The county's overall goal for FY 2013-2015 is the following: a three-year goal of 3.77 percent of the federal financial assistance.

The proposed DBE Program is available for public inspection and comment at the office of the airport manager, 1899 Highway 75, Burlington, 66839. The county will accept comments on the goals for 30 days from the date of this notice. Comments can be sent to Darren Isch, airport manager.

Darren Isch
Airport Manager

Doc. No. 040721

State of Kansas

**Department of Health
and Environment**

Notice of Hearing

The Kansas Department of Health and Environment has prepared proposed Kansas Water Pollution Control Permit, A-URNT-H008, for Calvert Swine, LLC (Terry Nelson, owner), located near Alma, Kansas. The proposed permit is for a waste control system for a confined feeding facility with a maximum capacity of 3,720 animal units of swine. The facility is located in the SW/4 of Section 19, Township 2 South, Range 21 West in Norton County, Kansas. A notice in the Kansas Register dated July 19, 2012, will inform the public of the availability of the proposed water pollution control permit for Calvert Swine, LLC.

In conformance with K.A.R. 28-16-61, a public hearing on the proposed permit has been scheduled at 5:30 p.m. Wednesday, August 22, at the Alma Community Building, 417 Main St., Alma.

Copies of the permit application, the proposed KDHE permit and other pertinent documents may be viewed at the KDHE, Bureau of Water, or requested by contacting the Kansas Department of Health and Environment, Bureau of Water, Livestock Waste Management Section, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, (785) 296-6432 or fax (785) 296-5509. Appropriate copying charges will be assessed for each request.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 040724

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment and the U.S. Environmental Protection Agency are providing notice of intent to renew a Resource Conservation and Recovery Act (RCRA) hazardous waste post-closure permit to MRP Properties Company, LLC (MRP), the operator and owner, for a facility located at 1400 M St., Arkansas City, Kansas. The facility operated as a refinery from 1923 to 1996.

The RCRA Post-Closure Renewal Permit will be issued jointly by KDHE and the EPA for a 10-year term. KDHE will issue Part I of the permit, which requires MRP to complete closure of a Land Treatment Unit and perform post-closure care, groundwater monitoring and corrective action for the Land Treatment Unit, closed #1 Surface Impoundment, closed #2 Surface Impoundment and closed #3A Aerated Lagoon. Part II of the permit, issued by the EPA, addresses corrective action for the rest of the facility. The facility will be subject to inspection by KDHE and the EPA to determine compliance with the permit requirements.

An availability session and public hearing will be conducted August 29 in the Earle N. Wright Community

Room, Cowley County Community College, 215 S. 2nd St., Arkansas City. The availability session will be held from 3 p.m. to 5 p.m. to allow an opportunity for the public to interact with representatives from the EPA, KDHE and MRP regarding questions about the permit renewal. The public hearing will begin at 7 p.m. for anyone interested in providing oral or written comments on the draft permit or Part B application. Written statements, postmarked not later than September 5, also may be submitted during the comment period to Mostafa Kamal (KDHE) or to Bradley Roberts (EPA) at the addresses listed below.

A copy of the administrative record, which includes the draft permit, Part B permit application and other correspondence pertaining to the permit renewal, is available for public review from July 23 to September 5 at the following locations:

Kansas Department of Health and Environment
Hazardous Waste Permits Section
1000 S.W. Jackson, Suite 320
Topeka, 66612-1366
Contact: Mostafa Kamal
(785) 296-1609

Arkansas City Public Library
120 E. 5th St.
Arkansas City, 67005
(620) 442-1280

U.S. Environmental Protection Agency
Region 7 AWMD/WRAP
901 N. 5th St.
Kansas City, KS 66101
Contact: Bradley Roberts
(913) 551-7279

The administrative record also can be accessed on the KDHE website at www.kdheks.gov/waste/p_pubnot_hw.html.

After consideration of all comments received, the Secretary of Health and Environment and the EPA regional administrator will make a final decision on the permit. Notice will be given to the applicant, to those who submitted written comments, to those who commented at the public hearing and to those who requested to be included in the mailing list of the final permit decision. If none of the comments received during the comment period result in revisions to the draft permit, the permit will become effective immediately upon its issuance. If comments received during the public comment period result in revisions, the permit will become effective 30 days after service of notice of the final decision to allow for public review of the revisions. Appeals of the final permit decision for the Part I permit must be filed within 15 days after service of notice in accordance with K.S.A. 65-3440 and K.S.A. 77-601 et seq., and appeals to the Part II permit must be filed within 30 days after service of notice in accordance with 40 CFR 124.19.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 040727

State of Kansas

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

The Kansas Department of Health and Environment and the U.S. Environmental Protection Agency, Region 7, have received Resource Conservation and Recovery Act (RCRA) hazardous waste Part A and Part B permit renewal applications from Clean Harbors Kansas, LLC, located at 2549 N. New York St., Wichita. KDHE and the EPA are providing notice of their intent to renew a jointly issued RCRA hazardous waste storage permit to Clean Harbors Kansas, LLC, the operator and owner of the facility. The facility is assigned the EPA Identification Number KSD007246846.

In October 1985, the state of Kansas received final authorization from the EPA to implement its own hazardous waste management program in lieu of the federal program except for the portions covered by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The KDHE portion of the permit (Part I) will be issued under the authority of K.S.A. 65-3430 et seq. and K.A.R. 28-31-4 through 28-31-279a, and the EPA portion of the permit (Part II) will be issued under the authority of Sections 3001(g), 3001(h), 3002(b), 3004(d), 3004(u) and (v), 3005 and 6001 of the RCRA.

The facility will be permitted for storage of hazardous waste in approved containers, and storage and treatment in tanks, in accordance with 40 CFR 264.170 through 264.179, in the hazardous waste storage area, Building "C," Building "I," front portion (next to the truck bay) of the process area (P100), and drum dock in front of Building "C." The container storage area will be permitted to handle a maximum capacity of 174,570 gallons. The tank storage area (located in P100 area) will be permitted to handle a maximum capacity of 85,689 gallons. Emergency equipment is available at the facility and appropriate warning signs are posted on the perimeter fences. The EPA portion (Part II) of the joint permit will address the corrective action requirements of HSWA and the air emission requirements in 40 CFR 264 subpart CC.

A copy of the administrative record, which includes the draft permit, the fact sheet, the permit application and all information pertaining to this permit action, is available for public review from July 23 through September 5, Monday through Friday during normal business hours, at the following locations:

Kansas Department of Health and Environment
Hazardous Waste Permits Section
1000 S.W. Jackson, Suite 320
Topeka, 66612
Contact: Mostafa Kamal
(785) 296-1609

U.S. Environmental Protection Agency
Region 7 Offices— AWMD-WRAP Branch
901 N. 5th St.
Kansas City, KS 66101
Contact: Chris Jump
(913) 551- 7141

Wichita Public Library
223 S. Main
Wichita, 67203
Contact: Larry Vos
(316) 261-8540

The administrative record also can be accessed on the KDHE website at www.kdheks.gov/waste/p_pubnot_hw.html.

Anyone wishing to comment on the draft permit should submit written comments postmarked not later than September 5 to Mostafa Kamal (KDHE) or to Chris Jump (EPA) at the above addresses.

A public hearing has not been scheduled; however, if written requests are received that indicate a significant degree of public interest in the draft permit, a public hearing will be scheduled. After consideration of all comments received, the Secretary of Health and Environment and the EPA Region 7 director of the Air and Waste Management Division will make a final permit decision. Notice will be given to the applicant, to all persons who submitted written comments, to those who commented at the public hearing, and to those who requested notice of the final permit decision. If comments received during the public comment period result in revisions, the permit will become effective 30 days after service of notice of the final decision to allow for public review of the revisions. Appeals of the final permit decision for the Part I permit must be filed within 15 days after service of notice in accordance with K.S.A. 65-3440 and K.S.A. 77-601 et seq., and appeals to the Part II permit must be filed within 30 days after service of notice in accordance with 40 CFR 124.19.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 040730

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 17, 28-18a-1 through 33, 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

(continued)

to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-12-203/213

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Derek and Gary Pfrang 2293 28th Road Wetmore, KS 66550	NE/4 of Section 29, T05S, R14E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-B006

This is a new permit for an expanding facility with the proposed maximum capacity of 950 head (950 animal units) of cattle weighing greater than 700 pounds. The facility currently consists of approximately 5.7 acres of open lot pens. Modifications to the facility include the construction of approximately 12.4 acres of open lot pens, three diversions, a sediment basin, an earthen waste storage pond and two waste transfer pipelines. Approximately 1.3 acres of existing pen area will be converted into dedicated grass buffer areas.

Name and Address of Applicant	Legal Description	Receiving Water
David R. Cross Cattle 1118 200th Ave. Lewis, KS 67552	NW/4 of Section 29, T24S, R17W, Edwards County	Upper Arkansas River Basin

Kansas Permit No. A-UAED-B004

This is a new permit for a proposed livestock facility with the maximum capacity of 900 head (900 animal units) of cattle weighing greater than 700 pounds and 10 head (20 animal units) of horses, for a total of 920 animal units of livestock. The facility currently consists of a 0.75-acre horse pen. Proposed modifications include the construction of approximately 4.6 acres of open lot pens, a sediment basin and a vegetative treatment area.

Name and Address of Applicant	Legal Description	Receiving Water
Wettstein Farms Wayne Wettstein 4598 Road 9 Liberal, KS 67901	NE/4 of Section 10, T34S, R34W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-B003

This is a permit modification for an existing facility for a decrease in capacity to 999 head (499.5 animal units) of cattle weighing less than 700 pounds. Modifications have been made to the wastewater control system to combine the two existing retention structures into one structure.

Name and Address of Applicant	Legal Description	Receiving Water
Calvert Swine, LLC Terry Nelson, Owner 1304 W. Fox Road Long Island, KS 67647	SW/4 of Section 19, T02S, R21W, Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-H008 Federal Permit No. KS0100421

This is a permit for a new swine facility with a maximum capacity of 9,300 head (3,720 animal units) of swine weighing more than 55 pounds each. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Ed Wait 15160 S.W. 10th Benton, KS 67017	SE/4 of Section 05, T26S, R03E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-S041

This is a permit modification for an existing facility with a capacity of 1,350 head of swine or 480 animal units. The permittee has completed the schedule of compliance and the requirement to upgrade

the wastewater storage basin is being changed to a requirement to monitor the berms of the basin.

Name and Address of Applicant	Legal Description	Receiving Water
Fairleigh Feed Yard, Inc. 7400 S. Falcon Road Scott City, KS 67871	All of Section 25, T19S, R34W, All of Section 30, T19S, R33W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C001 Federal Permit No. KS0038059

This is a permit modification and reissuance for an expanding livestock facility with the proposed maximum capacity of 67,950 head (67,950 animal units) of cattle weighing greater than 700 pounds. This represents an increase in the permitted animal units from the previous permit. Modifications to the facility include the construction of a pump-to retention structure and converting approximately 46.8 acres of extraneous drainage area into open lot pens, drainage channels and feed roads. The resulting facility will consist of approximately 458.5 acres of open lot pens and associated feedlot areas, served by seven earthen retention structures. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Crome Truck Line Inc. Gary Crome 195 Granite Road Bremen, KS 66412	NW/4 of Section 08, T02S, R06E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-T001

This permit is being reissued for an existing truck wash facility for three or more privately owned livestock transport vehicles. There are no changes proposed at this facility.

Name and Address of Applicant	Legal Description	Receiving Water
Becker Family Farms, Inc. 680 E Road Centralia, KS 66415	SE/4 of Section 11, T05S, R10E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S052

This permit is being reissued for an existing facility with a maximum capacity of 960 head (384 animal units) of swine more than 55 pounds. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Farmers & Ranchers Livestock Commission Company, Inc. P.O. Box 2595 Salina, KS 67402	SW/4 of Section 11, T14S, R03W, Saline County	Saline River Basin

Kansas Permit No. A-SASA-B003

This permit is being reissued for an existing public livestock market with a maximum capacity of 544.4 animal units of cattle, swine and horses. This represents an increase of 18.8 animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Holder Swine Myron Holder 1546 Ash Point Road Highland, KS 66035	NE/4 of Section 32, T02S, R19E, Doniphan County	Missouri River Basin

Kansas Permit No. A-MODP-S013

This permit is being reissued to an existing facility with a maximum capacity of 2,000 head (800 animal units) of swine weighing more than 55 pounds. The animal unit capacity has not changed since the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Peterson Feedlot Robert & Dennis Peterson 20505 Hunting Road Wamego, KS 66547	NW/4 of Section 06, T09S, R11E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-C004 Federal Permit No. KS0093751

This permit is being reissued for an existing facility for 4,000 head (4,000 animal units) of cattle weighing more than 700 pounds. The permit contains modifications to the facility consisting of the construction of a commodity runoff basin, diversion, sediment basin and earthen waste storage pond to collect and retain runoff from a portion of the drainage area that currently flows across adjacent cultivated crop ground. A waste transfer pipeline also is proposed to connect the proposed waste storage pond to the existing waste storage pond for dewatering. There is no change in the permitted animal units from the previous permit. An approved Nutrient Management Plan for the facility is on file with KDHE.

ment has approved, an anti-degradation review for an increase in pollutants to the receiving stream. The proposed permit contains generic water-quality language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
PQ Corporation P.O. Box 840 Valley Forge, PA 19482	Kansas River via Storm Sewer	Noncontact Cooling Water
Kansas Permit No. I-KS27-CO34	Federal Permit No. KS0089061	
Legal Description: SW ¹ / ₄ , S16, T11S, R25E, Wyandotte County, KS		
Facility Name: P Q Corporation		
Facility Address: 1700 Kansas Ave., Kansas City, KS 66105		

Public Notice No. KS-Q-12-043/047

The requirements of the draft permits public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria:

Name and Address of Applicant	Receiving Stream	Type of Discharge
Educational Facilities Authority of Butler County c/o City of El Dorado 220 E. First St. El Dorado, KS 67042	Constant Creek via Unnamed Wetland Tributary	Groundwater Remediation Project
Kansas Permit No. I-WA09-PO21	Federal Permit No. KS0100447	
Outfall Location: NE ¹ / ₄ , SW ¹ / ₄ , SW ¹ / ₄ , S3, T26S, R5E, Butler County, KS		
Facility Name: BG Products Veterans Sports Complex		
Facility Address: 400 S. Haverhill Road, El Dorado, Kansas		

Facility Description: The proposed action is to reissue an existing permit for an existing facility. This facility normally discharges all wastes to the city sanitary sewer. However, during a local outage, this facility discharges noncontact city cooling water, containing no additives, to Outfalls 001 and 002. Also, stormwater runoff can be discharged to Outfall 001 and Outfall 002. All sanitary and process wastewater generated on-site is discharged to the Kansas City sanitary sewer.

Facility Description: The proposed action is to issue a new permit for the operation of a groundwater remediation project. Hydrocarbon contaminated groundwater has migrated to the ground surface during construction of a new sports stadium in an area located within the stadium track footprint. The contaminated groundwater will be collected within a trench system, treated with an oil/water separator, and discharged. The expected discharge flow rate is up to 140 gpm. The proposed permit contains limits for oil and grease, as well as monitoring of total petroleum hydrocarbon-diesel range organics, total phosphorus, tank oil depth readings and effluent flow rate.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Public Wholesale Water Supply District 19 117 W. Maple Columbus, KS 66726-0076	Spring River	Process Wastewater
Kansas Permit No. I-NE15-PO02	Federal Permit No. KS0100285	
Facility Description: NE ¹ / ₄ , SE ¹ / ₄ , S33, T33S, R25E, Cherokee County, KS		

Facility Description: The proposed action consists of issuing a new permit for discharge of wastewater from a new public water treatment plant treating water from the Spring River. Settled solids from the solids contact units, filter-to-waste and filter backwash water are routed to the solids handling lagoon system. Domestic wastewater is treated in a separate single-cell nondischarging lagoon. This NPDES permit covers the discharge of the overflow from the two-cell process wastewater lagoon facility and the nondischarging domestic wastewater treatment lagoon. The permittee has requested a variance from the 10-foot separation distance from the lagoon system bottom to the groundwater table and the requirement for a double, impermeable synthetic membrane line with intermediate leak detection system. The permittee proposes to use a single double-thick impermeable synthetic high-density polyethylene membrane-lined system for all three cells with a supporting soil cement plating layer and geo-textile filter fabric system, and a perimeter groundwater dewatering underdrain system. The variance has been granted. In addition, an anti-degradation review for increased quantity of pollutants to the Spring River has been approved. The proposed permit contains limits for total residual chlorine, total suspended solids and pH, as well as monitoring for total recoverable copper, lead and zinc. Contained in the proposed permit is a schedule of compliance requiring the permittee to either obtain field certification for testing of pH and total residual chlorine or arrange for a KDHE-certified laboratory to run tests to comply with time requirements for these tests.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Nelson Quarries Inc. P.O. Box 100 Gas, KS 66742	Buffalo Creek via Elder Branch	Pit dewatering & Stormwater Runoff
Kansas Permit No. I-VE02-PO02	Federal Permit No. KS0089940	
Facility Description: S ¹ / ₂ , S36, T27S, R15E & NW ¹ / ₄ , SW ¹ / ₄ , S31, T27S, R16E, Wilson County, KS		
Facility Name: Benedict Quarry		

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation with occasional rock washing. Washwater is treated using a settling pond. An asphalt plant is on-site but does not generate a wastewater discharge since air pollution controls are dry. The proposed permit contains limits for total suspended solids and pH. The proposed permit contains generic water-quality language to protect waters of the state.

Public Notice No. KS-NQ-12-013

The requirements of the draft permits public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g):

Name and Address of Applicant	Receiving Stream	Type of Discharge
Neosho County Road & Bridge Dept. 111 S. Butler Erie, KS 66733	Turkey Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff
Kansas Permit No. I-NE11-PO08	Federal Permit No. KS0100340	
Facility Description: SW ¹ / ₄ , NW ¹ / ₄ , S24, T28S, R17E, Neosho County, KS		
Facility Description: The proposed action consists of issuing a new permit for discharge of wastewater during quarry operations. This is a limestone quarry operation with no washing. Outfall 001A1 consists of stormwater runoff. The permittee has provided, and the depart-		

Name and Address of Applicant	Legal Location	Type of Discharge
Shawnee County Commission 1515 N.W. Saline, Suite 200 Topeka, KS 66618	SE ¹ / ₄ , NW ¹ / ₄ , NW ¹ / ₄ , S9, T11S, R16E, Shawnee County, KS	Nonoverflowing
Kansas Permit No. M-KS72-NO24	Federal Tracking No. KSJ000387	
Facility Name: Shawnee County Sewer District #6		

(continued)

Facility Location: North Holiday Park Subdivision, Topeka, Kansas
 Facility Description: This action consists of reissuing an existing Kansas Water Pollution Control Permit for an existing facility. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Public Notice No. KS-EG-12-005

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the state of Kansas:

Name and Address of Applicant

Underground Cavern Stabilization, LLC
 P.O. Box 225
 Great Bend, KS 67530

Facility Location: 7513 S. K-17 Hwy., Hutchinson, Kansas

Well & Permit Number	Location	Latitude / Longitude
SW-17, Pilot Well for Project Area	S½, NE¼, S14, T24S, R6W	37.96607/-97.94139
KS-05-155-002	Reno County, Kansas	

Facility Description: The proposed action is to issue a new Class V Injection Well Permit. This emplacement/stabilization facility is a chloride/salt/mineral material and mineral-based material emplacement facility for the beneficial purposes of cavern stabilization and removal of the material from the environment. The emplacement of material is into a salt cavern solutioned mined area in the Hutchinson Salt. Approximate emplacement depths within the cavern are from 525' to approximately 670'. Emplacement is by means of pump pressure not to exceed 80 psig and not to exceed 0.75 psi/ft. pressure gradient as calculated at the cavern roof. The maximum rate of emplacement is 85,000 gallons per day per well. The area permit allows additional wells/caverns to be located at this facility to be added to the permit, upon approval of KDHE, if certain conditions are met, including providing updated financial assurance. All construction, monitoring and operation of these wells will meet the requirements that apply to Class V injection wells under the Kansas UIC regulations, K.A.R. 28-46-1 through 28-46-44, and other requirements of KDHE.

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

All comments regarding the draft documents or application notices received on or before August 18 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-12-203/213, KS-Q-12-043/046, KS-NQ-12-013, KS-EG-12-005) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

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

Robert Moser, M.D.
 Secretary of Health and Environment

Doc. No. 040723

State of Kansas

Department of Health and Environment

Request for Bids

Pursuant to the Kansas Childhood Lead Poisoning Prevention Program, sealed bids for lead hazard reduction at the following properties will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (316) 683-6629:

August 3, 2012
IFB 264-13-19

Project Safe at Home Wichita

- Property #1 802 W. University
Wichita, KS 67213
- Property #2 121 S. Elizabeth
Wichita, KS 67213
- Property #3 517 W. Harry
Wichita, KS 67213
- Property #4 1517 W. 17th St. North
Wichita, KS 67203
- Property #5 2438 N. Park Pl.
Wichita, KS 67204
- Property #6 2642 N. Jackson
Wichita, KS 67204
- Property #7 1405 N. Otis
Wichita, KS 67214
- Property #8 638 S. Yale
Wichita, KS 67218

Contractors will be required to attend a walk-through of each property in order to be eligible to respond to the Invitation for Bid. For times and actual locations, call (316) 683-6629 or go to the following website:

<http://www.kshealthyhomes.org>

The above-referenced bid documents can be downloaded at the website listed above.

Robert Moser, M.D.
 Secretary of Health and Environment

Doc. No. 040717

State of Kansas

Board of Regents**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, September 18, in the Board of Regents' board room, 1000 S.W. Jackson, Suite 520, Topeka, to consider the amendment of K.A.R. 88-29-11 relating to qualified admissions.

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 Julene Miller, Kansas Board of Regents, 1000 S.W. Jackson, Suite 520, Topeka, 66612-1368. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the public hearing.

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 Renee Burlingham at (785) 296-3689.

Copies of the regulation and the economic impact statement may be found at http://www.kansasregents.org/qualified_admissions_rules_regulations or by contacting Renee Burlingham. A summary of the proposed regulation and the economic impact follows:

Article 29.—QUALIFIED ADMISSION

K.A.R. 88-29-11 establishes minimum requirements for a high school's qualified admission precollege curriculum. The portion of the regulation being amended enables utilization of the common course codes used by Kansas high schools, rather than the board's course content requirements set forth in current regulations. The only amendment is to reference a revised list of courses that has been updated by the board in consultation with the Department of Education and high school officials. While the amended portion of K.A.R. 88-29-11 only applies to students graduating high school in 2010 or after but before academic year 2014-2015, K.A.R. 88-29a-11 will take the place of K.A.R. 88-29-11 in academic year 2014-2015 and thus the amendment will apply to all students going forward. (K.A.R. 88-29a-11 did not need to be amended because it simply refers back to K.A.R. 88-29-11 with regard to the common course code listing.) However, the amendments to the course list will not adversely affect any students as the amendments are effective going forward, generally expand rather than limit the course list, and courses that are being eliminated will still fulfill Qualified Admission curriculum requirements if a student took the course before it was removed from the list.

Economic Impact: There is no anticipated economic impact on the state universities, high schools, or students/parents as a result of this change.

Andy Tompkins
President and CEO

Doc. No. 040726

State of Kansas

Attorney General**Temporary Administrative
Regulations****Article 12.—BATTERER INTERVENTION
PROGRAM REQUIREMENTS AND
CERTIFICATION**

16-12-1. Scope. The regulations in this article shall provide for the certification of, and shall set the standards for the services and programs required of, certified batterer intervention programs, including the following: (a) Any certified batterer intervention program providing the domestic violence offender assessment pursuant to K.S.A. 12-4509, K.S.A. 21-5414, K.S.A. 21-6604, or K.S.A. 22-2909, and amendments thereto; and

(b) any program operating or providing services as a batterer intervention program, domestic violence or abuse intervention program, or domestic violence educational program for those convicted of a domestic violence-designated offense or as part of a diversion agreement in a complaint alleging a domestic violence offense, as defined in K.S.A. 21-5111 and amendments thereto. (Authorized by 2012 SB 304, § 11; implementing 2012 SB 304, §§ 1, 11; effective, T-16-6-28-12, June 28, 2012.)

16-12-2. Definitions. Words or phrases used in this article or in the batterer intervention program certification act ("act") but not defined in this regulation shall have the same definition as specified in the act or in K.S.A. 21-5111, and amendments thereto. Each of the following terms, as used in this article, shall have the meaning specified in this regulation: (a) "Continuing education" means formally organized programs or activities that are designed for and have content intended to enhance the knowledge, skill, values, ethics, and ability to practice as an "agent or employee thereof," as defined by 2012 SB 304, §13 (a)(1) and amendments thereto.

(b) "Controlled substance" means any drug, substance, or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111, and 65-4113, and amendments thereto.

(c) "Remedial or other requirements" means either of the following:

(1) Completion of additional education or training for agents or employees to address the concerns identified by the attorney general; or

(2) changes to the structure of the program to address the concerns identified by the attorney general.

(d) "Supervisee" means an agent or employee of a certified batterer intervention program who receives instruction or direction for the purpose of development of responsibility, skill, knowledge, attitudes, and ethical standards of practice in batterer intervention services from a batterer intervention program director, program supervisor, or program coordinator.

(e) "Unprofessional conduct," for an agent or employee who is not licensed by the Kansas behavioral sciences regulatory board, means any of the following acts:

(1) Obtaining or attempting to obtain a certification or temporary permit by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(continued)

(2) failing to notify the attorney general, within a reasonable period of time, that any one of the following conditions applies to an agent or employee:

(A) Had a professional license, credential, permit, registration, or certification limited, conditioned, qualified, restricted, suspended, revoked, refused by the proper regulatory authority in Kansas or of another state, territory, or the District of Columbia. A certified copy of the action taken by the jurisdiction shall be conclusive evidence of this action;

(B) has voluntarily surrendered a professional license, credential, permit, registration, or certification while a complaint or investigation is pending by the proper regulatory authority;

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

(D) has been convicted of a felony;

(3) knowingly allowing another individual to use one's permit or certification unlawfully;

(4) impersonating another individual holding a permit or certification;

(5) having been convicted of a crime resulting from or relating to the provision of certified batterer intervention services;

(6) furthering the certification or permit application of another person who is known to be unqualified with respect to character, education, or other relevant eligibility requirements according to K.A.R. 16-12-4;

(7) knowingly aiding or abetting anyone who does not have certification or a permit to represent that individual as a person who does have certification or a permit;

(8) failing or refusing to cooperate in a timely manner with any request from the attorney general for a response or assistance with respect to the attorney general's investigation of any report of an alleged violation of the batterer intervention program certification act or any law filed against oneself or any other applicant. It shall be prima facie evidence of failing or refusing to cooperate within this subsection if a person takes longer than 30 days to provide the requested response, information, or assistance, unless the person shows good cause or receives an extension by the attorney general;

(9) offering to perform or performing services outside the scope of one's training, education, and competency;

(10) treating any offender, victim, or supervisee in a cruel manner, including the intentional infliction of pain or suffering;

(11) discriminating against any offender, victim, or supervisee on the basis of color, race, gender, religion, national origin, or disability;

(12) failing to provide each offender with a description of services, consultation, reports, fees, billing, intervention regimen, or schedule, or failing to reasonably comply with these descriptions;

(13) failing to inform each offender or supervisee of any financial interests that might accrue to the provider from referral to any other service or from the use of any tests, books, or apparatus;

(14) failing to inform each offender, victim, and supervisee of the purposes for which information is obtained,

the manner in which the information may be used, and the limits of confidentiality regarding the provision of batterer intervention services;

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

(A) Disclosure is required by law;

(B) disclosure is authorized by law because the confidential information shows that the person could seriously harm an individual or the public; or

(C) the provider, or the provider's employee or agent, is a party to a civil, criminal, or disciplinary investigation or action arising from the batterer intervention program practice, in which case disclosure shall be limited to that action;

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

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

(18) using alcohol or illegally using any controlled substance while performing duties or services as a batterer intervention provider;

(19) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been a victim or offender receiving batterer intervention services, or a victim or offender's known family members;

(20) exercising undue influence over any victim, offender, or supervisee, including promoting sales of services or goods, in a manner that will exploit the person or persons for the purpose of financial gain, personal gratification, or advantage of oneself or a third party;

(21) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the victim or offender;

(22) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant providing batterer intervention services;

(23) soliciting or assuming professional responsibility for offenders served by another batterer intervention program without informing and attempting to coordinate continuity of offender services with that program;

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

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

(26) claiming or using any secret or special method of intervention or techniques that one refuses to divulge to the attorney general;

(27) continuing or ordering tests, procedures, interventions, or services not warranted by the condition or best interests of the offender;

(28) failing to maintain for each offender and victim a record that conforms to the following minimal standards:

(A) Contains a unique identifying number or other method for specific identification of the offender and victim;

(B) indicates the offender's initial reason for seeking the provider's services;

(C) contains specific information concerning the offender's condition, including the Kansas domestic violence offender assessment, affidavits, police reports, and other documents related to criminal activity as allowed by law and available to the provider;

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

(E) documents the offender's progress during the course of intervention;

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

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

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

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

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

(31) failing to retain offender's records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;

(32) failing to exercise supervision over any supervisee;

(33) failing to inform an offender if services are provided or delivered under supervision or direction;

(34) engaging in, or attempting to engage in, any relationship in which the objectivity or competency of the provider may become impaired or compromised due to any of the following present, previous, or future relationships with a victim, offender, or supervisee:

(A) Familial;

(B) sexual;

(C) emotional; or

(D) financial; or

(35) using without a temporary permit or certification, or continuing to use after the expiration of a permit or certification, any title or abbreviation prescribed by the attorney general for use only by those with a current temporary permit or certification.

(f) "Unprofessional conduct," for an agent or employee who is licensed by the Kansas behavioral sciences regulatory board, means any of the following acts:

(1) Any determination by the Kansas behavioral sciences regulatory board of a violation of laws or regulations related to one's licensure. A certified copy of the action taken by the Kansas behavioral sciences regulatory board shall be conclusive evidence of this action;

(2) obtaining or attempting to obtain a certification or temporary permit by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(3) failing to notify the attorney general of any complaint, investigation, or finding regarding the licensee within 10 days, unless the person shows good cause or receives an extension by the attorney general;

(4) failing to notify the attorney general that any one of the following conditions applies to the licensee:

(A) Has been demoted, terminated, suspended, re-assigned, or asked to resign from employment, or has re-

signed from employment, for misfeasance, malfeasance, or nonfeasance; or

(B) has been convicted of a felony;

(5) knowingly allowing another individual to use one's temporary permit or certification unlawfully;

(6) impersonating another individual holding a temporary permit or certification;

(7) having been convicted of a crime resulting from or relating to the provision of certified batterer intervention program services;

(8) furthering the certification or permit application of another person who is known to be unqualified with respect to character, education, or other relevant eligibility requirements;

(9) knowingly aiding or abetting anyone who does not have certification or a permit to represent that individual as a person who does have certification or a permit;

(10) failing or refusing to cooperate in a timely manner with any request from the attorney general for a response or assistance with respect to the attorney general's investigation of any report of an alleged violation of the batterer intervention program certification act or any law filed against oneself or any other applicant. It shall be prima facie evidence of failing or refusing to cooperate within this subsection if a person takes longer than 30 days to provide the requested response, information, or assistance, unless the person shows good cause or receives an extension by the attorney general;

(11) revealing information, a confidence, or secret of any victim, or failing to protect the confidences, secrets, or information contained in a victim's records, unless one of these conditions is met:

(A) Disclosure is required by law;

(B) disclosure is authorized by law because the confidential information shows that the person could seriously harm an individual or the public; or

(C) the provider, or the agent or employee of the provider, is a party to a civil, criminal, or disciplinary investigation or action arising from the batterer intervention program practice, in which case disclosure shall be limited to that action;

(12) claiming or using any secret or special method of intervention or techniques that one refuses to divulge to the attorney general;

(13) failing to maintain for each offender and victim a record that conforms to the following minimal standards:

(A) Contains a unique identifying number or other method for specific identification of the offender and victim;

(B) indicates the offender's initial reason for seeking the provider's services;

(C) contains specific information concerning the offender's condition, including the "Kansas domestic violence offender assessment form," affidavits, police reports, and other documents related to criminal activity as allowed by law and available to the provider;

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

(E) documents the offender's progress during the course of intervention;

(continued)

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

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

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

(14) using without a temporary permit or certification, or continuing to use after the expiration of a permit or certification, any title or abbreviation prescribed by the attorney general for use only by those with a current permit or certification. (Authorized by 2012 SB 304, §§ 5, 11; implementing 2012 SB 304, §§ 5, 6, 11; effective, T-16-6-28-12, June 28, 2012.)

16-12-3. Continuing education. (a) Continuing education hours shall be approved by the attorney general.

(b) Continuing education hours shall include those hours required for a temporary permit, initial certification, renewal certification, and certification reinstatement.

(c) Each batterer intervention program "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto, shall meet the following requirements:

(1) Complete 40 hours of continuing education as described in "the essential elements and standards of batterer intervention programs in Kansas," which is adopted by reference in K.A.R. 16-12-4; and

(2) complete 12 hours of documented and approved continuing education oriented to the enhancement of a batterer intervention program agent's or employee's practice, values, ethics, skills, or knowledge during each two-year renewal period. Continuing education hours accumulated in excess of the requirement shall not be carried over to the next renewal period.

(d) One hour of continuing education credit shall consist of at least 50 minutes of classroom instruction or at least one clock-hour of other types of acceptable continuing education experiences listed in subsection (e). One-half hour of continuing education credit may be granted for each 30 minutes of acceptable continuing education. Credit shall not be granted for fewer than 30 minutes.

(e) Acceptable continuing education, subject to approval, whether taken within the state or outside the state, shall include the following:

(1) An academic domestic violence course or an academic course oriented to the enhancement of a batterer intervention program agent's or employee's practice, values, ethics, skills, or knowledge that is taken for academic credit. Each agent or employee shall be granted 15 continuing education hours for each academic credit hour that is successfully completed. The maximum number of allowable continuing education hours shall be 15;

(2) an academic domestic violence course or an academic course oriented to the enhancement of a batterer intervention program agent's or employee's practice, values, ethics, skills, or knowledge that is audited. Each agent or employee shall receive continuing education credit on the basis of the actual contact time that the agent or employee spends attending the course, up to a maximum of 15 hours per academic credit hour. The maximum number of allowable continuing education hours shall be 15;

(3) a seminar, institute, conference, workshop, or course oriented to the enhancement of a batterer intervention program agent's or employee's practice, values, ethics, skills, or knowledge. The maximum number of allowable continuing education hours shall be 15; and

(4) an activity oriented to the enhancement of a batterer intervention program agent's or employee's practice, values, ethics, skills, or knowledge, consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading, if a posttest is provided. The maximum number of allowable continuing education hours shall be 15.

(f) Approval of continuing education credit shall not be granted for the second or any subsequent identical program if the programs are completed within the same renewal period.

(g) Continuing education credit shall not be granted for the following:

(1) In-service training, if the training is for job orientation or job training or is specific to the employing agency; and

(2) any activity for which the agent or employee cannot demonstrate to the attorney general's satisfaction that the program's goals and objectives are to enhance the practice, values, ethics, skills, or knowledge in batterer intervention.

(h) Each agent or employee shall maintain individual, original continuing education records for at least two years. These records shall document the agent's or employee's attendance at, participation in, or completion of each continuing education activity.

(i) Each of the following forms of documentation shall be accepted as proof that an agent or employee has completed that continuing education activity:

(1) An official transcript or other document indicating the agent's or employee's passing grade for an academic course;

(2) a statement signed by the instructor of an academic course indicating the number of actual contact hours that the agent or employee attended for an audited academic course;

(3) a signed statement from the provider of a seminar, institute, conference, workshop, or course indicating that the agent or employee attended the continuing education program; and

(4) for each videotape, audiotape, computerized interactive learning module, or telecast that the agent or employee utilized for continuing education purposes, a written statement from the agent or employee specifying the media format, content title, presenter or sponsor, content description, length, activity date, and copy of the agent's or employee's completed posttest or score. (Authorized by and implementing 2012 SB 304, §§ 5, 11; effective, T-16-6-28-12, June 28, 2012.)

16-12-4. Program requirements. Each holder of a temporary permit, initial certification, renewal certification, or certification reinstatement shall perform the following: (a) Adopt and follow the standards, elements, and other program requirements described in the document titled "the essential elements and standards of batterer intervention programs in Kansas," dated June 15,

2012, by the Kansas attorney general office, which is hereby adopted by reference except for the acknowledgements, table of contents, philosophy and purpose, and theoretical overview of batterer intervention programs; and

(b) submit the attorney general's document titled "certified batterer intervention program statistical report" with the required information. This document, dated June 13, 2012, is hereby adopted by reference. The "certified batterer intervention program statistical report" shall be completed and submitted to the attorney general on or before January 5 and July 5 in each year of certification or the first business day following these deadlines if the deadlines fall on a weekend or state or federal holiday. (Authorized by 2012 SB 304, § 5, 11; implementing 2012 SB 304, §§ 5, 11; effective, T-16-6-28-12, June 28, 2012.)

16-12-5. Domestic violence offender assessment.

(a) The document titled "Kansas attorney general domestic violence offender assessment form," dated March 3, 2011, by the Kansas attorney general is hereby adopted by reference. This document is also known as "KDVOA."

(b) Except as specified in subsection (c), the KDVOA shall be completed by one of the following: an individual who is licensed to practice in Kansas as a psychologist, baccalaureate social worker, master social worker, specialist clinical social worker, marriage and family therapist, addiction counselor, clinical addiction counselor, clinical marriage and family therapist, professional counselor, clinical professional counselor, master's level psychologist, or clinical psychotherapist.

(c) Any person who is not licensed as provided in subsection (b) and who is completing the KDVOA as an employee of or volunteer for a batterer intervention program before January 1, 2013 may continue to complete these assessments on and after January 1, 2013 if the person remains an employee of or volunteer for the same program and the program remains a certified batterer intervention program. Whenever the person is no longer an employee of or volunteer for the program in which the person was employed or volunteering before January 1, 2013, the person shall not be allowed to complete the KDVOA for any certified batterer intervention program without meeting the license requirements in subsection (b). (Authorized by K.S.A. 2011 Supp. 75-755 and 2012 SB 304, § 11; implementing K.S.A. 2011 Supp. 21-6604, as amended by 2012 SB 304, § 16, and 2012 SB 304, §§ 1, 5; effective, T-16-6-28-12, June 28, 2012.)

16-12-6. Temporary permit; application. Each applicant seeking a temporary permit shall submit an application, on a form provided by the attorney general, to the attorney general. The completed application for a temporary permit shall include the following: (a) The applicant's full name and residential address;

(b) the name under which the applicant intends to do business and the business address;

(c) a statement of the general nature of the business in which the applicant intends to engage;

(d) a statement of the education and work experience of the applicant and any "agent or employee thereof," as

defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(e) a statement that the applicant has met any other qualifications specified in "the essential elements and standards of batterer intervention programs in Kansas," which is adopted by reference in K.A.R. 16-12-4;

(f) payment of the temporary permit application fee of \$50.00; and

(g) any other information, evidence, statements, or documents supporting the application for temporary permit that are required by the attorney general, including the following:

(1) A copy of completed certificates documenting domestic violence-specific continuing education hours for each "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(2) proof of current licensure by the Kansas behavioral sciences regulatory board; and

(3) a copy of the core curriculum to be used in batterer intervention services. (Authorized by 2012 SB 304, § 11; implementing 2012 SB 304, § 2; effective, T-16-6-28-12, June 28, 2012.)

16-12-7. Initial certification; application. Each applicant seeking initial certification shall submit an application, on a form provided by the attorney general, to the attorney general. The completed application for initial certification shall include the following: (a) The applicant's full name and residential address;

(b) the name under which the applicant intends to do business and the business address;

(c) a statement of the general nature of the business in which the applicant intends to engage;

(d) a statement of the education and work experience of the applicant and any "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(e) a statement that the applicant has met any other qualifications specified in "the essential elements and standards of batterer intervention programs in Kansas," which is adopted by reference in K.A.R. 16-12-4;

(f) payment of the initial application fee of \$100.00; and

(g) any other information, evidence, statements, or documents supporting the application for initial certification that are required by the attorney general, including the following:

(1) A copy of completed certificates totaling 40 domestic violence-specific continuing education hours for each "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(2) proof of current licensure by the Kansas behavioral sciences regulatory board for each licensed "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(3) a copy of the core curriculum to be used in batterer intervention services;

(4) demonstration by the applicant of an established relationship with the domestic violence victim service program that serves the geographical area in which the batterer intervention program is located; and

(5) a copy of release of information and offender agreement forms. (Authorized by 2012 SB 304, § 11; imple-

(continued)

menting 2012 SB 304, § 2; effective, T-16-6-28-12, June 28, 2012.)

16-12-8. Renewal certification; application. Each applicant seeking renewal certification shall submit an application, on a form provided by the attorney general, to the attorney general. The completed application for renewal certification shall include the following: (a) The applicant's full name and residential address;

(b) the name under which the applicant intends to do business and the business address;

(c) a statement of the general nature of the business in which the applicant intends to engage;

(d) a statement of the educational and work experience of the applicant and any "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(e) a statement that the applicant has met any other qualifications described in "the essential elements and standards of batterer intervention programs in Kansas," which is adopted by reference in K.A.R. 16-12-4;

(f) payment of the renewal application fee of \$100.00; and

(g) any other information, evidence, statements, or documents supporting the application for renewal certification that are required by the attorney general, including the following:

(1) A copy of completed certificates totaling 12 domestic violence-specific continuing education hours for each "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(2) proof of current licensure by the Kansas behavioral sciences regulatory board for each licensed "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto; and

(3) demonstration by the applicant of an established relationship with the domestic violence victim service program that serves the geographical area in which the certified batterer intervention program is located. (Authorized by 2012 SB 304, § 11; implementing 2012 SB 304, § 2; effective, T-16-6-28-12, June 28, 2012.)

16-12-9. Certification reinstatement; application. Each applicant seeking certification reinstatement shall submit an application, on a form provided by the attorney general, to the attorney general. The completed application for certification reinstatement shall include the following: (a) The applicant's full name and residential address;

(b) the name under which the applicant intends to do business and the business address;

(c) a statement of the general nature of the business in which the applicant intends to engage;

(d) a statement of the education and work experience of the applicant and any "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(e) a statement that the applicant has met any other qualifications described in "the essential elements and standards of batterer intervention programs in Kansas," which is adopted by reference in K.A.R. 16-12-4;

(f) payment of the reinstatement application fee of \$100.00;

(g) a statement regarding the reason requiring reinstatement of certification; and

(h) any other information, evidence, statements, or documents supporting the application for reinstatement that are required by the attorney general, including the following:

(1) A copy of completed certificates totaling 12 domestic violence-specific continuing education hours for each "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto;

(2) proof of current licensure by the Kansas behavioral sciences regulatory board for each licensed "agent or employee thereof," as defined by 2012 SB 304, § 13 (a)(1) and amendments thereto; and

(3) demonstration by the applicant of an established relationship with the domestic violence victim service program that serves the geographical area in which the batterer intervention program is located. (Authorized by 2012 SB 304, § 11; implementing 2012 SB 304, § 2; effective, T-16-6-28-12, June 28, 2012.)

16-12-10. Evaluating and monitoring certified batterer intervention programs. (a) For the purposes of evaluation and monitoring certified batterer intervention programs, the attorney general shall have the right to complete site visits, as needed, for the following:

(1) Any applicant's program;

(2) any program issued a temporary permit to act as a certified batterer intervention program; and

(3) any certified batterer intervention program.

(b) These site visits may include the following:

(1) Observing groups or assessment services;

(2) reviewing offender and victim files, records, or documents related to the provision of batterer intervention services;

(3) contacting community members or third parties who could provide information related to services provided in the capacity of a batterer intervention program;

(4) interviewing offenders who are receiving or have received services from the program;

(5) interviewing victims or family members associated with the offenders who are receiving or have received services from the batterer intervention program; and

(6) performing any other activities identified as necessary in evaluating and monitoring the program. (Authorized by 2012 SB 304, § 11; implementing 2012 SB 304, §§ 8, 11; effective, T-16-6-28-12, June 28, 2012.)

Derek Schmidt
Attorney General

Doc. No. 040699

State of Kansas

Real Estate Appraisal Board

Temporary Administrative
RegulationsArticle 20.—APPRAISAL MANAGEMENT
COMPANY REGISTRATION

117-20-1. Definitions. Each of the following terms used in this article shall have the meaning specified in this regulation, in addition to the terms defined in 2012 SB 345, sec. 3 and amendments thereto:

(a) "Applicant" means an appraisal management company seeking registration.

(b) "Good moral character" shall include the qualities of good judgment, honesty, fairness, responsibility, credibility, reliability, self-discipline, self-evaluation, initiative, trustworthiness, integrity, respect for and obedience to the laws of the state and nation, and respect for the rights of others and for the judicial process.

(c) "Good standing" has the meaning specified in K.A.R. 117-1-1.

(d) "Oversee an appraiser panel" means to supervise or manage an appraiser panel. (Authorized by 2012 SB 345, sec. 25; implementing 2012 SB 345, secs. 4, 5, 9, 10, 11, 16, and 22; effective, T-117-7-3-12, July 3, 2012.)

117-20-2. Registration. (a) Each controlling person shall submit the application forms prescribed by the board with the fees specified in K.A.R. 117-20-4.

(b) Each application shall be supported by a separate form for the controlling person and for each owner of more than 10 percent of the applicant.

(1) Each owner of more than 10 percent of the applicant shall submit that individual's fingerprints and the fee specified in K.A.R. 117-20-4 in the manner prescribed by the board for a state and national criminal history record check. The individual shall not be fingerprinted more than 120 days before submitting the application for initial registration.

(2) The controlling person of the applicant shall submit that individual's fingerprints and the fee specified in K.A.R. 117-20-4 in the manner prescribed by the board for a state and national criminal history record check. The individual shall not be fingerprinted more than 120 days before submitting the application for initial registration. (Authorized by 2012 SB 345, sec. 25; implementing 2012 SB 345, secs. 9 and 10; effective, T-117-7-3-12, July 3, 2012.)

117-20-3. Registration renewal. (a) To renew an AMC's registration, the controlling person of the AMC with a current, valid registration shall submit an application for renewal on forms provided by the board and pay the fees specified in K.A.R. 117-20-4.

(b)(1) Each individual who owns more than 10 percent of the AMC shall submit that individual's fingerprints in the manner prescribed by the board for a state and national criminal history record check. The individual shall not be fingerprinted more than 120 days before submitting the application for registration renewal.

(2) The controlling person of the AMC shall submit that individual's fingerprints in the manner prescribed by the board for a state and national criminal history record

check. The individual shall not be fingerprinted more than 120 days before submitting the application for registration renewal. (Authorized by 2012 SB 345, sec. 25; implementing 2012 SB 345, secs. 6, 9, and 10; effective, T-117-7-3-12, July 3, 2012.)

117-20-4. Fees. The following fees shall be collected by the board: (a) For initial registration, \$1,500;

(b) for registration renewal, \$1,500;

(c) for late registration renewal, the amount specified in subsection (b) and an additional \$100;

(d) for processing fingerprints and a criminal history record check, \$50; and

(e) for initial registration and for registration renewal, the AMC federal registry fee in any amount assessed by the appraisal subcommittee of the federal financial institutions examination council for all AMCs holding a registration. (Authorized by and implementing 2012 SB 345, secs. 8, 9, 10, and 25; effective, T-117-7-3-12, July 3, 2012.)

117-20-5. Certificate of registration. Each certificate of registration shall show on its face in clear and concise language the following information:

(a) The legal name of the AMC;

(b) the certificate of registration number;

(c) the date of issuance;

(d) the date of expiration; and

(e) the signature or facsimile signature of the chairperson of the board. (Authorized by and implementing 2012 SB 345, sec. 25; effective, T-117-7-3-12, July 3, 2012.)

117-20-6. Change of information. (a) Each holder of a registration, controlling person, and owner of more than 10 percent of an AMC shall submit written notice to the board of each change to any of the information required by 2012 SB 345, sec. 4, and amendments thereto, within 10 days of the change.

(b) Each holder of a registration shall report each change of the controlling person or an owner of more than 10 percent of an AMC within 10 days of the change. (Authorized by and implementing 2012 SB 345, sec. 25; effective, T-117-7-3-12, July 3, 2012.)

117-20-7. Certification of annual review. The controlling person of each AMC applying for an initial registration or registration renewal shall certify that the criteria specified in subsections (a), (b), and (c) shall be used to calculate the minimum number of all appraisal reports submitted by each appraiser who is performing real estate appraisal services for the AMC within Kansas that will be reviewed on an annual basis.

(a) For each appraiser who submits not more than 100 appraisal reports each year to the AMC, at least one of these reports shall be reviewed on an annual basis.

(b) For each appraiser who submits more than 100 but not more than 200 appraisal reports each year to the AMC, at least two of these reports shall be reviewed on an annual basis.

(c) For each appraiser who submits more than 200 appraisal reports each year to the AMC, at least three of these reports shall be reviewed on an annual basis. (Authorized by 2012 SB 345, sec. 25; implementing 2012 SB 345, sec. 12; effective, T-117-7-3-12, July 3, 2012.)

Sally L. Pritchett
Executive Director

Doc. No. 040700

State of Kansas

Department of Agriculture

Temporary Administrative
Regulations

Article 28.—FOOD SAFETY

4-28-6. Fees; food establishment. Each food establishment shall be licensed by the secretary. (a) Each person operating or intending to operate a food establishment shall submit an application on a form supplied by the department with the following fees, as applicable:

(1) Food establishment with only retail food service.

(A) Application fee. Each person shall submit a onetime application fee based on the size of the food establishment as follows:

- (i) Less than 5,000 square feet: \$50;
- (ii) 5,000 to 15,000 square feet: \$100; and
- (iii) more than 15,000 square feet: \$150.

(B) License fee. Each person shall submit a license fee based on the size of the food establishment as follows:

- (i) Less than 5,000 square feet: \$50;
- (ii) 5,000 to 15,000 square feet: \$100; and
- (iii) more than 15,000 square feet: \$150.

(2) Food establishment with only non-retail food service.

(A) Application fee. Each person shall submit a onetime application fee of \$200.

(B) License fee. Each person shall submit a license fee of \$200.

(3) Food establishment with both retail food service and non-retail food service.

(A) Application fee. Each person shall submit a onetime application fee based on the size of the food establishment as follows:

- (i) Less than 5,000 square feet: \$250;
- (ii) 5,000 to 15,000 square feet: \$300; and
- (iii) more than 15,000 square feet: \$350.

(B) License fee for food establishments. Each person shall submit a license fee based on the size of the food establishment as follows:

- (i) Less than 5,000 square feet: \$250;
- (ii) 5,000 to 15,000 square feet: \$300; and
- (iii) more than 15,000 square feet: \$350.

(C) License fee for mobile retail ice cream vendor. Each mobile retail ice cream vendor engaged solely in the sales of prepackaged frozen desserts shall submit a license fee of \$5.

(b) Each license shall expire on the first March 31 following the date of issuance.

(c) Each license shall require annual renewal by the licensee's submission of an application for renewal, on a form supplied by the department, and the applicable license fee specified in subsection (a).

(d) Each of the following terms, as used in this regulation, shall have the meaning specified in this subsection:

(1) "Retail food service" means that food and food products are offered to the consumer and intended for off-premises consumption. This term shall include the offering of such food and food products by any delicatessen that offers prepared food in bulk quantities only.

(2) "Non-retail food service" means that food is served or is prepared for sale or service on the premises or elsewhere. This term shall include the sale or service of such food by any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, private club, roadside stand, industrial-feeding establishment, catering kitchen, commissary, any other private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

This regulation shall be effective on and after July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 65-688, as amended by 2012 Sen. Sub. for HB 2730, sec. 23; effective Feb. 18, 2005; amended, T-4-6-28-12, July 1, 2012.)

4-28-31. Fees; education facility with a school lunch program or satellite school lunch program. Each education facility with a school lunch program or satellite school lunch program subject to the national school lunch act, 42 U.S.C. §1751 et seq., shall be licensed by the secretary. (a) Each of the following terms, as used in this regulation, shall have the meaning specified in this subsection:

(1) "Education facility with a school lunch program" means any school, institution, or other organization providing meals to children through the national school lunch program of the division of food and nutrition services, United States department of agriculture.

(2) "Satellite school lunch program" means any program offered through an education facility with a school lunch program that is operated at a different location as designated by the education facility. A satellite school lunch program does not have on-site food preparation, except portioning food for service.

(b) Each person operating or wanting to operate an education facility with a school lunch program or satellite school lunch program shall submit an application on forms provided by the department with the following fees, as applicable:

(1) Application fee: \$200; and

(2)(A) License fee for an education facility with a school lunch program: \$415; or

(B) license fee for an education facility with a satellite school lunch program: \$340.

(c) Each license shall expire on the first March 31 following the date of issuance.

(d) Any licensee may renew a license before the expiration date of the license by submitting an application for renewal on a form supplied by the department and the applicable license fee specified in paragraph (b)(2).

(e)(1) Each license renewal application received within 30 days after the license expiration date shall require annual renewal by the licensee's submission of an application for renewal on a form supplied by the department, the applicable license fee specified in paragraph (b)(2), and a late fee of \$25, pursuant to 2012 Sen. Sub. for HB 2730, sec. 1 and amendments thereto.

(2) License renewal applications received by the department on or after May 1 shall not be approved before

the licensee submits the fees prescribed in paragraphs (b)(1) and (b)(2) and the licensee's food establishment is inspected pursuant to K.S.A. 65-689, and amendments thereto.

(f) For an education facility with a school lunch program or satellite school lunch program licensed before July 1, 2012, the difference between the original license fee paid and the current license fee shall be paid for the license year ending March 31, 2013. In subsequent years, the full license fee shall be paid.

This regulation shall become effective on July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 65-688, as amended by 2012 Sen. Sub. for HB 2730, sec. 23; effective, T-4-6-28-12, July 1, 2012.)

Dale A. Rodman
Secretary of Agriculture

Doc. No. 040696

State of Kansas

Department of Revenue Division of Alcoholic Beverage Control

Temporary Administrative Regulations

Article 13.—RETAIL LIQUOR DEALER

14-13-1. Definitions. As used in this article, unless the context clearly requires otherwise, the following terms shall have the meanings specified in this regulation:

(a) "Adjacent premises" means an enclosed permanent structure that is contiguous to the licensed premises and may be located in front of, beside, behind, below, or above the licensed premises. Adjacent premises shall be under the direct or indirect control of the retailer. This term shall not include empty lots, parking lots, temporary structures, or enclosed structures not contiguous to the licensed premises.

(b) "Beneficial interest" means any ownership interest by a person or that person's spouse in a business, corporation, partnership, trust, association, or other form of business organization that exceeds 5% of the outstanding shares of that corporation or a similar holding in any other form of business organization.

(c) "Bulk wine" means wine that is sold to a club either by a retailer or a distributor in barrels, casks, or bulk containers that individually exceed 20 liters.

(d) "Church" means a building that is owned or leased by a religious organization and is used exclusively as a place for religious worship and other activities ordinarily conducted by a religious organization.

(e) "Licensed premises" means those areas described in an application for a retailer's license that are under the control of the applicant and are intended as the area in which alcoholic liquor is to be sold for consumption off the licensed premises or stored for later sale.

(f) "Mixer" means any liquid capable of being consumed by a human being that may be combined with alcoholic liquor for consumption.

(g) "Tasting event" means any time during which a retailer or supplier is serving free samples of alcoholic

liquor on the retailer's licensed premises or at adjacent premises monitored and regulated by the director.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 41-210; implementing K.S.A. 2011 Supp. 41-102, as amended by 2012 Sub. for HB 2689, sec. 4; effective May 1, 1988; amended Aug. 6, 1990; amended, T-14-11-9-92, Nov. 9, 1992; amended Dec. 21, 1992; amended, T-14-6-28-12, July 1, 2012.)

14-13-13. Prohibited conduct of retailer. (a) A retailer shall not permit gambling or the possession of a gambling or gaming device of any kind or character on the licensed premises. However, any retailer may sell, operate, possess, and offer to the public lottery tickets permitted by the Kansas lottery act if the retailer is authorized by the Kansas lottery commission to do so.

(b) A retailer shall not, as a condition for the sale or delivery of alcoholic liquor to a customer or to any other licensee under the liquor control act or the club and drinking establishment act, require that the other licensee or customer purchase or contract to purchase alcoholic liquor of another form, quantity, or brand in addition to or partially in lieu of that specifically ordered or desired by the licensee or customer.

(c) A retailer shall not sell or deliver alcoholic liquor of a particular form or brand to a customer or to any other licensee under the liquor control act or the club and drinking establishment act under any arrangement, agreement, or understanding, direct or implied, such that the sale or delivery will be made only if the other licensee or customer also buys or accepts delivery of a quantity of alcoholic liquor of another form or brand.

(d) A retailer shall not refuse to permit the director or any agent or employee of the director to inspect the licensed premises and any alcoholic liquor in the retailer's possession or under the retailer's control upon the licensed premises or upon any other premises where the retailer has stored any alcoholic liquor.

(e) A retailer shall not make any false or misleading representations with respect to any alcoholic liquor product or any licensed premises or in connection with a sales transaction relating to brand, type, proof, or age of an alcoholic liquor or beer. A retailer shall not deceive or attempt to deceive a customer by removing or changing any label or sanitation cover from a container of alcoholic liquor.

(f) A retailer shall not sell or remove any alcoholic liquor from the licensed premises on any day other than a legal day for the sale of alcoholic liquor at retail, after the legal closing hour or before the legal opening hour.

(g) A retailer shall not, directly or indirectly, offer or furnish any gifts, prizes, premiums, rebates, or similar inducements with the sale of any alcoholic liquor, nor shall any retailer directly or indirectly offer, furnish, or sell any alcoholic liquor at less than its cost plus enforcement tax, except according to the following:

(1) Any retailer may include in the sale of alcoholic liquor any goods included by the manufacturer in packaging with the alcoholic liquor. Goods included by the manufacturer shall be packaged with one or more original packages of alcoholic liquor in such a manner as to

(continued)

be delivered to the consumer as a single unit. A retailer shall not sell or give away goods included by a manufacturer that are not packaged as a single unit with the original package of alcoholic liquor as shipped by the manufacturer.

(2) Any retailer may distribute consumer advertising specialty items, subject to the limitations imposed by this regulation. For the purposes of this regulation, consumer advertising specialty items shall be limited to the following: ashtrays, bottle or can openers, corkscrews, matches, printed recipes, informational pamphlets, cards and leaflets, blotters, post cards, posters, printed sports schedules, pens, pencils, and other items of minimal value as approved by the director. Each consumer advertising specialty item shall contain advertising material relating to a brand name of alcoholic liquor or to the operation of the retail liquor store distributing the consumer advertising specialty item. No charge may be made for any consumer advertising specialty item or any purchase required in order to receive any consumer advertising specialty item.

(h) A retailer shall not open or permit to be opened, on the licensed premises, any container or original package containing alcoholic liquor or cereal malt beverage, except as provided in K.A.R. 14-13-16 and K.A.R. 14-13-17.

(i) A retailer shall not permit the drinking of alcoholic liquors or cereal malt beverage in, on, or about the licensed premises, except that any consumer who is at least 21 years of age may sample alcoholic liquor available for sale by the retailer, on the licensed premises and at adjacent premises monitored and regulated by the director, except as provided in K.A.R. 14-13-16 and K.A.R. 14-13-17.

(j) A retailer shall not allow an intoxicated person to frequent, loiter, or be employed upon the licensed premises.

A retailer's manager or employee shall not become intoxicated while on duty for the licensee.

(k) A retailer shall not permit any other person to use the licensed premises for the purpose of carrying on any business activity other than the sale of alcoholic liquor.

(l) A retailer shall not accept or receive from any agent or employee of any licensed distributor any cash rebate or thing of value, or enter into or be a party to any agreement or transaction with any licensed distributor, directly or indirectly, that would result in, or have as its purpose, the purchase of any alcoholic liquor by the retailer at a price less than the listed price that has been filed by the distributor in the office of the director.

(m) A retailer shall not sell, give, or deliver any intoxicating liquor to any person under the age of 21 years. A retailer shall not sell, give, or deliver any intoxicating liquor to any person if the retailer knows or has reason to know that the intoxicating liquor is being obtained for a person under 21 years of age.

(n) A retailer shall not purchase or sell any alcoholic liquor on credit. A retailer shall not enter into any transaction or scheme the purpose of which is to buy or sell alcoholic liquor on credit. The following transactions shall be considered to be buying or selling alcoholic liquor on credit:

- (1) Taking or giving a postdated check;
- (2) giving an insufficient funds check;

(3) taking a check with knowledge that there are insufficient funds to pay the check upon presentment;

(4) accepting delivery from a distributor without making payment for the alcoholic liquor when delivered or before delivery;

(5) making delivery to a club, drinking establishment, or caterer without receiving payment before or at the time of delivery; and

(6) allowing any alcoholic liquor to be removed from the licensed premises without receiving payment for the alcoholic liquor.

(o) A retailer shall not fail to make the reports or keep the records required by these regulations.

A retailer shall not do anything that is otherwise prohibited by any other provision of these regulations.

(p) A retailer who is authorized by the Kansas lottery commission to sell lottery tickets shall not commingle the proceeds from the sale of the lottery tickets with the proceeds from the sale of alcoholic liquor.

(q) A retailer shall not refill a package of alcoholic liquor and shall not sell alcoholic liquor in anything other than the original package.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 41-210; implementing K.S.A. 41-211, K.S.A. 41-308, as amended by 2012 Sub. for HB 2689, sec. 10, K.S.A. 41-702, K.S.A. 41-703, K.S.A. 41-717, as amended by 2012 Sub. for HB 2689, sec. 26, K.S.A. 41-718, as amended by 2012 Sub. for HB 2689, sec. 27, K.S.A. 41-719, as amended by 2012 Sub. for HB 2689, sec. 28, 2012 Sub. for HB 2689, sec. 3; effective May 1, 1988; amended, T-14-11-9-92, Nov. 9, 1992; amended Dec. 21, 1992; amended, T-14-6-28-12, July 1, 2012.)

14-13-16. Tasting events; requirements; prohibitions. Any retailer may provide free samples of alcoholic liquor offered for sale by the retailer to members of the general public on the retailer's licensed premises and at adjacent premises as approved by the director.

(a) No retailer shall receive payment from any person, either directly or indirectly, to conduct a tasting event.

(b)(1) Each container of alcoholic liquor to be sampled shall be removed from the retailer's inventory.

(2) The retailer shall clearly mark each container of alcoholic liquor removed from inventory for sampling as reserved for samples only. The marking shall not obscure the label of the alcoholic liquor container.

(c) No samples of alcoholic liquor may be served on a retailer's licensed premises or on adjacent premises at any time other than those hours and days during which the retailer may sell alcoholic liquor, pursuant to K.S.A. 41-712 and amendments thereto.

(d) During a tasting event, not more than two containers of each brand or type of product being sampled may be open on the licensed premises and at adjacent premises at any one time.

(e) Except as specifically allowed by this subsection, no employee of the retailer who is on duty may consume alcoholic liquor during the tasting event.

The owner or manager of a retail premises may consume wine from an original container sufficient to verify that the wine has not deteriorated in quality or has otherwise become unfit for human consumption.

(f) The director, or any agent or employee of the director, shall be granted immediate entry to and inspection of any adjacent premises used for tasting events at any time the adjacent premises are occupied. Failure to grant immediate entry shall be grounds for revocation of the retailer's license.

(g) Except as specifically allowed in this subsection, no retailer may provide any food, service, or other thing of value other than samples of alcoholic liquor at any tasting event.

(1) Any retailer conducting a tasting event on the licensed premises may provide cups and napkins.

(2) Any retailer conducting a tasting event on adjacent premises may provide cups, napkins, food, mixers, and other similar items.

(h) A licensed distributor or its agent, employee, or representative shall not purchase alcoholic liquor for tasting, pour samples, or provide any supplies or things of value, except that an agent, employee, or representative of a distributor may provide education on the product or products being sampled.

(i) The mixing of alcoholic liquor with any other substance shall be prohibited on the licensed premises. Alcoholic liquor may be mixed with other substances for sampling during tasting events on adjacent premises.

(j)(1) Any partially used container of alcoholic liquor removed from the licensed premises for tasting at adjacent premises shall be disposed of or returned to the licensed premises before the retailer's close of business on the same date the container was removed.

(2) Each retailer shall perform one of the following for each partially used container of alcoholic liquor used for sampling:

(A) Dispose of the container;

(B) store the container on the licensed premises in a secured, locked storage area, separate from containers of alcoholic liquor available for purchase; or

(C) secure the container with a tamperproof seal around the opening of the container.

(k) Each retailer engaged in tasting events shall keep, for at least three years, records of all alcoholic liquor removed from inventory for the tasting events. These records shall be available for inspection by the director, any agent or employee of the director, or the secretary, upon request.

(1) Each record required by this regulation shall be maintained on the licensed premises of the retailer for at least 90 days after the sale.

(2) After 90 days, any record required by this regulation may be stored electronically and maintained off the licensed premises. Each record shall be provided in electronic or paper format, upon request.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 41-210; implementing 2012 Sub. for HB 2689, sec. 3; effective, T-14-6-28-12, July 1, 2012.)

14-13-17. Tasting events; supplier participation; requirements; prohibitions. Any supplier may participate in a retail tasting event through the supplier's employee or agent. For the purpose of this regulation, "supplier" shall mean any person holding a permit issued pursuant to K.S.A. 41-331, and amendments thereto.

(a) A supplier's "agent" may include a third party contracted for the purpose of conducting the tasting. This term shall not include a licensed distributor or any agent, employee, or representative of a licensed distributor.

(b) For the purpose of participation in tasting events, each licensed distributor who also possesses a Kansas supplier permit shall be limited to providing educational information about the product or products being sampled. A distributor or its agent or employee shall not participate in any other manner in a tasting event.

(c) The supplier shall purchase alcoholic liquor to be sampled at a tasting event from the retailer. For each purchase under this regulation, the retailer shall provide the supplier with a numbered invoice or sales slip that contains the following information:

(1) The date of purchase;

(2) the name and license number of the retailer;

(3) the name and Kansas permit number of the supplier;

(4) the brand, size, and quantity of all alcoholic liquor purchased; and

(5) the subtotal of the cost of the alcoholic liquor and the total cost of the purchase, including enforcement tax.

(d) Any supplier may store containers of alcoholic liquor used for sampling at a tasting event on the retailer's licensed premises if all of the following conditions are met:

(1) Each container of alcoholic liquor is clearly marked, in a manner that does not obscure the label, as reserved for samples only.

(2) The container is secured in a locked storage area separate from containers of alcoholic liquor available for purchase or is secured with a tamper-proof seal around the opening of the container.

(3) The container is accompanied by a copy of the invoice provided to the supplier by the retailer.

(e) Any supplier may provide nonalcoholic mixers, cups, napkins, food, and similar items during a tasting event.

(f) Each retailer who sells alcoholic liquor to a supplier participating in a tasting event shall keep a copy of the invoice or sales slip required by this regulation for at least three years. The records required by this subsection shall be available for inspection by the director, any agent or employee of the director, or the secretary, upon request.

(1) Each record required by this regulation shall be maintained on the retailer's licensed premises for at least 90 days after the sale.

(2) After 90 days, any record required by this regulation may be stored electronically and maintained off the licensed premises. Each record shall be provided in electronic or paper format, upon request.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 41-210; implementing 2012 Sub. for HB 2689, sec. 3; effective, T-14-6-28-12, July 1, 2012.)

Nick Jordan
Secretary of Revenue

Doc. No. 040698

State of Kansas

Board of Indigents' Defense Services

Temporary Administrative
Regulations

Article 3.—APPOINTED ATTORNEYS

105-3-2. Eligibility to serve. (a) Each licensed attorney engaged in the private practice of law shall be eligible to serve on the panel if the following criteria are met:

(1) Each attorney on the voluntary panel representing an indigent defendant shall have completed 12 hours of continuing legal education in the area of criminal law within three years of appointment or have graduated from an accredited law school during the three years immediately before appointment.

(2) Each attorney assigned to the defense of any felony classified as a non-drug grid offense with severity level of 3 or 4 or any felony classified as a drug grid offense with a severity level of 1, 2, or 3 shall have tried to a verdict, either as defense counsel or prosecutor, five or more felony jury trials.

(3) Each attorney assigned to the defense of any felony classified as an off-grid offense or a non-drug grid offense with a severity level of 1 or 2 shall have tried to verdict, either as defense counsel or prosecutor, five or more jury trials involving the following:

(A) Non-drug offenses of severity levels 1 through 4 or drug grid offenses of severity levels 1 through 3; or

(B) any off-grid offenses.

(4) Each attorney assigned or appointed to the defense of any indigent person accused of a capital murder, as defined by K.S.A. 2011 Supp. 21-5401 and amendments thereto, shall be a prequalified death penalty attorney. Each attorney shall be screened by the board to determine the attorney's qualifications to serve as defense counsel to an indigent person accused of a capital murder, pursuant to "guideline 5.1 qualifications of defense counsel," as published on pages 35 and 36 in the February 2003 edition of the American bar association (ABA) "guidelines for the appointment and performance of defense counsel in death penalty cases" and hereby adopted by reference, except for the history of guideline, related standards, and commentary on page 36. Each attorney who is eligible to serve on the capital appointments panel shall be prequalified by the board as meeting this regulation.

(5) Each attorney assigned or appointed to represent an indigent person who has been convicted of capital murder and who is under a sentence of death in the direct review of the judgment shall be prequalified by the board as meeting this regulation.

(6) Each attorney assigned or appointed to represent an indigent person who has been convicted of capital murder and who is under a sentence of death in postconviction proceedings shall be prequalified by the board as meeting this regulation.

(7) To ensure compliance with these regulations in capital felony murder or homicide cases, each attorney assigned or appointed to the defense of any indigent person accused of a capital murder or a homicide pursuant to K.S.A. 2011 Supp. 21-5401, 21-5402, 21-5403, or 21-5404,

and amendments thereto, shall be appointed from panel lists screened pursuant to these regulations and approved by the board.

(b) Except for appointment of an attorney to provide representation for an indigent person accused of a capital murder or a homicide pursuant to K.S.A. 2011 Supp. 21-5401, 21-5402, 21-5403, or 21-5404 and amendments thereto, an indigent person who has been convicted of capital murder and who is under a sentence of death in the direct review of the judgment or an indigent person who has been convicted of capital murder and who is under a sentence of death in postconviction proceedings, the judge may waive any of the requirements of this regulation if the judge determines that the attorney selected by the judge has sufficient training, resources, and experience to undertake the case in question. (Authorized by and implementing K.S.A. 22-4501, K.S.A. 22-4522, K.S.A. 22-4505, and K.S.A. 22-4506; effective May 1, 1984; amended, T-105-6-13-88, July 1, 1988; amended Nov. 1, 1988; amended Oct. 30, 1989; amended, T-105-6-15-93, June 15, 1993; amended Aug. 16, 1993; amended Nov. 1, 1996; amended Aug. 20, 1999; amended, T-105-6-28-12, June 28, 2012.)

Patricia A. Scalia
Executive Director

Doc. No. 040697

State of Kansas

Commission on Peace Officers'
Standards and TrainingTemporary Administrative
Regulations

(Editor's Note: The Kansas Commission on Peace Officers' Standards and Training (KSCPOST) was created pursuant to L. 2006, Ch. 170, which became effective July 1, 2006. KSCPOST is the successor in authority to the Law Enforcement Training Commission (Agency 106). L. 2006, Ch. 170 also transferred certain powers, duties and functions from the Law Enforcement Training Center (Agency 107) to the Kansas Commission on Peace Officers' Standards and Training.)

Article 1.—PEACE OFFICERS STANDARDS
AND TRAINING

106-1-1 and 106-1-2. This regulation shall be revoked on and after July 1, 2012. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; revoked, T-106-6-28-12, July 1, 2012.)

106-1-3. This regulation shall be revoked on and after July 1, 2012. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; amended May 1, 1985; revoked, T-106-6-28-12, July 1, 2012.)

106-1-4, 106-1-5, and 106-1-6. This regulation shall be revoked on and after July 1, 2012. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; revoked, T-106-6-28-12, July 1, 2012.)

106-1-7 and 106-1-8. This regulation shall be revoked on and after July 1, 2012. (Authorized by and im-

plementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; amended May 1, 1985; revoked, T-106-6-28-12, July 1, 2012.)

Article 2.—DEFINITIONS

106-2-1. General definitions. (a) "Applicant" means a person seeking certification as an officer.

(b) "Appointing authority" means a person or group of persons empowered by a statute, local ordinance, or other lawful authority to make human resource decisions that affect the employment of officers. A sheriff shall be deemed to be that individual's own appointing authority.

(c) "Basic training course" means a curriculum of instruction that meets the training requirements for certification as an officer.

(d) "Criminal history record information" has the same meaning as that specified in K.S.A. 22-4701, and amendments thereto.

(e) "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.

(f) "Officer" means a "police officer" or "law enforcement officer," as defined in K.S.A. 74-5602 and amendments thereto, who has been granted any certification by the commission.

(g) "Official document or official communication" means information created or transferred, in any medium, in the course of performing the duties of an officer required by law or by policies or procedures of an appointing authority.

(h) "Other training authority" means an organization or individual with a curriculum of instruction and assessments in firearms or emergency vehicle operation that the director of police training has determined may provide training equivalent to instructor courses offered at the training center.

(i) "Public safety concern" means reason to believe that the health, safety, or welfare of the public at large would be adversely affected as a result of the reduced availability of law enforcement officers.

(j) "Trainee" means a person who is enrolled in a basic training course at a training school.

(k) "Training school" means a training organization operated by a law enforcement agency to provide basic training courses. This term shall include the training center.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 2011 Supp. 74-5603, as amended by 2012 SB 424, sec. 3, and K.S.A. 2011 Supp. 74-5607, as amended by 2012 SB 424, sec. 5; implementing K.S.A. 2011 Supp. 74-5603, as amended by 2012 SB 424, sec. 3, K.S.A. 2011 Supp. 74-5604a, K.S.A. 2011 Supp. 74-5607, as amended by 2012 SB 424, sec. 5, and K.S.A. 74-5616, as amended by 2012 SB 424, sec. 8; effective, T-106-6-28-12, July 1, 2012.)

106-2-2. Certain misdemeanors constituting grounds for disqualification of applicants. Pursuant to K.S.A. 74-5605 and amendments thereto, an applicant shall not have had a conviction for theft, as defined in K.S.A. 2011 Supp. 21-5801 and amendments thereto, oc-

curing within 12 months before the date of application for certification.

This regulation shall become effective on July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 74-5605, as amended by 2012 SB 424, sec. 4; effective, T-106-6-28-12, July 1, 2012.)

106-2-2a. Certain misdemeanors constituting grounds for denial or discipline. (a) Pursuant to K.S.A. 74-5616 and amendments thereto, an applicant or officer shall not engage in conduct, whether or not charged as a crime or resulting in a conviction, that would constitute any of the following misdemeanor offenses:

(1) Vehicular homicide, as defined in K.S.A. 2011 Supp. 21-5406 and amendments thereto;

(2) interference with parental custody, as defined in K.S.A. 2011 Supp. 21-5409 and amendments thereto;

(3) interference with custody of a committed person, as defined in K.S.A. 2011 Supp. 21-5410 and amendments thereto;

(4) criminal restraint, as defined in K.S.A. 2011 Supp. 21-5411 and amendments thereto;

(5) assault or assault of a law enforcement officer, as defined in K.S.A. 2011 Supp. 21-5412 and amendments thereto;

(6) battery, battery against a law enforcement officer, or battery against a school employee, as defined in K.S.A. 2011 Supp. 21-5413 and amendments thereto;

(7) mistreatment of a confined person, as defined in K.S.A. 2011 Supp. 21-5416 and amendments thereto;

(8) mistreatment of a dependent adult, as defined in K.S.A. 2011 Supp. 21-5417 and amendments thereto;

(9) unlawful administration of a substance, as defined in K.S.A. 2011 Supp. 21-5425 and amendments thereto;

(10) stalking, as defined in K.S.A. 2011 Supp. 21-5427 and amendments thereto;

(11) criminal sodomy, as defined in K.S.A. 2011 Supp. 21-5504(a)(2) and amendments thereto;

(12) sexual battery, as defined in K.S.A. 2011 Supp. 21-5505 and amendments thereto;

(13) lewd and lascivious behavior, as defined in K.S.A. 2011 Supp. 21-5513 and amendments thereto;

(14) endangering a child, as defined in K.S.A. 2011 Supp. 21-5601 and amendments thereto;

(15) contributing to a child's misconduct or deprivation, as defined in K.S.A. 2011 Supp. 21-5603 and amendments thereto;

(16) furnishing alcoholic liquor or cereal malt beverage to a minor, as defined in K.S.A. 2011 Supp. 21-5607 and amendments thereto;

(17) except when related to a legitimate law enforcement purpose, unlawful cultivation or distribution of controlled substances, as defined in K.S.A. 2011 Supp. 21-5705 and amendments thereto;

(18) except when related to a legitimate law enforcement purpose, unlawful possession of controlled substances, as defined in K.S.A. 2011 Supp. 21-5706 and amendments thereto;

(19) except when related to a legitimate law enforcement purpose, unlawfully obtaining and distributing a prescription-only drug, as defined in K.S.A. 2011 Supp. 21-5708 and amendments thereto;

(continued)

(20) except when related to a legitimate law enforcement purpose, unlawful possession of certain drug precursors and paraphernalia, as defined in K.S.A. 2011 Supp. 21-5709 and amendments thereto;

(21) except when related to a legitimate law enforcement purpose, unlawful distribution of certain drug precursors and drug paraphernalia, as defined in K.S.A. 2011 Supp. 21-5710 and amendments thereto;

(22) except when related to a legitimate law enforcement purpose, unlawful abuse of toxic vapors, as defined in K.S.A. 2011 Supp. 21-5712 and amendments thereto;

(23) except when related to a legitimate law enforcement purpose, unlawful distribution or possession of a simulated controlled substance, as defined in K.S.A. 2011 Supp. 21-5713 and amendments thereto;

(24) except when related to a legitimate law enforcement purpose, unlawful representation that noncontrolled substance is controlled substance, as defined in K.S.A. 2011 Supp. 21-5714 and amendments thereto;

(25) unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage, as defined in K.S.A. 2011 Supp. 21-5608 and amendments thereto;

(26) theft, as defined in K.S.A. 2011 Supp. 21-5801 and amendments thereto;

(27) theft of property lost, mislaid or delivered by mistake, as defined in K.S.A. 2011 Supp. 21-5802 and amendments thereto;

(28) criminal deprivation of property, as defined in K.S.A. 2011 Supp. 21-5803 and amendments thereto;

(29) criminal trespass, as defined in K.S.A. 2011 Supp. 21-5808 and amendments thereto;

(30) criminal damage to property, as defined in K.S.A. 2011 Supp. 21-5813 and amendments thereto;

(31) giving a worthless check, as defined in K.S.A. 2011 Supp. 21-5821 and amendments thereto;

(32) counterfeiting, as defined in K.S.A. 2011 Supp. 21-5825 and amendments thereto;

(33) criminal use of a financial card, as defined in K.S.A. 2011 Supp. 21-5828 and amendments thereto;

(34) unlawful acts concerning computers, as defined in K.S.A. 2011 Supp. 21-5839 and amendments thereto;

(35) interference with law enforcement, as defined in K.S.A. 2011 Supp. 21-5904 and amendments thereto;

(36) interference with the judicial process, as defined in K.S.A. 2011 Supp. 21-5905 and amendments thereto;

(37) criminal disclosure of a warrant, as defined in K.S.A. 2011 Supp. 21-5906 and amendments thereto;

(38) simulating legal process, as defined in K.S.A. 2011 Supp. 21-5907 and amendments thereto;

(39) intimidation of a witness or victim, as defined in K.S.A. 2011 Supp. 21-5909 and amendments thereto;

(40) obstructing apprehension or prosecution, as defined in K.S.A. 2011 Supp. 21-5913 and amendments thereto;

(41) false impersonation, as defined in K.S.A. 2011 Supp. 21-5917 and amendments thereto;

(42) tampering with a public record, as defined in K.S.A. 2011 Supp. 21-5920 and amendments thereto;

(43) tampering with a public notice, as defined in K.S.A. 2011 Supp. 21-5921 and amendments thereto;

(44) violation of a protective order, as defined in K.S.A. 2011 Supp. 21-5924 and amendments thereto;

(45) official misconduct, as defined in K.S.A. 2011 Supp. 21-6002 and amendments thereto;

(46) misuse of public funds, as defined in K.S.A. 2011 Supp. 21-6005 and amendments thereto;

(47) breach of privacy, as defined in K.S.A. 2011 Supp. 21-6101 and amendments thereto;

(48) denial of civil rights, as defined in K.S.A. 2011 Supp. 21-6102 and amendments thereto;

(49) criminal false communication, as defined in K.S.A. 2011 Supp. 21-6103 and amendments thereto;

(50) disorderly conduct, as defined in K.S.A. 2011 Supp. 21-6203 and amendments thereto;

(51) harassment by telecommunication device, as defined in K.S.A. 2011 Supp. 21-6206 and amendments thereto;

(52) criminal distribution of firearms to a felon, as defined in K.S.A. 2011 Supp. 21-6303 and amendments thereto;

(53) promoting obscenity or promoting obscenity to minors, as defined in K.S.A. 2011 Supp. 21-6401 and amendments thereto;

(54) promotion to minors of material harmful to minors, as defined in K.S.A. 2011 Supp. 21-6402 and amendments thereto;

(55) except when related to a legitimate law enforcement purpose, prostitution, as defined in K.S.A. 2011 Supp. 21-6419 and amendments thereto;

(56) except when related to a legitimate law enforcement purpose, promoting prostitution, as defined in K.S.A. 2011 Supp. 21-6420 and amendments thereto;

(57) except when related to a legitimate law enforcement purpose, patronizing a prostitute, as defined in K.S.A. 2011 Supp. 21-6421 and amendments thereto; or

(58) a second or subsequent occurrence of driving under the influence, as defined in K.S.A. 8-1567 and amendments thereto.

(b) In determining any conduct that requires the intent to permanently deprive an owner or lessor of the possession, use, or benefit of property, prima facie evidence of intent shall include any act described in K.S.A. 2011 Supp. 21-5804, and amendments thereto.

(c) A certified copy of the order or journal entry documenting conviction of a misdemeanor shall constitute prima facie evidence of having engaged in such conduct.

This regulation shall become effective on July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 74-5616, as amended by 2012 SB 424, sec. 8; effective, T-106-6-28-12, July 1, 2012.)

106-2-3. Unprofessional conduct. "Unprofessional conduct," pursuant to K.S.A. 74-5616 and amendments thereto, means any of the following:

(a) Committing any act that reasonably would cause disrepute to the law enforcement profession, the appointing authority, or the officer;

(b) willfully or repeatedly violating one or more regulations promulgated by the commission;

(c) having had a license, certification, or other credential to act as an officer denied, revoked, conditioned, or suspended; having been publicly or privately reprimanded or censured by the licensing authority of another state, agency of the United States government, territory

of the United States, or country; or having had other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States, or country. A certified copy of the record or order of public or private reprimand or censure, denial, suspension, condition, revocation, or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States, or country shall constitute prima facie evidence of such a fact for purposes of this subsection;

(d) willfully failing to report to the appointing authority or its designee knowledge gained through observation that another officer engaged in conduct that would be grounds for discipline by the commission;

(e) willfully disclosing criminal history record information or other information designated as confidential by statute or regulation, except for a legitimate law enforcement purpose or when required by order of a court or agency of competent jurisdiction;

(f) taking, threatening to take, or failing to take action as an officer if the action is or reasonably would appear to be motivated by a familial, financial, social, sexual, romantic, physical, intimate, or emotional relationship;

(g) using excessive physical force in carrying out a law enforcement objective. As used in this subsection, physical force shall be deemed excessive if it is greater than what a reasonable and prudent officer would use under the circumstances;

(h) exploiting or misusing the position as an officer to obtain an opportunity or benefit that would not be available but for that position;

(i) exploiting or misusing the position as an officer to establish or attempt to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship;

(j) failing to report, in the manner required by the revised Kansas code for care of children, reasonable suspicion that a child has been harmed as a result of physical, mental, or emotional abuse or neglect; or

(k) engaging in any of the following conduct, except for a legitimate law enforcement purpose:

(1) Intentionally using a false or deceptive statement in any official document or official communication;

(2) committing conduct likely to endanger the public;

(3) performing duties as an officer while using or under the influence of alcohol;

(4) using any prescription-only drug, as defined by K.S.A. 65-1626 and amendments thereto, that impairs the officer's skill or judgment in performance of duties as an officer; or

(5) using any controlled substance that is unlawful to possess, as defined by K.S.A. 2011 Supp. 21-5706 and amendments thereto.

This regulation shall become effective on July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 74-5616, as amended by 2012 SB 424, sec. 8; effective, T-106-6-28-12, July 1, 2012.)

106-2-4. Good moral character. (a) "Good moral character," pursuant to K.S.A. 74-5605 and amendments thereto, shall include the following personal traits or qualities:

- (1) Integrity;
- (2) honesty;
- (3) fairness;
- (4) credibility;
- (5) respect for others;
- (6) respect for the laws of the state and nation;
- (7) conduct that warrants the public trust; and
- (8) upholding the oath required for certification as specified in K.A.R. 106-3-6.

(b) Any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 2011 Supp. 74-5607, as amended by 2012 SB 424, sec. 5; implementing K.S.A. 2011 Supp. 74-5605, as amended by 2012 SB 424, sec. 4; effective, T-106-6-28-12, July 1, 2012.)

Article 3.—OFFICER CERTIFICATION STANDARDS

106-3-1. Provisional certificate conditioned on attendance at next available basic training course. Each provisional certificate issued to an officer newly appointed or elected on a provisional basis shall be conditioned upon the officer's attendance at the next available basic training course, unless the appointing authority gives written notice and a detailed explanation to the director of police training of both of the following:

(a) The required attendance creates a public safety concern.

(b) The officer should be permitted to attend a subsequent basic training course scheduled to commence within the officer's provisional appointment.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 2011 Supp. 74-5607, as amended by 2012 SB 424, sec. 5; implementing K.S.A. 2011 Supp. 74-5607a, as amended by 2012 SB 424, sec. 6; effective, T-106-6-28-12, July 1, 2012.)

106-3-2. Provisional certification; working as officer during basic training course. Each officer who has been granted provisional certification shall work as an officer while enrolled and attending a basic training course only as required by the course curriculum, except whenever the director of police training announces that the training center is closed or otherwise will not conduct basic training courses.

This regulation shall become effective on July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 74-5607, as amended by 2012 SB 424, sec. 5; effective, T-106-6-28-12, July 1, 2012.)

106-3-3. Standards for approval of psychological testing. (a) Each assessment of an applicant for certification that is performed to determine the absence of a mental or personality disorder shall, at a minimum, include a psychological test that is generally accepted in the community of licensed psychologists to be valid for law enforcement candidate selection consistent with the standards provided by the society for industrial and organizational psychology, inc. in "principles for the validation and use of personnel selection procedures,"

(continued)

fourth edition, dated 2003. Pages 3 through 61 of this document are hereby adopted by reference.

(b) Each psychological test administered shall be scored and interpreted according to the recommendations of the test's publisher and by a person appropriately licensed to score and interpret psychological testing.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 2011 Supp. 74-5607, as amended by 2012 SB 424, sec. 5; implementing K.S.A. 2011 Supp. 74-5605, as amended by 2012 SB 424, sec. 4; effective, T-106-6-28-12, July 1, 2012.)

106-3-4. Verification of high school equivalence.

Verification of "the equivalent of a high school education," pursuant to K.S.A. 74-5605 and amendments thereto, shall mean any of the following:

(a) A general education development (GED) certificate;
 (b) proof of program completion and hours of instruction at a non-accredited private secondary school registered with the state board of education of Kansas, or of the state in which instruction was completed, and a score in at least the 50th percentile on either of the following tests:

- (1) American college test (ACT); or
- (2) scholastic aptitude test (SAT); or

(c) proof of admission to a postsecondary state educational institution accredited by the Kansas state board of regents or by another accrediting body having minimum admission standards at least as stringent as those of the Kansas state board of regents.

This regulation shall become effective on July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 74-5605, as amended by 2012 SB 424, sec. 4; effective, T-106-6-28-12, July 1, 2012.)

106-3-5. Determination of work hours for part-time certification. Calculation of the number of work hours for part-time certification of an officer shall be based on a calendar year and shall include the cumulative number of hours that the officer worked for each appointing authority during a calendar year.

This regulation shall become effective on July 1, 2012. (Authorized by K.S.A. 2011 Supp. 74-5607, as amended by 2012 SB 424, sec. 5; implementing K.S.A. 2011 Supp. 74-5602, as amended by 2012 SB 424, sec. 2, and K.S.A. 2011 Supp. 74-5607a, as amended by 2012 SB 424, sec. 6; effective, T-106-6-28-12, July 1, 2012.)

106-3-6. Oath required for certification. As a condition to certification as an officer, each applicant shall swear or affirm the following: "On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution of the United States and of the state of Kansas, my community, and the agency I serve."

This regulation shall become effective on July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 74-5607, as amended by 2012 SB 424, sec. 5; effective, T-106-6-28-12, July 1, 2012.)

Article 4.—TRAINING SCHOOL STANDARDS

106-4-1. Approval of training schools. Each training school offering a basic training course shall meet the

requirements of this regulation for approval by the commission:

(a) Each training school shall be certified by the director of police training. The administrator of each training school seeking certification shall submit the following in writing to the director of police training at least 45 days before the proposed date of operation:

(1) A completed application on a form furnished by the director of police training;

(2) a description of the basic training course to be offered that demonstrates that the course meets or exceeds the training objectives of the basic training course curriculum adopted pursuant to K.S.A. 74-5603, and amendments thereto;

(3) a description of the requirements for the satisfactory completion of a basic training course offered by the training school;

(4) a description of each facility where the basic training course will be conducted; and

(5) a list of the instructors who will provide training, along with a summary of their qualifications to instruct.

(b) Requirements for the successful completion of a basic training course shall include the following:

(1) Written testing that is designed to assess the trainees' learning. The design of the test instrument, the testing procedures, the testing results to be included in the final average score, and the method for calculating the final average score shall be developed by the training school. Each trainee shall be required to achieve a final average score of at least 70 percent on written testing;

(2) firearms proficiency that demonstrates a qualifying score of at least 70 percent on a course of fire approved by the director of police training;

(3) emergency vehicle operation proficiency as determined by the training school based upon the requirements of the approved curriculum, the driving facilities, and the space available;

(4) demonstrated understanding of the legal limitations of an officer's authority to use force evaluated by written or performance assessments, or a combination of both, with a description of the assessments and the standard for successful completion;

(5) other written or performance assessments specified by the training school, with a description of each assessment and the standard for successful completion;

(6) a requirement that each trainee attend at least 90 percent of the basic training course and successfully complete all coursework in the approved curriculum; and

(7) a requirement that trainees attend 100 percent of the mandated training in firearms and emergency vehicle operation.

(c) The equipment and the facilities where each basic training course is conducted shall provide a safe and effective learning environment and shall include the following at a minimum:

(1) Classroom space and instructional equipment conducive to learning;

(2) a firing range;

(3) a driver training area for emergency vehicle operation; and

(4) space and equipment for training in physical and defensive tactics.

(d) Each instructor providing instruction in a basic training course shall be knowledgeable in both the subject area to be taught and instructional methodology. Each instructor providing firearms instruction in a basic training course shall have satisfactorily completed a course for firearms instructors provided by the training center or other training authority. Each instructor providing emergency vehicle operation instruction shall have satisfactorily completed a course for emergency vehicle operation instruction provided by the training center or other training authority.

(e) At the completion of each basic training course offered by a training school, the school administrator shall submit to the director of police training evidence of successful completion for each officer enrolled in the basic training course who has satisfied the requirements provided to the director of police training in the initial application for school certification.

(f) Each training school shall maintain records of all basic training courses offered. Records may be maintained in electronic format. The records shall include the following:

- (1) A master copy of all written testing instruments;
- (2) a schedule of all training provided during the basic training course;
- (3) a record of daily trainee attendance;
- (4) a list of each trainee enrolled in the basic training course, whether the trainee successfully completed the basic training course; and
- (5) a record of scores or other measures of evaluation for each trainee that assess each trainee's successful completion of all requirements.

(g) In determining whether to certify a training school, the director of police training may consider both the information contained in the current application for certification and the manner in which the training school has previously been operated. The director of police training may refuse to certify a training school upon a finding of any of the following:

- (1) The training either proposed or actually provided by the training school does not meet or exceed the training objectives of the appropriate approved basic training course.
- (2) The instructors who are designated in the application for certification or who actually provide instruction in a basic training course do not meet the minimum qualifications for instructors.
- (3) The facilities either proposed in the application or actually used in the basic training course fail to provide a safe and effective learning environment.
- (4) The written or performance assessments either proposed in the application or actually used in the training course do not meet the standards provided or otherwise do not provide a basis for evaluation that satisfies the director of police training that the trainees will meet or have met the learning objectives specified in a basic training course curriculum.

(5) With the assistance or knowledge of the training school staff, trainees have met in whole or in part requirements for successful completion by fraud, misrepresentation, or cheating on or attempting to subvert the validity of examinations or assessments.

(6) The approved basic training course as described in the training school application for certification deviates from the basic training course as actually administered.

(h) The certification of each training school shall expire one year from the date of issuance.

This regulation shall become effective on July 1, 2012. (Authorized by and implementing K.S.A. 2011 Supp. 74-5603, as amended by 2012 SB 424, sec. 3, and K.S.A. 2011 Supp. 74-5604a; effective, T-106-6-28-12, July 1, 2012.)

Article 1.—CERTIFICATION OF LAW ENFORCEMENT OFFICERS AND TRAINING SCHOOLS

107-1-1. This regulation shall be revoked on and after July 1, 2012. (Authorized by and implementing K.S.A. 1984 Supp. 74-5603 and 74-5604a; effective, T-85-5, Feb. 21, 1984; effective May 1, 1985; amended May 1, 1986; revoked, T-107-6-28-12, July 1, 2012.)

107-1-2. This regulation shall be revoked on and after July 1, 2012. (Authorized by K.S.A. 1984 Supp. 74-5603 and 74-5604a; implementing K.S.A. 1984 Supp. 74-5607a, 74-5605, 74-5604a, and K.S.A. 74-5608a; effective, T-85-5, Feb. 21, 1984; effective May 1, 1985; amended May 1, 1986; revoked, T-107-6-28-12, July 1, 2012.)

107-1-3. This regulation shall be revoked on and after July 1, 2012. (Authorized by K.S.A. 1984 Supp. 74-5604a and 74-5603; implementing K.S.A. 1984 Supp. 74-5604a; effective, T-85-5, Feb. 21, 1984; effective May 1, 1985; amended May 1, 1986; revoked, T-107-6-28-12, July 1, 2012.)

107-1-4. This regulation shall be revoked on and after July 1, 2012. (Authorized by K.S.A. 1984 Supp. 74-5603 and 74-5604a; implementing K.S.A. 1984 Supp. 74-5604a; effective, T-85-5, Feb. 21, 1984; effective May 1, 1985; amended May 1, 1986; revoked, T-107-6-28-12, July 1, 2012.)

107-1-5. This regulation shall be revoked on and after July 1, 2012. (Authorized by K.S.A. 1983 Supp. 74-5603 and 74-5604a; implementing K.S.A. 1983 Supp. 74-5603, 74-5607a and 74-5604a; effective, T-85-5, Feb. 21, 1984; effective May 1, 1985; revoked, T-107-6-28-12, July 1, 2012.)

Article 2.—CONTINUING EDUCATION

107-2-1. This regulation shall be revoked on and after July 1, 2012. (Authorized by and implementing K.S.A. 1984 Supp. 74-5607a; effective, T-85-5, Feb. 21, 1984; effective May 1, 1985; amended May 1, 1986; revoked, T-107-6-28-12, July 1, 2012.)

Article 3.—PRE-TRAINING EVALUATION

107-3-1. This regulation shall be revoked on and after July 1, 2012. (Authorized by K.S.A. 1984 Supp. 74-5603 and 74-5604a; implementing K.S.A. 1984 Supp. 74-5604a, K.S.A. 1984 Supp. 74-5605, and K.S.A. 1984 Supp. 74-5618; effective May 1, 1985; amended May 1, 1986; revoked, T-107-6-28-12, July 1, 2012.)

John L. Carmichael
Chairman

Doc. No. 040701

INDEX TO ADMINISTRATIVE REGULATIONS

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40-3-33	Revoked	V. 30, p. 232
40-4-42c	Amended	V. 31, p. 170
40-5-7	Revoked	V. 31, p. 114
40-10-16	New	V. 30, p. 556

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-5-115	Amended	V. 31, p. 301
44-9-101	Amended	V. 31, p. 302
44-9-105	Amended	V. 31, p. 303
44-9-107	New	V. 31, p. 304
44-9-501		
through		
44-9-504	New	V. 31, p. 304, 305
44-11-111	Amended	V. 31, p. 193
44-11-113	Amended	V. 31, p. 194
44-11-119	Amended	V. 31, p. 195
44-11-121	Amended	V. 31, p. 195
44-11-123	Amended	V. 31, p. 195
44-11-127	Amended	V. 31, p. 195
44-11-129	Amended	V. 31, p. 196
44-11-132	Amended	V. 31, p. 196

AGENCY 45: PRISONER REVIEW BOARD

Reg. No.	Action	Register
45-100-1	Revoked	V. 31, p. 306
45-500-1		
through		
45-500-4	Revoked	V. 31, p. 306

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-3-8	Amended	V. 30, p. 1649
51-7-8	Amended	V. 30, p. 1541
51-9-7	Amended	V. 30, p. 1577

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-11-101	Amended	V. 31, p. 572
60-11-102	Amended	V. 31, p. 573
60-11-103	Amended	V. 31, p. 573
60-11-104	Amended	V. 31, p. 574

60-11-104a	Amended	V. 31, p. 574
60-11-105	Amended	V. 31, p. 574
60-11-106	Amended	V. 31, p. 575
60-11-107	Amended	V. 31, p. 575
60-11-113	Amended	V. 31, p. 575
60-11-116	Amended	V. 31, p. 575
60-11-118	Amended	V. 31, p. 576
60-11-119	Amended	V. 31, p. 576
60-11-120	Amended	V. 31, p. 576
60-11-121	Amended	V. 31, p. 576
60-13-112	Amended	V. 31, p. 576
60-16-102	Amended	V. 31, p. 577
60-16-103	Amended	V. 31, p. 577
60-16-104	Amended	V. 31, p. 578
60-17-101	Amended	V. 31, p. 580
60-17-104	Amended	V. 31, p. 580
60-17-105	Amended	V. 31, p. 581
60-17-110	Amended	V. 31, p. 581
60-17-111	Amended	V. 31, p. 581

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-6	Amended	V. 30, p. 1215
63-4-1	Amended	V. 30, p. 1215
63-6-2	Amended	V. 30, p. 1215
63-6-3	Amended	V. 30, p. 1216
63-7-1	Amended	V. 30, p. 1216
63-7-2	Amended	V. 30, p. 1217
63-7-6	Amended	V. 30, p. 1217
63-7-7	Amended	V. 30, p. 1217
63-7-9	New	V. 30, p. 1218
63-7-10	New	V. 30, p. 1218
63-7-11	New	V. 30, p. 1218

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-7-1	Amended	V. 30, p. 1681
66-9-7	Amended	V. 30, p. 1681
66-10-1	Amended	V. 30, p. 1681
66-10-3	Amended	V. 30, p. 1681
66-12-1	Amended	V. 30, p. 1681

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-22	Amended	V. 30, p. 537
68-20-10a	Amended	V. 30, p. 538
68-20-24	New (T)	V. 30, p. 357
68-20-25	New (T)	V. 30, p. 357
68-20-26	New (T)	V. 30, p. 357
68-20-27	New (T)	V. 30, p. 357
68-20-28	New (T)	V. 30, p. 635
68-20-29	New (T)	V. 30, p. 635
68-21-2	Amended	V. 30, p. 370
68-22-1		
through		
68-22-5	New	V. 30, p. 1515

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-7-1	Amended	V. 31, p. 14

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-4-1	Amended	V. 30, p. 1680

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-4	Amended	V. 31, p. 607
74-2-7	Amended	V. 31, p. 607
74-4-3a	Amended	V. 31, p. 608
74-4-7	Amended	V. 31, p. 608
74-4-8	Amended	V. 31, p. 609
74-4-10	Amended	V. 31, p. 610
74-5-2	Amended	V. 31, p. 610
74-5-101	Amended	V. 31, p. 611
74-5-202	Amended	V. 31, p. 612
74-5-302	Revoked	V. 31, p. 612
74-11-6	Amended	V. 31, p. 612

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 30, p. 1048
81-5-21	New	V. 30, p. 1049
81-20-1	Revoked	V. 30, p. 866
81-20-2	Revoked	V. 30, p. 866

81-22-1	Amended	V. 30, p. 866
81-22-2	Revoked	V. 30, p. 866
81-23-1	Revoked	V. 30, p. 867
81-23-2	Revoked	V. 30, p. 867
81-24-1	Revoked	V. 30, p. 867
81-25-1	Revoked	V. 30, p. 867
81-25-2	Revoked	V. 30, p. 867
81-25-3	Revoked	V. 30, p. 867
81-26-3	Revoked	V. 30, p. 867
81-28-1	Revoked	V. 30, p. 867
81-28-2	Revoked	V. 30, p. 867
81-30-1	Revoked	V. 30, p. 867

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-1	Amended	V. 30, p. 1478
82-4-2a	New	V. 30, p. 1480
82-4-3a	Amended	V. 30, p. 1480
82-4-3f	Amended	V. 30, p. 1481
82-4-3g	Amended	V. 30, p. 1484
82-4-3i	Amended	V. 30, p. 1486
82-4-6d	Amended	V. 30, p. 1488
82-4-8a	Amended	V. 30, p. 1489
82-4-20	Amended	V. 30, p. 1489
82-11-4	Amended	V. 30, p. 1026
82-11-10	Amended	V. 30, p. 1030
82-12-7	Amended	V. 30, p. 1085

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-28-1	Amended	V. 30, p. 193
88-28-6	Amended (T)	V. 30, p. 1047
88-28-6	Amended	V. 30, p. 1377
88-29-1	Amended	V. 31, p. 380
88-29-3		
through		
88-29-7	Amended	V. 30, p. 947, 948
88-29-5	Amended	V. 31, p. 381
88-29-6	Amended	V. 31, p. 382
88-29-7	Amended	V. 31, p. 382
88-29-7a	Amended	V. 31, p. 382
88-29-8	Amended	V. 30, p. 949
88-29-8c	New	V. 30, p. 949
88-29-9		
through		
88-29-12	Amended	V. 30, p. 949-952
88-29-10	Amended	V. 31, p. 382
88-29-18	Amended	V. 30, p. 953
88-29-19	Amended	V. 30, p. 953
88-29a-5	Amended	V. 31, p. 383
88-29a-6	Amended	V. 31, p. 384
88-29a-7	Amended	V. 31, p. 384
88-29a-7a	Amended	V. 31, p. 385
88-29a-8	New	V. 30, p. 956
88-29a-8c	New	V. 30, p. 956
88-29a-9	New	V. 30, p. 956
88-29a-10	Amended	V. 31, p. 385
88-29a-11	Amended	V. 31, p. 387
88-29a-18	Amended	V. 31, p. 388
88-29a-19	Amended	V. 31, p. 389
88-30-1	Amended	V. 30, p. 194

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-200		
through		
91-1-204	Amended	V. 30, p. 1050-1057
91-1-209	Amended	V. 31, p. 974
91-1-230	Amended	V. 30, p. 1060
91-1-231	Amended	V. 30, p. 1060
91-1-232	Amended	V. 30, p. 1061
91-1-235	Amended	V. 30, p. 1062
91-1-236	Amended	V. 30, p. 1063

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-66a	Amended	V. 30, p. 1415
92-19-3	Revoked	V. 30, p. 280
92-19-3a	New	V. 30, p. 280
92-19-3b	New	V. 30, p. 283
92-19-3c	New	V. 30, p. 285
92-19-10	Revoked	V. 30, p. 285
92-19-16a	Amended	V. 30, p. 285
92-19-16b	Revoked	V. 30, p. 286
92-19-40	Revoked	V. 30, p. 286

(continued)

92-19-42	Revoked	V. 30, p. 286
92-19-49b	Amended	V. 30, p. 286
92-19-55b	New	V. 30, p. 287
92-19-59	Amended	V. 30, p. 289
92-19-73	Amended	V. 30, p. 289

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-3-2	Amended	V. 30, p. 1213
94-5-8	Amended	V. 30, p. 1213

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-28a-5	Amended	V. 31, p. 323
100-28a-10	Amended	V. 31, p. 324

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-5-3	Amended	V. 30, p. 371
102-6-1	Revoked	V. 31, p. 114
102-6-2	Revoked	V. 31, p. 114
102-6-4	Revoked	V. 31, p. 114
102-6-5	Revoked	V. 31, p. 114
102-6-8	Revoked	V. 31, p. 114
102-6-9	Revoked	V. 31, p. 114
102-6-9a	Revoked	V. 31, p. 114
102-6-10	Revoked	V. 31, p. 114
102-6-11	Revoked	V. 31, p. 114
102-6-12	Revoked	V. 31, p. 114
102-7-1	New (T)	V. 30, p. 1542
102-7-1	New	V. 31, p. 16
102-7-2	New (T)	V. 30, p. 1543
102-7-2	New	V. 31, p. 17
102-7-3	New (T)	V. 30, p. 1543
102-7-3	New	V. 31, p. 17
102-7-4	New (T)	V. 30, p. 1546
102-7-4	New	V. 31, p. 20
102-7-4a	New (T)	V. 30, p. 1548
102-7-4a	New	V. 31, p. 21
102-7-4b	New (T)	V. 30, p. 1548
102-7-4b	New	V. 31, p. 22
102-7-5	New (T)	V. 30, p. 1549
102-7-5	New	V. 31, p. 23
102-7-6	New (T)	V. 30, p. 1550
102-7-6	New	V. 31, p. 23
102-7-7	New (T)	V. 30, p. 1552
102-7-7	New	V. 31, p. 25
102-7-7a	New (T)	V. 30, p. 1552
102-7-7a	New	V. 31, p. 25
102-7-8	New (T)	V. 30, p. 1552
102-7-8	New	V. 31, p. 26
102-7-9	New (T)	V. 30, p. 1552
102-7-9	New	V. 31, p. 26
102-7-10	New (T)	V. 30, p. 1553
102-7-10	New	V. 31, p. 27
102-7-11	New (T)	V. 30, p. 1554
102-7-11	New	V. 31, p. 27
102-7-11a	New (T)	V. 30, p. 1556
102-7-11a	New	V. 31, p. 29
102-7-12	New (T)	V. 30, p. 1556
102-7-12	New	V. 31, p. 29

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-2	Amended (T)	V. 30, p. 1086
105-4-2	Amended	V. 30, p. 1466
105-4-3	Amended (T)	V. 30, p. 1086
105-4-3	Amended	V. 30, p. 1466
105-11-1	Amended (T)	V. 30, p. 1086
105-11-1	Amended	V. 30, p. 1466

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 30, p. 166
108-1-3	Amended	V. 30, p. 168
108-1-4	Amended	V. 30, p. 170

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 31, p. 48
109-1-1a	New (T)	V. 30, p. 138
109-1-1a	New	V. 30, p. 573
109-1-2	Amended	V. 31, p. 51
109-2-1	Amended	V. 31, p. 51

109-2-2	Amended	V. 31, p. 51
109-2-4	Revoked	V. 31, p. 52
109-2-5	Amended	V. 31, p. 52
109-2-6	Amended	V. 31, p. 54
109-2-8	Amended	V. 31, p. 55
109-2-10a	New	V. 31, p. 56
109-2-11	Amended	V. 31, p. 57
109-2-12	Amended	V. 31, p. 58
109-2-13	Amended	V. 31, p. 58
109-3-3	New	V. 31, p. 246
109-3-4	New	V. 31, p. 247
109-3-5	New	V. 31, p. 247
109-5-1	Amended (T)	V. 30, p. 138
109-5-1	Amended	V. 30, p. 573
109-5-1a	New (T)	V. 30, p. 139
109-5-1a	New	V. 30, p. 574
109-5-1b	New (T)	V. 30, p. 139
109-5-1b	New	V. 30, p. 574
109-5-1c	New	V. 31, p. 247
109-5-1d	New (T)	V. 30, p. 139
109-5-1d	New	V. 30, p. 574
109-5-1e	New (T)	V. 30, p. 139
109-5-1e	New	V. 30, p. 574
109-5-1f	New (T)	V. 30, p. 139
109-5-1f	New	V. 30, p. 574
109-5-5	Amended	V. 30, p. 1154
109-5-7a	New (T)	V. 30, p. 139
109-5-7a	New	V. 30, p. 574
109-5-7b	New (T)	V. 30, p. 140
109-5-7b	New	V. 30, p. 575
109-5-7c	New (T)	V. 31, p. 245
109-5-7c	New	V. 31, p. 497
109-5-7d	New (T)	V. 30, p. 141
109-5-7d	New	V. 30, p. 576
109-7-1	Amended	V. 31, p. 248
109-8-1	Amended (T)	V. 30, p. 141
109-8-1	Amended	V. 30, p. 576
109-8-2	New	V. 31, p. 225
109-9-1	Amended	V. 30, p. 1154
109-9-4	Amended	V. 30, p. 1154
109-10-1a	New (T)	V. 30, p. 141
109-10-1a	New	V. 30, p. 577
109-10-1b	New (T)	V. 30, p. 142
109-10-1b	New	V. 30, p. 577
109-10-1c	New	V. 31, p. 225
109-10-1d	New (T)	V. 30, p. 142
109-10-1d	New	V. 30, p. 577
109-10-1e	New (T)	V. 30, p. 142
109-10-1e	New	V. 30, p. 577
109-10-1f	New (T)	V. 30, p. 142
109-10-1f	New	V. 30, p. 577
109-10-1g	New (T)	V. 30, p. 142
109-10-1g	New	V. 30, p. 578
109-10-3	Amended	V. 30, p. 1155
109-10-5	Revoked	V. 30, p. 1155
109-10-6	Amended (T)	V. 30, p. 143
109-10-6	Amended	V. 30, p. 578
109-11-1a	New (T)	V. 30, p. 143
109-11-1a	New	V. 30, p. 578
109-11-3a	New (T)	V. 30, p. 144
109-11-3a	New	V. 30, p. 579
109-11-4a	New	V. 31, p. 225
109-11-6a	New (T)	V. 30, p. 144
109-11-6a	New	V. 30, p. 579
109-13-1	Amended	V. 31, p. 248
109-15-1	Amended	V. 30, p. 1155
109-15-2	Amended	V. 30, p. 1156

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-4-1 through 110-4-5	Amended	V. 30, p. 25-27
110-21-1 through 110-21-5	New	V. 30, p. 411-413
110-22-1 through 110-22-5	New (T)	V. 30, p. 984, 985
110-22-1 through 110-22-6	New	V. 30, p. 1416, 1417

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 from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of

regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009 through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. The following regulations were filed after December 22, 2011:

Reg. No.	Action	Register
111-2-270 through 111-2-276	New	V. 31, p. 114-116
111-2-277 through 111-2-282	New	V. 31, p. 582, 583
111-2-283 through 111-2-286	New	V. 31, p. 648
111-4-3135	New	V. 31, p. 116
111-4-3136	New	V. 31, p. 121
111-4-3137 through 111-4-3142	New	V. 31, p. 274-278
111-4-3144 through 111-4-3158	New	V. 31, p. 345-354
111-4-3159 through 111-4-3162	New	V. 31, p. 583-587
111-4-3163 through 111-4-3171	New	V. 31, p. 613-617
111-4-3172 through 111-4-3181	New	V. 31, p. 649-656
111-5-23 through 111-5-28	Amended	V. 31, p. 355-358
111-5-31	Amended	V. 31, p. 359
111-5-33	Amended	V. 31, p. 279
111-5-82	Amended	V. 31, p. 657
111-5-83	Amended	V. 31, p. 657
111-5-194	Amended	V. 31, p. 359
111-5-200	New	V. 31, p. 360
111-5-201 through 111-5-206	New	V. 31, p. 618, 619
111-9-174	New	V. 31, p. 122
111-9-175	New	V. 31, p. 123
111-9-176	New	V. 31, p. 124
111-9-177	New	V. 31, p. 360
111-17-3	New	V. 31, p. 279
111-17-4	New	V. 31, p. 619
111-201-14	Amended	V. 31, p. 361
111-301-6	Amended	V. 31, p. 658
111-401-1 through 111-401-50	New	V. 31, p. 389-407
111-401-51 through 111-401-118	New	V. 31, p. 427-449
111-401-119 through 111-401-166	New	V. 31, p. 528-552
111-501-9	Amended	V. 31, p. 124
111-501-12	Amended	V. 31, p. 659
111-501-14 through 111-501-26	New	V. 31, p. 124-129
111-501-35 through 111-501-81	New	V. 31, p. 129-146
111-501-82 through 111-501-102	New	V. 31, p. 620-628

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-100-2	Amended	V. 30, p. 1605
112-101-6	Amended	V. 30, p. 290
112-101-8	Amended	V. 30, p. 1605
112-102-2	Amended	V. 30, p. 1605

112-102-8	Amended	V. 30, p. 290
112-102-10	Amended	V. 30, p. 1605
112-103-2	Amended	V. 30, p. 291
112-103-4	Amended	V. 30, p. 292
112-103-5	Amended	V. 30, p. 292
112-103-8	Amended	V. 30, p. 292
112-103-11	Amended	V. 30, p. 1605
112-103-15	Amended	V. 30, p. 292
112-104-1	Amended	V. 30, p. 293
112-104-5	Amended	V. 30, p. 1606
112-104-6	Amended	V. 30, p. 1606
112-104-8	Amended	V. 30, p. 294
112-104-13	Amended	V. 30, p. 295
112-104-14	Amended	V. 30, p. 297
112-104-15	Amended	V. 30, p. 297
112-104-16	Amended	V. 30, p. 298
112-104-32	Amended	V. 30, p. 300
112-104-42	New	V. 30, p. 1608
112-105-1	Amended	V. 30, p. 301
112-105-2	Amended	V. 30, p. 301
112-105-3	Amended	V. 30, p. 301
112-106-1	Amended	V. 30, p. 301
112-106-2	Amended	V. 30, p. 303
112-106-5	Amended	V. 30, p. 303
112-106-6	Amended	V. 30, p. 304
112-107-3	Amended	V. 30, p. 304
112-107-5	Amended	V. 30, p. 307
112-107-10	Amended	V. 30, p. 308
112-107-21	Amended	V. 30, p. 309
112-107-22	Amended	V. 30, p. 310
112-108-18	Amended	V. 30, p. 311
112-108-23	Amended	V. 30, p. 1609
112-108-36	Amended	V. 30, p. 312
112-108-55	Amended	V. 30, p. 313
112-110-1	Amended	V. 30, p. 1611
112-110-3	Amended	V. 30, p. 313
112-110-14	Amended	V. 30, p. 1612
112-112-1	Amended	V. 30, p. 314
112-112-3	Amended	V. 30, p. 314
112-112-4	Amended	V. 30, p. 314
112-112-7	Amended	V. 30, p. 315

112-112-9	Amended	V. 30, p. 315
AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS, AND TOURISM		
Reg. No.	Action	Register
115-1-1	Amended	V. 30, p. 943
115-2-2	Amended	V. 30, p. 1665
115-2-3	Amended	V. 30, p. 1466
115-2-3a	Revoked	V. 30, p. 1180
115-4-2	Amended	V. 31, p. 425
115-4-4	Amended	V. 31, p. 426
115-4-4a	Amended	V. 31, p. 427
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