

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 21, No. 32 August 8, 2002 Pages 1289-1350

In this issue . . .	Page
Advisory Committee on Hispanic Affairs	
Notice of meeting	1291
State Employees Health Care Commission	
Notice of meeting	1291
Legislative interim committee schedule	1291
Kansas Commission on Veterans' Affairs	
Notice of meeting	1292
Kansas Guardianship Program	
Notice of meeting	1292
Department of Administration—Division of Facilities Management	
Notices of commencement of negotiations for engineering services	1292, 1923
Kansas Children's Cabinet and Trust Fund	
Requests for proposals.....	1292, 1293
State Board of Healing Arts	
Notices of hearing on proposed administrative regulations.....	1294
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	1295
State Board of Regents	
Notice of hearing on proposed administrative regulations	1295
Secretary of State	
Code mortgage rate for August.....	1296
Usury rate for August.....	1296
Information Network of Kansas	
Notice of meeting	1296
Department of Administration	
Public notice.....	1296
Social and Rehabilitation Services	
Request for proposals	1296
Kansas Development Finance Authority	
Notices of hearing on proposed revenue bonds.....	1296, 1297
Department of Health and Environment	
Notice of hearing on proposed administrative regulations	1297
Requests for comments on proposed air quality permits.....	1298, 1299
Notice concerning Kansas water pollution control permits.....	1299
Notice of available grant funding	1302

(continued on next page)

Notice of Bond Sale
 City of Goddard 1302
 City of Bonner Springs..... 1303
 City of Bel Aire 1304
 City of Maize 1305
 Salina Airport Authority 1306

Pooled Money Investment Board
 Notice of investment rates..... 1303

Permanent Administrative Regulations
 Department of Revenue 1307, 1311
 Department of Agriculture—Division of Water Resources 1307
 Social and Rehabilitation Services..... 1310
 State Conservation Commission 1318
 Department of Health and Environment..... 1325

Temporary Administrative Regulations
 Kansas Parole Board 1328
 State Corporation Commission 1329
 Kansas Lottery 1329

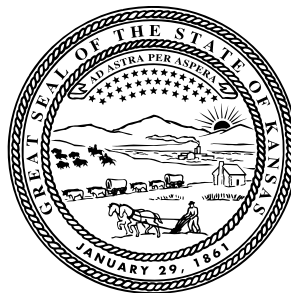
Index to administrative regulations..... 1342

The KANSAS REGISTER (USPS 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include \$5.76 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

Postmaster: Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

© Kansas Secretary of State 2002. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Ron Thornburgh
Secretary of State
 1st Floor, Memorial Hall
 120 S.W. 10th Ave.
 Topeka, KS 66612-1594
 (785) 296-4564
 www.kssos.org



Register Office:
 1st Floor, Memorial Hall
 (785) 296-3489
 Fax (785) 368-8024

**State of Kansas
Advisory Committee on Hispanic Affairs**

Notice of Meeting

The Kansas Advisory Committee on Hispanic Affairs, an entity within the Kansas Department of Human Resources, will meet from 1:30 to 3:30 p.m. Saturday, August 17, at the Liberal Depot Building, 4 Rock Island Road, Liberal. The purpose of the meeting is to discuss issues concerning the Hispanic community, discuss activities of board members and generate new ideas on ways to help the Hispanic community. The public is invited to attend.

Richard E. Beyer
Secretary of Human Resources

Doc. No. 028250

**State of Kansas
State Employees Health Care Commission**

Notice of Meeting

The State Employees Health Care Commission will meet at 9:30 a.m. Thursday, August 15, in the boardroom of the offices of the Kansas Public Employees Retirement System, 611 S. Kansas Ave., Topeka. An agenda may be viewed by accessing the commission's Web site at <http://da.state.ks.us/hcc/meetings.htm>. For further information, contact the Benefits Office at (785) 296-6280.

Joyce Glasscock
Chair

Doc. No. 028283

State of Kansas

**Legislature
Interim Committee Schedule**

The following committee meetings have been scheduled during the period of August 12-25. 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 (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
August 15	123-S	10:00 a.m.	Joint Committee on Economic Development	*Unemployment insurance benefits. * Workplace safety (HB 2868).
August 15	519-S	8:00 a.m.	Legislative Post Audit	Performance audits: <i>Medicaid Cost Containment, Corporate Income Taxes, Animal Breeders & Sellers in Kansas, SRS/Foster Care Lawsuit Agreement Monitoring Report #15</i> ; consideration of performance audit topics; consideration of FY04 budget request.
August 16	123-S	9:00 a.m.	Joint Committee on Economic Development	*Interlocal cooperatives and competition with private business.
August 20	519-S	10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Agenda not available.
August 21	313-S	10:00 a.m.	Joint Committee on Children's Issues	Agenda not available.
August 21	519-S	9:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Agenda not available.
August 22	313-S	9:00 a.m.	Joint Committee on Children's Issues	Agenda not available.
August 22	531-N	10:00 a.m.	Joint Committee on Information Technology	Review agency project plans.
August 23	531-N	9:00 a.m.	Joint Committee on Information Technology	Review agency project plans.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 028260

State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of
Negotiations for Engineering Services**

Notice is hereby given of the commencement of negotiations for civil engineering services to design a surfaced organizational parking area at the Kansas City, Kansas National Guard Armory, 100 S. 20th, Kansas City, Kansas.

This project is to provide a 299-person unit with concrete surfaced vehicle parking for the unit's organizational equipment. This project is located on a 10-acre state-owned site. Construction consists of site preparation, rigid concrete pavement, grading and seeding, and outside lighting and fencing. Physical security measures will be incorporated into the design, including maximum feasible standoff distance from roads, parking areas and vehicle unloading areas. Berms, heavy landscaping and bollards to prevent access will be used when standoff distance cannot be maintained.

A vehicle parking facility shall be constructed of 14,490 SY of concrete pavement, which will include 14,275 SY of military vehicle parking, a wash platform approximately 115 SY and access to the wash platform approximately 100 SY; and 2,843 LF of 6' chain link fencing with anti-climber shall be erected and a new outside security lighting (Delite) system shall be installed. The estimated project cost is \$741,000.

For information regarding the scope of services, contact Captain Shawn C. Manley, (785) 274-1132.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August 23.

Joe Fritton, P.E.
Director, Division of
Facilities Management

Doc. No. 028252

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, August 16, at the Timmerman Administration Building of the Kansas Veterans' Home, 1220 WWII Memorial Drive, Winfield. The public is invited to attend. For further information, call (785) 296-3976.

Stoney Wages
Executive Director

Doc. No. 028247

State of Kansas

Kansas Guardianship Program

Notice of Meeting

The Kansas Guardianship Program will conduct its governing board meeting from 1:30 to 3:30 p.m. Thursday, August 15, at the Kansas Bankers Association, 610 Corporate View Drive, Topeka. For further information, call (785) 587-8555.

Jean Krahn
Executive Director

Doc. No. 028282

State of Kansas

Kansas Children's Cabinet and Trust Fund

Request for Proposals

The Kansas Children's Cabinet and Trust Fund announces a request for proposals (RFP2002A) for six one-time grants (not to exceed \$25,000) for specific activities of community-based programs that focus on the prevention and/or alleviation of child abuse and neglect.

The application form is available for viewing on the Kansas Children's Cabinet and Trust Fund Web site at www.kschildrenscabinet.org. Contact Mainstream, Inc., at (785) 266-6422 or mainstrm@inlandnet.net for an electronic or hard copy. This grant does not require any local match and will not be considered for renewal after the end of the grant period. Eligible applicants are nonprofit organizations designated as 501(c)(3) and government entities on behalf of community partnerships.

Applications are due in the office of Mainstream, Inc., 3600 S.W. Burlingame, Topeka, 66611, by 5 p.m. Friday, September 13. Applications will not be accepted after this deadline. Applicants will be notified of funding award by Wednesday, September 25.

Joyce A. Cussimano
Executive Director

Doc. No. 028273

State of Kansas

Kansas Children's Cabinet and Trust Fund**Request for Proposals**

The Kansas Children's Cabinet and Trust Fund announces a request for proposals (RFP2002B) for multi-year funding. The Kansas Children's Cabinet and Trust Fund focuses on prevention of child abuse and neglect by providing services that support families in rearing healthy children in safe environments. These grants are renewable based upon demonstrated measurable progress toward program outcomes and availability of funds. Eligible applicants are nonprofit organizations designated as 501(c)(3) and government entities on behalf of community partnerships.

The application form is available for viewing on the Kansas Children's Cabinet and Trust Fund Web site at www.kschildrenscabinet.org. Contact Mainstream, Inc., at (785) 266-6422 for an electronic or hard copy. Applications are due in the office of Mainstream, Inc., 3600 S.W. Burlingame, Topeka, 66611, by 5 p.m. Tuesday, October 15. Applications will not be accepted after this deadline. Applicants will be notified of funding award by Friday, November 29.

Joyce A. Cussimano
Executive Director

Doc. No. 028274

State of Kansas

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

Notice is hereby given of the commencement of negotiations for engineering consulting services as necessary to prepare bid-ready plans, specifications and construction cost estimates for the Division of Facilities Management (DFM). These documents shall describe the construction of a cooling tower system that will serve the Docking State Office Building's 1,200-ton chilled water system. Consulting services shall include, but not be limited to, the following:

1. Provide assistance in sizing and specifying new cooling tower equipment. The cooling tower equipment will be bid separately from the installation. The selected firm will prepare equipment specifications under the supervision of DFM Engineering. Equipment specifications shall be coordinated with the installation design. Assist DFM in the bidding and selection of the successful supplier. Following purchase of the cooling towers, provide support for transferring responsibility of the new equipment from DFM to the general contractor responsible for its installation.

2. Provide installation design and specifications. The following shall be included:

a. Demolition and coordination drawings of the existing cooling tower. Demolition shall be done in a manner that will minimize down time of the existing DSOB chilled water system. Temporary cooling towers and other equipment may be utilized if needed.

b. Electrical drawings showing all required modifications. Include electric one-line diagrams showing wiring back to power source (building power). Check operating conditions of the existing system and make recommendations and design improvements.

c. Provide P&IDs, PFDs and plans that show piping connections, equipment layout, valves and other instrument connections that will be necessary for proper equipment installation.

d. Provide controls drawings, sequences and specifications for the equipment controls. Equipment alarms, monitoring points and control of the system shall be tied into DFM's existing JCI Metasys facility management system.

e. Assist DFM during the bidding phase of the construction contract.

All design work will be closely coordinated with the DFM engineering and maintenance staff.

3. Provide construction management services during the demolition and construction phase. These services shall include:

a. Coordinate demolition and construction work. Demolition needs to be done to provide room for new equipment, while also keeping the existing system operational during the installation.

b. Assist DFM engineering staff in overseeing work by holding weekly progress meetings to ensure work is completed in a timely manner.

The successful firm must have professional engineers/architects registered in the State of Kansas. Project engineer and architect "registered design professionals" must demonstrate a minimum five years' experience relevant to the design of cooling tower systems, and prepare and seal the project documents. The engineer and architect shall demonstrate experience with the following types of cooling tower systems:

1. Concrete cooling towers
2. Fiberglass towers placed on roof
3. Galvanized towers in tight locations

For information regarding the scope of services, contact George J. Werth, Building Systems Engineer, Division of Facilities Management, Room 653, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-0159 or (758) 633-0509.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August 23.

Joe Fritton, P.E.
Director, Division of
Facilities Management

Doc. No. 028259

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, October 16, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of one proposed amended rule and regulation and four new regulations, all dealing with podiatry.

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

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

A summary of the proposed regulations to be considered at the hearing follows:

K.A.R. 100-49-1. Approved schools of podiatry. This regulation states what criteria is used to define which schools of podiatry shall be deemed by the board to be in good standing.

K.A.R. 100-49-6. Education requirements. This regulation specifies the requirements that are acceptable as postgraduate study for applicants for a new license.

K.A.R. 100-49-7. Examinations. This regulation indicates the examinations necessary to be licensed as a podiatrist.

K.A.R. 100-49-8. Continuing education. This regulation specifies the continuing education requirements that shall be submitted with a license renewal, reinstatement, revoked or canceled license.

K.A.R. 100-49-9. Additional requirements. This regulation lists the requirements each podiatrist shall meet.

Copies of the proposed regulations and the associated economic impact statement may be obtained by contacting Betty Johnson, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, (785) 296-3680, or by visiting the board's Web site at www.ksbha.org/public.html.

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 028258

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, October 8, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of two proposed amended rules and regulations dealing with physical therapy and physician assistant fees.

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

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

A summary of the proposed amended rules and regulations and the respective economic impact follows:

K.A.R. 100-28a-1. Fees.

K.A.R. 100-29-7. Fees.

These two proposed amended rules and regulations deal entirely with fees collected by the board for registration/license renewal and reinstatement of physical therapists, physical therapist assistants and physician assistants.

The changes in revenues will not result in any economic impact to the public. The economic impact will be on the professions of physical therapy and physician assistants as they renew their registrations and licenses in their respective professions.

Copies of the proposed regulations and the associated economic impact statement may be obtained by contacting Betty Johnson, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, (785) 296-3680, or by visiting the board's Web site at www.ksbha.org/public.html.

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 028262

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, August 19, 2002

05305

Department of Transportation—Printing of Transportation Maps

05321

University of Kansas—Media and Reagents, Watkins Memorial Health Center, Lawrence

Tuesday, August 20, 2002

05312

Department of Transportation—Grader, Snow Plow and Wing Plow Blades, Topeka

Thursday, August 22, 2002

05318

Department of Wildlife and Parks—Renovation of Shooting Range, Cheney Wildlife Park, Pretty Prairie

Tuesday, August 27, 2002

A-9484

Department of Transportation—Masonry Restoration and Cleaning, District Five Office

Wednesday, August 28, 2002

05316

Statewide—Motor Vehicles

Thursday, August 29, 2002

A-9430

Department of Administration, Division of Facilities Management—HVAC Improvements, Kansas Judicial Center

A-9471

Kansas Neurological Institute—Tuckpoint and Waterproof Meadowlark Lodge

Request for Proposals

Wednesday, August 21, 2002

05263

Customized Indoor and Outdoor Recycling Bins—University of Kansas

Tuesday, August 27, 2002

05329

Furnish/Set Up Exercise Equipment—University of Kansas

Thursday, August 29, 2002

05310

Kansas Drunk Driving Prevention Office—Kansas Department of Transportation, Topeka

Friday, August 30, 2002

05309

Safety Belt Education Office—Kansas Department of Transportation, Topeka

Wednesday, September 4, 2002

05293

Print, Microcopy and Copy Management Program—University of Kansas Libraries

John T. Houlihan
Director of Purchases

Doc. No. 028269

State of Kansas

Board of Regents

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, October 9, in the Board of Regents conference room, 1000 S.W. Jackson, Suite 520, Topeka, to consider the revocation of regulations relating to the Board of Regents' authorization to perform accreditation functions for area vocational-technical schools and area vocational schools.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Robin Kempf, State Board of Regents, 1000 S.W. Jackson, Suite 520, Topeka, 66612-1368. All interested parties will be given a reasonable opportunity during the hearing to present their views orally on the proposed revocation of the regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Shery Smith at (785) 296-3689.

Copies of the regulations and the economic impact statement may be obtained by contacting Shery Smith. A summary of the proposed regulations and the economic impact follows:

K.A.R. 91-32-1 through 91-32-9, regulations for accrediting area vocational-technical schools and area vocational schools, are proposed for revocation. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984.)

Economic Impact: Revocation of these accreditation regulations will have no economic impact on the board, other governmental agencies or private citizens. All Kansas technical schools have obtained regional or national accreditation sufficient to participate in federal student financial aid and, therefore, have no need to be approved by the board. By no longer serving as an accreditation agency, the Board of Regents will reduce administrative costs.

Marv Burris
Interim President and CEO

Doc. No. 028285

State of Kansas

Secretary of State

Code Mortgage Rate for August

Pursuant to the provisions of K.S.A. 2001 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of August 1, 2002 through August 31, 2002, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 028256

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, August 15, in the offices of the Kansas Technology Enterprise Corporation, second floor conference room, 214 S.W. 6th, Topeka. The meeting is open to the public. For additional information, call (785) 296-1460.

Jim Hollingsworth
Executive Director

Doc. No. 028264

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 2001 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$3,201,573.45 in the underground petroleum storage tank release trust fund and \$1,239,421.32 in the aboveground petroleum storage tank release trust fund at July 31, 2002.

Joyce Glasscock
Secretary of Administration

Doc. No. 028272

State of Kansas

Secretary of State

Usury Rate for August

Pursuant to the provisions of K.S.A. 2001 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of August 1, 2002 through August 31, 2002, is 7.93 percent.

Ron Thornburgh
Secretary of State

Doc. No. 028255

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services announces the release of a request for proposals by Substance Abuse Prevention, Treatment and Recovery to provide outpatient substance abuse services in SAPTR's regions IV and V. Methods and services are requested that utilize research-based best practices.

Agencies interested in this funding must be currently-licensed substance abuse providers and be of nonprofit status. Vendors interested in receiving a request for proposal should contact Eve McDowell at (785) 296-6807. Complete proposals must be received not later than September 15.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 028271

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, August 22, in the conference room in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$4,500,000 principal amount of Industrial Enterprise Taxable Revenue Bonds for DLR Group Deer Creek, L.L.C. (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance the costs of construction of a commercial office building and operated as DLR Group Deer Creek, L.L.C. Office Building and located in Overland Park, Johnson County, Kansas (the project).

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, 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 amounts received from the developer, the obligation of which will be 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, and all written comments previously filed with the Authority 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 Authority.

Jack H. Brier
President

Doc. No. 028253

State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment will conduct a public hearing at 9 a.m. Friday, October 18, in the Santa Fe Conference Room (Room 2A), Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of 24 amended permanent regulations concerning childhood lead poisoning prevention, K.A.R. 28-72-1, 2, 3, 4, 4a, 4b, 4c, 5 through 18, 18e, 19 and 21. A summary of legislative background, the proposed regulations and the economic impact follows.

Legislative Background

These regulations implement K.S.A. 2001 Supp. 65-1,202, 65-1,203 and 65-1, 207, enacted during the 1999 session of the Kansas Legislature. The amendments address new hazard levels for lead in dust and soil as established by the EPA, change wording requirements to be consistent with federal regulations and update to current regulatory language.

Economic Impact

The economic impact of these proposed amendments would be minimal. The amendments would change the abatement notification fee from 1 percent of the cost of each abatement project to 1 percent of the cost of each abatement project or \$50 for each abatement project, whichever is greater. There would be less than \$100 revenue generated from this amendment.

The time between publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. Interested parties may submit written comments prior to the hearing to Barry Brooks, Director Childhood Lead Prevention Program, Suite 200, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612-2221. Interested parties shall be given a reasonable opportunity to present their views. It may be necessary to require each participant to limit any oral presentation to five minutes.

A copy of the proposed regulations and the economic impact statement may be obtained by contacting Chris Rasmussen at (785) 296-7271 or Tom Morey at (785) 368-7154. Questions regarding the proposed amendments should be directed to Tom Morey.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request a copy of the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Tom Morey.

Clyde D. Graeber
Secretary of Health and Environment

Doc. No. 028248

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, August 22, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 549—Maximum Principal Amount: \$114,517.77. Owner/Operator: Dwayne L. and Renda R. Brown. Description: Acquisition of 193 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the Southeast Quarter of the Southwest Quarter and the Southeast Quarter of Section 19, Garfield Township, Ottawa County, Kansas, approximately 1 mile north of Minneapolis on 120th Road, 5 miles west on Mulberry Road and 1 mile north on 70th Road.

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

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority 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 Authority.

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

Jack H. Brier
President

Doc. No. 028249

State of Kansas

Department of Health
and Environment

Request for Comments

In accordance with Prevention of Significant Deterioration (PSD) provisions of K.A.R. 28-19-17, which adopt the standards, procedures and requirements of 40 CFR 52.21, KDHE is proposing to issue an air quality construction permit to Sand Sage, L.L.C. The permit authorizes Sand Sage to install and operate a 660 MW pulverized coal fired boiler, one natural gas auxiliary boiler, a new cooling tower and changes to the coal, lime and ash handling equipment at the Sunflower Electric Cooperative's Holcomb Station in Holcomb. The facility is owned by Sand Sage Power, L.L.C., 301 W. 13th, Hays.

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

The PSD regulations require evaluation of emission reduction techniques to identify the best available control technology (BACT) for each pollutant for which the emission rate exceeds the PSD significant level. The purpose of BACT is to effect the maximum degree of reduction achievable, taking into account energy, environmental and economic impacts for each pollutant under review. Evaluation of the estimated emissions for the proposed Sand Sage, LLC facility indicates that the emission rate of nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), volatile organic compounds (VOCs), particulate matter (PM) and particulate matter equal to or less than 10 microns in diameter (PM₁₀) all exceed the significance levels. Sand Sage, LLC conducted the required BACT analyses. The department has reviewed Sand Sage, LLC's BACT analyses and concurs with its findings that low NO_x burners and overfire air with selective catalytic reduction is BACT for NO_x, dry flue gas desulfurization (dry FGD) is BACT for SO₂, and fabric filters is BACT for PM and PM₁₀.

The PSD regulations also require an evaluation of the impacts, if any, that emissions from the proposed modifications may have on the ambient air quality, visibility, vegetation and soils. Sand Sage has conducted the required analysis in accordance with the methods approved by the United States Environmental Protection Agency. The results of the analysis conclude that, except for the short term (3 hour and 24 hour) SO₂, there should be no significant impacts on the ambient air quality, visibility, local vegetation or soils. Since the baseline SO₂ date had previously been triggered for Finney County by a previous permit, both an incremental and NAAQS were required for short term SO₂ emissions. Further review of the short term SO₂ showed no values in excess of incremental and ambient air standards applicable to the area. The amount of air quality increment that new sources can consume is 512 micrograms per cubic meter for the SO₂ 3-hour increment, 91 micrograms per cubic meter for the SO₂ 24-hour standard, and 20 micrograms per cubic meter

for the SO₂ annual increment. The source will consume 5.81 micrograms per cubic meter for the SO₂ 3-hour standard, 66.39 micrograms per cubic meter for the SO₂ 24-hour standard and none of the SO₂ annual increment.

In addition, Sand Sage has submitted supplemental information in satisfaction of comments submitted by the EPA during the original comment period. This includes data and information related to the calculation of certain fugitive particulate emissions and acid gas emissions, and of design data for control devices for certain auxiliary control equipment. It includes revised information relative to the determination of the quantities of hazardous air pollutants for the facility. The submittal takes the form of Supplement III addition to the permit application.

The agency has evaluated the information submitted and has altered certain provisions of the permit accordingly. None of the supplemental information provided has caused KDHE to modify the control requirements as contained in the permit provisions originally proposed on January 8, 2002.

A copy of the proposed permit, permit application, supporting documentation and information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office; or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, KDHE, Bureau of Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business September 9.

A person may request a public hearing be held on the permit terms regarding the hazardous air pollutants (HAP) and other information updated in Supplement III, additional information submittal, of the Sand Sage application. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 9 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028268

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit and amending previously issued construction approvals. The Onyx Collection, Inc. has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance. Notice also is given that certain requirements in the construction approvals dated April 9, 1993, and September 19, 1995, are being modified by a modification of approval conditions.

The Onyx Collection, Inc., Belvue, owns and operates a manufacturing facility for cultured onyx bathroom products located at 616 W. Bertrand, St. Marys, and 202 Anderson, Belvue.

A copy of the proposed permit, permit application, all supporting documentation, all information relied upon during the permit application review process and a copy of the modification of approval conditions are available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review either document, contact Ann Spitz, (785) 291-3271, at the KDHE central office; or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the documents to Ann Spitz, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating final document decisions, written comments must be received by the close of business September 9.

A person may request a public hearing be held on the proposed documents. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 9 in order for the Secretary of Health and Environment to consider the request.

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

KDHE to determine if the EPA's 45-day review period has been waived.

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

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028266

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

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

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

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

Public Notice No. KS-AG-02-192/194
Application(s) for New or Expansion of Existing
Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Ron L. Burdick Route 1, Box 214 Wetmore, KS 66550	Ron L. Burdick Route 1, Box 214 Wetmore, KS 66550
Legal Description	Receiving Water
NW/4 of Section 01, T05S, R14E, Nemaha County Kansas Permit No. A-KSNM-B003	Missouri River Basin

This is an application for a permit for the construction of new swine and cattle facilities to replace existing swine and cattle facilities. A new or modified permit will not be issued without additional public notice.

(continued)

The application is for a maximum of 500 head of swine greater than 55 pounds (200 animal units) and for 700 head (700 animal units) of cattle greater than 700 pounds, for a total of 900 animal units.

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Broyles Brothers 2801 Botkin Road Blue Mound, KS 66010	Broyles Brothers, c/o Terry Broyles 2801 Botkin Road Blue Mound, KS 66010
Legal Description	Receiving Water
NE/4 of Section 12 T23S, R21E, Linn County Kansas Permit No. A-MCLN-S022	Marais des Cygnes River Basin

This is an application for a permit for the expansion of an existing swine facility from a capacity of 1,140 head (456 animal units) of swine weighing greater than 55 pounds and 1,200 head (120 animal units) of swine weighing 55 pounds or less to a capacity of 2,050 head (820 animal units) of swine weighing greater than 55 pounds and 1,680 head (168 animal units) of swine weighing 55 pounds or less, for a total of 988 animal units. A new or modified permit will not be issued without additional public notice.

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Rodney L. and Cynthia K. Strahm Route 3, Box 169 Sabetha, KS 66534	Rodney L. and Cynthia K. Strahm Route 3, Box 169 Sabetha, KS 66534
Legal Description	Receiving Water
SE/4 of Section 26, T01S, R14E, Nemaha County Kansas Permit No. A-MONM-B001	Missouri River Basin

This is an application for a permit for the construction of a new cattle facility in addition to an existing swine facility. A new or modified permit will not be issued without additional public notice. The application is for a maximum of 350 head of swine greater than 55 pounds (140 animal units) and for 600 head (600 animal units) of cattle greater than 700 pounds, for a total of 740 animal units.

**Public Notice No. KS-AG-02-195/198
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Steve Bogart 853 1300 Ave. Abilene, KS 67410-6302 Kansas Permit No. A-SHDK-S010	SE/4 of Section 32, T14S, R02E, Dickinson County	Smoky Hill River Basin

This is a permit modification and renewal for an existing facility for a maximum of 463 head of swine weighing more than 55 pounds [185.2 animal units (a.u.)], 324 head of swine weighing less than 55 pounds (32.4 a.u.), 60 head of cattle weighing more than 700 pounds (60 a.u.) and 165 head of cattle weighing less than 700 pounds (82.5 a.u.), for a total of 1,012 head (360.1 a.u.) of cattle and swine. The permit is being modified to include existing facilities not previously described and/or constructed since the last permit expired in 1991. No new construction or expansion is proposed.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use.

Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
D S & R Cordel Robert Cordel Route 2, Box 46 Cawker City, KS 67430 Kansas Permit No. A-SOJW-S018	NE/4 of Section 12, T05S, R10W, Jewell County	Solomon River Basin

This is a permit renewal and modification for an existing facility for a maximum of 2,190 head of swine weighing greater than 55 pounds

[876 animal units (a.u.)] and 1,200 head of swine weighing less than 55 pounds (120 a.u.), for a total of 3,390 head (996 a.u.) of swine. The facility is continuing phased construction of the proposed facility from the last permit, but has modified the size of the second finishing unit to reduce the overall finishing capacity of the site from 2,400 head of finishers to 2,190 head of finishers at full capacity.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Deters Dairy Farm c/o John Deters and Glen Deters Route 1, Box 72 Baileyville, KS 66404 Kansas Permit No. A-MONM-M014	NE/4 of Section 15, T02S, R11E, Nemaha County	Missouri River Basin

This is a permit renewal for the expansion of an existing facility from 200 head of dairy cows (280 animal units) to a maximum of 350 head of dairy cows (490 animal units) and for a maximum of 300 head of dairy heifers less than 700 pounds (150 animal units), for a total of 640 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use.

Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lucille and Robert Kohn Route 2, Box 121 Mankato, KS 66956 Kansas Permit No. A-SOJW-M002	SE/4 of Section 05, T4S, R9W, Jewell County	Solomon River Basin

This is a new permit and expansion for an existing facility for a maximum of 50 head of milk cows [70 animal units (a.u.)], 250 head of cattle weighing less than 700 pounds (125 a.u.), 100 sheep (10 a.u.) and 100 chickens (0 a.u.), for a total of 500 head (205 a.u.) of livestock.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use.

Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. Permeability tests shall be conducted on the earthen wastewater retention structure(s). The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Public Notice No. KS-02-124/125

Name and Address of Applicant	Waterway	Type of Discharge
Caldwell, City of 14 W. Central Caldwell, KS 67022 Kansas Permit No. M-AR17-0001 Legal: NW¼ NW¼, NW¼, S12, T35S, R3W, Sumner County	Chikaskia River via Fall Creek	Treated Domestic Wastewater

Federal Permit No. KS0116793
Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine and pH. Monitoring for total phosphorus, Kjeldahl nitrogen, nitrate, nitrite and effluent flow also be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Iola, City of 2 W. Jackson Iola, KS 66749 Kansas Permit No. I-NE37-PO02	Neosho River	Treated Process Wastewater

Federal Permit No. KS0078905

Legal: SW¹/₄, S27, T24S, R18E, Allen County

Facility Description: The proposed action is to modify and reissue an existing permit for operation of an existing power plant discharging process wastewater. This facility is a standby electrical generating station used for peaking and emergency power. The facility is normally operated during the summer month. Modifications include discharge of zeolite softener backwash and RO reject at outfall 001 and addition of outfalls 002 and 004. The proposed permit includes limits for total suspended solids, oil and grease, and pH. Monitoring for temperature and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to establish approved temperature monitoring locations upstream and downstream. The permittee also is required to implement a storm-water pollution prevention plan. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-02-033/034

Name and Address of Applicant	Location	Type of Discharge
Chihowa Retreat Center 3553 Osage Road Perry, KS 66073	SE ¹ / ₄ , SE ¹ / ₄ , NE ¹ / ₄ , S7, T11S, R19E, Jefferson County	Nonoverflow

Kansas Permit No. C-KS58-NO06

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its permit. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Location	Type of Discharge
Northern Natural Gas Co. Route 1, Box 38A Macksville, KS 67557	NE ¹ / ₄ , S12, T23S, R15W, Pawnee County	Nonoverflow

Kansas Permit No. I-AR57-NO01

Facility Name: Macksville Compressor Station

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Glenda Newquist for agricultural permits or applications, or to the permit clerk 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 permit or application notice postmarked or received on or before September 7 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-192/198, KS-02-124/125, KS-ND-02-033/034) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of

Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

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

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

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

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

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

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

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

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

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

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

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028267

State of Kansas

**Department of Health
and Environment**

Notice of Available Grant Funding

The Kansas Department of Health and Environment announces the availability of federal funds to be used by local governmental agencies and/or community-based organizations for the purpose of increasing knowledge and skills related to the prevention of fire-related injuries. Funds will be used in delivering fire safety education and the installation of functional smoke detectors to Kansas communities with concerns in the area of fire-related injury and/or death.

Interested applicants should contact Lisa Tenbrink, KDHE Public Health Educator, at (785) 368-7290 to obtain more information. The closing date for receipt of applications by the Kansas Department of Health and Environment is September 1.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028265

(Published in the Kansas Register August 8, 2002.)

**Summary Notice of Bond Sale
City of Goddard, Kansas
\$1,198,000
General Obligation Bonds, Series 2002
(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated July 22, 2002, written bids will be received by the clerk of the City of Goddard, Kansas (the issuer), on behalf of the governing body at City Hall, 122 N. Main, Goddard, KS 67052, until 3 p.m. August 19, 2002, for the purchase of \$1,198,000 principal amount of General Obligation Bonds, Series 2002. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated September 1, 2002, and will become due on October 1 in the years as follows:

Year	Principal Amount
2003	\$ 48,000
2004	60,000
2005	60,000
2006	65,000
2007	70,000
2008	70,000
2009	75,000
2010	80,000
2011	85,000
2012	85,000
2013	90,000

2014	95,000
2015	100,000
2016	105,000
2017	110,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2003.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$23,960 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about September 17, 2002, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$15,742,118. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$6,285,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 794-2441, fax (316) 794-2401; or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351, fax (316) 264-9370, e-mail: bouilly.gkbaum@attglobal.net.

Dated July 22, 2002.

City of Goddard, Kansas

Doc. No. 028251

State of Kansas
Pooled Money Investment Board
Notice of Investment Rates

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

Effective 8-5-02 through 8-11-02

Table with 2 columns: Term, Rate. Rows include 1-89 days (1.74%), 3 months (1.53%), 6 months (1.54%), 1 year (1.50%), 18 months (1.69%), 2 years (1.94%).

Derl S. Treff
Director of Investments

Doc. No. 028257

(Published in the Kansas Register August 8, 2002.)

Summary Notice of Sale
City of Bonner Springs, Kansas
\$5,140,000*
General Obligation Bonds, Series 2002
(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of sale dated July 15, 2002, bids will be received by the city clerk of the City of Bonner Springs, Kansas, on behalf of the governing body at City Hall, 205 E. 2nd St., Bonner Springs, KS 66012, or, in the case of electronic proposals, via PARITY, until 2 p.m. Monday, August 19, 2002, for the purchase of \$5,140,000* principal amount of General Obligation Bonds, Series 2002. No bid of less than the entire par value of the bonds and accrued interest to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated September 1, 2002, and will become due on September 1 in the years as follows:

Table with 2 columns: Maturity September 1, Principal Amount*. Rows list years from 2003 to 2016 with corresponding principal amounts ranging from \$35,000 to \$385,000.

Table with 2 columns: Year, Amount. Rows list years from 2017 to 2022 with corresponding amounts ranging from 410,000 to 500,000.

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2003.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

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

Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about September 5, 2002, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$47,953,992. The total applicable general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold and including a series of temporary notes being sold by the city on the same date, but excluding outstanding temporary notes being redeemed with the proceeds of the bonds, is \$3,045,218.50.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Logan Riley Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (913) 422-1020; from the city's financial advisor, George K. Baum & Company, 435 Nichols Road, Kansas City, MO 64112, (816) 474-1100; or from bond counsel, Logan Riley Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated July 15, 2002.

City of Bonner Springs, Kansas
by Rita Hoag
City Hall
205 E. 2nd St.
Bonner Springs, KS 66012

*Subject to change.

Doc. No. 028254

(Published in the Kansas Register August 8, 2002.)

Summary Notice of Bond Sale
City of Bel Aire, Kansas
\$512,256.01*
General Obligation Bonds, Series A, 2002
(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated July 16, 2002, written bids will be received by the clerk of the City of Bel Aire, Kansas (the issuer), on behalf of the governing body at City Hall, 4551 N. Auburn, Bel Aire, KS 67220, until 5 p.m. August 20, 2002, for the purchase of \$512,256.01* principal amount of General Obligation Bonds, Series A, 2002. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$2,561.01* (or such amount added to \$5,000 or any integral multiple thereof. The bonds will be dated August 15, 2002, and will become due on November 1 in the years as follows:

Year	Principal Amount*
2003	\$22,256.01
2004	25,000.00
2005	25,000.00
2006	30,000.00
2007	30,000.00
2008	30,000.00
2009	35,000.00
2010	35,000.00
2011	35,000.00
2012	35,000.00
2013	40,000.00
2014	40,000.00
2015	40,000.00
2016	45,000.00
2017	45,000.00

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2003.

Adjustment of Issue Size

The issuer reserves the right to decrease the total principal amount of the bonds, depending on the prepayment of special assessments levied upon the property benefited by certain Improvements. The principal amount of the 2003 maturity may be adjusted by the issuer in order to properly size the bond issue based on such payments. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the bonds or principal of any maturity as described herein. If there is an increase or decrease in the final aggregate principal amount of the bonds or the schedule of principal payments as described above,

the issuer will notify the successful bidder by means of telephone or facsimile transmission, subsequently confirmed in writing, not later than 2 p.m. August 21, 2002. The actual purchase price for the bonds shall be calculated by applying the percentage of par value bid by the successful bidder against the final aggregate principal amount of the bonds, as adjusted, plus accrued interest from the date of the bonds to the date of delivery.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$10,246* (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about August 29, 2002, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2002 is \$36,844,504. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$12,917,256.01.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 744-2451, fax (316) 744-3739; or from the financial advisor, Froggatte & Company, 320 N. Main, Suite 200, Wichita, KS 67202, Attention: Charley Young, (316) 264-6300, fax (316) 264-7999.

Dated July 16, 2002.

* Subject to change.

City of Bel Aire, Kansas

Doc. No. 028270

(Published in the Kansas Register August 8, 2002.)

**Summary Notice of Bond Sale
City of Maize, Kansas
\$184,000**

**General Obligation Internal Improvement Bonds
Series 2002**

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

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated July 29, 2002, of the City of Maize, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series 2002, hereinafter described, written bids shall be received at the office of the city clerk at City Hall, 123 Khedive, Maize, Kansas, or by facsimile at (316) 722-0346, until 5 p.m. Monday, August 19, 2002, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated, and shall thereafter be immediately considered and acted upon by the city at the regularly scheduled meeting of the city at 7 p.m. on said date.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk. Bids may be submitted by mail or delivered in person, or may be submitted by facsimile at (316) 722-0346, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$184,000 and shall bear a dated date of September 1, 2002. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year, except that one bond maturing in the initial year of maturity shall be in the denomination of \$4,000. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are subject to optional redemption and payment prior to their maturities.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 2003, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$ 9,000	2003
10,000	2004

10,000	2005
10,000	2006
10,000	2007
10,000	2008
10,000	2009
10,000	2010
15,000	2011
15,000	2012
15,000	2013
15,000	2014
15,000	2015
15,000	2016
15,000	2017

Redemption of Bonds

At the option of the city, bonds maturing in the year 2010, and thereafter, may be called for redemption and payment prior to their respective maturities on and after September 1, 2009, as a whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount, plus accrued interest to the date of redemption. A bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as one or more term bonds, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Form of Bonds

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon, in part, from the collection of special assessment taxes that have been levied against certain real properties in the city. To the extent the proceeds of such special assessment taxes are insufficient, the city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city on or before Thursday, September 12, 2002, to the successful bidder, or at its direction, to DTC for the account of the successful bidder or at such bank or trust company or other qualified depository in the State of Kansas or Kan-

(continued)

sas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle Elkouri Law Firm L.L.C. Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The city's current equalized assessed tangible valuation is as follows:

Assessed Valuation of Taxable	
Tangible Property	\$8,181,421
Taxable Value of Motor Vehicles	1,761,530
Assessed Tangible Valuation for	
Computation of Bonded Debt Limitations	\$9,942,951

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of September 1, 2002, the city's total outstanding general obligation indebtedness, including the bonds, will be \$4,347,228. The total indebtedness, after statutory adjustments, as of September 1, 2002, will be \$887,869, which is 8.93 percent of the assessed valuation of the city.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's bond counsel. The preliminary official statement is in a form "deemed final" by the city for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. The city will provide the purchaser of the bonds or its designated agent, within seven business days after the date of the sale, copies of the city's final official statement, in sufficient quantity to comply with the rules of the Securities and Exchange Commission and the Municipal Securities Rulemaking Board.

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited

to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below.

Jean Silvestri, City Clerk
 123 Khedive
 Maize, KS 67101
 (316) 722-7561

Doc. No. 028263

(Published in the Kansas Register August 8, 2002.)

Summary Notice of Bond Sale

**Salina Airport Authority
 (Salina, Kansas)**

\$2,635,000

**General Obligation Improvement Bonds
 Series 2002-A**

Bids

Subject to the terms and conditions of the complete notice of bond sale and preliminary official statement dated July 17, 2002, bids will be received by Timothy F. Rogers, executive director of the Salina Airport Authority, at the Salina Municipal Airport, 3237 Arnold, Salina, KS 67402, on behalf of the governing body until 2 p.m. Wednesday, August 21, 2002, for the purchase of \$2,635,000 principal amount of General Obligation Improvement Bonds, Series 2002-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall be accompanied by a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds.

Bids will be received (1) in the case of sealed and facsimile bids, by the executive director at the address and fax number hereafter set forth, and (2) in the case of electronic bids, through PARITY electronic bid submission system. The Authority and the Authority's financial advisor shall not be responsible for any failure, misdirection, delay or error in the means of transmission selected by the bidder.

Bond Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated September 1, 2002, and will become due serially on September 1 in the years as follows:

Principal Amount	Maturity September 1
\$225,000	2003
235,000	2004
245,000	2005
250,000	2006

255,000	2007
265,000	2008
275,000	2009
285,000	2010
295,000	2011
305,000	2012

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2003. The bonds will not be subject to redemption prior to their stated maturity dates.

Redemption Prior to Maturity

The bonds will be subject to optional redemption prior to maturity as provided in the notice of sale and preliminary official statement.

Good Faith Deposit

Each bid for a series of the bonds shall be accompanied by a good faith check in the form of a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds.

Paying Agent and Bond Registrar

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

Delivery

The Authority will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about September 5, 2002, through the facilities of the Depository Trust Company in New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed valuation for computation of bonded debt limitations for the year 2002 is \$344,262,814. The total general obligation indebtedness of the Authority as of the date of the bonds, including the bonds being sold, will be \$7,160,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or from George K. Baum & Company, Kansas City, Missouri, (816) 474-1100, the Authority's financial advisor.

Dated July 17, 2002.

City of Salina, Kansas
By Timothy F. Rogers, A.A.E.
Executive Director
Salina Municipal Airport
3237 Arnold Ave.
Salina, KS 67402
(785) 827-3914
Fax (785) 827-2221

Doc. No. 028261

State of Kansas

Department of Revenue

Permanent Administrative Regulations

Article 18.—SPECIAL FUEL TAX

92-18-1. (Authorized by K.S.A. 79-3475, 79-3483; effective, E-69-16, July 23, 1969; effective Jan. 1, 1970; revoked Aug. 23, 2002.)

92-18-2, 92-18-3. (Authorized by K.S.A. 79-3480, 79-3483; effective, E-69-16, July 23, 1969; effective Jan. 1, 1970; revoked Aug. 23, 2002.)

92-18-4. (Authorized by K.S.A. 1978 Supp. 79-3478; effective May 1, 1979; revoked Aug. 23, 2002.)

92-18-5. (Authorized by K.S.A. 79-3483, K.S.A. 1982 Supp. 79-3479a; implementing K.S.A. 1982 Supp. 79-3479b; effective, T-83-48, Dec. 22, 1982; effective May 1, 1983; revoked Aug. 23, 2002.)

92-18-6. (Authorized by K.S.A. 79-3483, K.S.A. 1982 Supp. 79-3479a; implementing K.S.A. 1982 Supp. 79-3479a, 79-3479b; effective, T-83-48, Dec. 22, 1982; effective May 1, 1983; revoked Aug. 23, 2002.)

92-18-7. (Authorized by K.S.A. 79-3483; implementing K.S.A. 79-3481, 79-3483; effective May 1, 1987; revoked Aug. 23, 2002.)

Stephen S. Richards
Secretary of Revenue

Doc. No. 028246

State of Kansas

Department of Agriculture
Division of Water Resources

Permanent Administrative Regulations

Article 15.—MINIMUM DESIRABLE STREAMFLOWS

5-15-1. Administration of minimum desirable streamflow. (a) Except as specified in subsection (d), if the streamflow at a minimum desirable streamflow (MDS) gaging station falls below the streamflow established in K.S.A. 82a-703c, and amendments thereto, for a period of seven consecutive days, a determination of whether the following conditions have been met shall be made by the chief engineer:

(1) The actual daily average streamflow at the gage has been less than the streamflow trigger value set by K.A.R. 5-15-4.

(2) If an alluvial aquifer has a significant effect on streamflow, the static groundwater level in the alluvial aquifer above the gage is insufficient to maintain MDS in the stream.

(b) Whenever the chief engineer determines that MDS administration should occur according to subsection (d) or because the conditions specified in paragraphs (a)(1)

(continued)

and (2) have both been met, water rights and approvals of applications with a priority after April 12, 1984 shall be administered in order of priority as necessary to protect the appropriate minimum desirable streamflow specified in K.S.A. 82a-703c, and amendments thereto. Owners of record in the office of the chief engineer of water rights and approvals of applications that are being administered shall be notified by the chief engineer that water rights and approvals of applications are being administered to protect MDS. This notification shall be made by certified mail, personal notice, or other verifiable means.

(c) After administration to protect MDS has begun, no person that has received notice according to subsection (b) may divert water under the authority of a water right or approval of application with a priority after April 12, 1984, unless one of the following conditions is met:

(1) The owner of the water right or approval of application has entered into an annual MDS consent order with the chief engineer in accordance with the provisions of K.A.R. 5-15-2 and is diverting water in accordance with the terms of that MDS consent order.

(2) The chief engineer has determined, in accordance with the provisions of K.A.R. 5-15-3, that administration of water rights and approvals of applications with a priority after April 12, 1984 is no longer necessary to protect MDS and has notified the owners by certified mail, personal notice, or other verifiable means that diversions may continue in accordance with the terms, conditions, and limitations of the water right or approval of application.

(d) If the streamflow at an MDS gaging station falls below the level established in K.S.A. 82a-703c, and amendments thereto, for a period of seven consecutive days and no streamflow trigger value has been set for an MDS gaging station in K.A.R. 5-15-4, a determination of whether and when MDS administration will begin and how it should occur shall be made by the chief engineer, based on the following factors:

(1) The general hydrologic conditions affecting streamflow in the stream reach;

(2) the magnitude and duration of recent streamflows;

(3) the extent to which groundwater contributes to streamflow;

(4) the effects of drought on streamflow;

(5) the existence and effect of relevant water management agreements;

(6) the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on the streamflow; and

(7) the effect of reservoir operations.

This regulation shall be effective on and after August 27, 2002. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-703a, 82a-703b, and 82a-703c; effective, T-5-4-29-02, April 29, 2002; effective Aug. 27, 2002.)

5-15-2. Minimum desirable streamflow consent orders. (a) An annual minimum desirable streamflow (MDS) consent order according to K.A.R. 5-15-1(c)(1) may be entered into by the chief engineer and the owner of the water right or approval of application to divert surface water. This consent order shall contain the following provisions:

(1) Whenever the chief engineer has determined that the administration of water rights and approvals of applications to divert surface water with a priority after April 12, 1984 is necessary to protect the minimum desirable streamflow set by K.S.A. 82a-703c, and amendments thereto, water shall not be diverted under the authority of these water rights or approval of applications unless the owner has been notified by the chief engineer by certified mail, personal notice, or other verifiable means that either of the following conditions has been met:

(A)(i) The chief engineer has determined that the average daily streamflow has been, or is likely to be, at or above the temporary surface water diversion threshold for a period of time specified in K.A.R. 5-15-4 or set by the chief engineer according to K.A.R. 5-15-1(d); and

(ii) the chief engineer has determined that water is available to be diverted during that time period under the priority of water rights or approval of applications with a priority after April 12, 1984 without impairing senior water rights or senior water reservation rights.

(B) The chief engineer has determined that it is no longer necessary to administer water rights and approval of applications to protect the minimum desirable streamflow set by K.S.A. 82a-703c, and amendments thereto.

(2) The owner of the water right or approval of application shall properly install and maintain a water flowmeter on all points of diversion authorized by the water rights or approval of applications in accordance with regulations adopted by the chief engineer.

(3) The water right owner agrees that failure to abide by either of the following will result in the suspension of the water right or approval of application pursuant to K.S.A. 82a-737, and amendments thereto, for the remainder of the calendar year, and any other enforcement actions that may be authorized by law:

(A) The terms of the MDS consent order; or

(B) the terms, conditions, and limitations of the water right or approval of application.

(4) The water right owner agrees to comply with any other provisions that the chief engineer determines are necessary to prevent impairment, protect MDS values, and protect the public interest.

(b) If the chief engineer determines that hydrologic conditions indicate that some groundwater will be available to be pumped in the basin during the next water-use season or year by water rights or approval of applications with a priority after April 12, 1984, the owner of the water right or approval of application may enter into an annual MDS consent order pursuant to K.A.R. 5-15-1(c)(1) to divert groundwater, upon approval of the chief engineer. This consent order shall contain the following provisions:

(1) Whenever the chief engineer has determined that the administration of water rights and approval of applications to divert groundwater with a priority after April 12, 1984 is necessary to protect minimum desirable streamflows set by K.S.A. 82a-703c, and amendments thereto, groundwater shall not be diverted under the authority of the water right or approval of application unless the owner has been notified by the chief engineer by certified mail, personal notice, or other verifiable means that one of the following conditions has been met:

(A) During MDS administration during that calendar year, the owner is authorized to divert, pursuant to the owner's water right or approval of application, a quantity of water not to exceed that quantity of water set forth in K.A.R. 5-15-4 as the well pumping allowance.

(B) The chief engineer has determined that it is no longer necessary to administer water rights and approvals of applications to protect the minimum desirable streamflows set by K.S.A. 82a-703c, and amendments thereto.

(2) The owner of the water right or approval of application shall properly install and maintain a water flowmeter on all points of diversion authorized by the water right or approval of application in accordance with regulations adopted by the chief engineer.

(3) The total quantity of water authorized to be diverted under the water right or approval of application during a calendar year shall not exceed the annual quantity of water authorized.

(4) The water right owner agrees that failure to abide by either of the following will result in the suspension of the water right or approval of application for the remainder of the calendar year, and any other enforcement actions that may be authorized by law:

(A) The terms of the MDS consent order; or

(B) the terms, conditions, and limitations of the water right or approval of application.

(5) The water right owner agrees to comply with any other provisions that the chief engineer determines are necessary to prevent impairment, protect MDS values, and protect the public interest.

This regulation shall be effective on and after August 27, 2002. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-703a, 82a-703b, and 82a-703c, and K.S.A. 2001 Supp. 82a-737; effective, T-5-4-29-02, April 29, 2002; effective Aug. 27, 2002.)

5-15-3. Cessation of minimum desirable streamflow administration. (a) Except as specified in subsection (c), whenever the chief engineer determines that both of the conditions specified in subsection (b) have been met, the administration of water rights and approvals of applications with a priority after April 12, 1984 to protect minimum desirable streamflows pursuant to K.S.A. 82a-703c, and amendments thereto, shall be declared by the chief engineer to be no longer necessary. The owners of those water rights and approvals of applications shall be notified by the chief engineer by certified mail, personal notice, or other verifiable means that the owners may recommence diverting water in accordance with the terms, conditions, and limitations of their water rights or approvals of applications.

(b)(1) The streamflows at the minimum desirable streamflow (MDS) gage have exceeded the streamflows established by K.S.A. 82a-703c, and amendments thereto, for a period of 14 consecutive days.

(2) If a significant alluvial aquifer exists, the average static water level in the alluvial aquifer has recovered sufficiently to maintain MDS in the stream.

(c) Whenever the chief engineer determines that hydrologic conditions indicate that MDS values have been met or exceeded and are likely to be maintained for the fore-

seeable future, MDS administration may be declared by the chief engineer to be no longer necessary even if both of the conditions of subsection (b) have not been met.

This regulation shall be effective on and after August 27, 2002. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-703a, 82a-703b, and 82a-703c; effective, T-5-4-29-02, April 29, 2002; effective Aug. 27, 2002.)

5-15-4. Standards for minimum desirable streamflow. The streamflow trigger values, temporary surface water diversion thresholds, and well pumping allowances set forth in the following table shall be used whenever appropriate in these regulations.

MDS gaging station	streamflow trigger value	temporary surface water diversion threshold	well pumping allowance
Republican River Concordia	150 percent of the daily average MDS value* for the 60 preceding days	115 percent of MDS value* for a period of at least five days	32 percent of the maximum annual quantity of water that has not been diverted under the authority of that water right or approval of application, at the time MDS administration begins
Republican River Clay Center	150 percent of the daily average MDS value* for the 60 preceding days	100 percent of MDS value* for a period of at least five days	32 percent of the maximum annual quantity of water that has not been diverted under the authority of that water right or approval of application, at the time MDS administration begins

* "MDS value" means the minimum desirable streamflow value established by K.S.A. 82a-703c, and amendments thereto.

This regulation shall be effective on and after August 27, 2002. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-703a, 82a-703b, and 82a-703c; effective, T-5-4-29-02, April 29, 2002; effective Aug. 27, 2002.)

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 028245

State of Kansas

Social and Rehabilitation Services

Permanent Administrative
RegulationsARTICLE 64.—DEVELOPMENTAL DISABILITIES—
COMMUNITY DEVELOPMENTAL DISABILITY
ORGANIZATIONS (CDDOs)

30-64-24. Case management. (a) A person choosing case management may select that service from any licensed case management provider in the person's CDDO area. The CDDO shall be the only enrolled medicaid provider of case management services and may impartially and equitably subcontract with any licensed case management provider whose payment rate is based exclusively upon the subcontract with the CDDO. Case management shall assist the person and the person's support network to identify, select, obtain, coordinate, and use both paid services and natural supports that may be available to enhance the person's independence, integration, and productivity consistent with the person's capabilities and preferences as outlined in the person's person-centered support plan. Case management shall include the following:

(1) Assessment, including an ongoing process for the identification of the person's needs, the determination of a person's preferred lifestyle, and the resources that are available to the person, through both formal and informal evaluation methods;

(2) (A) Support planning, with the participation of the person and the person's support network, including the development or assistance in the development, updating, and reviewing of the person's person-centered support plan and any related service or support plan, building upon assessment information to assist the person in meeting the person's needs and achieving the person's preferred lifestyle; and

(B) providing assistance to the person in being knowledgeable about the types and availability of community services and support options, in receiving information regarding the rights of persons served pursuant to the developmental disabilities reform act and implementing regulations, the content of which shall be approved by the commission, and in obtaining the community services and supports of the person's choice;

(3) support coordination, including the following:

(A) Arranging for and securing supports outlined in the person's person-centered support plan;

(B) developing and accessing of natural supports and generic community support systems; and

(C) advocacy, including pursuing means for gaining access to needed services and entitlements, and seeking modification of service systems when necessary to increase the accessibility to those systems by the person;

(4) monitoring and follow-up, including ongoing activities that are necessary to ensure that the person-centered support plan and related supports and services are effectively implemented and adequately addressing the needs of the person; and

(5) assisting transition and portability, including the planning of and arranging for services to follow the person when the person moves between any of the following:

(A) From school to the adult world;

(B) from an institution to community alternatives;

(C) from one kind of service setting to another kind of service setting;

(D) from one provider to another provider; or

(E) from one service area to another service area.

(b)(1) Case management shall be provided by case managers, who shall meet these requirements:

(A) Be employed by the CDDO as the enrolled medicaid provider of case management services, be employed by a subcontractor for those services, or be a subcontractor for those services, for which the CDDO or subcontractor maintains a license from the division of mental health and developmental disabilities to provide pursuant to article 63 of these regulations;

(B) be selected, from the CDDO or any of its subcontractors, to provide case management by the person being served or by the person's guardian, if one has been appointed;

(C) not provide any other direct service except case management to any person receiving any direct service from the organization that employs the case manager;

(D) not be supervised by anyone responsible for the provision or supervision of direct services to any person;

(E) have the following:

(i) A minimum of six months' experience in the field of developmental disabilities services; and

(ii) a bachelor's degree or additional experience in the field, which may be substituted for the degree at the rate of six months of experience for each semester; and

(F) complete a registration process that includes demonstrating qualifications, providing demographic information, and agreeing to abide by service and ethics standards as well as case management-related policies and procedures, case management-related training, and assessments as required by the division of mental health and developmental disabilities.

(2) Each case manager providing case management shall carry a caseload of not more than 30 persons. If a provider hires more than one case manager, then the total number of the cases carried by all of the provider's case managers shall average to not more than 30 persons per case manager. (Authorized by K.S.A. 39-1806, 39-1807, and 39-1810; implementing K.S.A. 39-1804, 39-1805, and 39-1806; effective July 1, 1996; amended Oct. 1, 1998; amended Aug. 23, 2002.)

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 028244

State of Kansas

Department of Revenue

Permanent Administrative
Regulations

Article 19.—KANSAS RETAILERS' SALES TAX

92-19-2. (Authorized by K.S.A. 79-3608, 79-3618, K.S.A. 1971 Supp. 79-3602; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; revoked Aug. 23, 2002.)

92-19-2a. Registration certificates. (a)(1) Every person who is required to collect retailers' sales tax under the act shall secure a sales tax registration certificate from the department of revenue before engaging in business or opening a new place of business in this state. As used in this regulation, "sales tax registration certificate," "registration certificate," and "certificate" shall mean the document that evidences the registration with the department and is required by K.S.A. 79-3608, and amendments thereto.

(2) Each retailer, before making retail sales of tangible personal property or performing taxable services in this state, shall secure a sales tax registration certificate. A certificate shall not be issued for any purpose other than to make retail sales of tangible personal property or to perform taxable services. A certificate shall be valid until the retailer ceases doing business or the certificate is canceled by the department. Certificates shall be issued and amended without charge.

(3) Failure to secure a certificate shall subject a retailer who engages in a taxable retail business to criminal or civil sanctions, or both. The failure to secure a certificate shall not relieve a retailer from either the obligation to properly collect, remit, and account for sales tax or the obligation to maintain complete records of all transactions in the manner required by law.

(4) Each retailer shall file a separate application and secure a separate certificate for each place of business. Any retailer that operates at more than one location under the same ownership may request permission to file that retailer's tax returns on a combined or consolidated basis.

(5)(A) Each retailer maintaining a public place of business in Kansas shall display the registration certificate in a conspicuous location so that the certificate can be readily seen and read by the public. If a retailer maintains more than one place of business, a certificate shall be displayed at each location.

(B) Each retailer who operates at a special event or at any other temporary location, including from a truck, wagon, portable stand, or other merchandising device, shall prominently display the certificate so that it can be readily seen and read by the public. Transient retailers who do not operate from such a merchandising device shall have their certificates in their possession and shall display them upon request.

(6) A certificate shall be valid only for use by the individual, partnership, corporation, or association in whose name it is issued and for the transaction of business at the place designated on the certificate. A certificate shall not be assigned or transferred. If there is a change

in ownership or a change in the name or location of a business, the certificate shall no longer be valid. A new certificate shall be obtained, and the old certificate shall be returned to the department for cancellation whenever there is a change in ownership, business location, or name of a business.

(7) Each wholesaler, distributor, and manufacturer that makes retail sales, including sales to employees, shall secure a registration certificate and report these sales to the department. To simplify reporting, the wholesaler, distributor, or manufacturer may set up a retail division to report the retail sales. Transfers of inventory to the retail division for resale shall be exempt sales for resale, and the sales tax returns shall reflect only the sales made by the retail division to final consumers.

(b)(1) Each trustee, receiver, executor, administrator, and other fiduciary who by virtue of the appointment continues to operate, manage, control, or liquidate a retail business shall report and remit sales tax on the gross receipts received by the business and from liquidation of the business's inventory items. These reporting duties shall apply to each court-appointed fiduciary, whether appointed by a state or federal court.

(2) A certificate of a retail business that is being managed by a fiduciary that was valid at the time the fiduciary relationship was created shall continue to be valid to allow the fiduciary to conduct the business for a reasonable time before the transfer of ownership or to close out the business when probating an estate or liquidating the assets of the business.

(3) Each trustee, receiver, executor, administrator, and other fiduciary who engages in liquidating the inventory of a business that does not have an existing registration certificate under which to report sales tax shall secure a certificate and shall report tax on taxable receipts from sales of inventory items and taxable services.

(c) Only a business that is actively engaged in making retail sales or performing taxable services that are subject to Kansas sales tax may hold a registration certificate. A registration certificate may be cancelled by the director if during any prior consecutive 12-month period the certificate holder does not file a return or, if any returns are filed, does not report any taxable transactions. When a certificate is to be cancelled, the certificate holder shall be notified in writing of the director's intention to cancel the certificate and the date when the cancellation is final. The certificate shall be cancelled on the date set forth in the notice, unless the certificate holder objects in writing within 60 days from the date that the notice of intention to cancel is mailed. If a certificate holder objects to cancellation, a hearing shall be scheduled pursuant to the Kansas administrative procedures act to determine whether the certificate holder is actively engaged in a retail business.

(d)(1) Issuance of a sales tax registration certificate may be refused by the department, if the department ascertains any of the following:

(A) The department has issued an unsatisfied tax warrant against a partner, business owner, corporate officer, or majority stockholder of the business that is applying for the certificate.

(continued)

(B) There is a pending department administrative action or legal proceeding against a partner, business owner, corporate officer, or majority stockholder of the business that is applying for the certificate which claims that the partner, business owner, corporate officer, or majority stockholder is a responsible person who is liable for payment of taxes pursuant to K.S.A. 79-2971, K.S.A. 79-32,106, or K.S.A. 79-3643, and amendments thereto.

(C) The applicant is an agent or representative of a principal that is required to be registered and is responsible for filing sales tax returns, pursuant to K.S.A. 79-3604, and amendments thereto.

(2) If the department ascertains that a certificate was issued at a time when the certificate could have been denied under paragraph (d)(1)(A), (B), or (C), the certificate may be cancelled by the department. When such a certificate is cancelled, the certificate holder shall be notified in writing of the director's intention to cancel the certificate and the date when the cancellation is final. The certificate shall be cancelled on the date specified in the notice, unless the certificate holder objects in writing within 60 days from the date that the notice of intention to cancel is mailed. If a certificate holder objects to cancellation, a hearing shall be scheduled by the secretary or designee pursuant to the Kansas administrative procedures act to determine whether there were adequate grounds under paragraph (d)(1)(A), (B), or (C) to refuse to issue the certificate. (Authorized by K.S.A. 2001 Supp. 79-3618; implementing K.S.A. 79-3607, 79-3608, K.S.A. 2001 Supp. 79-3615, and K.S.A. 79-3630; effective Aug. 23, 2002.)

92-19-6. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3612, 79-3609; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1988; revoked Aug. 23, 2002.)

92-19-6a. Retailer's duties when a retail business moves, ceases operation, or changes its name, ownership, or form of ownership. (a) If a retailer ceases to do business or if a change of ownership occurs through the sale of a business or through a change in the legal form of business ownership, the retailer shall notify the department of the date of the last day of business operation or the date of the change of ownership. The retailer shall return its certificate for cancellation, remit all taxes, and file its final return during the month that follows the sale or the change of ownership of the business. The retailer shall preserve its business records for three years from the end of the calendar year or fiscal year, whichever is later, in which the retailer files its final return.

(b) When there is a sale or other change of ownership of a business, the entity acquiring ownership shall secure a certificate in its name before beginning business as the new owner.

(c) Each retailer shall promptly notify the department of any change in location, mailing address, business name, or trade name. Upon receipt of this notification, the retailer shall be issued an amended certificate by the department, or the old certificate shall be canceled and the retailer shall be issued a new certificate by the department.

(d)(1) For purposes of sales tax registration, a change in ownership of a business shall be deemed to occur when

a business is sold or when a business changes its legal form of ownership from a sole proprietorship, partnership, corporation, or other legal form to another form of ownership. A change in ownership of a general partnership shall include the withdrawal, substitution, or addition of one or more general partners if the general partnership continues as a business organization and the change in the number of partners is equal to or greater than 50 percent.

(2) For purposes of sales tax registration, a change in ownership shall be deemed not to occur when there is a sale of all or part of the common stock in a corporation. A change in ownership of a limited partnership shall be deemed not to occur if the limited partnership continues as a business organization and either of the following occurs:

(A) A withdrawal, substitution, or addition of one or more limited partners in a partnership; or

(B) a withdrawal, substitution, or addition of one or more general partners if the number of general partners being changed is less than 50 percent.

(3) When control of a corporation is transferred to a different corporation or owner, or when new corporate officers are added or replaced, the corporation shall notify the department of the changes although no new sales tax certificate shall be required. When the change in the number of general partners is less than 50 percent, the partnership shall notify the department of the changes although no new sales tax certificate shall be required.

(4) Partners and officers who leave a business may, in their individual capacity, notify the department of the change to avoid possible claims of personal liability being made against them for reporting periods that occur after they have left the business. (Authorized by K.S.A. 2001 Supp. 79-3618; implementing K.S.A. 79-3608; effective Aug. 23, 2002.)

92-19-35a. Securities: surety bonds, escrow accounts, and cash bonds. (a) General. Pursuant to K.S.A. 79-3616 and amendments thereto, a retailer may be required to post a security before or after a registration certificate is issued. If a security is required, a written demand for security shall be sent to the retailer. If a person fails or refuses to post a security as required within 30 days of mailing of the notice, issuance of a registration certificate may be refused by the director of taxation, or a certificate that has been issued may be cancelled by the director.

(b) Refusal to issue a certificate or cancellation of a certificate.

(1) If a written demand for a security is sent to a person who is applying for a registration certificate, the person who receives the demand shall either post the security or object to the demand. To object, the person shall submit the objection in writing within 30 days from the date that the demand was mailed. Once an objection is received, a hearing shall be scheduled by the secretary or secretary's designee to determine whether the posting of the security is an appropriate prerequisite for issuing the registration certificate.

(2) If an existing registration certificate is to be cancelled because a security has not been posted within 30

days of the demand, the certificate holder shall be notified in writing of the director's intention to cancel the certificate and the date when the cancellation is final. The certificate shall be cancelled on the date specified in the notice, unless the certificate holder objects in writing within 30 days from the date that the notice of intention to cancel is mailed. If a certificate holder objects to the cancellation, a hearing shall be scheduled by the secretary or secretary's designee to determine whether cancellation of the certificate for failure to post a security is appropriate.

(c) When required for active businesses.

(1) Businesses with chronic delinquencies. A retailer shall post a security if the retailer has had four or more delinquencies during the last 24 months for sales and use taxes or if the retailer has had six or more delinquencies during the last 24 months for taxes imposed under chapter 79 of the Kansas statutes annotated and amendments thereto, including withholding tax, income tax, sales and use taxes, liquor excise tax, and all other excise taxes. Delinquencies shall include the failure to file a return, the filing of a late return, the filing of an improper return, nonpayment, late payment, and payment by an insufficient funds check. The simultaneous late filing of the return and the late payment of tax shall count as one delinquency. A delinquency shall be excused if the retailer establishes that, had a timely request been made under K.A.R. 92-19-5a, good cause would have existed for an extension.

(2) When required of a new applicant. A security shall be required of a new applicant if the applicant is substantially similar to a person who would have been required to post a security because of past delinquencies. An applicant shall be deemed to be similar to the extent that the applicant is owned or controlled by a person or persons who owned or controlled a previously registered retailer that became delinquent. Substantial similarity may be established by facts that tend to show common ownership or control of both businesses.

(d) Determination of security amount. The amount of a security for an annual filer shall be \$25, and the security shall be made only as a cash bond. If a security is required of a monthly or quarterly filer, the amount of the security shall be fixed by the director and shall be equal to at least the average tax liability for state and local taxes for six months, or \$1,000, whichever is greater. The average tax liability shall be based on the previous 12-month period, if there was a reporting history for those months. Amounts based on the average liability for a monthly or quarterly reporting period shall be rounded to the next higher, even \$100 amount. If a retailer has no reporting history, the amount of the security may be based on the estimated tax liability as shown on the registration application, the predecessor's tax liability at the location specified on the registration application, and other factors that are based on the department's experience with similar businesses. After one year, the security amount fixed by the director for a new account may be increased or decreased based upon the retailer's compliance record, payment history, and annual average sales tax liability.

(e) Types of security. Acceptable types of security shall include the following:

(1) Money posted or deposited with the department as a cash bond. A cash bond may be required by the director to be paid in guaranteed funds by means of a cashier's check or money order. Cash bonds shall not pay interest;

(2) a surety bond issued by a bonding company that is authorized to do business in Kansas by the Kansas insurance commission. Each surety bond shall be issued on a form prescribed by the department and shall bear the seal of the insurance company, the effective date, and the signature of the applicant. If a bond is signed by an agent or other attorney-in-fact for the insurance company, the bond shall be accompanied by a power of attorney that grants to the attorney-in-fact the power to obligate the company for this type of liability; and

(3) an escrow account with a Kansas financial institution that is entered into on a form prescribed by the department. Escrow funds may be held in a savings account or certificate of deposit and shall be payable to the department upon demand. Interest earned on an escrow account may be paid to the retailer unless the director has made demand for payment on the account. Other than interest, an escrow account shall not be accessible to the retailer or to creditors of the retailer until the account is released in writing by the director.

(f) Release or cancellation of the security. A security that has been posted by a retailer who files on a monthly or quarterly basis may be released to the retailer upon request if the retailer has, for 24 consecutive months, timely filed and paid all returns required to be filed under chapter 79 of the Kansas statutes annotated, and amendments thereto. The 24-month compliance requirement shall begin on the day the security is received by the department. If a retailer does not meet the compliance requirements, the security shall continue to be required until the taxpayer has been in compliance for 24 consecutive months from the date of the latest noncompliance. A \$25 cash bond required to be posted by a retailer who files on an annual basis shall be held by the department until the retailer terminates business or is required to file returns on a monthly or quarterly basis. (Authorized by K.S.A. 2001 Supp. 79-3618; implementing K.S.A. 79-3616; effective Aug. 23, 2002.)

92-19-55. (Authorized by K.S.A. 79-3618, implementing K.S.A. 1986 Supp. 79-3602, K.S.A. 1986 Supp. 79-3603 as amended by L. 1987, Ch. 182, Sec. 108, K.S.A. 1986 Supp. 79-3606 as amended by L. 1987, Ch. 292, Sec. 32, as further amended by L. 1987, Ch. 64, Sec. 1, effective May 1, 1988; revoked Aug. 23, 2002.)

92-19-55a. Leases and rentals of tangible personal property. (a) Definitions.

(1) "Lease" and "rental" shall mean an agreement, by whatever name, by which the right to use, but not title to, tangible personal property is transferred for a consideration for any period of time under a single agreement.

(2) "Financing lease" and "capital lease" shall mean a written contract that typically involves the lease of property for a stated period of time with ownership transferring to the lessee at the conclusion of the lease for a nominal or minimal payment. Under a financing or capital lease, the lessor generally accounts for the lease as a sale

(continued)

of the asset in return for a series of future payments, and the lessee generally accounts for the lease as an asset acquisition accompanied by a corresponding borrowing of funds.

(3) "Operating lease" and "true lease" shall mean a contract that gives the lessee use of the leased property for a consideration for the term of the lease with the intent that either the property will be returned to the lessor or the right to use the property will revert back to the lessor, at the conclusion of the lease. For purposes of sales and use taxes, a written contract that is structured as a lease shall be treated as an operating lease unless it meets the definition of a financing lease. All oral leases shall be treated as operating leases. Under an operating lease, the leased property is depreciated by the lessor, who recognizes the lease payments as income.

(4) "Lease-purchase" shall mean a written, capital-lease agreement with an option to purchase.

(5) "Leaseback" shall mean a transaction involving the sale of property and the seller's simultaneous lease of the property from the purchaser.

(6) "Lessor" shall mean a person who, for a consideration, transfers the right to possess and use property to another person under a lease.

(7) "Lessee" shall mean a person who acquires the right to possession and use of goods under a lease or rental agreement.

(8) "Fair rental charge" shall mean the amount that would be charged for the rental of the property in the open market for a similar period of time and at a similar place. The fair rental charge shall be presumed to be the rental charge that is displayed or published for customer use of the property.

(b) Rentals and operating leases.

(1) Generally. Pursuant to the Kansas retailers' sales tax act, each person who engages in the business of renting or leasing that person's tangible personal property to others for use shall register as a retailer and collect tax on its gross receipts. If tax is not collected on a taxable rental or lease, the tax, together with interest and penalty, may be collected by the department from either the lessor or the lessee.

(2) Time of incidence of tax on leases and rentals. A lease of tangible personal property shall be treated as a series of transactions in time units defined by the agreement of the parties. Each payment period for which a rental or lease charge is made shall be considered to be a complete sale for purposes of determining whether tax is required to be collected or paid. Except for rentals of 30 days or less or for the first lease payment period when possession is taken outside the state, the tax shall apply to the entire lease payment if the property acquired by a lease is within this state at any time during the lease payment period, regardless of where the lease was transacted or possession of the property taken. Because each lease period is viewed as a separate sale, a lease or rental by a registered retailer shall not qualify as an occasional sale. For a payment period that totals 30 days or less and that occurs immediately after possession of the property is taken, the situs of the sale shall be presumed to be the location of the retailer, whether in Kansas or outside the state.

(3) Computation of the tax. Sales tax shall be computed on the total amount of each lease payment charged to the lessee without any allowance for insurance, damage waiver fees, property taxes, maintenance, service, repair, pickup, delivery, and other handling charges, administrative charges, late fees, fuel charges, or other charges or expenses whether paid by the lessor or lessee. Any such charges or expenses shall be considered to be part of each lease payment regardless of whether the charges are segregated on the same bill or whether separate contracts are entered into for the lease or rental of the property and for the payment of these charges or expenses. Any payment for the cancellation of the lease shall be taxable as part of the final lease payment under the lease contract.

(4) Purchases of property for lease or rental.

(A) A lessor's purchases of tangible personal property solely to rent or lease shall be considered to be purchases for resale and may be purchased exempt from sales or use tax.

(B) Purchases by lessors who intend to use the property part of the time and to rent or lease the property the remainder of the time shall be taxable.

(C) If a lessor or other purchaser pays sales or use tax on tangible personal property when acquiring it for use, the payment shall not exempt subsequent rentals or leasing of the property from tax and shall not entitle the lessor to a credit for the taxes paid.

(5) Purchases of repair service and repair parts.

(A) A lessor's purchases of repair services and repair parts for incorporation into the tangible personal property that is held exclusively for rental or lease shall be considered to be purchases for resale and may be purchased exempt from sales or use tax. A lessor's purchase of items that are incorporated into property being rented or leased, including oil, filters, and lubricants, whether as part of the rental or lease agreement or as separately billed items on which tax is collected, shall also be included in this exemption.

(B) Purchases of repair services and repair parts shall not be exempt if the lessor uses the property part of the time and rents or leases the property the remainder of the time.

(6) Sale or use of property by the lessor.

(A) If tangible personal property that was purchased to be rented or leased is sold at retail, the lessor shall collect sales tax on the full selling price without regard to any tax that has been collected and remitted on receipts from the lease or rental of the property. These sales by a lessor shall not qualify as isolated or occasional sales, even if made when the business assets are being liquidated.

(B) If a lessor who maintains an inventory of untaxed tangible personal property for rental or leasing uses the property, the lessor shall accrue sales tax on the lessor's fair rental charge of the property, unless the lessor regularly accrues tax on the use of the property as provided in paragraph (7)(B).

(7) Furnishing equipment with an operator.

(A) The furnishing of equipment with an operator shall be considered a service and shall be taxed as such. Persons who purchase equipment with the intention of operating the equipment for others shall pay sales or use tax at the time the equipment is purchased.

(B) If a lessor who maintains an inventory of equipment for rental or leasing that was purchased exempt from tax furnishes the equipment with an operator, the lessor shall accrue sales tax on the lessor's fair rental charge of the equipment in addition to collecting and remitting any tax that is due on the services being provided.

(8) Attachment to real property.

(A) If a contract for the lease or rental of real property provides for the lease or rental of tangible personal property, including furniture or restaurant equipment, no sales tax shall be due on the amount charged the tenant for the lease or rental of the tangible personal property. A resale certificate shall not be issued, and sales or use tax shall be paid at the time the tangible personal property is purchased.

(B) The rental or lease of tangible personal property, including computers, typewriters, and word processors, when the lessee obtains constructive possession for a fixed period of time, shall be subject to sales tax even though the property is attached or affixed to real property, except when the property is furnished as part of a real property lease or rental as provided in paragraph (b)(8)(A).

(C) For purposes of determining the taxability of a rental or lease transaction that involves tangible property attached to realty, taxability shall be presumed if the property being leased or rented is considered "goods" pursuant to K.S.A. 84-2-107(2), and amendments thereto.

(9) In-state rental for out-of-state use.

(A) Except as provided in paragraph (b)(2) for rentals of 30 days or less, if property is rented or leased for use both within and outside Kansas, the lessee shall be subject to the sales tax for lease payment periods when the property is in Kansas.

(B) If a lessee leases tangible personal property from a Kansas lessor for the original purpose of using it outside this state, the initial lease payment shall be subject to Kansas sales tax if the property is delivered to the lessee in Kansas and immediately removed from Kansas and used outside this state. In these cases, the lessor's records shall clearly reflect the nature of the transaction. If the property is returned to Kansas, the receipts from use in Kansas shall be taxable. If the face amount of the lease is paid in a lump sum, the face amount shall be subject to Kansas sales tax regardless of its subsequent use outside the state.

(C) A person who leases tangible personal property for use both within and without Kansas may use another method of apportioning the receipts of the leasing activities if the method more accurately reflects the portion of time that the leased items are used within Kansas.

(10) Out-of-state rental for in-state use. Any lessor of tangible personal property whose place of business is outside this state and who leases or rents tangible personal property to Kansas customers for periods of more than 30 days shall be considered to be doing business in Kansas and shall register with the department and collect Kansas retailers' compensating tax on these transactions. Credit shall be allowed against any sales or use tax legally imposed and paid to another state for any lease payment periods when the equipment is in that state. Any out-of-state lessor who files a UCC security interest for property

that the company leases or rents for use in Kansas shall be presumed to be doing business in this state.

(11) Exemptions.

(A) If the gross receipts from the sale of tangible personal property are exempt from the sales or use tax, the gross receipts from the lease or rental of the property shall also be exempt.

(B) Receipts from leasing, renting, or licensing of films, audiotapes, videotapes, and electronic media for public exhibition at motion picture theaters or by licensed radio and television stations shall not be subject to tax.

(c) Capital leases and other financing transactions.

(1) Any transaction that is in the form of a lease, but is treated as a sale for federal income tax purposes, shall be treated as an installment sale for sales tax purposes. Sales tax shall be reported and remitted on such an installment sale in accordance with K.A.R. 92-19-3.

(2) Any transaction or series of transactions that is in the form of a lease, but is treated as a loan or financing transaction for federal income tax purposes, shall be treated as a loan or financing transaction for sales tax purposes. It shall be presumed that the transaction has not been treated as a loan or financing transaction for federal income tax purposes if the owner-lessor depreciates or claims any other income tax deduction, credit, or exemption with respect to the property. Periodic payments made under a transaction that is treated as a financing transaction shall not be subject to sales or use tax, since the initial acquisition of the property being financed by the owner-lessor is taxable.

(3) Sale and leaseback transactions.

(A) If a business that provides financing enters into a contract with a vendor and second company with the intention of purchasing property from the vendor that the financing business will take title to and lease to the second company, the transfer from the vendor to the financing business shall be subject to sales or use tax. The subsequent lease to the second company and the transfer of title to the second company at the end of the lease shall not be subject to tax.

(B) If a company that owns property on which all applicable sales and use taxes were paid enters into a sale-leaseback arrangement with a financial business for the sale and leaseback of the property, no sales tax shall apply to the transfer of title to the business or the subsequent lease to the company if the requirements of paragraph (c)(2) are met. (Authorized by K.S.A. 2001 Supp. 79-3618; implementing K.S.A. 2001 Supp. 79-3602, K.S.A. 2001 Supp. 79-3603 as amended by L. 2002, ch. 89, sec. 1 and by L. 2002, ch. 185, sec. 6, K.S.A. 79-3604, K.S.A. 2001 Supp. 79-3606; effective Aug. 23, 2002.)

92-19-61. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 79-3603 as amended by L. 1987, Ch. 182, Sec. 108, K.S.A. 79-3604; effective May 1, 1988; revoked Aug. 23, 2002.)

92-19-61a. Retailers' responsibility to collect sales tax; presumption of taxability. (a) Each retailer shall collect the tax imposed by the act from the retailer's customers. Each retailer who fails or refuses to collect tax that is

(continued)

lawfully due shall be liable for payment of the uncollected tax.

(b) A retailer shall not advertise, hold out, or otherwise state to the public or to any customer either of the following:

(1) The tax will be assumed, absorbed, or paid by the retailer for the customer.

(2) The tax will not be charged, or if the tax is charged and collected, the tax will be refunded.

These two requirements shall not prevent a retailer from billing tax as part of a tax-included charge, if proper notice is given to the customer or public as specified in subsection (d).

(c) Each retail sale shall be presumed to be taxable. If the director establishes that a transaction was a retail sale to a final user or consumer, the retailer shall have the burden to show that the tax was collected from the customer and remitted to the state or that an exemption certificate was secured from the customer that covers the transaction.

(d)(1) Whenever practical, each retailer shall add the tax as a separate line item to the selling price when billing the customers. The initial invoice, bill, charge ticket, sales slip, or other billing memorandum shall separately state the amount of the tax being charged or contain a written statement that tax is included in the price. If the initial billing memorandum fails to reflect tax as a separate line item or to state that tax is included in the price, it shall be presumed that tax was not charged to the customer or collected.

(2) Each retailer who makes large numbers of cash sales and desires to fix a sum for the selling price and applicable tax, including sporting event concessionaires, may charge customers a tax-included amount. The tax collected as part of a tax-included price shall be factored from the total receipts to arrive at the amount of gross receipts to report to the department.

(3) Each retailer who makes tax-included sales in which tax is an unspecified part of the customer charge shall conspicuously post a sign or notice that the customer charges are "sales tax included." Menus and any billing memorandum given to customers shall also include the statement "sales tax included" or indicate that the price being charged is a tax-included amount.

(4) "Factoring" shall mean the method used to determine the amount of the tax due when the tax has been collected as an unspecified part of the customer charge, including tax-included sales and sales made through vending machines and other coin-operated machines. To calculate gross receipts from a tax-included amount, the total amount of the tax-included receipts shall be divided by one plus the sum of state and local sale tax rates, stated as a decimal. The result of this calculation shall be the gross receipts that are reported on tax returns as the amount that is subject to state and local sales tax.

(e) Taxes collected by retailers shall be deemed to be held in trust until paid to the department. In addition, all funds paid by a customer to a retailer as taxes that exceed the taxes that are actually due shall be refunded to the consumer or, if the funds cannot be refunded, treated as public money that is held in trust for and payable to the state of Kansas.

(f) When billing the Kansas sales tax or use tax, an out-of-state retailer shall identify the tax being charged as Kansas tax, and not the tax of another state. (Authorized by K.S.A. 2001 Supp. 79-3618; implementing K.S.A. 79-3604, 79-3605; effective Aug. 23, 2002.)

92-19-82. Direct pay permits. (a)(1) "Certificate," as used in this regulation, shall mean a direct payment certificate issued by the department to a permit holder that explains direct pay authority to retailers and can be provided to retailers in lieu of a direct pay permit.

(2) "Department" shall mean the Kansas department of revenue.

(3) "Kansas sales and use tax laws" shall mean the following:

(A) Chapters 36 and 37 of article 79 of the Kansas statutes annotated, and amendments thereto;

(B) K.S.A. 12-187 *et seq.*, and amendments thereto; and

(C) articles 19, 20, and 21 of these regulations.

(4) "Permit" shall mean a direct payment permit issued by the secretary that, under K.S.A. 79-3619 and amendments thereto, allows the holder of the permit to accrue and pay state and local sales and use taxes directly to the department of revenue.

(5) "Secretary" shall mean the secretary of revenue or the designee of the secretary.

(b) Application for permit. Each application for a permit shall be submitted in writing to the secretary. The application shall contain the applicant's name, address, and sales and use tax account numbers, the location of the place or places of business for which direct payment of tax will be made, the business's standard industrial classification number or its equivalent, and any other information prescribed by the secretary.

(c) Qualification process and requirements.

(1) Each applicant for a permit shall demonstrate the applicant's ability to comply with the Kansas sales and use tax laws. The applicant shall provide a description of the applicant's accounting system and shall demonstrate that the system calculates the correct amount of state and local tax.

(2) The applicant shall provide documentation of at least one of the following:

(A) The applicant makes annual purchases of at least \$1 million of tangible personal property for business use and not for resale.

(B) The applicant purchases substantial amounts of property for business use under circumstances that normally make it difficult or impractical at the time of purchase to determine whether the property will be subject to or exempt from sales or use tax.

(3) The applicant shall provide a statement that explains the business purpose for the permit and demonstrates how the grant of direct payment authority will meet one or more of the following criteria:

(A) Insure tax compliance;

(B) reduce the administrative work needed to determine taxability, or to collect, verify, calculate, or remit tax;

(C) improve compliance with Kansas tax laws;

(D) provide accurate compliance if the determination of taxability of the item is difficult or impractical at the time of purchase;

(E) more accurately calculate tax using new or electronic business processes, including electronic data interchange, evaluated receipts settlement, and procurement cards; or

(F) more accurately determine and calculate tax, based on a showing that the applicant has significantly automated or centralized its purchasing or accounting processes and that the applicant's business activities require it to comply with the laws and regulations of multiple state and local jurisdictions.

(4) Within 90 days of the date the secretary receives the application, the applicant shall be notified by the secretary of whether the permit is granted or denied or whether a conference shall be scheduled because additional documentation is required to complete the review.

(d) Recordkeeping requirements. Each permit holder shall maintain records necessary to determine the correct tax liability. These records shall be made available upon request by the secretary pursuant to K.S.A. 79-3610 and K.S.A. 79-3611, and amendments thereto. Books and records shall be retained in accordance with K.S.A. 79-3609, and amendments thereto, and K.A.R. 92-19-4b.

(e) Tax reporting. Each permit holder shall accrue and pay tax directly to the department for all taxable transactions on which direct payment authority applies or is claimed by the permit holder. The tax shall be reported on forms prescribed by the department. The tax owed shall be due and payable on the next tax return due following the date on which a determination of taxability is made, or in the exercise of reasonable care should be made, for a given transaction, unless otherwise provided by written agreement between the taxpayer and the department.

(f) Certain transactions not permitted. A permit holder shall not use the permit in connection with the following purchases:

- (1) Taxable meals or beverages;
- (2) taxable lodging or services related to lodging;
- (3) admission to places of amusement, entertainment or athletic events, and charges for use of amusement devices;
- (4) memberships, dues, fees, or other similar charges paid to private and public clubs or other organizations;
- (5) taxable fees to participate in sports, games, and other recreational activities;
- (6) motor vehicles, aircraft, boats, and other tangible personal property required to be licensed or titled with any taxing authority;
- (7) telephone or telegraph services, subscriber television or radio services, telephone answering services, mobile phone services, beeper services, and other similar services;
- (8) real property construction services taxable under K.S.A. 79-3603, and amendments thereto; and
- (9) any other purchases prescribed by the secretary or agreed to by the permit holder and the secretary.

(g) Permit holder duties. The permit holder shall provide a copy of the permit or certificate to each vendor from whom the holder purchases tangible personal property or services, other than to those identified in subsection (f). Once presented, a permit holder shall not be required to pay the tax to the vendor as prescribed by the

Kansas sales and use tax laws, and the vendor who retains the permit or certificate as part of the vendor's records shall not be required to collect sales tax. The permit holder shall accrue and pay the tax directly to the department on all taxable transactions not taxed at the time of the sale. A vendor who has been presented a permit or certificate may rely on the permit or certificate until it is withdrawn by the permit holder or notice is otherwise given that the authority has been withdrawn. If the secretary and permit holder agree in writing, the permit holder may maintain accounting records in sufficient detail to show in summary, and in respect to each transaction, the amount of sales and use taxes paid to vendors who have been not been asked to honor a permit or certificate for each reporting period.

(h) Vendor responsibilities. Receipt and maintenance of a copy of a direct payment permit or certificate shall relieve the vendor of the responsibility to collect tax on sales made to a permit holder on qualifying transactions. Each vendor who makes sales upon which the tax is not collected because of this regulation shall maintain records that identify each sale, the amount of the sale, and the purchaser. The vendor's receipts from these sales shall not be subject to the tax levied under the Kansas sales and use tax laws.

(i) Local taxes. Each permit holder who makes taxable purchases of tangible personal property or services shall report and pay the applicable state and local tax on the purchases. A permit holder shall not use a permit as a device to defer payment of tax on purchases, or to avoid accruing and paying local sales tax to the appropriate local taxing jurisdiction pursuant to the local sales tax statutes.

(j) Revocation of permit.

(1) A direct payment permit shall not be transferable, and its use shall not be assigned to third parties, including contractors. A permit may be revoked by the secretary at any time if the secretary determines that the holder has not complied with the provisions of the law or that revocation is in the best interest of the department. The department's interests shall include increased audit expenses caused by permits, including larger staff, additional travel expenses, and adoption of new systems for tax reporting and auditing. The written notice of revocation shall be effective at the end of the direct payment permit holder's next reporting period.

(2) If a business is reorganized but ongoing business operations are unchanged, the new entity shall be allowed 120 days to apply for a new permit. During the 120-day period, the previous permit shall remain in effect.

(3) Each person whose permit is voluntarily forfeited or is revoked by the department shall return the permit to the department and shall immediately notify all vendors from whom purchases of taxable items are made, advising them that the permit and any certificates are no longer valid and should not be honored. Failure to give this notification shall be a violation of K.S.A. 79-3651(e) and amendments thereto. (Authorized by K.S.A. 2001 Supp. 79-3618; implementing K.S.A. 2001 Supp. 79-3619; effective Aug. 23, 2002.)

(continued)

Article 20.—COMPENSATING TAX

92-20-11. (Authorized by K.S.A. 79-3707; implementing K.S.A. 79-3702, 79-3704, K.S.A. 1986 Supp. 79-3703; effective, E-70-33, July 2, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1988; revoked Aug. 23, 2002.)

Stephen S. Richards
Secretary of Revenue

Doc. No. 028220

State of Kansas**State Conservation Commission****Permanent Administrative
Regulations****Article 1. — WATER RESOURCES
COST-SHARE PROGRAM**

11-1-6. Definitions. (a) "Applicant" means a landowner or legal agent applying for financial assistance to construct or apply conservation or pollution control practices.

(b) "Commission" means the state conservation commission.

(c) "District" means a conservation district that is a political subdivision of the state government with its own governing body of five elected supervisors created under K.S.A. 2-1901 et seq., and amendments thereto, as a special purpose district to develop and carry out soil and water conservation programs within its political boundaries.

(d) "Financial assistance" means financial incentives offered to eligible applicants on a cost-sharing basis to implement approved soil and water conservation and pollution control practices.

(e) "Landowner" means a private or public owner of land or group of persons owning land within the district or, if excepted by the commission, an adjacent district.

(f) "Practice" means a land treatment or management practice constructed or implemented to effect soil erosion control, pollution control, water conservation, and water supply.

(g) "Total maximum daily load" and "TMDL" mean state identification and prioritization of pollutants and specific water bodies with pollutant loadings allocated for specific water bodies and corresponding pollutant-reduction goals developed and strategies implemented.

(h) "Water resources cost-share program" and "WRCSP" mean a state-financed cost-share program providing financial assistance to landowners for the installation of conservation and water quality practices for the restoration and protection of Kansas water resources. (Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective, T-88-18, July 1, 1987; effective May 1, 1988; amended Aug. 23, 2002.)

11-1-7. Allocation of water resources cost-share program funding. (a) Appropriation for the water resources cost-share program may be used for financial assistance to construct conservation and water quality prac-

tices or to contract for technical expertise, with specific allocations for each recommended annually by the commission and approved by the governor and legislature.

(b) The allocation of WRCSP funds shall be made by the commission on or after July 1 to districts or other entities receiving funds.

(c) Appropriated funds for cost-share assistance shall be allocated to districts under three accounts:

(1) The district needs allocation (DNA) shall represent a portion of the total WRCSP appropriation and shall be allocated to all districts. The total amount of the appropriation dedicated to the DNA shall be recommended by the commission and shall be subject to approval by the governor and legislature. The DNA may be used for eligible conservation and water quality improvement practices as determined by the conservation districts. The approved DNA shall be allocated to districts based on the following criteria:

(A) Non-federal rural acres: one point for each 100,000 acres, with a maximum point total of eight;

(B) water quality: ranging from one point for districts in low sedimentation areas up to eight points for districts in high sedimentation areas; and

(C) water quantity: ranging from one point for districts in areas of high rainfall and significant surface water storage up to eight points for districts in areas of low rainfall, limited surface water storage, and depleting groundwater supplies.

(2) The water quality (WQ) or total maximum daily load (TMDL) allocation shall represent a portion of the balance of the appropriation remaining after the DNA is deducted. WQ or TMDL funds may be allocated by the commission to districts if the following requirements are met:

(A) The WQ allocation shall be used only in targeted areas identified by the state water plan and commission for eligible practices that address sedimentation, nutrient and pesticide runoff, and bacteria from livestock waste.

(B) The TMDL allocation shall be utilized in the identified watersheds for only those practices that address the impairment for which the TMDL was established.

(3) The annual irrigation initiative allocation (IIA) shall be made by the commission in accordance with the following criteria:

(A) The amount remaining after the DNA and WQ allocation are deducted;

(B) commission-developed targeting criteria based on irrigation water use in areas of major groundwater decline;

(C) state water plan priority areas;

(D) other priority areas with declining groundwater supplies as identified by the governor, legislature, agencies, groundwater management and conservation districts; and

(E) any other criteria determined by the commission to meet the water resource goals and objectives of the state. (Authorized by and implementing K.S.A. 2-1915; effective, T-88-18, July 1, 1987; effective May 1, 1988; amended Aug. 23, 2002.)

11-1-8. Conservation district program. Each participating district board of supervisors shall develop and

submit to the commission for approval, upon commission-prescribed forms, the district's fiscal year financial assistance program under the following provisions: (a) The district shall develop the program after receiving the state program forms and a list of eligible practices from the commission.

(b) Each participating district shall develop annual financial assistance prioritization criteria following commission guidelines, upon which the district shall base its considerations for cost-sharing.

(c) In the installation of any eligible practices, the landowner shall be solely responsible for assuring compliance with any applicable federal, state, or local laws, ordinances, and regulations. The landowner also shall be solely responsible for obtaining all permits, licenses, or other instruments of permission required before the installation of the proposed practice.

(d) Unless a special allowance is granted by the commission, the minimum standards of design, construction, operation, and maintenance specified in section IV of the "Kansas field office technical guide," as adopted by reference in K.A.R. 11-7-14 and the other standards adopted by the commission in K.A.R. 11-7-14 shall be the basis for determining the need and practicability of the proposed practice. Specifications for additional soil and water conservation and water quality pollution control practices not set forth in section IV of the "Kansas field office technical guide," and modifications to those included in the technical guide may be considered and authorized by the commission at the request of the district. Practice descriptions and specification information shall be on file in the district office.

(e) A responsible technician or a qualified representative of the district, as determined by the district board of supervisors, shall inspect the work in progress to determine that all specifications are met. Following each installation, the district shall certify to the commission that the practice was properly installed.

(f) Financial assistance levels set by the district shall not exceed 70% of the actual cost or the countywide average cost, whichever is less, and shall not change during the fiscal year unless a specific allowance is granted by the commission.

(g) The maximum amount of financial assistance allowed for each practice, except \$20,000 for livestock waste systems and irrigation systems, shall be \$10,000 unless exempted by the commission.

(h) Each district shall submit to the commission, in writing, all amendments to the district program for commission approval or disapproval. The only permissible amendments shall be the following:

(1) Changes in district representatives authorized to sign cost-share forms;

(2) the addition of conservation practices within the current year; and

(3) county average costs under exceptional circumstances. (Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective, T-88-18, July 1, 1987; effective May 1, 1988; amended Aug. 23, 2002.)

11-1-9. Financial assistance contract. (a) Each request for a financial assistance payment shall be submit-

ted to the district on forms prescribed by the commission. All requests submitted on commission-prescribed forms shall be considered for approval or disapproval by the district board of supervisors or its designee and duly recorded in the minutes of the regularly scheduled board meeting.

(b) Financial assistance requests shall be consistent with each district's current fiscal year program as approved by the commission, and all commission requirements and procedures shall be followed in the submittal of financial requests.

(c) The actual cost or county average cost, whichever is less, shall be used as a basis for determining financial assistance earned.

(d) (1) The applicant shall not begin construction until written approval of the submitted request is given by the commission to the district, unless the commission determines that an exception is warranted.

(2) If the applicant requests immediate approval, verbal approval may be given by the commission if either of the following conditions is met:

(A) The practice has been designed and surveyed, and the contractor or installer is at the site and ready to proceed with practice construction on the same day that the request is made.

(B) The commission will not receive the financial assistance request form before an uncommitted funds cancellation deadline.

(e) Partial payments shall not be awarded to an applicant approved for financial assistance, unless specifically granted by the commission, until the project is certified as complete and includes all components installed according to the design and installation requirements of the commission.

(f) Each contract shall be assigned by the commission an expiration date of 60 days following the date the contract is approved by the commission if the conservation district does not assign the expiration date.

(g) Districts may grant an extension of any length of time during the contract period but not beyond June 30.

(h) Contract cancellation and amendments of an approved contract shall be considered by the district for approval or disapproval and shall be duly recorded in the regularly scheduled board of supervisors' meeting minutes. If a cancellation or amendment is approved by the commission, the district shall retain one copy and forward one copy to the applicant or legal agent.

(i) Each applicant implementing a livestock waste control system funded from the water resources cost-share program shall ensure that the system meets the requirements specified in K.A.R. 11-7-14.

(j) The district shall submit the original of each completed and signed contract, on a commission-approved form, to the commission for approval or disapproval. (Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective Aug. 23, 2002.)

11-1-10. Cancellation of funds. (a) A status report of all active contracts and each district's uncommitted balance shall be prepared by the commission on or after June 1 and shall be provided to each district.

(continued)

(b) Cost-share funds uncommitted and not under contract at the close of business on June 30 shall become void.

(c) Cost-share funds under contract for practices on which construction has not begun by June 30 shall be individually evaluated by the commission and may be encumbered and continued for one or more years or may become void.

(d) Cost-share funds under contract for practices on which construction has not begun by June 30, due to inclement weather or other factors beyond the control of the applicant, shall be individually evaluated by the commission and may be encumbered and continued for one or more years.

(e) Cost-share funds under contract for practices on which construction has begun but has not been completed by June 30 may be encumbered and continued for one year.

(f) Encumbered contracts not completed within the year of encumbrance may expire and become void, if not extended by the commission.

(g) Any contract may be extended by the commission if the contract is determined by the commission to be highly significant in pollution reduction. (Authorized by and implementing K.S.A. 2-1915; effective Aug. 23, 2002.)

11-1-11. Contract between the landowner and the state conservation commission. (a) Each applicant for financial assistance shall sign a contract on the form or forms approved by the commission.

(b) The applicant shall agree to maintain the practice according to maintenance procedures prescribed by the commission for 10 years or the life of the practice, whichever is greater.

(c) If the financial assistance recipient fails to maintain the practice according to contract provisions, the recipient may be declared ineligible for future financial assistance funds. The financial assistance recipient may be required to repay financial assistance funds received on the following pro rata basis if the amount is more than \$100.00 and the recipient has constructed or installed the practice within the following time limits:

- (1) Five or fewer years: 100%;
 - (2) more than five years but six or fewer years: 80%;
 - (3) more than six years but seven or fewer years: 60%;
 - (4) more than seven years but eight or fewer years: 40%;
 - (5) more than eight years but nine or fewer years: 20%;
- and

(6) more than nine years but 10 or fewer years: 10%.

(d) Each recipient of state financial assistance for any pollution control practice shall be responsible for proper operation and maintenance and, if needed, modification of the facility or any other actions to ensure satisfactory operation and continued pollution control, at the recipient's expense.

(e) Each financial assistance recipient shall obtain a written agreement to transfer the maintenance responsibilities specified in the event of new ownership of the property where the practice was installed.

(f) If a recipient of financial assistance is determined by the commission to be in noncompliance with the requirements of the contract for financial assistance, upon notice by the district, the recipient shall bring the property into

compliance within the time specified by the commission, or the repayment provisions of the application contract outlined in subsection (c) above shall apply.

(g) The provisions of the financial assistance application contract shall not apply to a recipient of financial assistance if the recipient's failure to comply is due to any of the following:

- (1) Natural disasters;
- (2) faulty design or construction, as determined by the commission; or
- (3) any other situation beyond the control of the financial recipient. (Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective Aug. 23, 2002.)

11-1-12. Special projects. (a) Funds may be withheld by the commission from the annual appropriation, and funds released by the districts may be reserved by the commission for the purpose of cost-sharing or contributing to special projects that the commission considers necessary and of high priority for the abatement of soil erosion and water pollution, and for conservation of water resources.

(b) (1) Authority shall rest with the commission to fund special projects for the purpose of testing, development, implementation, and demonstration of new cost-share practices appropriate for future soil and water conservation and water quality needs.

(2) Special projects may be funded by the commission from annual appropriations if the projects are determined to be essential to increasing the effectiveness and efficiency of the cost-share program.

(c) Special projects shall be conducted for a specified period of time and in a limited area as determined by the commission. (Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective Aug. 23, 2002.)

11-1-13. Irrigation funding procedures. (a) Eligible applicants shall include the following:

- (1) Landowners; and
- (2) tenants or operators granted authority by landowners through power of attorney.

(b) If cost-share funds are utilized to convert nonirrigated land, which is also known as land with no water right, an equal amount of previously irrigated land shall be taken out of irrigated production, unless an exception is granted by the commission.

(c) Before project approval, the applicant shall provide the district with verification of the following:

- (1) The allowable pump rate;
- (2) the location and the amount of the land authorized for irrigation; and
- (3) a valid water right in good standing.

(d) Each approved applicant for irrigation practice financial assistance shall review and sign a conservation plan of operations (CPO) and an irrigation development plan prepared by the natural resources conservation service. Failure to implement the requirements of the CPO due to neglect by the irrigator may result in payback of cost-share funds by the recipient according to the guidelines specified in K.A.R. 11-1-11.

(e) Each application for financial assistance for irrigation practices shall meet eligibility requirements based on the estimated cost of potential water savings. Potential water savings shall be determined using table KS6-1 of the natural resource conservation service's "irrigation guide," as in effect January 2002 and hereby adopted by reference. (Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective Aug. 23, 2002.)

11-1-14. Petition for reconsideration. (a) A landowner who has been denied cost-share funding may request a reconsideration of a district decision by filing a petition for reconsideration.

(b) The petition for reconsideration shall be submitted in writing to the commission within 30 days of the decision and shall state why the decision of the district should be reviewed and why the decision should be modified or reversed.

(c) The petition shall be reviewed by the commission during the next scheduled commission meeting. Whether the decision should be affirmed, modified, or reversed shall be determined by the commission. The final decision shall state the reason or reasons for this determination. (Authorized by K.S.A. 2-1904; implementing K.S.A. 2-1915; effective Aug. 23, 2002.)

Article 2.—HIGH PRIORITY COST-SHARE PROGRAM

11-2-4 through 11-2-6. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-88-18, July 1, 1987; effective May 1, 1998; revoked Aug. 23, 2002.)

Article 5.—COST-SHARING FOR LAND TREATMENT ABOVE MULTIPURPOSE SMALL LAKE PROJECTS

11-5-1 through 11-5-4. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 8; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; revoked Aug. 23, 2002.)

Article 7.—NON-POINT SOURCE POLLUTION CONTROL FUND

11-7-6. Contract funds. (a) The state contract shall provide for the distribution of non-point source pollution technical assistance, information, and education or non-financial assistance funds.

(b) A one-time advance of the annual allocation of either technical assistance or and information and education funds, or both, shall be paid to each district by the commission after July 1, upon receipt of the signed contract.

(c) The amount allocated shall be a supplement to each district's uncommitted balance retained on June 30, to equal the current fiscal year allocation.

(d) Uncommitted funds held by each district on June 30 shall remain in each district account and shall be deducted from the next fiscal year's annual advance if the contract is extended.

(e) If the contract is not extended or if uncommitted funds exceed the next fiscal year's allocation, the uncommitted funds shall be returned to the commission by the district within 10 days after the expiration of the contract or receipt of the next fiscal year's allocation.

(f) The district may employ a water quality coordinator to provide technical assistance. This coordinator shall be an employee of the district and shall be supervised by that district's board of supervisors or its designee.

(g) The technical assistance allocation shall be used solely for salaries, wages, and benefits as prescribed by the commission for the employment of any conservation district employee or employees, based on staff hours directly related to the implementation of the program, with funds accounted for on forms prescribed by the commission.

(h) The information and education allocation shall be used to fund activities that support implementation of the district non-point source pollution management plan and project work plans and shall be accounted for on forms prescribed by the commission and submitted to the commission by the requested date.

(i) Any district purchase, using state contract funds, of equipment exceeding \$500.00 in value shall be the property of the commission for five years or the life of the equipment, whichever is less, and shall require advance purchase approval of the commission. After five years, the equipment shall become the property of the conservation district.

(j) Transfers of either technical assistance or information and education funds to a district's financial assistance account may be allowed for reasons determined to be valid by the commission.

(k) Supplemental allocations to districts may be made by the commission for information and education projects.

(l) Each district shall follow the operations fund guidelines in K.S.A. 2-1907b, and amendments thereto, in its expenditure of state contract funds. (Authorized by and implementing K.S.A. 2-1915, 2-1904 and 82a-951; effective May 21, 1990; amended Dec. 27, 1999; amended Aug. 23, 2002.)

11-7-7. Conservation district program. Each participating conservation district board of supervisors shall develop and submit to the commission for approval, using commission-prescribed forms, the district's fiscal year financial assistance program under the following provisions: (a) The district may develop the program after receiving the state program forms from the commission.

(b) The district shall select the non-point source pollution control practices from those identified in the project work plans that will best address pollution prevention and improvement.

(c) The district shall implement its adopted program policies upon approval by the commission.

(d) The financial assistance applicant shall follow the minimum standards of design, construction, operation, and maintenance as outlined in K.A.R. 11-7-12, 11-7-13, and 11-7-14.

(e) Financial assistance levels set by the conservation district shall not exceed 70% for private ownership and

(continued)

50% for public entities and shall not change during the fiscal year unless a specific allowance is granted by the commission.

(f) The maximum amount of financial assistance allowed for each practice shall not exceed \$10,000. However, the maximum amount of financial assistance allowed shall be \$1,000 for abandoned water well plugging and \$20,000 for livestock waste systems. The amounts specified in this subsection shall apply, unless exempted for reasons prescribed by the commission.

(g) Each district shall develop financial assistance prioritization criteria following commission guidelines and requirements in the funding of financial assistance contracts.

(h) Amendments to the district program shall be submitted, in writing, by the district to the commission and may be approved following commission-prescribed guidelines.

(i) Approval shall be obtained from the state historical preservation office before any expenditure of state funds on practices that impact national or state historic sites or other cultural resource areas. (Authorized by and implementing K.S.A. 2-1904, 2-1915 and 82a-951; effective May 21, 1990; amended Dec. 27, 1999; amended Aug. 23, 2002.)

11-7-12. On-site wastewater system. (a) The minimum standards established by the KDHE for design and construction of on-site wastewater systems outlined in KDHE bulletin 4-2, as in effect in March 1997, and the "environmental health handbook," written by the KDHE, Kansas state university cooperative extension service, and Kansas association of sanitarians and as in effect on January 1, 1999, are hereby adopted by reference. These minimum standards shall be superseded only by local ordinances requiring more stringent standards of design and construction.

(b) The standard for on-site waste system operation and maintenance outlined in Kansas state university cooperative extension publications MF-947, dated August 1998, and MF-2290, dated October 1997, shall be followed for all state financially assisted on-site wastewater projects and are hereby adopted by reference.

(c) Each on-site wastewater system shall be designed, inspected, and certified as complete by a local official according to locally adopted sanitary or environmental codes approved by KDHE and state design and permitting standards, before any state financial assistance payment is made.

(d) Only existing systems determined to be failing by the local county official or a KDHE representative shall be eligible for state financial assistance.

(e) Each district shall establish and apply applicant prioritization based on non-point source pollution water quality benefit criteria for all state financially assisted on-site wastewater systems.

(f) An alternative on-site wastewater treatment system that is other than a conventional soil absorption field or pond and that is authorized by the local health official and the commission shall be eligible for financial assistance if the lowest cost treatment system cost-share calculation is used.

(g) State financial assistance for an applicant for an on-site wastewater system shall not be available if the local

health official reports the applicant to the county attorney for enforcement action under locally adopted ordinances. (Authorized by and implementing K.S.A. 2-1904, 2-1915 and 82a-951; effective Dec. 27, 1999; amended Aug. 23, 2002.)

11-7-13. Abandoned water well plugging. (a) Any individual plugging abandoned water wells to control non-point source pollution and receiving state financial assistance shall follow KDHE rules and regulations.

(b) Financial assistance for abandoned water well plugging shall not exceed \$1,000 for each well. However, an exception to the \$1,000 limit may be granted by the commission when circumstances warrant.

The procedures and minimum standards for plugging abandoned wells outlined in Kansas state university cooperative extension publication "plugging abandoned wells," MF-935 (revised), as published January 1998 and hereby adopted by reference, shall be superseded only by more stringent local ordinances.

(c) All plugged abandoned wells shall be registered with the KDHE before financial assistance is paid. (Authorized by and implementing K.S.A. 2-1904, 2-1915 and 82a-951; effective Dec. 27, 1999; amended Aug. 23, 2002.)

11-7-14. Livestock waste control systems. (a) Only minimum pollution control measures shall be eligible for financial assistance.

(b) Expansion costs of a livestock waste control system requiring a design that accommodates more animal units than currently exist shall not be eligible for financial assistance unless the commission determines that an exception is warranted.

(c) Applicants relocating a confined feeding facility and receiving financial assistance shall be required to perform the following:

(1) Clean and properly dispose of waste from the existing facility;

(2) remove interior fencing and feeding facilities to render the site incapable of the confined feeding of animals; and

(3) plant vegetation at the abandoned facility that maximizes nutrient uptake as approved by the district.

(d) Financial assistance shall not be available for livestock waste control facilities over 999 animal units unless the commission determines that an exception is warranted.

(e) Sewage discharge from a home site shall not be deposited in a livestock waste facility of any type.

(f) A new livestock waste control facility that does not replace or modify an existing livestock waste control facility or confined feeding facility shall not be eligible for financial assistance.

(g) Partial payments shall not be available for livestock waste control systems, with the exception of grass seeding within the appropriate seeding dates.

(h) Only livestock waste systems approved by the KDHE and designed and certified as complete by a Kansas licensed professional engineer shall be eligible for state financial assistance. Exceptions may be granted by the commission for Kansas state university cooperative extension service designs approved by the KDHE for demonstration purposes.

(i) Confined animal feeding operators who incur court action for noncompliance with KDHE confined animal feeding operation regulations shall not be eligible for state financial assistance.

(j) The following minimum standards of design, construction, and operation of state financially assisted livestock waste management systems are hereby adopted by reference:

(1) "Animal and related waste control," K.A.R. 28-18-1 through 28-18-15 and K.A.R. 28-18a-1 through 28-18a-32, effective Jan. 15, 1999; and

(2) section IV of the "Kansas field office technical guide," as in effect on January 1, 2002, and the "agricultural waste management field handbook," as in effect on January 1, 2002, published by the United States department of agriculture, natural resources conservation service, formerly known as the soil conservation service. (Authorized by and implementing K.S.A. 2-1904, 2-1915 and 82a-951; effective Dec. 27, 1999; amended Aug. 23, 2002.)

11-7-15. Petition for reconsideration. (a) A landowner who has been denied cost-share funding may appeal an adverse decision of the district by filing a petition for reconsideration.

(b) The petition for reconsideration shall be submitted in writing to the commission within 30 days after the decision and shall state why the decision of the district should be reviewed and why the decision should be modified or reversed.

(c) The petition shall be reviewed by the commission during the next scheduled commission meeting. Whether the decision should be affirmed, modified, or reversed shall be determined by the commission. The final decision shall state the reason or reasons for this determination. (Authorized by K.S.A. 2-1904; implementing K.S.A. 2-1915; effective Dec. 27, 1999; amended Aug. 23, 2002.)

11-7-16. Special projects. (a) Funds may be withheld by the commission from the annual appropriation, and funds released by the districts may be reserved by the commission for the purpose of contributing to special projects that the commission considers necessary and important for the abatement of non-point source pollution.

(b) (1) Authority shall rest with the commission to fund special projects for the purpose of testing, development, implementation, and demonstration of new cost-share practices appropriate for water quality protection and restoration.

(2) Special projects may be funded by the commission from annual appropriations if the projects are determined to be necessary to increase the effectiveness and efficiency of the cost-share program.

(3) Special projects shall be conducted for a specified period of time and in a limited area as determined by the commission. (Authorized by and implementing K.S.A. 2-1904, 2-1915 and 82a-951; effective Aug. 23, 2002.)

Article 9.—KANSAS WATER QUALITY BUFFER INITIATIVE

11-9-2. Eligible areas. All land within a TMDL high priority area or a designated priority area within the state of Kansas as determined by the commission shall be eli-

gible for the initiative. (Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective Feb. 5, 1999; amended Aug. 23, 2002.)

11-9-5. Annual payments. (a) Payments shall be made on an annual basis coinciding with federal payments for the purpose of providing an incentive to enroll in the CRP for 10 to 15 years.

(b) Incentive payments shall not exceed the following:

(1) 30% of the total federal payment, excluding the maintenance fee for the establishment of filter strips; or

(2) 50% of the total federal payment, excluding the maintenance fee for the establishment of riparian forest buffers.

(c) All acres determined to be in an unfarmable field shall be eligible for the state incentive if the applicant agrees to establish and maintain permanent vegetative cover for the duration of the continuous CRP contract.

(d) The total state and federal payment shall not exceed \$150.00 per acre unless an exception is granted by the commission. (Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective Feb. 5, 1999; amended Aug. 23, 2002.)

11-9-10. Petition for reconsideration. (a) A landowner who has been denied cost-share funding may request a reconsideration of a district decision by filing a petition for reconsideration.

(b) The petition for reconsideration shall be submitted in writing to the commission within 30 days of the decision and shall state why the decision of the district should be reviewed and why the decision should be modified or reversed.

(c) The petition shall be reviewed by the commission during the next scheduled commission meeting. Whether the decision should be affirmed, modified, or reversed shall be determined by the commission. The final decision shall state the reason or reasons for this determination. (Authorized by and implementing K.S.A. 2-1915; effective Feb. 5, 1999; amended Aug. 23, 2002.)

Article 10.—WATER RIGHTS PURCHASE PROGRAM

11-10-1. Definitions. (a) "Program" means water rights purchase program.

(b) "Commission" means the state conservation commission.

(c) "Director" means the executive director of the state conservation commission.

(d) "Local entity" means a local subdivision of state government.

(e) "Eligible water right" shall mean all of the following:

(1) A water right that has been certified as being in an area in need of aquifer restoration or stream recovery pursuant to K.S.A. 2-1919, and amendments thereto, and located in a priority area identified for water right purchase;

(2) a water right that, when placed in the custodial care of the state, yields a positive impact on the aquifer or stream targeted for restoration or recovery; and

(3) a water right meeting the criteria established in K.S.A. 2-1915, and amendments thereto.

(continued)

(f) "Active water right" means a water right for which water has been lawfully applied to the authorized beneficial use. This water right shall have been used within a specified time period during the calendar years 1996 through 2000 or any succeeding consecutive five-year time period. Active water rights that have been placed in the water rights conservation program in accordance with K.A.R. 5-7-4 or active water rights appurtenant to land placed in the conservation reserve program in accordance with K.A.R. 5-7-4a shall also be considered to be active water rights while in the program.

(g) "Partial water right" means a portion of a water right that has been split up by a division agreement by the owner. The total quantity of the divided water rights shall not be greater than 70 percent of the original appropriated quantity that was divided. (Authorized by and implementing K.S.A. 2-1915, K.S.A. 2-1919; effective Aug. 23, 2002.)

11-10-2. Application. (a) A local entity may apply for assistance to purchase water rights by submitting the form prescribed by the commission.

(b) Applications shall be submitted to the commission by July 1 to be considered for the next state fiscal year's budget cycle. (Authorized by and implementing K.S.A. 2-1915, K.S.A. 2-1919; effective Aug. 23, 2002.)

11-10-3. Priority areas. Applications shall address only priority areas identified for the program by the Kansas water plan or Kansas water authority. (Authorized by and implementing K.S.A. 2-1915, K.S.A. 2-1919; effective Aug. 23, 2002.)

11-10-4. Procedures. (a) Each local entity shall designate a period in which to accept offers from eligible water right holders.

(b) The minimum period to accept offers shall be two weeks.

(c) The local entity shall notify all water right holders located in the priority area of the local entity's intent to purchase water rights and of the procedures to be followed in making an offer.

(d) This notification of intent to purchase water rights shall be published once each week for two consecutive weeks in a newspaper of general circulation in each of the counties encompassing the priority area. Both publications shall occur prior to the close of the offer acceptance period.

(e) Each water right holder wanting to make an offer shall submit the offer to the local entity in a sealed envelope, which shall be opened by the local entity at the close of the offer acceptance period.

(f) The local entity shall determine the water right or rights that the entity wishes to purchase by ranking each water right according to at least one of the following:

(1) The water right having the most beneficial impact on stream recovery or aquifer restoration within the identified priority area; or

(2) the lowest offer per acre-foot of water contained on the water right.

(g) The local entity shall submit, for commission review, the water right or rights proposed for purchase on forms provided by the commission.

(h) Upon favorable review by the commission, the local entity shall submit to the commission the water right or rights selected for purchase on forms prescribed by the commission.

(i) The local entity or the commission shall have the right to reject any water right purchase offer. (Authorized by and implementing K.S.A. 2-1915, as amended by L. 2002, ch. 37, sec. 3, and K.S.A. 2-1919; effective Aug. 23, 2002.)

11-10-5. Payment. (a) After the water right holder agrees to the purchase terms established by the local entity and the commission, payment shall be made by the commission to the local entity for the purchase of the eligible water rights.

(b) The terms of the water right purchase shall be identified on forms provided by the commission.

(c) The maximum amount paid by the commission for a water right authorized for irrigation shall be calculated as follows:

(1) The average per-acre difference between irrigated cropland and dryland cropland values shall be determined by the director for the county in which the water right is located, for the three years preceding the year in which the water right is to be purchased. This determination shall be made based on information available from the Kansas department of revenue, Kansas agricultural statistics, county appraisers, and any other sources of data that the director considers appropriate.

(2) The value determined in paragraph (c) (1) above shall be divided by the appropriate county value contained in K.A.R. 5-3-24.

(3) The value determined in paragraph (c) (2) above shall be multiplied by the authorized acre-foot quantity.

(4) The value determined in paragraph (c) (3) above shall be multiplied by 80 percent.

(d) The maximum payment for water rights authorized for beneficial uses other than irrigation shall be determined by the director. (Authorized by and implementing K.S.A. 2-1915, as amended by L. 2002, ch. 37, sec. 3, and K.S.A. 2-1919; effective Aug. 23, 2002.)

11-10-6. Petition for reconsideration. (a) A water right holder or local entity may appeal any decision of the commission by filing a petition for reconsideration.

(b) The petition for reconsideration shall be submitted in writing to the commission within 30 days of the decision and shall state why the decision of the commission should be reviewed and why the decision should be modified or reversed.

(c) The petition for reconsideration shall be reviewed by the commission during the next scheduled commission meeting. Whether the decision should be affirmed, modified, or reversed shall be determined by the commission. The final decision shall state the reason or reasons for this determination. (Authorized by and implementing K.S.A. 2-1915, as amended by L. 2002, ch. 37, sec. 3, and K.S.A. 2-1919; effective Aug. 23, 2002.)

Tracy D. Streeter
Executive Director

Doc. No. 028230

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
RegulationsArticle 19.—AMBIENT AIR QUALITY STANDARDS
AND AIR POLLUTION CONTROL

28-19-75. This revocation shall be effective on and after September 1, 2002. (Authorized by and implementing K.S.A. 65-3005, 65-3010; effective May 1, 1987; amended, T-88-55, Dec. 16, 1987; amended May 1, 1988; revoked Sept. 1, 2002.)

28-19-714. Solvent metal cleaning. (a) The provisions of this regulation shall apply to cold cleaning, open-top vapor degreasing, and conveyORIZED degreasing operations located in Johnson and Wyandotte counties, and to the sale of cold cleaner solvents for use within either Johnson or Wyandotte county, or both.

(b) Definitions. The following terms, when used in this regulation, shall have the following meanings:

(1) "Airless cleaning system" means a degreasing system that operates automatically and that seals at a differential pressure not greater than 0.475 pounds per square inch gauge (psig) before the introduction of solvent vapor into the cleaning chamber and maintains a differential pressure under vacuum during all cleaning and drying cycles.

(2) "Airtight cleaning system" means a degreasing system that is operated automatically and that seals at a differential pressure not greater than 0.5 psig during all cleaning and drying cycles.

(3) "Aqueous solvent" means a solvent that consists of 60 percent or more by volume of water with a flashpoint greater than 199° Fahrenheit (F) and that is miscible with water.

(4) "Electronic component" means any portion of an electronic assembly, including circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, grounded wires, bus bars, and associated electronic component manufacturing equipment, including screens and filters.

(5) "Medical device" means any instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar article, including any component or accessory that meets one of the following conditions:

(A) It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease.

(B) It is intended to affect the structure or any function of the body.

(C) It is defined in the "national formulary" or the "United States pharmacopoeia," or any supplement to them.

(c) Except as specified in paragraph (c)(13) of this regulation, the owner or operator of each affected cold cleaning operation shall assure that the following requirements are met.

(1) After August 31, 2002 and through April 30, 2003, one of the following requirements shall be met:

(A) Except as otherwise required in paragraph (c)(1)(B), only cold cleaning solvents with a vapor pressure less than 2.0 millimeters of mercury (mm Hg) at 68°F shall be used.

(B) Only cold cleaning solvents with a vapor pressure less than 7.0 mm Hg at 68°F shall be used for each cold cleaning operation that is used for cleaning carburetors.

(2) Beginning on May 1, 2003, one of the following requirements shall be met:

(A) Except as otherwise required in paragraph (c)(2)(B), only cold cleaning solvents with a vapor pressure less than 1.0 mm Hg at 68°F shall be used.

(B) Only cold cleaning solvents with a vapor pressure less than 5.0 mm Hg at 68°F shall be used for each cold cleaning operation that is used for cleaning carburetors.

(3) An alternate method for reducing cold cleaning emissions may be used if the owner or operator demonstrates to the satisfaction of the department that the level of emission control is equivalent to or greater than the applicable requirements in paragraphs (c)(1) and (c)(2).

(4) Each cold solvent cleaner shall be equipped with a cover to minimize evaporation of the solvent while in the closed position, or with an enclosed reservoir to limit the escape of solvent vapors from the solvent bath if parts are not being processed in the cleaner.

(5) If one or more of the following conditions exist, the solvent cleaner cover required in paragraph (c)(4) shall be designed to be operated with one hand so that minimal displacement of the solvent vapors occurs:

(A) The solvent vapor pressure is greater than 15.5 mm Hg when measured at 100°F.

(B) The solvent is agitated.

(C) The solvent is heated.

For solvent cleaner covers larger than 10 square feet, either mechanical or power-assisted systems shall be used to aid in the operation of the cover.

(6) The cover of the cold solvent cleaner shall be closed whenever parts are not being handled in the cleaner.

(7) Each cold solvent cleaner shall be equipped with either of the following:

(A) An internal drainage facility that enables the cleaned parts to be enclosed under the cover while the cleaned parts are draining; or

(B) If the internal drainage facility cannot fit into the cleaning system and the solvent volatility is less than 31.0 mm Hg at 100°F, an external drainage system that allows the solvent to drain from the cleaned parts to an enclosed solvent reservoir.

(8) Cleaned parts shall be drained for at least 15 seconds or until dripping ceases.

(9) One of the following control methods shall be applied if the solvent vapor pressure is greater than 31.0 mm Hg measured at 100°F or if the solvent is heated above 120°F:

(A) Maintaining a freeboard height that gives a freeboard ratio greater than or equal to 0.75;

(B) using a water cover for solvents that are insoluble in, and heavier than, water; or

(C) using other systems of control, including a refrigerated chiller or carbon adsorption with a VOC emissions

(continued)

reduction efficiency demonstrated to the satisfaction of the department to be 65 percent or greater.

(10) A permanent, conspicuous label shall be attached to the cleaner near the operator's position summarizing the operating requirements of the equipment.

(11) Waste solvent shall be stored in covered containers and shall not be disposed of or transferred to another party in a manner that allows waste solvent to evaporate into the atmosphere.

(12) If a solvent spray is used, the spray shall be a solid fluid stream with an operating pressure of 10 psig or less and shall not be an atomized or shower-type spray.

(13) The following activities and uses shall be exempt from the provisions of paragraphs (c)(1), (c)(2), and (c)(3):

(A) Janitorial and institutional cleaning;

(B) the cleaning of electronic components;

(C) cold solvent cleaning operations that meet the emission control requirements of K.A.R. 28-19-63, 28-19-71, 28-19-73, or 28-19-76;

(D) cold solvent cleaners using aqueous solvents;

(E) cold solvent cleaners using solvents regulated under any federal national emission standard for hazardous air pollutants according to K.A.R. 28-19-735 and K.A.R. 28-19-750;

(F) any cold solvent cleaner with a liquid surface area of one square foot or less or with a maximum capacity of one gallon or less;

(G) the cleaning of medical devices;

(H) airtight or airless cleaning systems, if all of the following requirements are met:

(i) The equipment shall be operated in accordance with the manufacturer's specifications and operated with a door or other pressure-sealing apparatus that is in place during all cleaning and drying cycles;

(ii) all waste solvents shall be stored in properly identified and sealed containers and, if applicable, shall be managed in compliance with article 31 of these regulations, the Kansas hazardous waste management standards and regulations. The associated pressure relief devices shall not allow liquid solvents to drain out;

(iii) spills that occur during solvent transfer shall be cleaned up immediately and, if applicable, shall be managed in compliance with article 31 of these regulations, the Kansas hazardous waste management standards and regulations. The used absorbent material shall be stored in closed containers; and

(iv) a differential pressure gauge shall be installed to indicate the sealed chamber pressure; and

(I) paint spray gun and nozzle cleaning if the cold solvent cleaner container or container system does not exceed 16 gallons in size and is kept tightly covered at all times except when access to the container is required.

(d) Except as specified in paragraph (d)(5) of this regulation, the suppliers of cold cleaning solvents for use in affected cold cleaners located in Johnson and Wyandotte counties shall meet the following requirements.

(1) Except as required in paragraph (d)(2), after August 31, 2002 and through April 30, 2003, each supplier of cold cleaning solvents shall sell or offer for sale only cold cleaning solvents with a vapor pressure less than 2.0 mm Hg at 68°F.

(2) After August 31, 2002 and through April 30, 2003, each supplier of cold cleaning solvents shall sell or offer for sale for the purpose of carburetor cleaning only cold cleaning solvents with a vapor pressure less than 7.0 mm Hg at 68°F.

(3) Except as required in paragraph (d)(4), beginning on May 1, 2003, each supplier of cold cleaning solvents shall sell or offer for sale only cold cleaning solvents with a vapor pressure less than 1.0 mm Hg at 68°F.

(4) Beginning on May 1, 2003, each supplier of cold cleaning solvents shall sell or offer for sale for the purpose of carburetor cleaning only cold cleaning solvents with a vapor pressure less than 5.0 mm Hg at 68°F.

(5) Sales of cold cleaning solvents in quantities of five gallons or less shall be exempt from the requirements of paragraphs (d)(1), (d)(2), (d)(3), and (d)(4).

(e) The owner or operator of an open-top vapor degreaser shall assure that all of the following requirements are met:

(1) The vapor degreaser shall be equipped with a cover that can be opened and closed easily without disturbing the vapor zone.

(2) The following safety switches and devices shall be provided:

(A) A condenser coolant flow and high level thermostat switch that shuts off the pump heat if the condenser coolant either is not circulating or is too warm;

(B) a spray safety switch that shuts off the spray pump if the vapor level drops more than four inches;

(C) a solvent level control;

(D) a sump thermostat; and

(E) a vapor level control thermostat that shuts off the pump heat when the vapor level rises above the recommended level.

(3) One of the following devices or systems shall be provided to control VOC emissions:

(A) A powered cover, if the freeboard ratio is greater than or equal to 0.75 and the degreaser opening is greater than 10.75 square feet;

(B) a refrigerated chiller;

(C) an enclosed design in which the cover or door opens only when the dry part is actually entering or exiting the degreaser;

(D) a carbon adsorption system, providing ventilation greater than or equal to 50 cubic feet per minute per square foot of degreaser opening during degreaser operation and exhausting less than 25 parts per million by volume of solvent when averaged over one complete adsorption cycle; or

(E) a vapor processing system, demonstrated to the satisfaction of the department to have an overall emissions control reduction efficiency of 65 percent or greater.

(4) The cover shall be kept closed at all times except when processing workloads through the degreaser.

(5) Solvent carryout shall be minimized by all of the following practices:

(A) Racking parts to allow complete drainage;

(B) moving parts in and out of the degreaser at less than 11 feet per minute;

(C) holding the parts in the vapor zone at least 30 seconds or until condensation ceases;

(D) draining any pools of solvent on the cleaned parts before removal from the vapor zone; and

(E) allowing parts to dry within the degreaser for at least 15 seconds or until visually dry.

(6) Porous or absorbent materials, including cloth, leather, wood, and rope, shall not be degreased.

(7) More than half of the degreaser's open-top area shall not be occupied with workload.

(8) The degreaser shall not be loaded to the point at which the solvent level would drop more than four inches when the workload is removed from the vapor zone.

(9) Spray shall always be below the vapor level.

(10) Solvent leaks shall be repaired immediately, or the degreaser shall be shut down until repairs are made.

(11) Waste solvent shall be stored in covered containers, and waste solvent shall not be disposed of or transferred to another party in a manner allowing the waste solvent to evaporate into the atmosphere.

(12) The cleaner shall not be operated so as to allow water to be visually detectable in solvent exiting the water separator.

(13) Ventilation fans shall not be used near the degreaser opening, nor shall exhaust ventilation exceed 65 cubic feet per minute per square foot of degreaser open area, unless necessary to meet OSHA regulations.

(14) A permanent, conspicuous label summarizing the operating procedures described in paragraphs (e)(4) through (e)(12) of this regulation shall be attached to the cleaner near the operator's position.

(f) Except as specified in paragraph (f)(12) of this regulation, the owner or operator of each conveyORIZED degreaser shall assure that all of the following requirements are met:

(1) Workplace fans shall not be used near the degreaser opening, nor shall exhaust ventilation exceed 65 cubic feet per minute per square foot of degreaser opening, unless the owner or operator documents that this ventilation is necessary to meet OSHA regulations.

(2) One of the following control devices or systems shall be installed:

(A) A refrigerated chiller;

(B) a carbon adsorption system, providing ventilation greater than or equal to 50 cubic feet per minute per square foot of air-vapor area during operation of degreaser and exhausting less than 25 parts per million of solvent by volume when averaged over a complete adsorption cycle; or

(C) a vapor processing system demonstrated to have an overall VOC emissions control reduction efficiency demonstrated to the satisfaction of the department to be 65 percent or greater.

(3) The cleaner shall be equipped with equipment, including a drying tunnel or a rotating or tumbling basket, that prevents cleaned parts from carrying out solvent liquid or vapor.

(4) The following safety switches and devices shall be provided:

(A) A condenser coolant flow and high-level thermostat switch that shuts off the pump heat if the condenser coolant either is not circulating or is above the recommended posted temperature;

(B) a spray safety switch that shuts off the spray pump or the conveyor if the vapor level drops more than four inches;

(C) a vapor level control thermostat that shuts off the pump heat when the vapor level rises above the recommended level;

(D) solvent level control; and

(E) sump thermostat.

(5) Openings during operation shall be minimized so that entrances and exits silhouette workloads with an average clearance between the parts and the edge of the degreaser opening of less than four inches or less than 10 percent of the width of the opening.

(6) Covers for closing off the entrance and exit during non-degreasing operations shall be installed and operated.

(7) Carryout emissions shall be minimized by the following:

(A) Racking parts for best drainage; and

(B) maintaining the conveyor speed at less than 11 feet per minute.

(8) Waste solvent shall be stored in covered containers, and waste solvent shall not be disposed of or transferred to another party in a manner allowing the waste solvent to evaporate into the atmosphere.

(9) Solvent leaks shall be repaired immediately, or the degreaser shall be shut down until these repairs are made.

(10) The cleaner shall not be operated so as to allow water to be visually detectable in solvent leaving the water separator.

(11) Covers shall be installed over entrances and exits of conveyORIZED degreasers, and the covers shall be closed when degreasing is not being conducted.

(12) The requirements of paragraph (f)(2) shall not apply to each affected degreaser that has less than 21.75 square feet of air vapor interface.

(g) Records of the following information shall be maintained. These records shall be kept on-site for a minimum of two years from the date of record:

(1) Each owner or operator of each solvent metal cleaning operation subject to this regulation shall keep the following records for affected degreasers:

(A) The amount and type of solvents used per month in affected degreasers; and

(B) all records pertaining to the maintenance of the affected degreasers and any associated emission control equipment.

(2) After August 31, 2002, each owner or operator of a facility subject to the requirements of paragraphs (c)(1) and (c)(2) of this regulation shall keep the following additional records for affected degreasers:

(A) The name and address of the solvent supplier;

(B) the date of each solvent purchase for affected degreasers; and

(C) the quantity and vapor pressure of each affected solvent purchased in units of mm Hg at 68°F.

(3) After August 31, 2002, each solvent supplier subject to the provisions of subsection (d) of this regulation shall keep the following records regarding the sale of each cold cleaning solvent subject to this regulation:

(continued)

- (A) The name and address of the solvent purchaser;
- (B) the date of the solvent sale;
- (C) the total volume of solvent sold; and
- (D) the vapor pressure of each solvent sold in units of mm Hg at 68°F.

(4) Further recordkeeping may be required by the director if necessary to adequately demonstrate compliance with this regulation.

(h) A stationary source subject to this regulation shall not be required to obtain a class III operating permit according to the terms of K.A.R. 28-19-500(d) if the only emission limitations or standards applicable to the source are the requirements of this regulation.

(i) This regulation shall be effective on and after September 1, 2002. (Authorized by K.S.A. 2001 Supp. 65-3005; implementing K.S.A. 65-3010; effective Sept. 1, 2002.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028243

State of Kansas

Kansas Parole Board

Temporary Administrative Regulations

Article 700.—RELEASE OF FUNCTIONALLY INCAPACITATED INMATES

45-700-1. Application for release. (a) If the secretary believes that an inmate is functionally incapacitated, an application for release may be submitted to the board by the secretary. The application shall be accompanied by documentation attesting to and describing the inmate's functional incapacity. This documentation shall be prepared by a medical doctor or mental health professional, or both, each of whom shall be an impartial, disinterested clinician. The documentation shall include a comprehensive description of the inmate's condition and prognosis.

(b) For the purposes of this article, "functional incapacitation" means that an inmate has a condition caused by injury, disease, or illness, including mental illness, that is determined, to a reasonable degree of medical certainty, to have at least one of the following effects:

(1) The condition permanently renders the inmate physically or mentally incapacitated to the extent that the inmate lacks effective capacity to cause physical harm.

(2) The condition renders the inmate terminally ill to the extent that there can be no recovery and death is imminent.

(c) The application shall include a release plan, which shall provide details about where the inmate will reside and shall identify all treatment providers and facilities to be used by the inmate. Before the inmate's release, this release plan shall be subject to review and approval by the department of corrections (DOC) staff in the same manner as any other release plan.

(d) All medical and treatment records pertaining to the inmate shall be available for review by the board, upon its request. If deemed necessary by the board, a second

medical opinion may be requested. (Authorized by and implementing L. 2002, Ch. 57, Sec. 1; effective, T-45-7-26-02, July 26, 2002.)

45-700-2. Review and consideration of application for release. (a) On receipt of the secretary's application for release of a functionally incapacitated inmate, a member of the board shall review the application and, with assistance from DOC staff, shall ensure that the following steps are taken:

(1) The written notification of the application provided by the secretary to each prosecuting attorney and the judge of each court in which the inmate was convicted shall include confidential copies of each medical or mental health report documenting the incapacitating condition. The confidentiality of these reports shall be maintained.

(2) The written notification of the application provided by the secretary to each victim or, if any victim is deceased, to one or more members of the victim's family with known addresses shall not include any of the confidential medical or mental health reports documenting the incapacitating condition. However, a general description of the inmate's incapacity shall be included in the written notification.

(b)(1) At the discretion of the board member reviewing the application, the final decision on the application may be entered with or without a formal hearing after considering all available information, including the following:

(A) The documentation required by subsection (a) of K.A.R. 45-700-1;

(B) any comments received from any prosecuting attorney, judge, crime victim, or member of the victim's family; and

(C) the factors identified in paragraph (a)(8) of L. 2002, Ch. 57, Sec. 1, and amendments thereto, and the following additional factors:

(i) The inmate's age and medical condition;

(ii) the health care needs of the inmate;

(iii) the inmate's custody classification and level of risk of violence; and

(iv) the inmate's effective capacity to cause physical harm.

An inmate's need for long-term care may be considered in reaching a determination that an inmate has a functional incapacitation, but shall not be determinative in itself.

(2) If a hearing is scheduled, additional information or evidence may be requested from any of the medical or mental health providers who prepared reports for the application, or from any other person or persons having relevant information or knowledge.

(c) If the board finds that the inmate is functionally incapacitated and does not represent a risk to public safety, the release of the inmate may be ordered by the board under the terms of the approved release plan and any additional terms and conditions of release deemed necessary by the board, subject to the statutory requirements for voting to parole inmates sentenced for a class A or class B felony or for off-grid crimes committed on

or after July 1, 1993. (Authorized by and implementing L. 2002, Ch. 57, Sec. 1; effective, T-45-7-26-02, July 26, 2002.)

Marilyn Scafe
Chairperson

Doc. No. 028241

State of Kansas
State Corporation Commission
Temporary Administrative
Regulations

Article 4.—MOTOR CARRIERS OF PERSONS
AND PROPERTY

82-4-22. Insurance requirements. (a) (1) Before the commission issues a certificate, permit, or license to an applicant, the following types of applicant carriers shall obtain and keep in force a public liability and property damage insurance policy pursuant to K.S.A. 66-1,128, and amendments thereto:

(A) Public motor carriers of property, household goods, or passengers;

(B) contract motor carriers of property, household goods, or passengers; and

(C) private motor carriers of property or household goods.

(2) The applicant shall submit proof of the required policy by filing the uniform standard insurance form as required by K.A.R. 82-4-24a. This policy shall be issued by an insurance company or association meeting the requirements of K.S.A. 66-1,128, and amendments thereto.

(3) The insurance policy shall bind the obligors to pay compensation for the following:

(A) Injuries or death to persons, except injury to the insured's employees while engaged in the course of their employment; and

(B) loss of, or damage to, property of others, not including property usually designated as cargo, resulting from the negligent operation of the carrier.

(4) Each carrier shall file proof of insurance in amounts not less than those required in K.S.A. 66-1,128, and amendments thereto. In special cases and for good cause shown, a carrier may be required by order of the commission to file insurance in additional amounts.

(b) Each public and contract motor carrier of property and household goods that conducts intrastate business shall keep in force a cargo insurance policy in a minimum amount of \$3,000. The motor carrier shall submit proof of the required policy by filing the uniform standard insurance form established in 49 C.F.R. Part 387 and adopted in K.A.R. 82-4-3. This policy shall be issued by an insurance company or association meeting the requirements of K.S.A. 66-1,128, and amendments thereto.

(c) If a motor carrier is unable to provide the uniform standard insurance form required in subsection (a) or (b), the original or a certified copy of the policy with all endorsements attached may be temporarily accepted by the commission for a period of 30 days. The motor carrier

shall then file the form required in subsection (a) or (b) within the 30-day period.

(d) Before the expiration date or cancellation date of an insurance policy filed in compliance with the law and the regulations of the commission, either the motor carrier shall file with the commission a new policy for the vehicle, or the vehicle shall immediately be withdrawn from service and notification of the action shall be given to the commission.

(e) Operation by a motor carrier without compliance with this regulation shall result in emergency proceedings pursuant to K.S.A. 77-536, and amendments thereto, to suspend the certificate, permit, or license issued to the carrier. Each emergency order issued by the commission shall be followed by a notice and a hearing to cancel the certificate, permit, or license, pursuant to K.S.A. 77-536, and amendments thereto. (Authorized by K.S.A. 2001 Supp. 66-1,112a, 66-1,112, K.S.A. 66-1,112g; implementing K.S.A. 2001 Supp. 66-1,128; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1983; amended, T-85-48, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended Oct. 3, 1994; amended Jan. 4, 1999; amended, T-82-7-26-02, July 26, 2002.)

Jeffrey S. Wagaman
Executive Director

Doc. No. 028242

State of Kansas
Kansas Lottery
Temporary Administrative
Regulations

Article 4.—SPECIFIC INSTANT GAME RULES

111-4-1924. "Bonus Crossword" instant ticket lottery game number 225. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Bonus Crossword" commencing on or after July 1, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1924.

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

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

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

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

FRE	=	Free Ticket
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00

(continued)

HUN	=	\$100.00
FHN	=	\$500.00

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

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

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

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

(6) the three small letters outside the squares in the "YOUR LETTERS" area are for validation purposes and cannot be used to play "Bonus Crossword."

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

(j) Approximately 2,700,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - words	FREE TICKET	450,000	\$0
4 - words	\$5	108,000	540,000
5 - words	\$10	57,600	576,000
6 - words	\$20	20,700	414,000
7 - words	\$100	2,700	270,000
8 - words	\$500	414	207,000
9 - words	\$2,000	99	198,000
10 - words	\$20,000	18	360,000
TOTAL		<u>639,531</u>	<u>\$2,565,000</u>

(l) The odds of winning a prize in this game are approximately one in 4.22. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

111-4-1925. "15th Birthday" instant ticket lottery game number 226. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "15th Birthday" commencing on or after July 1, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1925.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$2. ⁰⁰	TWO\$
\$3. ⁰⁰	THR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWENTY
25. ⁰⁰	TWEN-FIV
30. ⁰⁰	THIRTY
40. ⁰⁰	FORTY
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$150\$	ONEFTY
\$1000	ONETHOU
\$15000	15-THOU
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FOURTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EIGHTN
19	NINTN
20	TWENTY
21	TWYONE
22	TWY TWO
23	TWYTHR
24	TWYFR
25	TWYFIV
Symbol of a cake	CAKE
X	XXX
Symbol of a star	STAR
Symbol of a party horn	HORN
Symbol of a bow tie	BOW
Symbol of a bunch of flowers	FLOWERS
Symbol of champagne glasses	GLSES

Symbol of a party hat	HAT
Symbol of a diamond ring	RING
Symbol of three balloons	BALON
MAYBE NEXT TIME	
GOOD LUCK	

(c) For this game, a play symbol shall appear in each of 40 play spots within the play area or areas.

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

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

FRE	=	Free Ticket
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWY	=	\$20.00
TRY	=	\$30.00
FRY	=	\$40.00
FTY	=	\$50.00
HFY	=	\$150.00

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

(g) The "15th Birthday" ticket has four different games featuring four distinct play areas. Game 1 is a key number match game. If a player matches either of the "LUCKY PIECE NUMBERS" to any of the "YOUR CAKE NUMBERS," the player wins the prize shown below that number. A player can win up to 10 times in this play area. Game 2 is a tic-tac-toe game. If a player reveals three "CAKE" symbols in any one row, column, or diagonal, the player wins the prize shown. A player may win once in this game. Game 3 is a symbol match game. If a player matches the "WINNING SYMBOL" to any of the "YOUR SYMBOLS," the player wins the prize shown below that symbol. A player can win up to three times in this play area. Game 4 is a "BONUS" game. If a prize is revealed, the player wins that prize instantly. A player can win once in this game.

(h) Each ticket in this game may win up to 15 times.

(i) Approximately 900,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Get	Game 1	Game 2	Game 3	Game 4	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket					Free Ticket	63,000	\$0
\$5					\$5	42,000	210,000
\$5 (\$2 + \$3)					\$5	42,000	210,000
\$10					\$10	15,000	150,000
\$10 (\$5 x 2)					\$10	15,000	150,000
\$10 (\$2 x 5)					\$10	15,000	150,000
\$15					\$15	7,500	112,500
\$15 (\$5 x 3)					\$15	7,500	112,500
\$15 (\$3 x 5)					\$15	7,440	111,600
\$20					\$20	3,510	70,200
\$20 (\$5 x 4)					\$20	3,150	63,000
\$20 (\$2 x 10)					\$20	3,015	60,300
\$30					\$30	1,950	58,500
\$30 (\$15 x 2)					\$30	1,950	58,500
\$30 (\$2 x 15)					\$30	1,950	58,500
\$30 (\$5 x 6)					\$30	1,950	58,500
\$40					\$40	1,350	54,000
\$40 (\$5 x 8)					\$40	1,350	54,000
\$40 ((\$5 x 6) + \$10)					\$40	1,350	54,000
\$50					\$50	1,200	60,000
\$50 (\$25 x 2)					\$50	1,200	60,000
\$50 (\$5 x 10)					\$50	1,200	60,000
\$150					\$150	1,437	215,550
\$150 (\$15 x 10)					\$150	1,167	175,050
\$1000 (\$100 x 10)					\$1,000	36	36,000
\$15,000	2	1	2	1	\$15,000	6	90,000
\$15,000 (\$1,000 x 15)	1	1	1	1	\$15,000	4	60,000
TOTAL						<u>242,215</u>	<u>\$2,552,700</u>

(k) The odds of winning a prize in this game are approximately one in 3.72. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

111-4-1926. "Apple Pie Doubler" instant ticket lottery game number 227. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Apple Pie Doubler" commencing on or after July 1, 2002. The *(continued)*

rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1926.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$4 ⁰⁰	FOUR\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
20 ⁰⁰	TWENTY
25 ⁰⁰	TWEN-FIV
50 ⁰⁰	FIFTY
\$250\$	TWOFIFTY
\$500\$	FIVE-HUN
\$4,000	FOURTHOU
Symbol of a star	DOUBLER

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

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

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

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FTY	=	\$50.00
FHN	=	\$500.00

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

(g) "Apple Pie Doubler" is a match three of six prize amounts or a match two prize amounts plus a "STAR" symbol to win double the prize amount. The player will remove the latex covering the play area to reveal six prize amounts or five prize amounts and a "STAR" symbol. If a player matches three like prize amounts, the player wins the amount shown. If a player matches two like prize amounts plus a "STAR" symbol, the player wins double the prize amount.

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

(i) Approximately 900,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	105,000	\$0
3 - \$1.00's	\$1	30,000	30,000
2 - \$1.00's & (D)	\$2	24,000	48,000

3 - \$2.00's	\$2	24,000	48,000
2 - \$2.00's & (D)	\$4	9,300	37,200
3 - \$4.00's	\$4	9,300	37,200
3 - \$5.00's	\$5	9,300	46,500
2 - \$5.00's & (D)	\$10	3,600	36,000
3 - \$10.00's	\$10	3,525	35,250
2 - \$10.00's & (D)	\$20	1,815	36,300
3 - \$20.00's	\$20	1,050	21,000
2 - \$25.00's & (D)	\$50	243	12,150
3 - \$50.00's	\$50	243	12,150
3 - \$500's	\$500	15	7,500
2 - \$250's & (D)	\$500	12	6,000
3 - \$4,000's	\$4,000	6	24,000
TOTAL		<u>221,409</u>	<u>\$437,250</u>

(D) - Denotes star symbol doubler

(k) The odds of winning a prize in this game are approximately one in 4.06. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

111-4-1927. "Fun With 50s" instant ticket lottery game number 228. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Fun With 50s" commencing on or after July 1, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1927.

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

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

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

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

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

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

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

(g) "Fun With 50s" is a match three of six game. A player will remove the scratch-off material covering the game play area to reveal six prize amounts. If three of the six prize amounts are identical, the player wins that prize amount.

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

(i) Approximately 900,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall

have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	108,000	\$0
3 - \$2.00's	\$2	36,000	72,000
3 - \$5.00's	\$5	20,400	102,000
3 - \$10.00's	\$10	5,463	54,630
3 - \$15.00's	\$15	3,297	49,455
3 - \$50.00's	\$50	3,000	150,000
3 - \$500's	\$500	15	7,500
TOTAL		<u>176,175</u>	<u>\$435,585</u>

(k) The odds of winning a prize in this game are approximately one in 5.11. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

111-4-1928. "Double Doubler" instant ticket lottery game number 222. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Double Doubler" commencing on or after July 1, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1928.

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

Play Symbols	Play Symbol Captions
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
20. ⁰⁰	TWENTY
40. ⁰⁰	FORTY
\$2500	TWYFHUN
\$5000	FIVETHOU
SINGLE PRIZE	
DOUBLE PRIZE	
DOUBLE DOUBLER	

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

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

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

ONE	=	\$1.00
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FRY	=	\$40.00
ETY	=	\$80.00

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

(g) "Double Doubler" is a match three of six game with a "DOUBLE PRIZE" and a "DOUBLE DOUBLER" fea-

ture. A player will remove the scratch-off material covering the game play area to reveal six prize amounts and a "YOUR PRIZE LEVEL." The "YOUR PRIZE LEVEL" will be either the words "SINGLE PRIZE," the words "DOUBLE PRIZE," or the words "DOUBLE DOUBLER." If a player matches three like prize amounts and the words "SINGLE PRIZE" are revealed, the player wins the prize amount shown. If a player matches three like prize amounts and the words "DOUBLE PRIZE" are revealed, the player wins double the prize amount shown. If a player matches three like prize amounts and the words "DOUBLE DOUBLER" are revealed, the player wins four times the prize amount shown.

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

(i) Approximately 2,400,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - \$1's + (single prize)	\$1	184,000	\$184,000
3 - \$2's + (single prize)	\$2	33,200	66,400
3 - \$1's + (double prize)	\$2	64,000	128,000
3 - \$1's + (double doubler)	\$4	24,000	96,000
3 - \$5's + (single prize)	\$5	34,000	170,000
3 - \$5's + (double prize)	\$10	24,000	240,000
3 - \$5's + (double doubler)	\$20	14,848	296,960
3 - \$20's + (double prize)	\$40	1,600	64,000
3 - \$40's + (single prize)	\$40	640	25,600
3 - \$20's + (double doubler)	\$80	120	9,600
3 - \$2,500's + (single prize)	\$2,500	3	7,500
3 - \$5,000's + (double prize)	\$10,000	3	30,000
3 - \$2,500's + (double doubler)	\$10,000	5	50,000
TOTAL		<u>380,419</u>	<u>\$1,368,060</u>

(k) The odds of winning a prize in this game are approximately one in 6.31. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

111-4-1929. "Powerball Game Show" instant ticket lottery game number 229. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Powerball Game Show" commencing on or after July 1, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1929.

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

Play Symbols	Play Symbol Captions
FREE TICKET	
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWENTY
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$500\$	FIVEHUN

(continued)

\$1000	ONETHOU
\$5000	FIVETHOU
\$25000	25-THOU
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FOURTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EIGHTN
19	NINTN
20	TWNTY
21	TWYONE
22	TWYTWO
23	TWYTHR
24	TWYFR
25	TWYFIV
26	TWYSIX
27	TWYSVN
28	TWYEGT
29	TWYNIN
30	THIRTY
31	THTONE
32	THTWO
33	THTHR
34	THTFOR
35	THTFIV
36	THTSIX
37	THTSEV
38	THTEGT
39	THTNIN
40	FORTY
41	FTYONE
42	FTYTWO
1X	1XTIMES
2X	2XTIMES
3X	3XTIMES
4X	4XTIMES
5X	5XTIMES

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

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

(g) "Powerball Game Show" is a ticket with two different games featuring four distinct play areas. Game 1 is a number match and includes the play areas "POWERBALL NUMBERS," "POWERBALL PLAY" and "MULTIPLIER BALL." In the number match play area, a player matches any of the "YOUR NUMBERS" to any of the "POWERBALL NUMBERS." A player scratches the "POWERBALL PLAY" to reveal an additional number to match to any of the "YOUR NUMBERS." Based on the number of "YOUR NUMBERS" matched, the player wins a prize according to the prize matrix on the front of the ticket. The "MULTIPLIER" number allows a player to multiply any prize won in game 1 up to five times. A player can match up to five numbers in this play area. Only the highest prize in game 1 of each winning ticket will be awarded. Game 2 is a quick pick. If any of the "YOUR NUMBERS" in the "QUICK PICK" game are higher than the "QUICK PICK" number, the player wins the prize shown. A player can win up to five times on this play area. "YOUR NUMBERS" in game 1 may not be used in game 2, and "YOUR NUMBERS" in game 2 may not be used in game 1. The "MULTIPLIER BALL" may only be used in game 1.

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

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

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

Powerball	Quickpick	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket (1xM)		Free Ticket	28,000	\$0
		Free Ticket Free Ticket	28,000	0
\$5 (1xM)		\$5	28,000	140,000
	\$5	\$5	28,000	140,000
\$5 (2xM)		\$10	10,000	100,000
	\$10	\$10	10,000	100,000
	\$5x2	\$10	10,000	100,000
	\$15	\$15	4,800	72,000
\$5 (3xM)		\$15	4,800	72,000
\$5 (1xM)	\$2x5	\$15	4,800	72,000
\$5 (4xM)		\$20	2,000	40,000
	\$20	\$20	2,000	40,000
\$5 (1xM)	\$5x3	\$20	2,000	40,000
	\$5x4	\$20	1,200	24,000
\$5 (5xM)		\$25	1,200	30,000
	\$25	\$25	1,200	30,000
	\$5x5	\$25	1,200	30,000
\$50 (1xM)		\$50	600	30,000
	\$25x2	\$50	600	30,000
	\$10x5	\$50	600	30,000
\$50 (2xM)		\$100	480	48,000
	\$100	\$100	480	48,000
\$50 (1xM)	\$50x2	\$100	462	46,200
	\$100	\$150	150	22,500
\$50 (3xM)		\$150	150	22,500
\$500 (1xM)		\$500	30	15,000
	\$500	\$500	30	15,000

(c) For this game, a play symbol shall appear in each of 24 play spots within the play area or areas.

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

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

FRE	=	Free Ticket
FIV	=	\$5.00

	\$100x5	\$500	30	15,000
\$5,000 (1xM)		\$5,000	2	10,000
	\$1,000x5	\$5,000	2	10,000
	\$5,000	\$5,000	2	10,000
\$5,000 (5xM)		\$25,000	1	25,000
	\$25,000	\$25,000	1	25,000
TOTAL			<u>170,820</u>	<u>\$1,713,642</u>

1xM = one time multiplier ball
 2xM = two times multiplier ball
 3xM = three times multiplier ball
 4xM = four times multiplier ball
 5xM = five times multiplier ball

(k) The odds of winning a prize in this game are approximately one in 3.51. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

111-4-1930. "Up and Away Doubler" instant ticket lottery game number 230. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Up and Away Doubler" commencing on or after July 1, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1930.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$4. ⁰⁰	FOUR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWNTY
25. ⁰⁰	TWEN-FIV
30. ⁰⁰	THIRTY
40. ⁰⁰	FORTY
50. ⁰⁰	FIFTY
75. ⁰⁰	SVTYFIV
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$10000	10-THOU
MAYBE NEXT TIME	
GOOD LUCK	
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FORTN

15	FIFTN
16	SIXTN
17	SEVTN
18	EGHTN
19	NINTN
20	TWENTY

Symbol of a balloon

(c) For this game, a play symbol shall appear in each of 12 play spots within the play area or areas.

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

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

FRE	=	Free Ticket
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWY	=	\$20.00
FRY	=	\$40.00
FTY	=	\$50.00
STF	=	\$75.00
HUN	=	\$100.00
THY	=	\$250.00

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

(g) "Up and Away Doubler" is a ticket with three different games. Game 1 is an instant win game. A player removes the scratch-off material to reveal one play area. If a player reveals any prize amount, the player wins that amount instantly. A player can only win once in this game play area. Game 2 is an instant win game. A player removes the scratch-off material to reveal one play area. If a player reveals any prize amount, the player wins that amount instantly. A player can win one time in this game play area. Game 3 is a key number match game. A player removes the scratch-off material to reveal two "WINNING NUMBERS," and eight "YOUR NUMBERS" with a prize amount shown below each of the "YOUR NUMBERS." If a player matches either of the "WINNING NUMBERS" to any of the "YOUR NUMBERS," the player wins the prize shown below the matched number. If a player reveals a "BALLOON" symbol, the player wins double the prize shown below the symbol instantly. A player can win up to eight times in this play area.

(h) Each ticket in this game may win up to 10 times.

(i) Approximately 900,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

(continued)

Get	Game 1	Game 2	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	Free Ticket	Free Ticket	18,000	\$0
			Free Ticket	18,000	0
			Free Ticket	16,500	0
\$2	\$2	\$2	\$2	27,000	54,000
		\$2	\$2	27,000	54,000
		\$1 DBLED	\$2	27,000	54,000
\$1	\$1	\$1x3	\$5	25,500	51,000
\$5	\$5	\$1x5	\$5	10,050	50,250
			\$5	10,050	50,250
			\$5	9,900	49,500
\$10	\$10	\$1x5	\$5	9,900	49,500
			\$10	3,300	33,000
			\$10	3,300	33,000
		\$10	\$10	3,300	33,000
		(\$2x4) + \$1 DBLED	\$10	3,300	33,000
\$5	\$5	\$5 DBLED + \$5	\$10	3,300	33,000
		\$5 DBLED	\$15	1,200	18,000
		\$5	\$15	1,200	18,000
		\$15	\$15	1,200	18,000
		\$20	\$20	825	16,500
		\$10 DBLED	\$20	825	16,500
\$2	\$2	\$2x8	\$20	825	16,500
		\$4x5	\$20	825	16,500
\$20	\$20		\$20	855	17,100
			\$20	900	18,000
		\$40	\$40	525	21,000
		\$5x8	\$40	525	21,000
\$10	\$10	\$10x3	\$40	525	21,000
		\$5 DBLED + \$30	\$50	375	18,750
		\$25 DBLED	\$50	375	18,750
		\$5x8	\$50	300	15,000
		\$75	\$75	150	11,250
		\$15x5	\$75	150	11,250
		\$100	\$100	90	9,000
		\$50x2	\$100	90	9,000
		\$25x4	\$100	90	9,000
\$10	\$10	\$10x8	\$100	90	9,000
		(\$20x5) + (\$50x3)	\$250	30	7,500
		\$1,000	\$1,000	18	18,000
		\$500x2	\$1,000	18	18,000
		\$10,000	\$10,000	5	50,000
TOTAL				<u>227,411</u>	<u>\$1,000,100</u>

DBLED = Balloon doubler symbol

(k) The odds of winning a prize in this game are approximately one in 3.96. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

111-4-1931. "Red and Black Doubler" instant ticket lottery game number 231. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Red and Black Doubler" commencing on or after July 1, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1931.

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

Play Symbols	Play Symbol Captions		
FREE	TICKET	01	ONE
\$1 ^{.00}	ONE\$	02	TWO
\$2 ^{.00}	TWO\$	03	THR
		04	FOR
		05	FIV

06	SIX	\$2 (\$1 x 2)	\$2	30,000	60,000
07	SEV	\$2 (\$1 DBL)	\$2	30,000	60,000
08	EGT	\$4	\$4	9,000	36,000
09	NIN	\$4 (\$2 DBL)	\$4	11,100	44,400
10	TEN	\$4 (\$2 x 2)	\$4	11,700	46,800
11	ELVN	\$4 (\$1 x 4)	\$4	11,700	46,800
12	ELVN	\$5	\$5	6,000	30,000
13	TWLV	\$5 (\$3 + \$2)	\$5	6,000	30,000
14	THRTN	\$5 (\$1 x 5)	\$5	5,190	25,950
15	FOURTN	\$5 (\$2 DBL + \$1)	\$5	4,500	22,500
16	FIFTN	\$10	\$10	2,850	28,500
17	SIXTN	\$10 (\$5 DBL)	\$10	2,850	28,500
18	SEVTN	\$10 (\$5 x 2)	\$10	2,970	29,700
19	EIGHTN	\$10 (\$2 x 5)	\$10	3,000	30,000
20	NINTN	\$10 (\$1 x 5) + (\$2 + \$3)	\$10	3,000	30,000
21	TWNTY	\$20	\$20	1,500	30,000
22	TWTYONE	\$20 (\$10 DBL)	\$20	1,500	30,000
23	TWYTWO	\$20 (\$10 x 2)	\$20	1,500	30,000
24	TWTYTHR	\$20 (\$5 DBL x 2)	\$20	1,500	30,000
25	TWTYFR	\$40	\$40	720	28,800
	TWTYFIV	\$40 (\$20 DBL)	\$40	720	28,800
		\$40 (\$20 x 2)	\$40	720	28,800
		\$40 (\$5 DBL x 4)	\$40	690	27,600
		\$40 (\$6 x 6) + \$4	\$40	600	24,000
		\$50	\$50	300	15,000
		\$50 (\$25 DBL)	\$50	300	15,000
		\$50 (\$10 x 5)	\$50	300	15,000
		\$50 (\$5 DBL x 5)	\$50	300	15,000
		\$100	\$100	75	7,500
		\$100 (\$50 DBL)	\$100	75	7,500
		\$100 (\$10 x 5) + (\$25 x 2)	\$100	75	7,500
		\$1,000	\$1,000	9	9,000
		\$1,000 (\$200 x 5)	\$1,000	12	12,000
		\$10,000	\$10,000	6	60,000
		TOTAL		<u>237,762</u>	<u>\$1,024,650</u>

(c) For this game, a play symbol shall appear in each of 15 play spots within the play area or areas.

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

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

FRE	=	Free Ticket
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FRY	=	\$40.00
FTY	=	\$50.00
HUN	=	\$100.00

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

(g) "Red and Black Doubler" is a key number match game with a doubler feature. A player removes the scratch-off material to reveal one "HOUSE SPIN" and seven "YOUR NUMBERS" with a prize amount below each of the "YOUR NUMBERS." If a player matches the "HOUSE SPIN" to any of the "YOUR NUMBERS," the player wins the prize shown below the matched number. If the matching "HOUSE SPIN" and "YOUR NUMBERS" are the same color, the player wins double that prize.

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

(i) Approximately 900,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	60,000	\$0
\$2	\$2	27,000	54,000

(k) The odds of winning a prize in this game are approximately one in 3.79. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

111-4-1932. "Creature Cash" instant ticket lottery game number 232. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Creature Cash" commencing on or after July 1, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1932.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1.00	ONE\$
\$2.00	TWO\$
\$3.00	THR\$
\$4.00	FOUR\$
\$5.00	FIVE\$
10.00	TEN\$
20.00	TWNTY
25.00	TWEN-FIV
50.00	FIFTY
70.00	SEVENTY
\$100\$	ONE-HUN
\$200\$	TWO-HUN
\$1000	ONETHOU
\$10000	10-THOU

MAYBE NEXT TIME

(continued)

GOOD LUCK	
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SEV
8	EGT
9	NIN
10	TEN
J	JAK
Q	QEN
K	KNG
A	ACE
BUST	BUST
Symbol of a ghost	GHOST
Symbol of a spider web	WEB
Symbol of a mask	MASK
Symbol of a black cat	CAT
Symbol of a monster	MNSTER
Symbol of an owl	OWL
Symbol of a candle	CNDLE

TEN	=	\$21.00
STY	=	\$70.00
HUN	=	\$100.00

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

(g) "Creature Cash" is a ticket with three different games. Game 1 is an instant win game. A player removes the scratch-off material to reveal one play area. If a player reveals any prize amount, the player wins that amount instantly. A player can win once in this game play area. Game 2 is a symbol match game. A player will remove the scratch-off material to reveal one "WINNING SYMBOL," three "YOUR SYMBOLS," and three "PRIZES." If a player matches the "WINNING SYMBOL" to any of the "YOUR SYMBOLS," the player wins the prize shown below the matched number. A player can win up to three times in this play area. Game 3 is a Blackjack game in which a player tries to beat the dealer. A player removes the scratch-off material covering the table play area to reveal four "HANDS," "HAND 1," "HAND 2," "HAND 3," and "HAND 4," four "PRIZE" amounts and one "DEALER'S HAND." If the sum of the numbers of a "HAND" is higher than the sum of numbers of the "DEALER'S HAND," the player wins the "PRIZE" directly below that "HAND." If the player gets "BLACKJACK" (21) in any "HAND," the player wins double the prize for that hand. If the dealer gets "BUST," the player wins all four prizes. The cards "J," "Q," and "K" will have a point value of 10. The card "A" will have a point value of 11. A player can win up to four times in this play area.

(c) For this game, a play symbol shall appear in each of 17 play spots within the play area or areas.

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

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

FRE	=	Free Ticket
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
EGT	=	\$8.00
TEN	=	\$10.00
TWY	=	\$20.00

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

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

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

Game 1	Game 2	Game 3	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket			Free Ticket	20,000	\$0
	Free Ticket		Free Ticket	18,000	0
		Free Ticket	Free Ticket	18,000	0
		\$2	\$2	18,000	36,000
\$2	\$2		\$2	18,000	36,000
		\$1 Doubled	\$2	18,000	36,000
		\$1 + \$1	\$2	18,000	36,000
		\$4	\$4	3,400	13,600
	\$1 x 3	\$1	\$4	3,400	13,600
\$1	\$1 x 3		\$4	3,400	13,600
		\$1 x 4 (Bust)	\$4	3,400	13,600
\$5			\$5	3,000	15,000
	\$5		\$5	3,000	15,000
		\$5	\$5	3,000	15,000
		\$2 Doubled + \$1	\$5	2,800	14,000
\$3	\$2		\$5	2,800	14,000
		\$2 x 4	\$8	1,840	14,720
\$5	\$3		\$8	1,800	14,400
\$2	\$2		\$8	1,800	14,400
		\$2 + \$2	\$8	1,800	14,400
		\$2 x 4 (Bust)	\$8	1,800	14,400

\$10	\$10	\$10	\$10	1,800	18,000
		\$10	\$10	1,800	18,000
\$2	\$2 x 3	\$2	\$10	1,800	18,000
		\$2 + \$2 Doubled + \$2 Doubled	\$10	1,800	18,000
\$10	\$2	\$2 x 4 (Bust)	\$10	1,240	12,400
		\$20	\$20	996	19,920
	\$10 x 2		\$20	800	16,000
\$20			\$20	600	12,000
		\$1 + \$5 Doubled + \$5 Doubled	\$20	600	12,000
\$5	\$2 + \$3 + \$3	\$2 + \$2 + \$2 + \$2	\$21	600	12,600
		\$3 Doubled + \$3 Doubled + \$4 + \$5	\$21	600	12,600
\$10	\$1 x 3	\$2 x 4 (Bust)	\$21	600	12,600
		\$70	\$70	150	10,500
	\$20	\$10 Doubled + \$10 + \$10 + \$10	\$70	150	10,500
\$20	\$10 x 3	\$5 x 4 (Bust)	\$70	150	10,500
		\$100	\$100	50	5,000
		\$25 x 4 (Bust)	\$100	50	5,000
\$25	\$25 x 3		\$100	50	5,000
		\$20 Doubled + \$20 Doubled + \$10 + \$10	\$100	50	5,000
		\$1,000	\$1,000	6	6,000
	\$100 + \$50 + \$50	\$200 x 4 (Bust)	\$1,000	6	6,000
		\$10,000	\$10,000	4	40,000
TOTAL				<u>195,942</u>	<u>\$663,540</u>

(k) The odds of winning a prize in this game are approximately one in 3.06. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-15-02, June 21, 2002.)

Article 5.—MULTI-STATE SPECIFIC ONLINE GAME RULES

111-5-92. Name of promotion; rules and regulations. In conjunction with the multi-state lottery association and the interstate agreement creating a multistate lottery as provided by K.S.A. 74-8731, and amendments thereto, the Kansas lottery shall conduct a promotion entitled, "Powerball Instant Millionaire Game Show," beginning on or after June 28, 2002.

The rules and regulations for "Powerball Instant Millionaire Game Show" are contained in K.A.R. 111-5-92 through 111-5-98, and to the extent not inconsistent with the provisions herein, K.A.R. 111-6-1, *et seq.*, and amendments thereto. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-15-02, June 21, 2002.)

111-5-93. Definitions. The following definitions shall apply to the "Powerball Instant Millionaire Game Show" promotion:

- (a) "Drawing" means the formal process of selecting entries that determines which participants are entitled to win the prizes set forth in K.A.R. 111-5-95.
- (b) "MUSL" means the multi-state lottery association, a government-benefit association wholly owned and operated by the party lotteries.
- (c) "Party lottery" means a state lottery which has joined the MUSL and, in the context of the "Powerball Instant Millionaire Game Show" rules, has joined in said game show promotion.
- (d) "Game show group" means the group of lotteries which has joined together to offer the "Powerball Instant

Millionaire Game Show" pursuant to the terms of the multi-state agreement and the group's own rules.

(e) "Retailer" or "agent" means a person or entity authorized by the Kansas lottery to sell lottery tickets.

(f) "Multi-state agreement" means the interstate agreement creating a multistate lottery as set forth in K.S.A. 74-8731, and amendments thereto.

(g) "On-air player" and "on-air winner" means the player whose entry is drawn entitling the player to appear and compete for prizes on the "Powerball Instant Millionaire Game Show."

(h) "At-home player" and "at-home winner" means each player whose entry is drawn entitling the player(s) to receive a prize dependent upon the prize(s) won by the on-air player.

(i) "Powerball Instant Millionaire Game Show" means the weekly half-hour television show that is offered by the game show group. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-15-02, June 21, 2002.)

111-5-94. Entry into drawing. Entry into each "Powerball Instant Millionaire Game Show" drawing ("drawing") is accomplished as follows:

- (a) Obtain a valid Kansas lottery instant lottery ticket which offers a chance to win the "Powerball Instant Millionaire Game Show" prizes as described in K.A.R. 111-5-95.
- (b) Determine if the ticket is a winning ticket in accordance with any ticket game rules. If the ticket is a winning ticket, it is not eligible for a drawing and shall be redeemed in accordance with the rules of that instant game;
- (c) If the ticket is a valid non-winning ticket, the ticket is eligible for winning the drawing and the holder of the ticket may enter the drawing;
- (d) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner;

(continued)

(e) The holder of the non-winning ticket must mail the non-winning ticket with the completed information form as directed on the back of the ticket;

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

(g) There is no limit on the number of entries an entrant may make, but each entrant may only win either one "on-air player" or one "at-home player" prize per "Powerball Instant Millionaire Game Show" taping and may not win any prize as a result of consecutive game shows;

(h) Entries for each "Powerball Instant Millionaire Game Show" drawing must be received no later than the morning mail pickup at the post office address set forth on the back of the instant ticket on the Tuesday immediately preceding the drawing scheduled by the Kansas lottery. All entries received after said deadline shall be eligible for the next occurring "Powerball Instant Millionaire Game Show" drawing, if any;

(i) Each "Powerball Instant Millionaire Game Show" drawing may select on-air and at-home winners for numerous "Powerball Instant Millionaire Game Show" tapings, which tapings shall then be individually aired on television as scheduled by the game show group;

(j) Completing the information on the back of the ticket and entering it into the drawing constitutes authorization to publicly identify the person whose entry is drawn and his or her city of residence; and

(k) All eligible entrants must be at least 18 years of age. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-15-02, June 21, 2002.)

111-5-95. Prizes in the "Powerball Instant Millionaire Game Show" drawing. (a) One on-air prize winner selected for each "Powerball Instant Millionaire Game Show" taping shall receive a trip for two persons to Las Vegas, Nevada, including hotel room and room taxes for four days and three nights, round-trip coach air transportation from Wichita, Kansas, or Kansas City, Missouri, to Las Vegas, Nevada, round-trip ground transfers between the airport and the hotel, a total of \$750 cash, and payment of mandatory state and federal income withholding taxes, all subject to the following conditions and restrictions:

(1) Each on-air winner shall be eligible to participate in one taping of the "Powerball Instant Millionaire Game Show" and award of prizes on said show subject to the rules, regulations, conditions, and restrictions established by MUSL and the game show product group for that game show taping, and subject to K.A.R. 111-5-92, *et seq.*, and amendments thereto;

(2) All hotel and travel arrangements are in the sole discretion of the MUSL or the game show product group;

(3) The travel package prize is subject to hotel availability and coach class availability on the airline(s) selected;

(4) If a winner fails to appear at the appointed time for departure from the airport, in the sole discretion of lottery, the travel portion of the prize package may be forfeited;

(5) The travel portion of the prize package is not transferable, cannot be redeemed for cash, and may not be resold, wholesaled, or broken into component parts;

(6) The lottery, MUSL, and the game show product group are not responsible for cancelled or delayed travel due to causes beyond their control, including, but not limited to, inclement weather, act of God, war, civil disturbance, court order, or action of any air carrier;

(b) A pre-determined number of at-home winners selected for each taping of the "Powerball Instant Millionaire Game Show" shall each receive a minimum prize of \$100, a prize of \$500 if the on-air winner reaches the "bonus round" of the game show, and a prize of \$10,000 if the on-air winner wins the grand prize of \$1,000,000. The game show product group shall establish the number of at-home winners selected for each game show taping from each party lottery. At-home winners are not required to view the television game show to win;

(c) Payment of prizes may be delayed until a date no earlier than the ninth calendar day following airing of a taped game show episode on a Saturday or the next business day if the ninth day falls on a holiday or weekend, or the eighth calendar day following airing of a taped game show episode on a Sunday, or the next business day if the eighth day falls on a holiday or weekend; and

(d) If, after taping of a game show, the on-air winner is declared ineligible, all prizes won by that winner shall be null and void, and said prizes shall not be awarded;

(e) If, at any time before being awarded a prize, an at-home winner is declared ineligible, all prizes won by that winner shall be awarded to the next eligible winner;

(f) All prizes are subject to lottery validation, set-offs, and deductions authorized by law. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-15-02, June 21, 2002.)

111-5-96. Determination of "Powerball Instant Millionaire Game Show" winners. The following process shall be used for the selection of winners in the "Powerball Instant Millionaire Game Show" drawings:

(a) Kansas lottery personnel shall pick up all mail containing entries for the "Powerball Instant Millionaire Game Show" at the United States Post Office in Topeka, Kansas, with the final pick up at the Topeka post office in the morning mail pickup on the Tuesday next preceding each scheduled drawing. Following each such morning mail pickup, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries shall be securely stored by lottery personnel until such time as the entries are placed in the drawing receptacle or drum.

(b) The drawing shall be held at Kansas lottery headquarters and shall be open to the public with lottery security personnel present. The drawing shall be audio and video taped.

(c) At each scheduled drawing, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to the drawing, if a drum is used, the drum shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be mixed with a shovel or by other means for at least three minutes prior to the drawing.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm tech-

nique, while looking away, remove one entry from the receptacle or drum. The person whose name appears on the entry shall be the winner of the on-air prize package for the first available taping of the "Powerball Instant Millionaire Game Show" as identified in K.A.R. 111-5-95, subject to validation by the lottery as set forth in these rules. If valid, the entry shall be marked in such a way as to identify it as the winner for the applicable taping. This procedure shall be repeated for each game show episode for which entries are being drawn.

(e) After the required number of valid winning tickets have been selected, the drawing process shall continue until a pre-determined number of valid entries has been drawn to win the at-home prizes for each of the same game show tapings as identified in K.A.R. 111-5-95. Each valid entry shall be marked in numerical order drawn and in such a way as to identify it as one of the at-home winners for the applicable taping.

(f) After said on-air and at-home winning entries have been drawn, and the entries have been verified as valid, 10 more entries will be drawn, one at a time. The last 10 entries drawn will serve as alternate entries for the winners selected in that drawing. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, and 10A, and otherwise identified as having been selected for the applicable drawing. The alternate entries will be used only if one or more of the original winners cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, or is elevated to be an on-air winner. If an on-air winner cannot be located, is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the next selected at-home winner for that drawing shall be declared the winner, subject to the claim procedure as set forth herein. If an at-home winner cannot be located, is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, or is elevated to be an on-air winner, the next selected alternate winner shall be declared the winner, subject to the claim procedure as set forth herein. The alternates will be used, if necessary, in the order drawn. If an alternate winner cannot be located, is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the alternate winner process shall be repeated until the prize is properly claimed or until such time as no alternate winners remain, whichever occurs first.

(g) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "Powerball Instant Millionaire Game Show" drawing in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner and the prize won.

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

(i) All entries remaining in the drum or receptacle after the winners and alternates have been selected, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by

and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-15-02, June 21, 2002.)

111-5-97. Claiming prizes. (a) The winner of a travel package prize as a result of a "Powerball Instant Millionaire Game Show" drawing shall, within 10 calendar days of the drawing, return to the lottery a completed claim form as provided in K.A.R. 111-5-96 or the person named on the entry drawn will no longer be eligible for the prize. In such an event, the first eligible prize winner drawn pursuant to these rules shall be declared the on-air winner; and,

(b) The winner of an on-air or at-home prize as a result of a "Powerball Instant Millionaire Game Show" shall, within 10 calendar days of being given or sent a claim form, return to the lottery the completed claim form or the person named on the entry drawn will no longer be eligible for the prize. In such an event, the first eligible winner drawn pursuant to these rules shall be declared the winner. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-15-02, June 21, 2002.)

111-5-98. Identification of winner; proxies. (a) Each on-air winner in the "Powerball Instant Millionaire Game Show" must be prepared to provide acceptable identification to MUSL officials. MUSL officials will verify the identification of each winner prior to taping of the game show and shall have sole discretion to determine whether acceptable identification has been provided. Acceptable forms of identification are the following:

- (1) valid driver's license with photo;
- (2) government-issued identification card with photo;
- (3) government-issued passport with photo; or
- (4) any two of the following:
 - (A) U.S. social security administration card;
 - (B) U.S. voter registration card; or
 - (C) government-certified copy of winner's birth certificate.

(b) If an on-air winner does not wish to, or cannot, participate on the game show, the winner may select a proxy to act on his or her behalf, subject to MUSL and lottery approval, and subject to all the same rules and restrictions as set forth for the original winner. In the event the winner fails to select a proxy acceptable to MUSL and the lottery, then MUSL or the lottery shall appoint a proxy to act on the winner's behalf.

(c) If a winner or a winner's designated proxy does not appear by the required time prior to taping of the television game show, MUSL will appoint a proxy to act on behalf of the winner. In the event a winner is unable to continue play during taping of the game show, MUSL will appoint a proxy on behalf of the winner.

(d) If a winner fails to complete all forms required herein by MUSL or game show officials, a proxy appointed by MUSL or the lottery will participate on the game show for that winner.

(e) If a proxy is appointed for a winner who fails to produce acceptable identification and/or fails to complete all necessary forms, the winner must subsequently produce acceptable identification and/or complete all necessary forms within 15 days of the game show taping to

(continued)

claim any prizes. Failure to produce acceptable identification and/or complete all necessary forms within said time may result in forfeiture of all prizes, in which event all such prizes shall be deemed unclaimed.

(f) If a proxy is appointed to act for a winner as set forth herein, the winner, or his or her personal representative, must complete all forms required by lottery and MUSL, including, but not limited to, a power of attorney giving the proxy authorization to represent the winner. By entering the drawing to be a contestant on the "Powerball Instant Millionaire Game Show," each winner agrees to release, indemnify, defend, and hold MUSL and all party lotteries harmless regarding all decisions made by the proxy during the course of the game show.

(g) MUSL or game show officials may require the on-air winner to wear clothing or attire provided to the winner for use on the television game show. Winners who refuse to wear said clothing or attire; who are judged to be under the influence of alcohol or drugs; who, after being warned to cease speaking, gesturing, or acting in a manner that is harmful, obscene, or offensive; or whose appearance (paintings, tattoos, haircuts, or designs, etc.) is obscene or offensive, may be prohibited from appearing on the television game show and shall have a proxy

appointed to act on their behalf. Determination of these matters shall be within the sole discretion and determination of the MUSL or game show official.

(h) Any proxy appointed herein shall act on behalf of the winner and all prizes won by the proxy during the television game show shall be awarded to the winner. By participating in the instant scratch ticket which made the winner eligible to compete in the television game show, the winner agrees to accept all game show decisions made by a proxy, whether selected by the winner or appointed on behalf of the winner.

(i) MUSL or other game show officials will explain to each on-air winner the rules and procedures for that taping of the game show, as well as the game show options and cash prizes available for that taping. Each on-air winner will be asked to sign an affidavit acknowledging the winner understands all of these items.

(j) MUSL and party lottery employees are not eligible to serve as proxies. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-15-02, June 21, 2002.)

Ed Van Petten
Executive Director

Doc. No. 028193

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2001 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-31	Amended	V. 21, p. 767
1-2-42	Amended	V. 21, p. 767
1-2-42a	Amended	V. 21, p. 767
1-2-48	Revoked	V. 21, p. 767
1-5-8	Amended	V. 20, p. 730
1-5-9	Amended	V. 20, p. 730
1-5-19b	Amended	V. 20, p. 730
1-5-19c	Amended	V. 20, p. 730
1-5-20	Amended	V. 20, p. 731
1-5-22	Amended	V. 21, p. 767
1-5-29	Amended	V. 21, p. 767
1-6-3	Amended	V. 21, p. 767
1-6-21	Amended	V. 21, p. 768
1-6-26a	New	V. 21, p. 768
1-9-4	Amended	V. 21, p. 768
1-9-5	Amended	V. 21, p. 769
1-11-1	Amended	V. 21, p. 770
1-14-12a	Revoked	V. 21, p. 770
1-16-18	Amended	V. 21, p. 146
1-18-1a	Amended	V. 20, p. 1602
1-45-1	Amended	V. 20, p. 1602
1-45-7	Amended	V. 20, p. 1603
1-45-7a	New	V. 20, p. 1603

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-1-17	Amended (T)	V. 21, p. 1174
4-3-47	Amended	V. 20, p. 861

4-3-49	Amended	V. 20, p. 861
4-3-51	New	V. 20, p. 861
4-10-2j	Amended	V. 20, p. 431
4-10-5	Amended	V. 20, p. 430
4-10-5a	New	V. 20, p. 431
4-13-9	Amended (T)	V. 21, p. 1174
4-13-20 through 4-13-24	Amended (T)	V. 21, p. 1174, 1175
4-13-33	Amended (T)	V. 21, p. 1175
4-19-1	Amended (T)	V. 21, p. 1175
4-25-2 through 4-25-18	New	V. 21, p. 232-235

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-3-26	Amended (T)	V. 21, p. 1131
5-15-1 through 5-15-4	New (T)	V. 21, p. 690-692
5-25-4	Amended	V. 20, p. 294

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-17-1 through 7-17-24	New	V. 20, p. 1524-1528
7-19-1 through 7-19-7	Revoked	V. 20, p. 1528
7-23-13	Amended	V. 21, p. 1056
7-24-2	Amended	V. 20, p. 323
7-25-1	Amended	V. 20, p. 325
7-26-1	Amended	V. 20, p. 325
7-26-2	Amended	V. 20, p. 325
7-28-1	Amended	V. 20, p. 325
7-29-2	Amended	V. 20, p. 325
7-36-4	Amended	V. 20, p. 326
7-37-2	Amended	V. 21, p. 1056
7-38-1	Amended	V. 20, p. 326
7-39-1	Amended	V. 20, p. 1566
7-41-1 through 7-41-13	New	V. 20, p. 1021-1023

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-7-19	New (T)	V. 20, p. 934
9-7-19	New	V. 21, p. 265

9-10-33	New	V. 20, p. 1393
9-10-33a	New	V. 20, p. 1393
9-18-1	Amended (T)	V. 20, p. 1567
9-22-4	New (T)	V. 20, p. 1567
9-22-5	New (T)	V. 20, p. 1568
9-29-12 through 9-29-15	New	V. 21, p. 26, 27

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-12-1	Amended	V. 21, p. 454
10-13-1	Amended	V. 21, p. 454
10-20-2a	New	V. 21, p. 454
10-21-1 through 10-21-6	Amended	V. 21, p. 454-456

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

Reg. No.	Action	Register
14-13-14	New	V. 21, p. 1054
14-13-15	New	V. 21, p. 1055

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-7-1 through 16-7-9	Revoked	V. 20, p. 1920

AGENCY 17: STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-11-14	Amended	V. 21, p. 18
17-11-18	Amended	V. 21, p. 18
17-11-19	Amended	V. 21, p. 18
17-11-21	Amended	V. 21, p. 18
17-16-2	Amended	V. 21, p. 19
17-23-1	Amended	V. 21, p. 19
17-23-3	Amended	V. 21, p. 21
17-23-6	Amended	V. 21, p. 21
17-23-8	Amended	V. 21, p. 21
17-23-9	Amended	V. 21, p. 22
17-23-11	Amended	V. 21, p. 23
17-23-14	Amended	V. 21, p. 25
17-23-15	Revoked	V. 21, p. 26
17-24-2	Amended	V. 20, p. 1847
17-24-3	New	V. 21, p. 212

**AGENCY 20: CRIME VICTIMS
COMPENSATION BOARD**

Reg. No.	Action	Register
20-8-1 through 20-8-4	Revoked	V. 20, p. 1921
20-10-1	Revoked	V. 20, p. 1921
20-10-2	Revoked	V. 20, p. 1921
20-11-1	Revoked	V. 20, p. 1921
20-11-2	Revoked	V. 20, p. 1921
20-13-2	Revoked	V. 20, p. 1921
20-13-3	Revoked	V. 20, p. 1921

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-24-1 through 22-24-18	New (T)	V. 20, p. 1724-1727
22-24-1 through 22-24-18	New	V. 21, p. 147-150

**AGENCY 23: DEPARTMENT OF WILDLIFE
AND PARKS**

Reg. No.	Action	Register
23-1-11	Revoked	V. 20, p. 1061
23-8-27	Revoked	V. 20, p. 1061

**AGENCY 25: STATE GRAIN
INSPECTION DEPARTMENT
(By Department of Agriculture)**

Reg. No.	Action	Register
25-1-3 through 25-1-6	Revoked	V. 21, p. 235, 236
25-1-12	Revoked	V. 21, p. 236
25-1-15	Revoked	V. 21, p. 236
25-1-19 through 25-1-28	Revoked	V. 21, p. 236
25-2-4	Revoked	V. 21, p. 236
25-3-2 through 25-3-6	Revoked	V. 21, p. 236
25-3-8	Revoked	V. 21, p. 236
25-3-10 through 25-3-13	Revoked	V. 21, p. 236
25-3-15	Revoked	V. 21, p. 236
25-3-16	Revoked	V. 21, p. 236
25-3-17	Revoked	V. 21, p. 236
25-4-4	Revoked	V. 21, p. 236
25-5-1	Revoked	V. 21, p. 236

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-1-1	Amended	V. 21, p. 743
26-1-4	Revoked	V. 21, p. 745
26-1-5	Amended	V. 21, p. 745
26-2-4	Amended	V. 21, p. 745
26-3-2	Revoked	V. 21, p. 745
26-5-1	Revoked	V. 21, p. 745
26-5-6	Amended	V. 21, p. 745
26-8-1	Amended (T)	V. 21, p. 1122
26-8-2	Amended (T)	V. 21, p. 1172
26-8-3	Revoked (T)	V. 21, p. 1173
26-8-5	Amended (T)	V. 21, p. 1173
26-8-6	Revoked (T)	V. 21, p. 1173
26-8-7	Amended (T)	V. 21, p. 1173
26-8-8	Amended (T)	V. 21, p. 1173
26-8-9	Revoked (T)	V. 21, p. 1173
26-8-12	Revoked (T)	V. 21, p. 1173
26-8-13	Revoked (T)	V. 21, p. 1173
26-8-14	Revoked (T)	V. 21, p. 1173
26-8-15	New (T)	V. 21, p. 1173
26-11-1	New (T)	V. 20, p. 1895
26-11-2	New (T)	V. 20, p. 1895
26-11-3	New (T)	V. 20, p. 1895

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

Reg. No.	Action	Register
28-4-269	Amended (T)	V. 21, p. 497
28-4-269	Amended	V. 21, p. 1167
28-4-331	Amended (T)	V. 21, p. 498
28-4-331	Amended	V. 21, p. 1168

28-4-351	Amended (T)	V. 21, p. 500
28-4-351	Amended	V. 21, p. 1170
28-4-576 through 28-4-596	New (T)	V. 21, p. 597-616
28-10-15 through 28-10-35	Revoked	V. 20, p. 322
28-10-37	Revoked	V. 20, p. 322
28-10-38	Revoked	V. 20, p. 322
28-10-39	Revoked	V. 20, p. 322
28-10-75 through 28-10-88	Revoked	V. 20, p. 322
28-10-108 through 28-10-108	Revoked	V. 20, p. 322
28-15-35	Amended	V. 20, p. 725
28-15-36	Amended	V. 20, p. 728
28-15-36a	Amended	V. 20, p. 728
28-15-37	Amended	V. 20, p. 729
28-16-28b through 28-16-28e	Amended	V. 20, p. 1264-1270
28-16-30 through 28-16-36	Amended	V. 20, p. 1277-1279
28-16-57	Revoked	V. 20, p. 322
28-16-58	Amended	V. 20, p. 1279
28-16-60	Amended	V. 20, p. 1280
28-16-76 through 28-16-79	Revoked	V. 20, p. 322
28-16-82	Revoked	V. 20, p. 322
28-17-6	Amended	V. 20, p. 1523
28-17-6	Amended (T)	V. 21, p. 1171
28-19-79	Revoked	V. 20, p. 492
28-19-202	Amended	V. 20, p. 322
28-19-719	New	V. 20, p. 492
28-29-18	Revoked	V. 21, p. 310
28-29-29	Amended	V. 21, p. 310
28-29-2201	New	V. 21, p. 310
28-34-1a	Amended	V. 20, p. 1755
28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
28-34-21	Revoked	V. 20, p. 323
28-34-26	Revoked	V. 20, p. 323
28-34-27	Revoked	V. 20, p. 323
28-34-28	Revoked	V. 20, p. 323
28-34-30	Revoked	V. 20, p. 323
28-34-32b	Amended	V. 20, p. 107
28-34-50	Amended	V. 20, p. 453
28-34-51	Amended	V. 20, p. 454
28-34-52	Revoked	V. 20, p. 455
28-34-52a	New	V. 20, p. 455
28-34-52b	New	V. 20, p. 455
28-34-53	Amended	V. 20, p. 456
28-34-54	Amended	V. 20, p. 456
28-34-55	Revoked	V. 20, p. 457
28-34-55a	New	V. 20, p. 457
28-34-56	Revoked	V. 20, p. 457
28-34-56a	New	V. 20, p. 457
28-34-57	Amended	V. 20, p. 457
28-34-58	Revoked	V. 20, p. 458
28-34-58a	New	V. 20, p. 458
28-34-59	Revoked	V. 20, p. 459
28-34-59a	New	V. 20, p. 459
28-34-60	Revoked	V. 20, p. 459
28-34-60a	New	V. 20, p. 459
28-34-61	Revoked	V. 20, p. 460
28-34-61a	New	V. 20, p. 460
28-34-62a	Amended	V. 20, p. 460
28-34-75 through 28-34-93	Revoked	V. 20, p. 323
28-34-94a	Revoked	V. 20, p. 323
28-36-30	Amended (T)	V. 20, p. 1122
28-36-30	Amended	V. 20, p. 1675
28-36-60	New (T)	V. 20, p. 1122
28-36-60	New	V. 20, p. 1675
28-36-120	New (T)	V. 20, p. 1122
28-36-120	New	V. 20, p. 1675
28-39-144	Amended	V. 20, p. 1756
28-39-155	Amended	V. 20, p. 1758
28-39-410	Revoked	V. 20, p. 323

28-55-3	Amended	V. 21, p. 311
28-55-5	Amended	V. 21, p. 311
28-59-1 through 28-59-5	Amended	V. 20, p. 295, 296
28-59-5a	Amended	V. 20, p. 297
28-59-6	Amended	V. 20, p. 297
28-59-7	Amended	V. 20, p. 298
28-59-8	Amended	V. 20, p. 298
28-61-1 through 28-61-10	Amended	V. 20, p. 298-303
28-61-11	New	V. 20, p. 304

**AGENCY 30: SOCIAL AND
REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-64	Amended	V. 20, p. 490
30-4-90	Amended	V. 21, p. 1005
30-5-58	Amended	V. 20, p. 1023
30-5-64	Amended	V. 20, p. 1393
30-5-76	Amended	V. 20, p. 1846
30-5-92	Amended	V. 20, p. 1029
30-5-94	Amended	V. 20, p. 1030
30-5-100	Amended	V. 20, p. 1846
30-5-101	Revoked	V. 21, p. 1007
30-5-108	Amended	V. 20, p. 491
30-5-300	Amended	V. 21, p. 1007
30-6-88	New	V. 21, p. 1010
30-6-89	New	V. 20, p. 1394
30-6-94	Amended	V. 21, p. 506
30-6-103	Amended	V. 21, p. 1010
30-6-107	Amended	V. 21, p. 1011
30-6-109	Amended	V. 21, p. 1011
30-6-112	Amended	V. 21, p. 1013
30-10-1a	Amended	V. 21, p. 506
30-10-2	Amended	V. 21, p. 508
30-10-6	Amended	V. 21, p. 1014
30-10-7	Amended	V. 21, p. 509
30-10-11	Amended	V. 21, p. 1015
30-10-15a	Amended	V. 21, p. 1017
30-10-15b	Amended	V. 21, p. 1018
30-10-17	Amended	V. 21, p. 1019
30-10-18	Amended	V. 21, p. 1020
30-10-19	Amended	V. 21, p. 1023
30-10-21	Amended	V. 21, p. 1024
30-10-23a	Amended	V. 21, p. 1024
30-10-24	Amended	V. 21, p. 1025
30-10-25	Amended	V. 21, p. 1026
30-10-27	Amended	V. 21, p. 1027
30-10-29	Revoked	V. 21, p. 1028
30-12-16 through 30-12-22	Revoked	V. 21, p. 331
30-13-17 through 30-13-26	Revoked	V. 21, p. 331
30-64-20	Amended	V. 21, p. 80
30-64-22	Amended	V. 21, p. 80
30-64-23	Amended	V. 21, p. 80
30-64-30	Amended	V. 21, p. 81
30-64-31	Amended	V. 21, p. 81
30-64-32	Amended	V. 21, p. 82
30-64-34	Revoked	V. 21, p. 82

**AGENCY 40: KANSAS INSURANCE
DEPARTMENT**

Reg. No.	Action	Register
40-1-8	Revoked	V. 20, p. 946
40-1-13	Revoked	V. 20, p. 946
40-1-30	Revoked	V. 20, p. 723
40-1-37	Amended	V. 20, p. 1343
40-1-42	Amended	V. 20, p. 723
40-1-43	Amended	V. 21, p. 451
40-1-43	Amended (T)	V. 20, p. 1896
40-1-46	Amended	V. 21, p. 212
40-1-47	New	V. 21, p. 588
40-1-48	Amended	V. 21, p. 1056
40-2-22	Revoked	V. 21, p. 589
40-3-29	Revoked	V. 20, p. 946
40-4-35	Amended	V. 20, p. 1307
40-4-37	Amended	V. 21, p. 741
40-4-37k	Amended	V. 21, p. 1272
40-4-37q	New	V. 21, p. 1272

(continued)

40-4-37s	New	V. 21, p. 743
40-4-37t	New	V. 21, p. 1272
40-4-41	Amended	V. 20, p. 946
40-4-41b		
through		
40-4-41g	Amended	V. 20, p. 949-953
40-4-41h	New	V. 20, p. 953
40-4-41i	New	V. 20, p. 954
40-4-41j	New	V. 20, p. 954
40-5-106	Revoked	V. 20, p. 1161
40-5-111	Revoked	V. 20, p. 1161
40-7-6	Revoked	V. 20, p. 1161
40-9-100	Amended	V. 20, p. 954
40-12-1	Revoked	V. 20, p. 723

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-4-103	Revoked	V. 21, p. 309
44-4-104	Revoked	V. 21, p. 309
44-4-106		
through		
44-4-109	Revoked	V. 21, p. 309
44-5-101	Revoked	V. 21, p. 309
44-5-103	Revoked	V. 21, p. 309
44-5-107		
through		
44-5-110	Revoked	V. 21, p. 309
44-5-113	Revoked	V. 21, p. 309
44-5-114	Revoked	V. 21, p. 309
44-7-102	Revoked	V. 21, p. 309
44-7-103	Revoked	V. 21, p. 309
44-7-105	Revoked	V. 21, p. 309
44-7-106	Revoked	V. 21, p. 309
44-7-107	Revoked	V. 21, p. 309
44-7-109	Revoked	V. 21, p. 309
44-7-112	Revoked	V. 21, p. 309
44-7-114	Revoked	V. 21, p. 309
44-7-115	Revoked	V. 21, p. 309
44-7-116	Revoked	V. 21, p. 309
44-8-110		
through		
44-8-114	Revoked	V. 21, p. 309
44-11-111	Amended	V. 21, p. 335
44-11-112	Revoked	V. 21, p. 336
44-11-113	Amended	V. 21, p. 336
44-11-114	Revoked	V. 21, p. 336
44-11-115	Revoked	V. 21, p. 336
44-11-119	Amended	V. 21, p. 336
44-11-120	Amended	V. 21, p. 336
44-11-121	Amended	V. 21, p. 337
44-11-122	Revoked	V. 21, p. 337
44-11-123	Amended	V. 21, p. 337
44-11-124	Revoked	V. 21, p. 337
44-11-127	Amended	V. 21, p. 337
44-11-129	Amended	V. 21, p. 338
44-11-130	Amended	V. 21, p. 338
44-11-131	Amended	V. 21, p. 339
44-11-132	Amended	V. 21, p. 339
44-11-133	Amended	V. 21, p. 339
44-11-135	Amended	V. 21, p. 339
44-12-103	Amended	V. 21, p. 117
44-12-105	Amended	V. 21, p. 117
44-12-106	Amended	V. 21, p. 117
44-12-107	Amended	V. 21, p. 117
44-12-201		
through		
44-12-205	Amended	V. 21, p. 118
44-12-210	Amended	V. 21, p. 118
44-12-303	Amended	V. 21, p. 118
44-12-305	Amended	V. 21, p. 118
44-12-306	Amended	V. 21, p. 119
44-12-307	Amended	V. 21, p. 119
44-12-309	Amended	V. 21, p. 119
44-12-310	Amended	V. 21, p. 119
44-12-312	Amended	V. 21, p. 119
44-12-313	Amended	V. 21, p. 119
44-12-314	Amended	V. 21, p. 119
44-12-318	Amended	V. 21, p. 120
44-12-320	Revoked	V. 21, p. 120
44-12-321	Amended	V. 21, p. 120
44-12-325	Amended	V. 21, p. 120
44-12-326	Revoked	V. 21, p. 120
44-12-327	Amended	V. 21, p. 120
44-12-328	Amended	V. 21, p. 120

44-12-401	Amended	V. 21, p. 120
44-12-501	Amended	V. 21, p. 121
44-12-503	Amended	V. 21, p. 121
44-12-504	Amended	V. 21, p. 121
44-12-505b	Amended	V. 21, p. 121
44-12-601	Amended	V. 21, p. 121
44-12-602	Amended	V. 21, p. 123
44-12-702	Amended	V. 21, p. 123
44-12-801	Amended	V. 21, p. 123
44-12-902	Amended	V. 21, p. 123
44-12-1002	Amended	V. 21, p. 123
44-12-1306	Amended	V. 21, p. 123
44-12-1307	Amended	V. 21, p. 124
44-13-101	Amended	V. 21, p. 151
44-13-104	Revoked	V. 21, p. 151
44-13-105	Amended	V. 21, p. 151
44-13-106	Amended	V. 21, p. 151
44-13-201	Amended	V. 21, p. 152
44-13-201b	Amended	V. 21, p. 153
44-13-202	Amended	V. 21, p. 153
44-13-302a	Revoked	V. 21, p. 153
44-13-304	Revoked	V. 21, p. 153
44-13-306	New	V. 21, p. 154
44-13-307	New	V. 21, p. 154
44-13-401	Amended	V. 21, p. 154
44-13-401a	Revoked	V. 21, p. 154
44-13-402	Amended	V. 21, p. 154
44-13-403	Amended	V. 21, p. 155
44-13-404	Amended	V. 21, p. 156
44-13-405a	Amended	V. 21, p. 157
44-13-406	Amended	V. 21, p. 158
44-13-408	Amended	V. 21, p. 158
44-13-409	Amended	V. 21, p. 158
44-13-501	Amended	V. 21, p. 158
44-13-502a	Amended	V. 21, p. 158
44-13-506		
through		
44-13-509	Amended	V. 21, p. 158, 159
44-13-601	Amended	V. 21, p. 159
44-13-603	Amended	V. 21, p. 159
44-13-610	Amended	V. 21, p. 159
44-13-701		
through		
44-13-704	Amended	V. 21, p. 159, 160
44-13-705	Revoked	V. 21, p. 161
44-13-706	Amended	V. 21, p. 161
44-13-707	Amended	V. 21, p. 161
44-14-101	Revoked	V. 21, p. 83
44-14-102	Revoked	V. 21, p. 83
44-14-201	Revoked	V. 21, p. 83
44-14-202	Revoked	V. 21, p. 83
44-14-301		
through		
44-14-318	Revoked	V. 21, p. 83
44-15-101	Amended	V. 21, p. 84
44-15-101a	Amended	V. 21, p. 84
44-15-102	Amended	V. 21, p. 85
44-15-201	Amended	V. 21, p. 86
44-16-102	Amended	V. 21, p. 86
44-16-103	Revoked	V. 21, p. 86
44-16-104	Revoked	V. 21, p. 86
44-16-105	Amended	V. 21, p. 86
44-16-106	Revoked	V. 21, p. 86
44-16-107	Revoked	V. 21, p. 86
44-16-108	Revoked	V. 21, p. 86

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138
50-1-4	Amended	V. 20, p. 138
50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140
50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143
50-3-1		
through		
50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-2-6	New	V. 21, p. 864
51-3-1		
through		
51-3-4	Amended	V. 21, p. 864-865
51-9-7	Amended	V. 20, p. 1755
51-9-12		
through		
51-9-14	Revoked	V. 21, p. 865
51-9-15	New	V. 21, p. 1224
51-9-16	New	V. 21, p. 1271
51-10-6	Revoked	V. 21, p. 865
51-17-1	Revoked	V. 21, p. 865
51-24-1	Amended	V. 21, p. 865
51-24-3	Amended	V. 21, p. 865
51-24-4	Amended	V. 21, p. 866

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-2-101	Amended	V. 21, p. 840
60-3-106	Amended	V. 21, p. 840
60-3-111	Amended	V. 20, p. 1522
60-4-101	Amended	V. 20, p. 449
60-4-103	Amended	V. 21, p. 841
60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449
60-9-105	Amended	V. 20, p. 449
60-9-106	Amended	V. 20, p. 450
60-11-116	Amended	V. 21, p. 316
60-11-119	Amended	V. 20, p. 451
60-12-106	Amended	V. 20, p. 1522
60-13-101	Amended	V. 20, p. 451
60-13-103	Amended	V. 21, p. 316
60-13-110	Amended	V. 21, p. 317
60-13-112	Amended	V. 20, p. 1523
60-16-101	Amended	V. 21, p. 841
60-16-103	Amended	V. 21, p. 842
60-16-104	Amended	V. 21, p. 842

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-23	New	V. 21, p. 659
63-3-22	New	V. 21, p. 659
63-3-23	New	V. 21, p. 659
63-4-1	Amended	V. 21, p. 659
63-7-1		
through		
63-7-8	New	V. 21, p. 660-662

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 21, p. 183
65-8-5	New	V. 20, p. 944

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 20, p. 1647
66-6-4	Amended	V. 20, p. 1647
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 1648
66-10-13	Amended	V. 20, p. 1648
66-14-5	Amended	V. 20 pp. 1649
66-14-10	Amended	V. 20, p. 104

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 21, p. 746
68-1-1e	Revoked	V. 21, p. 308
68-1-2a	Amended	V. 21, p. 746
68-1-3	Revoked	V. 21, p. 308
68-1-3a	Amended	V. 21, p. 746
68-2-5	Amended	V. 21, p. 308
68-9-1	Amended	V. 21, p. 308
68-9-2	New	V. 20, p. 1020

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-3a	Amended	V. 20, p. 1650
74-4-4	Amended	V. 20, p. 1650

74-4-8	Amended	V. 20, p. 1650
74-5-2	Amended	V. 20, p. 1651
74-5-202	Amended	V. 20, p. 1652
74-5-205	Amended	V. 20, p. 1652
74-5-302	Amended	V. 20, p. 1652
74-5-404a	Amended	V. 20, p. 1652
74-7-3	New	V. 20, p. 1652
74-11-6	Amended	V. 20, p. 1653
74-11-7	Amended	V. 20, p. 1653
74-11-8		

through		
74-11-14	Revoked	V. 20, p. 1653
74-11-15	New	V. 20, p. 1653
74-12-1	Amended	V. 20, p. 1654

AGENCY 75: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
75-6-32	New	V. 20, p. 175

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Reg. No.	Action	Register
80-5-19		
through		
80-5-22	New	V. 20, p. 1649, 1650
80-9-1	New	V. 20, p. 1650
80-9-2	New	V. 20, p. 1650

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-1	Amended	V. 20, p. 1604
81-3-2	Amended	V. 20, p. 1606
81-3-3	Revoked	V. 20, p. 1606
81-3-5	New	V. 20, p. 1606
81-4-3	Revoked	V. 20, p. 1607
81-5-7	Amended	V. 20, p. 1607
81-14-1		
through		
81-14-8	New	V. 20, p. 1607-1617

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-250	New	V. 20, p. 1094
82-3-105	Amended (T)	V. 21, p. 1175
82-3-111	Amended	V. 21, p. 43
82-3-113	Amended (T)	V. 21, p. 1175
82-3-114	Amended (T)	V. 21, p. 1176
82-3-117	Amended (T)	V. 21, p. 1176
82-3-120	Amended	V. 21, p. 44
82-3-120	Amended (T)	V. 21, p. 1176
82-3-120a	Revoked	V. 21, p. 45
82-3-123	Amended	V. 21, p. 45
82-3-133	Amended	V. 20, p. 771
82-3-133a	New	V. 20, p. 771
82-3-201	Amended	V. 20, p. 771
82-3-206	Amended	V. 20, p. 771
82-3-300	Amended	V. 20, p. 772
82-3-304	Amended	V. 21, p. 45
82-3-306	Amended	V. 20, p. 772
82-3-307	Amended	V. 20, p. 773
82-3-310	Amended	V. 20, p. 773
82-3-311	Amended (T)	V. 21, p. 1178
82-3-312	Amended	V. 21, p. 117
82-3-400	Amended	V. 21, p. 383
82-3-401	Amended	V. 21, p. 383
82-3-401a	Revoked	V. 21, p. 384
82-3-401b	Revoked	V. 21, p. 384
82-3-402		
through		
82-3-410	Amended	V. 21, p. 384-389
82-3-411	New	V. 21, p. 389
82-3-412	New	V. 21, p. 390
82-3-1000		
through		
82-3-1012	New (T)	V. 21, p. 1178-1188
82-4-3	Amended (T)	V. 20, p. 1723
82-4-3	Amended	V. 20, p. 1868
82-4-26a	New (T)	V. 20, p. 1723
82-4-26a	New	V. 20, p. 1869

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 20, p. 1825

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-16-1a	Revoked (T)	V. 21, p. 501
88-16-1a	Revoked	V. 21, p. 1166
88-16-1b	New (T)	V. 21, p. 501
88-16-1b	New	V. 21, p. 1166

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-70a	Amended	V. 20, p. 1894
91-1-146a		
through		
91-1-146e	Revoked	V. 21, p. 178
91-1-206	Amended	V. 21, p. 178
91-1-215		
through		
91-1-219	New	V. 21, p. 178-180
91-5-14	Amended	V. 20, p. 108
91-37-2	Amended	V. 20, p. 724
91-37-3	Amended	V. 20, p. 724
91-37-4	Amended	V. 20, p. 724
91-40-2	Amended	V. 20, p. 541
91-40-7	Amended	V. 20, p. 541
91-40-9	Amended	V. 20, p. 542
91-40-10	Amended	V. 20, p. 542
91-40-17	Amended	V. 20, p. 543
91-40-18	Amended	V. 20, p. 544
91-40-27	Amended	V. 20, p. 544
91-40-33	Amended	V. 20, p. 544
91-40-36	Amended	V. 20, p. 545
91-40-37	Amended	V. 20, p. 545
91-40-38	Amended	V. 20, p. 545
91-40-52	Amended	V. 20, p. 545
91-40-53	Amended	V. 20, p. 546
91-41-1		
through		
91-41-4	New	V. 20, p. 546, 547

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-1-1	Revoked	V. 21, p. 332
92-1-2	Revoked	V. 21, p. 332
92-1-3	Revoked	V. 21, p. 332
92-5-4	Revoked	V. 21, p. 312
92-5-5		
through		
92-5-10	Amended	V. 21, p. 312, 313
92-5-11	Revoked	V. 21, p. 313
92-5-12	Amended	V. 21, p. 313
92-5-13	Amended	V. 21, p. 313
92-8-20	Revoked	V. 21, p. 332
92-9-1	Amended	V. 21, p. 332
92-9-3	Amended	V. 21, p. 332
92-9-4	Amended	V. 21, p. 332
92-9-5	Amended	V. 21, p. 332
92-9-7	Revoked	V. 21, p. 332
92-9-8	Revoked	V. 20, p. 1124
92-11-1		
through		
92-11-16	Revoked	V. 21, p. 332, 333
92-12-4	Amended	V. 21, p. 586
92-12-11	Amended	V. 21, p. 586
92-12-29	Revoked	V. 21, p. 586
92-12-47	Amended	V. 21, p. 586
92-12-56	Revoked	V. 21, p. 587
92-12-58	Amended	V. 21, p. 587
92-12-66	Revoked	V. 20, p. 1124
92-12-66a	New	V. 20, p. 1124
92-12-67	Amended	V. 21, p. 587
92-12-68	Revoked	V. 21, p. 587
92-12-105	Amended	V. 21, p. 587
92-12-106	Amended	V. 21, p. 587
92-12a-1		
through		
92-12a-23	Revoked	V. 21, p. 333, 334
92-14-4		
through		
92-14-9	Amended	V. 21, p. 334, 335
92-15-3	Amended	V. 21, p. 335
92-15-4	Amended	V. 21, p. 335
92-15-6	Amended	V. 20, p. 1126
92-15-8	Amended	V. 21, p. 335
92-17-1		
through		
92-17-6	Amended	V. 21, p. 313, 314

92-19-4a	Revoked	V. 20, p. 1126
92-19-4b	New	V. 20, p. 1126
92-19-16a	New	V. 20, p. 1128
92-19-24	Amended	V. 20, p. 1129
92-19-33	Amended	V. 20, p. 1129
92-19-64	Revoked	V. 20, p. 1129
92-19-64a	New	V. 20, p. 1129
92-19-73	Amended	V. 20, p. 1130
92-19-75	Revoked	V. 20, p. 1130
92-22-4	Amended	V. 21, p. 450
92-22-19	Revoked	V. 21, p. 450
92-22-22	Revoked	V. 21, p. 450
92-22-23	Amended	V. 21, p. 450
92-22-24	Revoked	V. 21, p. 450
92-22-25	Amended	V. 21, p. 450
92-22-33	New	V. 21, p. 450
92-22-34	New	V. 21, p. 450
92-23-10	Amended	V. 21, p. 180
92-23-15	Amended	V. 21, p. 180
92-23-16	Amended	V. 21, p. 180
92-23-17		
through		
92-23-23	New	V. 21, p. 181
92-23-25	New	V. 21, p. 181
92-23-30	New	V. 21, p. 181
92-23-31	New	V. 21, p. 182
92-23-38	Amended	V. 21, p. 182
92-23-38a	Amended	V. 21, p. 182
92-23-40	Amended	V. 21, p. 182
92-24-9		
through		
92-24-15	Amended	V. 21, p. 314, 315
92-24-18	Amended	V. 21, p. 315
92-24-22	Amended	V. 21, p. 316
92-24-23	Amended	V. 20, p. 1895
92-24-24	Amended	V. 21, p. 316
92-25-1	Amended	V. 20, p. 1130
92-51-33	Revoked	V. 20, p. 1130
92-51-40	Revoked (T)	V. 20, p. 1580
92-51-40	Revoked	V. 20, p. 1895
92-51-50	Revoked	V. 20, p. 1130
92-51-51	Revoked	V. 20, p. 1130
92-51-52	Revoked	V. 20, p. 1130
92-51-54	Revoked	V. 20, p. 1130
92-51-55	Revoked	V. 20, p. 1131
92-52-9	Amended	V. 20, p. 1603
92-52-9a	Amended	V. 20, p. 1604
92-53-1		
through		
92-53-7	Revoked	V. 20, p. 1131
92-54-1		
through		
92-54-5	Revoked	V. 20, p. 1131
92-56-1		
through		
92-56-5	Amended	V. 21, p. 1057-1059

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-1-1		
through		
93-1-4	Revoked	V. 20, p. 452
93-4-6	Amended	V. 20, p. 452
93-6-1		
through		
93-6-4	Amended	V. 20, p. 452, 453

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1		
through		
94-2-18	Amended	V. 21, p. 703-708
94-2-19	New	V. 21, p. 708
94-2-20	New	V. 21, p. 708
94-3-1	Amended	V. 21, p. 709
94-3-2	Amended	V. 21, p. 709
94-4-1	New	V. 21, p. 710
94-4-2	New	V. 21, p. 710

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

Reg. No.	Action	Register
99-8-8	Revoked	V. 21, p. 12
99-8-9	Revoked	V. 21, p. 12

(continued)

99-9-1	Revoked	V. 21, p. 12
99-10-1	Revoked	V. 21, p. 12
99-25-1	Amended	V. 21, p. 12
99-25-3	Amended	V. 21, p. 13
99-25-4	Amended	V. 21, p. 13
99-25-6	Amended	V. 21, p. 13
99-25-7	Amended	V. 21, p. 13
99-25-9	Amended	V. 21, p. 14
99-26-1	Amended	V. 21, p. 14

99-27-2	through	
99-27-5	Amended	V. 21, p. 14, 15
99-30-2	through	
99-30-6	Amended	V. 21, p. 15, 16
99-31-2	through	
99-31-6	Amended	V. 21, p. 16
99-40-1	Revoked	V. 21, p. 16
99-40-3	Amended	V. 21, p. 17

99-40-21	through	
99-40-47	Revoked	V. 21, p. 17
99-40-100	Revoked	V. 21, p. 17
99-40-101	Revoked	V. 21, p. 18
99-40-104	Revoked	V. 21, p. 18
99-40-105	Revoked	V. 21, p. 18

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 21, p. 1131
100-15-1	Amended	V. 20, p. 1093
100-27-1	Amended	V. 21, p. 307
100-28a-1	through	
100-28a-16	New	V. 20, p. 774-778
100-49-4	Amended (T)	V. 21, p. 1131
100-60-1	Revoked	V. 20, p. 778
100-60-2	Revoked	V. 20, p. 778
100-60-4	Revoked (T)	V. 20, p. 251
100-60-4	Revoked	V. 20, p. 778
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked	V. 20, p. 779
100-60-8	through	
100-60-15	Revoked	V. 20, p. 779

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 20, p. 1897
102-1-10	Revoked	V. 20, p. 1898
102-1-10a	New	V. 20, p. 1898
102-1-19	New	V. 20, p. 572
102-1-20	New	V. 20, p. 1900
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
102-2-15	New	V. 20, p. 572
102-3-3a	Amended	V. 21, p. 1132
102-3-4a	Amended	V. 21, p. 1133
102-3-6a	Revoked	V. 21, p. 1134
102-3-12a	Amended	V. 21, p. 1134
102-3-16	New	V. 20, p. 572
102-3-17	New	V. 21, p. 1137
102-4-16	New	V. 20, p. 572
102-5-15	New	V. 20, p. 572

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	Amended	V. 21, p. 1055

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-9-1	Amended	V. 20, p. 1675
109-9-4	Amended	V. 20, p. 1677
109-10-1	Amended	V. 20, p. 1677
109-11-10	New	V. 20, p. 1679

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1	Amended	V. 20, p. 1392
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178

110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180
110-7-1	through	
110-7-4	Revoked	V. 20, p. 1426
110-7-5	New	V. 20, p. 1426
110-7-6	New	V. 20, p. 1426
110-7-8	New	V. 20, p. 1426
110-7-9	New	V. 20, p. 1426
110-7-10	New	V. 20, p. 1426

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. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119	through	
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 21, p. 590
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
111-2-132	New	V. 20, p. 1901
111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
111-2-135	New	V. 21, p. 590
111-2-136	New	V. 21, p. 590
111-2-137	New	V. 21, p. 649
111-2-138	New	V. 21, p. 692
111-2-139	New	V. 21, p. 747
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1795	through	
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814	through	
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825	through	
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840	through	
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845	through	
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854	through	
111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1867	Amended	V. 20, p. 1601
111-4-1869	Amended	V. 20, p. 1601
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572
111-4-1874	through	
111-4-1877	New	V. 20, p. 1779-1781
111-4-1877	Amended	V. 20, p. 1902
111-4-1878	through	
111-4-1885	New	V. 20, p. 1902-1906

111-4-1886	through	
111-4-1889	New	V. 21, p. 183-185
111-4-1890	through	
111-4-1893	New	V. 21, p. 591-593
111-4-1894	through	
111-4-1900	New	V. 21, p. 649-655
111-4-1894	Amended	V. 21, p. 1276
111-4-1901	through	
111-4-1921	New	V. 21, p. 692-702
111-4-1910	Amended	V. 21, p. 747
111-4-1911	Amended	V. 21, p. 747
111-4-1913	Amended	V. 21, p. 748
111-4-1922	New	V. 21, p. 748
111-4-1923	New	V. 21, p. 749
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-5-78	Amended	V. 21, p. 751
111-5-79	through	
111-5-91	New	V. 21, p. 1278-1281
111-7-119	through	
111-7-127	Amended	V. 21, p. 594-597
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
111-7-158	through	
111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
111-7-163	through	
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194
111-7-171	through	
111-7-175	New	V. 20, p. 1782, 1783
111-7-176	through	
111-7-180	New	V. 21, p. 656, 657
111-8-101	through	
111-8-126	New	V. 20, p. 1573-1579
111-9-111	New	V. 20, p. 1406
111-9-112	Amended	V. 20, p. 1579
111-9-113	Amended	V. 21, p. 186
111-9-114	New	V. 21, p. 657
111-9-115	New	V. 21, p. 702
111-9-116	New	V. 21, p. 703

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547
112-10-3	Amended	V. 20, p. 1728
112-10-6	Amended	V. 20, p. 1728
112-11-20	Amended	V. 20, p. 945
112-17-4	Amended	V. 20, p. 1729
112-18-11	Amended	V. 20, p. 1922

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 20, p. 1499
115-2-4	Amended	V. 20, p. 1499
115-2-6	Amended	V. 21, p. 451
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	Amended	V. 21, p. 452
115-4-5	Revoked	V. 20, p. 769
115-4-7	through	
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770

115-5-1	Amended	V. 21, p. 1137	115-14-7	Revoked	V. 20, p. 1502	117-6-4	New	V. 20, p. 863
115-5-2	Amended	V. 21, p. 1138	115-14-9	Amended	V. 20, p. 1502	117-7-1	Amended	V. 20, p. 863
115-5-3	Amended	V. 21, p. 1138	115-14-10	Amended	V. 20, p. 1503	117-8-1	Amended	V. 21, p. 659
115-8-1	Amended	V. 20, p. 1061	115-16-5	New	V. 21, p. 1138	AGENCY 118: STATE HISTORICAL SOCIETY		
115-8-4	Amended	V. 20, p. 1500	115-16-6	New	V. 21, p. 1139	Reg. No.	Action	Register
115-8-5	Revoked	V. 20, p. 1061	115-18-5	Revoked	V. 20, p. 1504	118-5-1		
115-8-8	Amended	V. 20, p. 1061	115-18-7	Amended	V. 21, p. 453	through		
115-8-12	Amended	V. 20, p. 1062	115-18-8	Amended	V. 20, p. 1504	118-5-10	New (T)	V. 20, p. 1492-1495
115-8-16	Revoked	V. 20, p. 1062	115-18-9	Amended	V. 20, p. 1504	118-5-1		
115-8-18	Revoked	V. 20, p. 1062	115-18-14	Amended	V. 20, p. 1062	through		
115-8-20	Amended	V. 20, p. 1062	115-18-17	New	V. 20, p. 1063	118-5-10	New	V. 21, p. 1205-1208
115-8-21	Amended	V. 20, p. 1062	115-20-1	Amended	V. 20, p. 1063	AGENCY 125: AGRICULTURAL		
115-9-4	Amended	V. 21, p. 177	115-20-2	Amended	V. 20, p. 1803	REMEDICATION BOARD		
115-11-1	Amended	V. 21, p. 177	115-21-1	Amended	V. 20, p. 1804	Reg. No.	Action	Register
115-11-2	Amended	V. 21, p. 177	115-21-2	Amended	V. 20, p. 1804	125-1-1		
115-13-1	Amended	V. 20, p. 1500	115-21-3	Revoked	V. 20, p. 1804	through		
115-13-2	Amended	V. 20, p. 1500	115-21-4	New	V. 20, p. 1804	125-1-9	New (T)	V. 20, p. 1496-1498
115-13-5	Amended	V. 20, p. 1501	115-22-1	New	V. 20, p. 1804	125-1-1		
115-14-2	Amended	V. 20, p. 1501	AGENCY 117: REAL ESTATE			through		
115-14-3	Amended	V. 20, p. 1502	APPRAISAL BOARD			125-1-9		
115-14-4	Amended	V. 20, p. 1502	Reg. No.	Action	Register	125-1-1		
115-14-5	Amended	V. 20, p. 1502	117-6-1	Amended	V. 21, p. 658	through		
115-14-6	Amended	V. 20, p. 1502	117-6-3	Amended	V. 20, p. 862	125-1-9	New	V. 20, p. 1891-1893