



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Office of the Governor

Executive Order 04-02

WHEREAS, on or about August 15, 2003, a 911 call came into the Mitchell County Law Enforcement Center reporting that Carol Fleming had been shot in the head at her residence located in Beloit, Mitchell County, Kansas, and

WHEREAS, extensive investigation was instituted immediately, led by Senior Special Agent William Pettijohn of the Kansas Bureau of Investigation at the direction of Mitchell County Attorney Rod Ludwig, and

WHEREAS, evidence was collected and submitted to the Kansas Bureau of Investigation laboratory in Great Bend, Kansas. There were no significant results which could help to identify a suspect, and

NOW, THEREFORE, by virtue of authority vested in me by K.S.A. 75-113, I, Kathleen Sebelius, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of Carol Fleming.

This document shall be filed with the Secretary of State as Executive Order 04-02, and shall become effective immediately.

Dated February 25, 2004.

Kathleen Sebelius
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 030411

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

Friday, March 26, 2004
#40101

Automatic Teller Machines

William H. Sesler
Director of Purchasing

Doc. No. 030403

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 3-1-04 through 3-7-04

Term	Rate
1-89 days	1.02%
3 months	0.91%
6 months	1.01%
1 year	1.14%
18 months	1.38%
2 years	1.59%

Derl S. Treff
Director of Investments

Doc. No. 030399

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State of Kansas

Racing and Gaming Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, May 21, at the Kansas Racing and Gaming Commission office, conference room, 3400 S.W. Van Buren, Topeka, to consider the adoption of proposed permanent regulations of the Kansas Racing and Gaming Commission. This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Racing and Gaming Commission, 3400 S.W. Van Buren, Topeka, 66611-2228, (785) 296-5800.

A copy of the full text of the regulations and the economic impact statements may be reviewed or obtained at the commission office or by accessing the official Web site of the Kansas Racing and Gaming Commission (<http://www.accesskansas.org/krc/krcregs.htm>). The following is a summary of the proposed regulations:

K.A.R. 112-10-5. Authorized medications. The amendment to this regulation sets forth the requirements and limitations for the use of furosemide and the guidelines for administration of a nonsteroidal anti-inflammatory drug (NSAID) in horses that are entered to race. It further defines a NSAID as one of the three following authorized substances: phenylbutazone, flunixin or ketaprofen. This regulation limits the use of a NSAID in horses prior to racing.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment. Each owner shall pay all expenses resulting from the administration of furosemide, which includes administration, injection, laryngoscopic examination, custody and security.

K.A.R. 112-10-6. Bleeder list. The amendment to this regulation sets forth definitions for "exercise-induced pulmonary hemorrhage" (EIPH) and "furosemide."

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-10-6a. Furosemide list. This new regulation sets forth the conditions by which a horse may be allowed to race after the administration of furosemide and coincides with amendments in K.A.R. 112-10-6.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

Tracy T. Diel
Executive Director

Doc. No. 030402

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, March 18, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the projects numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The projects shall be located as shown:

Project No. 000595—Maximum Principal Amount: \$47,000. Owner/Operator: Brandon M. Jones. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the West Half of the Northwest Quarter of Section 33, Township 24, Range 16, Woodson County, Kansas, approximately 3 miles east and 3 miles north of Yates Center at 140th & Quail.

Project No. 000596—Maximum Principal Amount: \$24,000. Owner/Operator: Steven J. Schneider Jr. Description: Acquisition of livestock to be used by the owner/operator for farming purposes. The project is located at Section 15, Township 10, Range 10, Lincoln County, Kansas, approximately 3 miles south of Hunter on Hwy. 181.

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

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

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

Stephen R. Weatherford
President

Doc. No. 030412

State of Kansas

Secretary of State

Code Mortgage Rate for March

Pursuant to the provisions of K.S.A. 2003 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of March 1, 2004 through March 31, 2004, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 030405

State of Kansas

State Employees Health Care Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 2 p.m. Tuesday, May 4, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed rule and regulation of the Kansas State Employees Health Care Commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Linda DeCoursey, Health Benefits Administrator, Department of Administration, Room 920S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6000 or TTY (785) 296-4798. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of building, across the street from the north entrance to the building, and on Ninth Street just around the corner from the north entrance.

Summaries of the proposed regulation and its economic impact follow:

K.A.R. 108-1-4 establishes the local unit employee health care benefits component of the state's health care benefits program (the "local unit plan"). An amendment is proposed to include public libraries in the definition of "local unit." The categories of libraries affected by the amendment are city, county and township public libraries; regional libraries; library districts; regional systems of cooperating libraries; public libraries established by unified school districts; and the Topeka and Shawnee County Public Library.

It is estimated that a total of 325 additional local units and 1,637 additional employees would become eligible

for the local unit plan. Of these, 100 local units with 400 qualified employees indicated an interest in participating if the local unit plan is made available to them. When K.A.R. 108-1-4 first was adopted in August 2002, the economic impact for the regulation indicated approximately 35,000 city, county and township employees would be eligible for the local unit plan. The proposed amendments would expand that original pool of eligible individuals by approximately 4.7 percent.

Therefore, the proposed amendments should not significantly increase the number of eligible participants in the local unit plan, and extending eligibility to these local units is not expected to have an immediate impact on the existing contributions by qualified local units or on existing premiums for active participants and those individuals participating in the local unit plan on a direct bill basis. Further, the proposed amendment is not expected to have an impact on future plan design for the existing Kansas health care benefits program, on employer (state agency) contributions, or on premiums for active participants and direct bill participants in the Kansas health care benefits program.

The local units that would become eligible consist of an average of four employees each. Therefore, inclusion of these local units in a funding pool should offer the opportunity to provide the local units and their participants with greater benefit levels, improved premium stability, or both, when compared to plans negotiated individually by each of these local units. However, the economic impact on the additional local units and the participating employees will be dependent on what the employer and employee contributions are under the local unit plan relative to their current, employer-provided health insurance.

Because there are numerous units scattered over the state with a small number of participants associated with each of the new local units, there will be some impact on the existing staff resources required to enroll and administer the local unit plan. Additional staff will be required to provide membership, billing, enrollment and customer service. The composite rate currently charged to non-state employer groups includes administrative fees to help offset necessary administrative costs. Additional staff due to expanded eligibility may require an increase in the administrative fees applied to all non-state employer groups. Health plan carriers may incur additional administrative costs with an increasing number of participating units. In the future, these costs may be passed to the state health program in the form of higher bids for administration expense. No economic impact on the general public is anticipated.

Copies of the proposed regulation and the associated economic impact statement may be obtained from the Health Benefits Administrator at the address above, by calling (785) 296-6280 or by viewing <http://da.state.ks.us/hcc/default.htm>.

Howard R. Fricke
Chair

Doc. No. 030418

State of Kansas

Kansas Military Board**Notice of Meeting**

The Kansas Military Board of the Adjutant General's Department will meet at 10 a.m. Wednesday, March 10, at the State Defense Building, Conference Room 102, 2800 S.W. Topeka Blvd., Topeka. Requests for special accommodations should be made at least two working days in advance of the meeting by contacting Tracey Tally at (785) 274-1001.

Col. Tod M. Bunting
Adjutant General of Kansas

Doc. No. 030426

State of Kansas

Secretary of State**Usury Rate for March**

Pursuant to the provisions of K.S.A. 2003 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 March 1, 2004 through March 31, 2004, is 6.95 percent.

Ron Thornburgh
Secretary of State

Doc. No. 030404

State of Kansas

Secretary of State**Executive Appointments**

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

**Harvey County Commissioner,
District 2**

Marjorie L. Roberson, 721 W. 5th St., Newton, 67114. Succeeds Max H. Graber, resigned.

Mitchell County Treasurer

Yvonne Melton, Route 2, Box 63, Beloit, 67420. Succeeds Carol J. Emmott, deceased.

State Banking Board

Mark C. Parman, 10220 Catalina, Shawnee Mission, 66207. Term expires March 15, 2006. Succeeds Bruce B. Morgan.

Jane A. Schnellbacher, 2010 S.W. Bowman Court, Topeka, 66604. Term expires March 15, 2006. Succeeds H. Allan Caldwell.

Joseph A. Smith, 19600 Udall Road, Erie, 66733. Term expires March 15, 2006. Succeeds Gary J. Cinotto.

Kansas Board of Barbering

Troy Franklin Jr., 2713 Beacon Hill Court, Wichita, 67220. Term expires February 16, 2007. Succeeds Terry A. Stearman.

Kansas Statewide Independent Living Council

Dale Barnum, 1831 S.E. 44th Terrace, Topeka, 66609 (ex officio member). Serves at the pleasure of the Governor. Succeeds James Wabaunsee.

Morris W. Taylor, 3777 Woodview Drive, Topeka, 66610. Term expires August 17, 2006.

State Board of Indigents' Defense Services

Lawrence P. Daniels, 1501 Ave. A, Dodge City, 67801. Term expires January 15, 2006. Succeeds Willis K. Musick.

Information Network of Kansas

Joe McKenzie, 2120 Fairdale Court, Salina, 67401. Term expires September 30, 2006. Succeeds Leroy M. Gattin.

Dan C. Yunk, 1121 Wyndham Heights, Manhattan, 66503. Term expires September 30, 2006. Succeeds Marvin W. Maydew.

**Kansas Advisory Group on Juvenile Justice
and Delinquency Prevention**

Carrie L. Jones-Williams, 133 S. Montbella St., Wichita, 67230. Term expires June 30, 2007.

Kansas Public Employees Relations Board

Kenneth W. Gorman, 1142 S.W. Kent Place, Topeka, 66604. Term expires March 15, 2007. Succeeds Janice Benjamin.

Wayne Maichel, 108 Gemini, Silver Lake, 66539. Term expires March 15, 2005. Succeeds Shirley K. Sicilian, resigned.

Kansas Securities Commissioner

Chris Biggs, 12020 Tully Hill Road, Junction City, 66441. Effective July 1, 2003. Serves at the pleasure of the Governor. Succeeds David Brant.

Kansas Technology Enterprise Corporation

Ted Haggart, 1701 Prestwick Drive, Lawrence, 66047. Term expires January 15, 2007. Reappointed.

Dr. Gerald D. Loper, 4014 Jasmine Drive, Wichita, 67226. Term expires January 15, 2007. Succeeds Donald L. Beggs.

Linda L. Reinhardt, 14465 210th Road, Erie, 66733. Term expires January 15, 2007. Succeeds Doyle Rahjes.

Kansas Water Authority

Steve Irsik, 5405 Six Road, Ingalls, 67853. Serves at the pleasure of the Governor. Succeeds Kent B. Lamb.

Ron Thornburgh
Secretary of State

Doc. No. 030407

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced February 19-25 by the 2004 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at www.kslegislature.org.

House Bills

HB 2898, An act concerning capital improvements for state agencies; making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, loans, disbursements and acts incidental to the foregoing, by Committee on Appropriations

HB 2899, An act making and concerning appropriations for the fiscal years ending June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2003 Supp. 2-223, 55-193, 75-2319, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections, by Committee on Appropriations.

HB 2900, An act making and concerning appropriations for the fiscal years ending June 30, 2004, and June 30, 2005, for certain state agencies; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2901, An act concerning the Kansas public broadcasting council act; relating to grants to stations; prescribing certain restrictions on grant agreements; amending K.S.A. 75-4915 and repealing the existing section, by Committee on Appropriations.

HB 2902, An act concerning the Kansas torts claims act; relating to the Kansas guardianship program; amending K.S.A. 2003 Supp. 75-6102 and repealing the existing section, by Committee on Appropriations.

HB 2903, An act concerning taxation; relating to income tax credits; disclosure; amending K.S.A. 2003 Supp. 79-3234 and repealing the existing section, by Committee on Taxation.

HB 2904, An act concerning property taxation; relating to exemption for certain housing for elderly persons; amending K.S.A. 2003 Supp. 79-201 and 79-201b and repealing the existing sections, by Committee on Taxation.

HB 2905, An act concerning health care; relating to nurse aides, medication aides and home health aides; transferring certain powers and duties to the board of nursing; background checks; amending K.S.A. 65-1,120, 65-1,121, 65-1124, 65-5115 and 74-1106 and K.S.A. 2003 Supp. 39-936, 39-970 and 65-5117 and repealing the existing sections, by Committee on Appropriations.

HB 2906, An act concerning the provision of financial assistance for kindergarten through twelfth grade for disadvantaged children, by Committee on Appropriations.

HB 2907, An act concerning oil and gas; providing for unitization under certain circumstances without order of the state corporation commission, by Committee on Appropriations.

HB 2908, An act concerning the membership of the state workforce investment board and local workforce investment boards; providing for an advisory committee to each local workforce investment board, by Committee on Federal and State Affairs.

HB 2909, An act concerning property taxation; relating to correction of errors; amending K.S.A. 2003 Supp. 79-1701 and 79-1701a and repealing the existing sections, by Committee on Taxation.

HB 2910, An act concerning motor vehicle fuel taxation; relating to exempt transactions; amending K.S.A. 2003 Supp. 79-3408 and repealing the existing section, by Committee on Taxation.

HB 2911, An act concerning sales taxation; relating to exemptions; aircraft and aircraft repair; amending K.S.A. 2003 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2912, An act concerning state finance; relating to biennial budget estimates for certain state agencies; amending K.S.A. 2003 Supp. 75-3717 and repealing the existing section, by Committee on Appropriations.

HB 2913, An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliation; membership; employee and employer contributions; capitol area security patrol, by Committee on Appropriations.

HB 2914, An act concerning investment of certain public moneys; amending K.S.A. 12-1675 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2915, An act concerning the legislature; relating to preorganizational meetings of members-elect; election of leaders; amending K.S.A. 46-142 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2916, An act concerning state officers and employees; relating to legal holidays for state service, by Committee on Appropriations.

House Resolutions

HR 6026, A resolution requesting the State Corporation Commission to take certain actions and make certain determinations regarding deployment of high speed Internet service in the state of Kansas.

Senate Bills

SB 536, An act making and concerning appropriations for the fiscal years ending June 30, 2004, and June 30, 2005, for certain state agencies; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 537, An act concerning capital improvements for state agencies; making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, loans, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 538, An act making and concerning appropriations for the fiscal years ending June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2003 Supp. 2-223, 55-193, 75-2319, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

SB 539, An act concerning issuance of bonds by certain state agencies to fund capital improvements for water-related infrastructure; amending K.S.A. 82a-1360, 82a-1361, 82a-1362, 82a-1363, 82a-1364, 82a-1367 and 82a-1368 and repealing the existing sections; also repealing K.S.A. 82a-1365, by Committee on Ways and Means.

SB 540, An act concerning postsecondary educational institutions; relating to student or employee's social security numbers, by Committee on Ways and Means.

SB 541, An act concerning court records; amending K.S.A. 20-160 and repealing the existing section, by Committee on Ways and Means.

SB 542, An act concerning insurance; relating to insured's social security numbers; amending K.S.A. 2003 Supp. 40-4623 and repealing the existing section, by Committee on Ways and Means.

SB 543, An act concerning income taxation; relating to Kansas net operating losses; refunds; amending K.S.A. 2003 Supp. 79-32,143 and repealing the existing section, by Committee on Ways and Means.

SB 544, An act concerning sales taxation; relating to exemptions; aircraft and aircraft repair; amending K.S.A. 2003 Supp. 79-3606 and repealing the existing section, by Committee on Ways and Means.

SB 545, An act concerning certain postsecondary educational institutions; relating to out-district tuition; amending K.S.A. 2003 Supp. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 19-101a, 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610 and 71-1705 and repealing the existing sections, by Committee on Ways and Means.

Senate Resolutions

SR 1819, A resolution congratulating and commending Justin Sheehy.

Doc. No. 030400

State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka:

Date	Committee	Time	Location
March 5	Legal Forms	12:30 p.m.	Room 259
March 26	Family Law	9:30 a.m.	Room 269
March 26	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259
April 2	Legal Forms	12:30 p.m.	Room 259
April 9	Guardian & Conservatorship	9:30 a.m.	Room 259
April 16	Probate Law	9:30 a.m.	Room 259
April 23	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259

Hon. Donald L. Allegrucci
Chair

Doc. No. 030409

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information call (785) 296-2113:

03/15/2004	07138	Impact Attenuators
03/15/2004	07148	Pest Control Services
03/16/2004	07152	Furnish and Install Motor Control Center
03/18/2004	07108	Commercial Compressed Gases
03/22/2004	07157	Installment Payment Plan for Students
03/29/2004	07154	Lifeline Employee Assistance Program
03/30/2004	07127	Development, Design, and Construction of Campus Apartments
03/31/2004	07147	Lease Space
04/01/2004	07128	Individual Professional Liability Insurance
04/14/2004	07155	Integrated System of Library Information and Communication Services

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

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

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

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

The following bid documents may be obtained by calling (785) 296-8899:

03/23/2004 A-9864 Nair—Crash Dynamics Lab Remodel

Keith Meyers
Director of Purchases

Doc. No. 030419

State of Kansas

Kansas Arts Commission

Notice of Meeting

The Kansas Arts Commission will convene its quarterly business meeting at 1:30 p.m. Wednesday, March 10, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. Meetings of the Kansas Arts Commission, a state agency, and its advisory panels are open to public observation in accessible locations. Persons with special needs are asked to request accommodation in advance. Assisted listening devices are available upon request. Official proceedings are recorded on audiotape.

For more information, contact the Kansas Arts Commission, Suite 1004, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3761, (785) 296-3335, fax (785) 296-4989, e-mail KAC@arts.state.ks.us. Persons with special communication needs may use the Kansas Relay Service, 1-800-766-3777.

David M. Wilson
Executive Director

Doc. No. 030408

State of Kansas

**Department of Health
and Environment**

**Notice Concerning Kansas
Water Pollution Control Permits**

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

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

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

**Public Notice No. KS-AG-04-068/069
Application(s) for New or Expansion of
Existing Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Husky Hogs LLC 1271 Fox Long Island, KS 67647	Terry Nelson 1271 Fox Long Island, KS 67647

(continued)

Legal Description	Receiving Water
NE/4 of Section 04, T02S, R20W, NW/4 of Section 34, T01S, R20W, Phillips County	Upper Republican River Basin
Kansas Permit No. A-URPL-H007	Federal Permit No. KS0094501

This is an application for a permit for expansion of an existing swine facility from 6,000 head (2,400 animal units) of swine weighing more than 55 pounds and 7,280 head (728 animal units) of swine weighing 55 pounds or less to a maximum of 19,920 head (7,968 animal units) of swine weighing more than 55 pounds and 23,920 head (2,392 animal units) of swine weighing 55 pounds or less, for a total of 43,840 head (10,360 animal units) of swine.

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Nelson Hog Farms LLC 1271 Fox Long Island, KS 67647	Terry Nelson 1271 Fox Long Island, KS 67647

Legal Description	Receiving Water
E/2 of Section 29, T01S, R21W, Norton County	Upper Republican River Basin
Kansas Permit No. A-URNT-H003	Federal Permit No. KS0094102

This is an application for a permit for expansion of an existing swine facility from 16,000 head (1,600 animal units) of swine weighing 55 pounds or less to a maximum of 52,000 head (5,200 animal units) of swine weighing 55 pounds or less.

Public Notice No. KS-AG-04-070/072 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Garden City Feed Yard, LLC 1805 W. Annie Scheer Road Garden City, KS 67846	E/2 of Section 23, S/2 of Section 24, T25S, R33W, Finney County	Upper Arkansas River Basin
Kansas Permit No. A-UAFI-C008	Federal Permit No. KS0115703	

This is a modification of the current permit to reflect the dimensions and components of the waste management system as it was built. The permitted waste management capacity for 88,000 head (88,000 animal units) of beef cattle greater than 700 pounds is not being changed.

Name and Address of Applicant	Legal Description	Receiving Water
Murray J. Baalman Route 1, Box 53 Grinnell, KS 67738	NE/4 of Section 12, T10S, R30W, Sheridan County	Saline River Basin
Kansas Permit No. A-SASD-B005		

This is a renewal permit for an existing facility for a maximum of 950 head (950 animal units) of beef cattle weighing greater than 700 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
Fowler Farms 1546 Road P Emporia, KS 66801	SE/4 of Section 10, NE/4 of Section 15, T19S, R12E, Lyon County	Neosho River Basin
Kansas Permit No. A-NELY-B004		

This is a new permit for an existing facility for 500 head (500 animal units) of beef cattle greater than 700 pounds and 200 head (100 animal units) of beef cattle less than 700 pounds, for a total of 700 head (600 animal units).

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or

objections considered in the decision making process. Comments or objections should be submitted to the attention of April Romero for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, 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 April 3 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-068/072) and name of applicant/application as listed when preparing comments.

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

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

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

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

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

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

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

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

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

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

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030413

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet Wednesday, March 17, in Room 106 of the Landon Office Building, 900 S.W. Jackson, Topeka. The Authority's Public Water Supply Committee will meet at 9 a.m., the Committee of the Whole will meet at 10 a.m. and the full Authority will meet at 1 p.m.

The meeting date is subject to change. Persons planning on attending should call the Kansas Water Office in advance of the meeting at (888) KAN-WATER or (785) 296-3185, or check the Kansas Water Office Web page, www.kwo.org.

The Public Water Supply Committee will consider the following:

- Final findings related to surplus water supply contracts for Jost Farms (Marion Reservoir), Tom Moxley (Council Grove Reservoir) and D. Randall Heilman (Council Grove Reservoir).
- Sale of Farmland Industries Plant, Coffeyville, prompts the need to reassign the water marketing contract to a new owner.
- Baldwin City's request to negotiate for water supply from Clinton Lake through the state's Water Marketing Program.

Committee of the Whole agenda items include:

- Circle K Ranch. Status report on the proposed state acquisition of the Circle K Ranch in Edwards County. Review of recommendation, if any, made by the Upper Arkansas Basin Advisory Committee and possible action on basin plan subsection.
- Wilson Lake. Consider modification of the Planning Assistance to States Contract with the U.S. Army Corps of Engineers to include potential water treatment alternatives should the lake become part of the state's Water Marketing Program.
- BAC memberships. Consider nominations for membership in the Upper Arkansas and Lower Arkansas Basin Advisory Committees.
- Basin Advisory Committees' messages on a variety of water issues.
- Update on activities of Water Issue Strategy Team (WIST). Interagency teams, made up of representatives of state and federal agencies, are developing strategic plans for agency programs to address priority water resource issues.
- Missouri River navigation update. Role of the Kansas River reservoirs in navigation flow in the Missouri River.
- Irrigation transition program. Legislation was introduced in the 2004 Legislature to provide assistance to farmers to help them make the transition from irrigated to dryland farming.

Full Authority agenda items include:

- Action on recommendations of the Committee of the Whole and the Public Water Supply Committee

To review the agendas, turn to the Kansas Water Of-

ice's Web site, kwo.org, or call the Kansas Water Office at (888) KAN-WATER to request a copy.

Joseph Harkins, Acting Director
Kansas Water Office

Doc. No. 030417

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 construction permit. Tamko Roofing Products, Inc., Phillipsburg, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to limit the potential to emit of hydrogen chloride to below the major source emission levels. No new equipment is to be installed.

Tamko Roofing Products, Inc., Phillipsburg, owns and operates the stationary source located on North Highway 183 in Phillipsburg. The company has requested a federally-enforceable limit on the amount of ferric chloride that may be used in the company's asphalt manufacturing processes. The limit on the use of ferric chloride in the permit will limit the potential to emit of hydrogen chloride from the company's Phillipsburg plant to below the major source emission level.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact John Ramsey, (785) 296-1992, at the KDHE central office; and to review the proposed permit only, contact Richard Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to John Ramsey, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business April 5.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business April 5 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030416

State of Kansas

Kansas, Inc.

Notice of Meeting

The Kansas, Inc. Board of Directors will meet at 10 a.m. Wednesday, March 10, in the offices of the Kansas Technology Enterprise Corporation, second floor conference room, 214 S.W. 6th Ave., Topeka. The meeting is open to the public. For more information call (785) 296-1460.

Jerry Lonergan
President

Doc. No. 030414

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 construction permit. Cargill, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to establish a hazardous air pollutant (HAP) emission limitation. Emissions of HAPs were evaluated during the permit review process.

Cargill, Inc., Wichita, owns and operates the soybean processing facility located at 1425 N. Mosley, Wichita, at which the HAP emission limit is to be applied.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the Wichita Department of Environmental Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Dana Morris, (785) 296-1578, at the KDHE central office; and to review the proposed permit only, contact Randy Owen, (316) 268-8448, at the Wichita Department of Environmental Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Dana Morris, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business April 5.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business April 5 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030415

State of Kansas

Governmental Ethics Commission

Opinion No. 2004-04

Written February 18, 2004, to Rodney Lierz, Nemaha-Brown County Watershed Board, Powhattan.

This opinion is in response to your letter of January 13, 2004, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local level ethics laws (K.S.A. 75-4301a *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 75-4301a *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as a member of the Nemaha-Brown County Watershed Board (Board). You have informed us that the Board is currently working on a watershed project called Plum Creek Watershed Dam (Dam) which was begun over twenty years ago as a joint effort between the Board and the Kickapoo Tribe (the Tribe). The purpose of the Dam is to provide flood control, drinking water for the Tribe, and recreation. The land where the proposed Dam will be located covers 1,200 acres in Nemaha County and many of the landowners are farmers and ranchers. The ultimate goal is for the Tribe to own the land and operate the Dam. You have explained via telephone conversations with a member of our staff that the Tribe has attempted to negotiate settlements for the purchase of the land from the landowners, but has now asked the Board to condemn the land pursuant to its eminent domain powers. You have explained that you own land in the proposed site and question whether you are permitted to vote on the use of eminent domain.

Question

Pursuant to the local level conflict of interest laws, may a member of the Nemaha-Brown County Watershed Board vote on the condemnation of land via the power of eminent domain when he owns land which may be condemned?

Opinion

As a member of Nemaha-Brown County Watershed Board, you are governed by the local level conflict of interest laws found in K.S.A. 75-4301 *et seq.* In order to properly address your question, we should review K.S.A. 75-4304, which prohibits a local official from participating in the making of contracts in which that official has a substantial interest. It states in pertinent part:

(a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.

The absolute abstention requirement of K.S.A. 75-4304 is triggered only in situations where the local governmental officer, in the capacity as a governmental officer, makes or participates in the making of a *contract* with a

person or business by which the officer is employed or in whose business the officer has a substantial interest. This Commission has consistently held that K.S.A. 75-4304 does not generally cover legislative decisions or administrative decisions such as those made by planning commissions, boards of zoning appeals, or city councils. (See Commission Opinions 1999-51, 1999-05, 1998-20 and 1994-38.)

Therefore, the initial inquiry which must be addressed in order to answer your question is whether the exercise of the power of eminent domain constitutes a contract between the Board and the landowner. *The Real Life Dictionary of the Law* defines eminent domain as:

The power of a governmental entity . . . to take private real estate for public use, with or without the permission of the owner. The Fifth Amendment to the Constitution provides that "private property [may not] be taken for public use without just compensation. . . . The usual process includes passage of a resolution by the acquiring agency to take the property (condemnation), including a declaration of public need, followed by an appraisal, an offer, and then negotiation. If the owner is not satisfied, he/she may sue the governmental agency for a court's determination of just compensation." *The Real Life Dictionary of the Law* by Gerald and Kathleen Hill, Published by General Publishing Group.

Clearly, the initial portion of this action, the vote by the Board and passage of a resolution to condemn property pursuant to the power of eminent domain, is not a contract and is purely legislative in nature. Therefore, K.S.A. 75-4304 would not prevent a board member from voting on such a resolution.

K.S.A. 75-4305, however, requires disclosure of actions other than contracts which affect a local government official's private business interests. It states:

(a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer.

Therefore, before voting on a resolution to condemn land in which you have a substantial interest, you must file a statement of substantial interests form which discloses the nature of your interests which will be affected by the resolution. Pursuant to K.S.A. 75-4301a(1), you have a substantial interest in the farmland you own. Therefore, you would be required to file a statement of substantial interests form prior to voting on the resolution to condemn land that you own. Please note, if the Board were to enter into negotiations with the landowners regarding the purchase price of their land, pursuant to K.S.A. 75-4304, you would be prohibited from participating, including discussions and voting, in your capacity as a Watershed Board member, in the making of such a contract with yourself or your spouse, because you have a substantial interest in the land you own.

Opinion No. 2004-05

Written February 18, 2004, to Patricia L. (Pat) Sedlock, Kansas City, Kansas.

This opinion is in response to your letter of February 9, 2004, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*) and the local level ethics laws (K.S.A. 75-4301a *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 25-4142 *et seq.* and K.S.A. 75-4301a *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as the organizer of an event called "Celebrate!!!" You have explained that the purpose of this event is to celebrate the changes that have recently occurred in Wyandotte County and demonstrate to future leadership your excitement over these changes. You have put together a committee of like minded individuals to organize this event and this committee will be soliciting contributions to cover the cost of the event. You have further explained that you will not be advocating for the support or election of any candidate.

Question

Does the organization of this event, or the event itself, violate any campaign finance or local conflict of interest laws?

Opinion

We have reviewed the Campaign Finance Act, found in K.S.A. 25-4142 *et seq.*, and the local level conflict of interest laws, found in K.S.A. 75-4301a *et seq.*, and nothing in those laws prohibits you from forming a committee to host an event such as you have described.

Daniel Severt
Chairman

Doc. No. 030395

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-154. KAPS Chain No. 1593 retailer instant ticket incentive. (a) During the period beginning January 1, 2004, and ending February 28, 2004, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all participating KAPS lottery retailers located in Kansas an opportunity to participate in a \$10 instant ticket sales promotion.

(b) At the end of the promotion, the store with the greatest percentage increase in \$10 instant ticket sales for the period from January 1, 2004, through February 28, 2004, over the base sales period of January 1, 2003, through February 28, 2003, will win a \$300 credit on the retailer's lottery account.

The store with the second greatest percentage increase in \$10 instant ticket sales for the period from January 1, (continued)

2004, through February 28, 2004, over the base sales period of June 1, 2003, through July 29, 2003, will win a \$50 credit on the retailer's lottery account.

The store with the third greatest percentage increase in \$10 instant ticket sales for the period from January 1, 2004, through February 28, 2004, over the base sales period of January 1, 2003, through February 28, 2003, will win a \$25 credit on the retailer's lottery account. Promotional items chosen by the lottery will also be awarded to all retail locations which show an increase in \$10 instant ticket sales over the base period. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-1-12-04, Dec. 9, 2003; amended, T-111-2-19-04, Jan. 14, 2004.)

111-2-155. Brumit Oil Chain No. 1096 retailer instant ticket incentive. (a) During the period beginning January 1, 2004, and ending February 28, 2004, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all participating Brumit Oil lottery retailers located in Kansas an opportunity to participate in a \$10 instant ticket sales promotion.

(b) At the end of the promotion, the store with the greatest percentage increase in \$10 instant ticket sales for the period from January 1, 2004, through February 28, 2004, over the base sales period of January 1, 2003, through February 28, 2003, will win a \$300 credit on the retailer's lottery account.

The store with the second greatest percentage increase in \$10 instant ticket sales for the period from January 1, 2004, through February 28, 2004, over the base sales period of January 1, 2003, through February 28, 2003, will win a \$50 credit on the retailer's lottery account.

The store with the third greatest percentage increase in \$10 instant ticket sales for the period from January 1, 2004, through February 28, 2004, over the base sales period of January 1, 2003, through February 28, 2003, will win a \$25 credit on the retailer's lottery account. Promotional items chosen by the lottery will also be awarded to all retail locations which show an increase in \$10 instant ticket sales over the base period. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-1-12-04, Dec. 9, 2003; amended, T-111-2-19-04, Jan. 14, 2004.)

111-2-156. Pete's Corporation Chain No. 1033 retailer instant ticket incentive. (a) During the period beginning January 1, 2004, and ending February 28, 2004, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all participating Pete's Corporation lottery retailers located in Kansas an opportunity to participate in a \$10 instant ticket sales promotion.

(b) At the end of the promotion, the store with the greatest percentage increase in \$10 instant ticket sales for the period from January 1, 2004, through February 28, 2004, over the base sales period of January 1, 2003, through February 28, 2003, will win a \$300 credit on the retailer's lottery account.

The store with the second greatest percentage increase in \$10 instant ticket sales for the period from January 1, 2004, through February 28, 2004, over the base sales pe-

riod of January 1, 2003, through February 28, 2003, will win a \$50 credit on the retailer's lottery account.

The store with the third greatest percentage increase in \$10 instant ticket sales for the period from January 1, 2004, through February 28, 2004, over the base sales period of January 1, 2003, through February 28, 2003, will win a \$25 credit on the retailer's lottery account. Promotional items chosen by the lottery will also be awarded to all retail locations which show an increase in \$10 instant ticket sales over the base period. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-1-12-04, Dec. 9, 2003; amended, T-111-2-19-04, Jan. 14, 2004.)

111-2-157. Wayman Oil winner awareness "Starburst" promotion. (a) In addition to compensation specified in K.A.R. 111-2-4 and 111-2-6, the Kansas lottery shall also conduct a "Starburst" promotion to enhance winner awareness at all Wayman Oil corporate locations.

(b) The winner awareness sales promotion will commence at 5:00 a.m. on Sunday, February 1, 2004, and end at the end of the business day as defined at K.A.R. 111-6-1 on Sunday, February 29, 2004.

(c) Beginning February 1, 2004, and concluding February 29, 2004, the lottery will conduct a "Starburst" promotion at all the Wayman Oil corporate stores located in Kansas. The stores must place a starburst decal on a visible wall or counter for every winning instant or on-line ticket that is redeemed at that retailer which wins \$10 or more. Each starburst placed should contain, where possible, the amount won, the ticket itself, and the name of the winner if written permission is obtained from the winner.

(d) For every 10 winning starbursts placed in a visible location at the retail establishment, the retailer will receive the lottery's choice of a promotional item, with a maximum of 10 items per store. For every 25 winning starbursts placed in a visible location at the retail establishment, that retailer will be entered into a drawing for a prize from the lottery. The grand prize is a \$150 credit on the retailer's lottery account, and the second prize is a \$50 credit on the retailer's lottery account. Each retail location is eligible to win only one of the two credit prizes.

(e) During the week preceding the start of the promotion, an information sheet will be provided for all participating retailers so that they may all start on the same day. Starbursts will be provided by the lottery. The drawings for the grand prize and second prize will be conducted at the lottery's Great Bend regional office on March 8, 2004. Lottery security will approve drawing procedures to be used for the drawing. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-2-19-04, Jan. 14, 2004.)

Article 4.—INSTANT GAMES AND DRAWINGS

CABELA'S CASH DRAWING

111-4-2052. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Cabela's Cash Drawing," and will accept entries on and after the day Kansas lottery "Cabela's Cash" instant tickets are first offered for sale to the general public and ending on Tuesday, January

20, 2004, as specified in K.A.R. 111-4-2052. The drawing will be held at approximately 11:00 a.m. on Friday, January 23, 2004, at the Kansas state capitol building in Topeka, Kansas. Rules applicable to the "Cabela's Cash Drawing" are contained in K.A.R. 111-4-2052 through 111-4-2057 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003; amended, T-111-2-19-04, Jan. 14, 2004.)

111-4-2055. Method of entry. (a) Entry into the "Cabela's Cash Drawing" to be conducted on January 23, 2004, shall be accomplished as follows:

(1) Obtain a valid "Cabela's Cash" Kansas instant lottery ticket.

(2) Determine if the ticket is a winning ticket in accordance with "Cabela's Cash" game rules. If the ticket is a winning ticket, it is not eligible for the drawing and shall be redeemed in accordance with the instant game rules. For purposes of this drawing, any ticket winning a 20 percent Cabela's discount shall be deemed a non-winning ticket.

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may use it to enter the drawing.

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) A receptacle or drum may be available for deposit of entries at the various locations as may be specifically designated by the lottery. All entries so deposited shall be transported to lottery headquarters and secured until the time of the drawing.

(6) Entries may also be mailed with proper postage to "Cabela's Cash Drawing" c/o Kansas lottery, P. O. Box 3561, Topeka, Kansas 66601-3561. Mailed entries must be received by morning mail pickup on Tuesday, January 20, 2004. More than one entry may be mailed in one envelope.

(7) 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.

(8) The drawing will be conducted at approximately 11:00 a.m. on Friday, January 23, 2004.

(b) There is no limit on the number of entries a person may make, but a person may only win one time in the drawing.

(c) Only valid non-winning "Cabela's Cash" tickets which are mailed to the address set forth above with proper postage and received by the morning mail pickup in Topeka, Kansas, on Tuesday, January 20, 2004, and non-winning "Cabela's Cash" tickets entered at such other locations as may be specifically designated by the lottery shall be eligible for the drawing.

(d) Eligible entrants in the "Cabela's Cash Drawing" must be 18 years of age or older.

(e) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003; amended, T-111-2-19-04, Jan. 14, 2004.)

111-4-2057. Selection of winners. The following process shall be used for the selection of winners in the "Cabela's Cash Drawing":

(a) Kansas lottery personnel shall pick up all mail containing "Cabela's Cash Drawing" tickets 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 Tuesday, January 20, 2004. Following the morning mail pickup on Tuesday, January 20, 2004, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. Prior to the drawing, all mailed entries and entries retained from such other locations as specifically designated by the lottery shall then be transported to the location of the drawing and placed in the drawing receptacle or drum.

(b) The drawing shall be held at the Kansas state capitol building in Topeka, Kansas, and shall be open to the public with lottery security personnel present. The drawing shall be audio and video taped.

(c) At the final drawing on Friday, January 23, 2004, 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 thoroughly with a shovel or by other means prior to the drawing.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, 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 grand prize of one \$10,000 shopping spree as identified in K.A.R. 111-4-2054, subject to validation by the lottery as set forth in these rules. Four more entries shall be selected one at a time in the same manner. The person whose name appears on each of those entries shall be the winner of a secondary prize of a \$2,000 shopping spree as identified in K.A.R. 111-4-2054, subject to validation by the lottery as set forth in these rules. Each valid entry shall be numbered from two through five.

(e) After five entries have been drawn, and the entries have been verified as valid, five more entries will be drawn, one at a time. The last five entries drawn will serve as alternate entries for the prize packages. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A, and 5A. 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 present a fully-executed claim form to lottery headquarters by 5:00 p.m. on the thirtieth calendar day following the drawing. The alternates will be used, if necessary, in the order drawn. If a winner or an alternate winner cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. on the thirtieth calendar day following the claim form being given or sent to the alternate winner, 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.

(continued)

(f) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "Cabela's Cash 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. The prize winners shall be given or sent a prize claim form to be completed and returned to the lottery within 30 calendar days of the drawing.

(g) If the entry is determined to be ineligible, it shall be discarded by the security person present and another entry drawn, unless it is valid to win an instant scratch ticket prize, in which event the person whose name appears on the ticket shall be paid said prize amount. This procedure will be repeated until valid selections are obtained.

(h) Only non-winning "Cabela's Cash" instant tickets as defined by these rules are eligible for the drawing.

(i) All "Cabela's Cash" tickets remaining in the drum or receptacle on January 23, 2004, after the winners and alternatives 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. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003; amended, T-111-2-19-04, Jan. 14, 2004.)

KANSAS SPEEDWAY \$200 GRAND SECOND CHANCE DRAWING

111-4-2095. Name, time, and place of drawing. (a) The Kansas lottery shall conduct an instant ticket drawing on June 5, 2004, entitled "Kansas Speedway \$200 Grand Second Chance Drawing."

(b) The draw receptacle for this drawing shall be open on June 5, 2004, during lottery selling hours at the lottery's Kansas Speedway selling booth in Kansas City, Kansas, through approximately 12:00 p.m. The drawing shall take place at the Kansas Speedway at approximately 12:30 p.m. on June 5, 2004.

(c) Rules applicable to this drawing are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2095 through 111-4-2099. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2096. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and amendments thereto and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Kansas Speedway \$200 Grand Second Chance Drawing" means the act of drawing for prizes conducted by the Kansas lottery at the Kansas Speedway in Kansas City, Kansas, in which participants are selected to win various prizes as described in K.A.R. 111-4-2098.

(c) Entry means any valid Kansas Speedway \$200 Grand instant game lottery ticket that entitles the holder to free admission to the race at Kansas Speedway on June 5, 2004, pursuant to the rules of said instant ticket.

(d) "Receptacle" or "drum" means a container in which entry tickets are placed and from which the "Kansas Speedway \$200 Grand Second Chance Drawing" is made. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution.

(e) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a non-sleeve shirt which exposes the drawer's bare arm and looks away from the drawing drum or receptacle while drawing. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2097. Entry into drawing. Entry into the "Kansas Speedway \$200 Grand Second Chance Drawing" ("drawing") is accomplished as follows:

(a) Obtain a valid Kansas Speedway \$200 Grand lottery ticket;

(b) Determine if the ticket is a winning ticket in accordance with any instant game rules. If the ticket wins any monetary prize, it is not eligible for the drawing and shall be redeemed in accordance with the instant game rules;

(c) If the ticket entitles the holder to free admission to the race at Kansas Speedway on June 5, 2004, the ticket is eligible for winning the drawing and the holder of the ticket may enter the drawing;

(d) The holder of the entry ticket must complete the information form on the back of the ticket in a legible manner;

(e) The holder of the entry ticket must take the ticket with the completed information form to the Kansas lottery selling location at Kansas Speedway on June 5, 2004, and place it in the receptacle or drum provided;

(f) The receptacle or drum shall be available and entries may be made at the times stated in K.A.R. 111-4-2095;

(g) The holder of the ticket is required to be present at the time of the drawing to be determined a winner;

(h) Each entrant may enter the drawing only one time;

(i) All eligible entrants must be at least 18 years of age. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2098. Determination of "Kansas Speedway \$200 Grand Second Chance Drawing" winners and prizes. (a) At least five minutes before closing of the drawing, a lottery drawing official designated by the executive director shall announce to the audience that the winner selection process will begin. Any persons wishing to enter the drawing who have not yet done so, shall immediately place their tickets into the receptacle or drum at this time.

(b) The drawing official shall announce that entries into the drawing are closed. No further entries will be accepted.

(c) The receptacle or drum shall be sealed and capable of being thoroughly mixed with a shovel or by other means or rotated a minimum of 10 times to ensure random selection.

(d) The drawing official shall designate one individual of his or her choice to participate in the selection process.

(e) The selection of drawing winners shall be accomplished by the individual designated by the drawing official, using a bare arm technique, removing one ticket from the drawing receptacle or drum. A designated drawing official and a person representing Kansas lottery security, shall review the selected ticket to determine if

the information completed by the player located on the back of the selected ticket is legible. If the ticket is determined to be valid and eligible to win and the name is determined to be legible, the name of the winner shall be announced to the audience. This process shall be repeated until two valid winners have been selected. Each valid entry drawn shall be marked in the order drawn, 1 and 2.

(f) After the tickets have been drawn and each entry has been verified as valid by lottery security, three more entries will be drawn, one at a time, to serve as alternate entries. The alternate entries will be marked in order drawn, 1A, 2A, and 3A. The alternate ticket entries will be used only if the original winners fail to present themselves at the place and time announced to the audience for the contest described hereinafter, or are declared ineligible, or fail to present a fully-executed claim form as required herein. The alternates will be used, if necessary, in the order drawn.

(g) Immediately after the winning and alternate entries have been selected, a lottery official or person designated by the lottery official shall announce to the audience via the public address system at the Kansas Speedway the names on the first two entries drawn, the location at the racetrack the persons are to appear to make their predictions of the outcome of the race, and the amount of time they have to arrive at the location. If any winner fails to appear at the designated location by the announced time, that person shall no longer be eligible to participate in the contest, and the name of the first alternate winner, the location where the alternate is to appear, and the amount of time allowed for arrival at the location shall be announced in the same manner as the first announcement. This process shall be repeated until two winners have properly presented themselves. The lottery official shall satisfy himself or herself that the persons who present themselves are the persons named on each entry.

(h) The lottery official shall determine and give each contestant an equal amount of time to predict in correct order the official first, second, and third place finishers of that day's ARCA RE/MAX race or as said race may be postponed or continued from time to time. The contestants may not select the same racers in the same finishing order. In the event both contestants have selected the same racers in the same finishing order, the first of the two contestants whose name was selected shall have the opportunity to retain his or her predictions, or change one or more of the predictions. If that contestant chooses to retain the first selections made, the other contestant must change one or more of his or her predictions. Each person's predictions shall be reduced to writing and signed by the persons making the predictions and delivered to the lottery official. All predictions must be made, reduced to writing, delivered to the lottery official, and signed no less than 20 minutes before the official start of the race.

(i) The official final results of the race shall be compared to the predictions made by each contestant. In the event a contestant correctly predicted the exact correct official finishing order of the first, second, and third place finishers in the race, that contestant shall receive a prize from the lottery of two hundred thousand dollars (\$200,000), subject to withholding and offsets as provided by law.

(j) Each of the two contestants competing in the contest shall also receive a race weekend prize package for two consisting of reserved admission to races conducted at the Kansas Speedway on July 3 and 4, 2004, double-occupancy hotel accommodations on July 2 and 3, 2004, food and beverages in the lottery's hospitality chalet located at the racetrack, and \$2,000 cash, together with payment by the lottery of all mandatory income withholding taxes on the prize, except that a contestant winning the \$200,000 prize shall not receive an additional \$2,000 cash or payment of mandatory income withholding taxes on the \$200,000 prize.

(k) Each winner of a prize as a result of the drawing shall return to lottery headquarters a completed claim form as provided by the lottery, which claim form must be actually received by lottery no later than 5:00 p.m. on the fourteenth day following the drawing or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn pursuant to subsection (f) herein who has not won a prize herein shall be declared the winner of a race weekend package only, as described in subsection (j) hereinafore, but shall not be entitled to the \$200,000 prize.

(l) In the event there are fewer than 20 drivers actually participating in the ARCA RE/MAX race on June 5, 2004, this contest shall not be conducted and shall be declared null and void. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2099. Certification of drawing. (a) The "Kansas Speedway \$200 Grand Second Chance Drawing" shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery ("event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04; Jan. 14, 2004.)

COUNTRY STAMPEDE SECOND CHANCE DRAWING (2004)

111-4-2100. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Country Stampede Second Chance Drawing (2004)," and will accept entries on and after the day Kansas lottery "Country Stampede Doubler" instant tickets are first offered for sale to the general public and ending on Tuesday, May 18, 2004, as specified in K.A.R. 111-4-2103. The drawing will be held on Friday, May 21, 2004, at Kansas lottery headquarters in Topeka, Kansas. Rules applicable to the "Country Stampede Second Chance Drawing (2004)" are contained in K.A.R. 111-4-2100 through 111-4-2105 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2101. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and

(continued)

lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Country Stampede Second Chance Drawing (2004)" means the act of drawing prizes conducted by the Kansas lottery at lottery headquarters in Topeka, Kansas, at the time described in K.A.R. 111-4-2103, in which participants are selected to win various prizes as described in K.A.R. 111-4-2102.

(c) "Non-winning ticket" means any valid Kansas lottery "Country Stampede Doubler" instant game lottery ticket not eligible to win a prize under the rules of the "Country Stampede Doubler" instant game.

(d) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "Country Stampede Second Chance Drawing (2004)" entries are drawn. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution.

(e) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm and looks away from the drawing drum or receptacle while drawing. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2102. Prize. (a) The winner of a grand prize at the "Country Stampede Second Chance Drawing (2004)," which will be conducted on May 21, 2004, shall receive a grand prize package for two persons. The grand prize package shall consist of two trips for two persons each. Both trips for two persons will be awarded to one grand prize winner. The first trip awarded in the grand prize drawing shall consist of the following: round-trip airfare from Kansas City, Missouri, to Nashville, Tennessee; double occupancy accommodations for four days and three nights at the Opryland Hotel; round-trip transportation from the airport to the hotel; one breakfast buffet for two at the Opryland Hotel; a luncheon cruise on the General Jackson Showboat; admission to the Grand Ole Opry Museum; tour of the Country Music Hall of Fame and the Ryman Auditorium; admission to the Wild-horse Saloon plus one beverage for each person; ride on the Delta River Flatboat; transportation to and from all of the attractions to which admission is provided herein; Gaylord Opryland Coupon Book; \$1,500 cash; and mandatory state and federal income withholding taxes. The second trip awarded in the grand prize drawing shall consist of the following: front row VIP tickets and parking for the Country Stampede in Manhattan, Kansas, on June 25 through 27, 2004, including food and beverages; tickets to Country Stampede Kick-Off Party on June 24, 2004; double occupancy hotel accommodations for the evenings of June 24 through 27, 2004; acoustic guitar for autographs of entertainers at the Country Stampede; one \$100 gift certificate to the Country Stampede Souvenir Shop; co-emcee the introduction of one of the entertainers at the Stampede; \$300 cash; and mandatory state and federal income withholding taxes.

(b) In addition, 10 second prizes will be awarded for trips for two persons, which shall consist of the following: reserved admission tickets and parking for the Country Stampede in Manhattan, Kansas, on June 25 through 27, 2004, including food and beverages; tickets to the Country Stampede Kick-Off Party on June 24, 2004; double occupancy hotel accommodations for the evenings of June 24 through 27, 2004; one \$25 gift certificate to the Country Stampede Souvenir Shop; \$500 cash; and mandatory state and federal income withholding taxes.

(c) The following restrictions shall apply to prizes awarded in this drawing:

(1) The Kansas lottery is not responsible for any losses caused by delay or cancellation of the Country Stampede or any of the events in Nashville, Tennessee.

(2) Trip packages are transferable one time but cannot be redeemed for cash.

(3) The lottery shall choose and reserve all hotel rooms.

(4) The lottery shall choose and provide transportation as described above. All other transportation is the responsibility of the prize winners.

(5) The trip to Nashville, Tennessee, must be taken no later than November 30, 2004.

(6) Any meals, drinks, gratuities, taxes, and other expenses that are not specifically mentioned are not included.

(d) All prizes are subject to lottery validation, set-offs and deductions authorized by law.

(e) The winner of a prize shall return to the lottery a completed claim form as provided by the lottery within 14 calendar days in which his or her ticket was drawn or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn for that prize pursuant to subsection (e) of K.A.R. 111-4-2105 shall be declared the winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04; Jan. 14, 2004.)

111-4-2103. Method of entry. (a) Entry into the "Country Stampede Second Chance Drawing (2004)" to be conducted on May 21, 2004, shall be accomplished as follows:

(1) Obtain a valid "Country Stampede Doubler" Kansas lottery instant lottery ticket.

(2) Determine if the ticket is a winning ticket in accordance with "Country Stampede Doubler" game rules. If the ticket is a winning ticket, it is not eligible for the drawing and shall be redeemed in accordance with the instant game rules.

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may use it to enter the drawing.

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) A receptacle or drum may be available for deposit of entries at locations as may be specifically designated by the lottery. All entries so deposited shall be transported to lottery headquarters and secured until the time of the drawing.

(6) Entries may also be mailed with proper postage to "Country Stampede Drawing c/o Kansas Lottery, P. O.

Box 750980, Topeka, Kansas 66675-0980." Mailed entries must be received by morning mail pickup on Tuesday, May 18, 2004. More than one entry may be mailed in one envelope.

(7) 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.

(8) The drawing will be conducted on Friday, May 21, 2004.

(b) There is no limit on the number of entries a person may make, but a person may only win one time in the drawing.

(c) Only valid non-winning "Country Stampede Doubler" tickets which are mailed to the address set forth above with proper postage and received by the morning mail pickup in Topeka, Kansas, on Tuesday, May 18, 2004, and non-winning "Country Stampede Doubler" tickets entered at locations as may be specifically designated by the lottery, shall be eligible for the drawing.

(d) Eligible entrants in the "Country Stampede Second Chance Drawing (2004)" must be 18 years of age or older.

(e) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2104. Certification of drawing. (a) The "Country Stampede Second Chance Drawing (2004)" shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery (hereinafter "event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2105. Selection of winners. The following process shall be used for the selection of winners in the "Country Stampede Second Chance Drawing (2004)":

(a) Kansas lottery personnel shall pick up all mail containing "Country Stampede Second Chance Drawing (2004)" tickets 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 Tuesday, May 18, 2004. Following the morning mail pickup on Tuesday, May 18, 2004, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries and entries retained from any other locations as specifically designated by the lottery shall then be 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 the final drawing on Friday, May 21, 2004, 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 thoroughly mixed with a shovel or by other means prior to the drawing.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, 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 grand prize package identified in K.A.R. 111-4-2102, subject to validation by the lottery as set forth in these rules. This entry shall be marked as the grand prize winner.

(e) After said grand prize entry has been drawn, and the entry has been verified as valid, 10 more entries will be drawn, one at a time. The person whose name appears on each entry shall be the winner of one of the second prize packages identified in K.A.R. 111-4-2102, subject to validation by the lottery as set forth in these rules. Entries will be marked in the order drawn, 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and otherwise identified as having been selected for the applicable drawing. If the grand prize winner cannot be located, is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the next selected second prize winner for this drawing shall be declared the winner, subject to the claim procedure as set forth in these rules. If a second prize 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 the grand prize winner, the next selected second prize winner shall be declared the winner, subject to the claim procedure as set forth in these rules. The second prize winners will be used, if necessary, in the order drawn. If a second prize winner cannot be located, is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the process shall be repeated until the prize is properly claimed or until such time as no winners remain, whichever occurs first.

(f) After the grand prize and second prize entries have been drawn, and the entries have been verified as valid, five more entries will be drawn, one at a time. The last five entries drawn will serve as alternate entries for the prize packages. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A, and 5A. The alternate entries will be used only if one or more of the original second prize winners cannot be located or is declared ineligible, fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. of the fourteenth calendar day following the drawing, or is elevated to a grand prize winner. The alternates will be used, if necessary, in the order drawn. If an alternate winner cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. of the fourteenth calendar day following the claim form being given or sent to the alternate winner, 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.

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(g) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "Country Stampede Second Chance Drawing (2004)" 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. Each winner shall be given or sent a prize claim form to be completed and returned to the lottery within 14 calendar days of the drawing.

(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) Only non-winning "Country Stampede Doubler" instant tickets as defined by these rules are eligible for the drawing.

(j) All "Country Stampede Doubler" tickets remaining in the drum or receptacle on May 21, 2004, 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. 74-8710; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2106. "Blackjack" instant ticket lottery game number 328. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Blackjack" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2106.

(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\$
\$6. ⁰⁰	SIX\$
\$8. ⁰⁰	EGT\$
12. ⁰⁰	TWLV
24. ⁰⁰	TWNFOR
50. ⁰⁰	FIFTY
70. ⁰⁰	SEVENTY
\$210\$	TWOTEN
\$700\$	SEVHUN
\$10000	10-THOU
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

(c) For this game, a play symbol shall appear in each of 10 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 six 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
SIX	=	\$6.00
TWL	=	\$12.00
TFO	=	\$24.00
FTY	=	\$50.00
THT	=	\$210.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Blackjack" is a beat the dealer game. The player will remove the scratch-off material over each table play area to reveal three "HANDS," "HAND 1," "HAND 2," and "HAND 3," three "PRIZE" amounts, and one "DEALER'S HAND" on each table. If the sum of a "HAND" is higher than the sum 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 busts, the player wins all five prizes for that table. The cards "J," "Q," and "K" will have a point value of 10. The card "A" will have a point value of 11.

(h) Each ticket in this game may win up to three 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:

Prizes	Expected Number of Prizes in Game	Expected Value in Game	
FREE TICKET	FREE TICKET	90,000	\$0
\$1	\$1	27,000	27,000
\$2	\$2	22,500	45,000
\$1 Doubled	\$2	24,000	48,000
\$4	\$4	9,300	37,200
\$2 + \$2	\$4	9,900	39,600
\$2 Doubled	\$4	12,060	48,240
\$1 + \$1 + \$2	\$4	13,500	54,000
\$6	\$6	1,050	6,300
\$3 + \$3	\$6	960	5,760
\$2 x 3 (Bust)	\$6	1,200	7,200
\$12	\$12	330	3,960
\$6 + \$6	\$12	360	4,320
\$4 x 3 (Bust)	\$12	450	5,400
\$4 Doubled + \$4	\$12	540	6,480
\$24	\$24	360	8,640
\$12 + \$12	\$24	420	10,080
\$8 x 3 (Bust)	\$24	450	10,800
\$50	\$50	150	7,500
\$2 + \$24 + \$24	\$50	210	10,500
\$210	\$210	6	1,260
\$70 + \$70 + \$70	\$210	9	1,890
\$700 x 3 (Bust)	\$2,100	6	12,600
\$10,000	\$10,000	6	60,000
		<u>214,767</u>	<u>\$461,730</u>

(k) The odds of winning a prize in this game are approximately one in 4.19. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2107. "Bonus Crossword" instant ticket lottery game number 340. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Bonus Crossword" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2107.

(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
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 1,800,000 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	300,000	\$0
4 - words	\$5	72,000	360,000
5 - words	\$10	38,400	384,000
6 - words	\$20	13,800	276,000
7 - words	\$100	1,800	180,000
8 - words	\$500	276	138,000
9 - words	\$2,000	66	132,000
10 - words	\$20,000	12	240,000
TOTAL		<u>426,354</u>	<u>\$1,710,000</u>

(l) The odds of winning a prize in this game are approximately one in 4.22. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2108. "\$75,000 Jackpot" instant ticket lottery game number 341. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "\$75,000 Jackpot" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2108.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
2 of hearts	twoh
2 of diamonds	twod
2 of clubs	twoc
2 of spades	twos
3 of hearts	thrh
3 of diamonds	thrd
3 of clubs	thrc
3 of spades	thrs
4 of hearts	forh
4 of diamonds	ford
4 of clubs	forc
4 of spades	fors
5 of hearts	fivh
5 of diamonds	fivd
5 of clubs	fivc
5 of spades	fivs

(continued)

6 of hearts	sixh
6 of diamonds	sixd
6 of clubs	sixc
6 of spades	sixs
7 of hearts	svnh
7 of diamonds	svnd
7 of clubs	svnc
7 of spades	svns
8 of hearts	egth
8 of diamonds	egtd
8 of clubs	egtc
8 of spades	egts
9 of hearts	ninh
9 of diamonds	nind
9 of clubs	ninc
9 of spades	nins
10 of hearts	tenh
10 of diamonds	tend
10 of clubs	tenc
10 of spades	tens
Jack of hearts	jckh
Jack of diamonds	jckd
Jack of clubs	jckc
Jack of spades	jcks
Queen of hearts	qunh
Queen of diamonds	qund
Queen of clubs	qunc
Queen of spades	quns
King of hearts	kngh
King of diamonds	kngd
King of clubs	kngc
King of spades	kngs
Ace of hearts	aceh
Ace of diamonds	aced
Ace of clubs	acec
Ace of spades	aces
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
MAYBE NEXT TIME	
GOOD LUCK	
One dot	ONE
Two dots	TWO
Three dots	THREE
Four dots	FOUR
Five dots	FIVE
Six dots	SIX
1	ONE
2	TWO
3	THR

4	FOR
5	FIV
6	SIX
7	SEV
8	EGT
9	NIN
Symbol of a dice	DICE
Symbol of a bunch of cherries	CHERRIES
Symbol of lemons	LEMONS
Symbol of a stack of bills	BILLS
Symbol of a crown	CROWN
Symbol of a horseshoe	HRSHOE
Symbol of a shamrock	SHMROCK
Symbol of a pot of gold	GOLD
Symbol of a star	STAR
Symbol of a bell	BELL
Symbol of an apple	APPLE
Symbol of a pear	PEAR
\$2. ⁰⁰	TWO\$
\$3. ⁰⁰	THR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWENTY
25. ⁰⁰	TWEN-FIV
40. ⁰⁰	FORTY
50. ⁰⁰	FIFTY
75. ⁰⁰	SVTYFIV
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$5000	FIVETHOU
\$75000	75-THOU

(c) For this game, a play symbol shall appear in each of 76 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 029.

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

TEN	=	\$10.00
FTN	=	\$15.00
TWY	=	\$20.00
TWF	=	\$25.00
FRY	=	\$40.00
FTY	=	\$50.00
STF	=	\$75.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$10.00 each.

(g) The "\$75,000 Jackpot" ticket features seven different play areas. Game 1, "Poker," is a card game. A player will remove the scratch-off material covering the play area to reveal four hands. Each hand consists of five cards. If a player reveals a card hand shown in the prize grid of one pair or better, the player wins the corresponding prize in the prize legend. The winning hands set forth

in the prize grid shall be explained on the reverse side of each ticket. A player can win up to four times in this play area.

Game 2, "Lucky Numbers," is a key number match game. A player will remove the scratch-off material to reveal one "LUCKY NUMBER" and five "YOUR NUMBERS," with a prize amount below each of the "YOUR NUMBERS." If any of the "YOUR NUMBERS" match the "LUCKY NUMBER," the player wins the corresponding prize below that number. A player can win up to five times in this play area.

Game 3, "Bonus," is an instant win game. If a player reveals a prize amount, the player wins that amount instantly. A player can win once in this play area.

Game 4, "Double Down," is a match three of six or match four of six to double the prize. A player will remove the scratch-off material to reveal six prize amounts. If a player matches three prize amounts, the player wins that prize. If a player matches four prize amounts, the player wins double the prize amount. A player can win once in this play area.

Game 5, "7-11-21," is a dice game. A player will remove the scratch-off material covering the play area to reveal five "ROLLS," "ROLL 1," "ROLL 2," "ROLL 3," "ROLL 4," and "ROLL 5." If the dice total in a single "ROLL" adds up to seven (7) or eleven (11), the player wins the prize for that "ROLL." If the dice total in a single "ROLL" adds up to 21, the player wins double the prize amount for that "ROLL." A player can win up to five times in this play area.

Game 6, "Lucky 7s," is a symbol instant win game. If a player reveals a "7," the player wins the prize in the prize box. A player can win once in this play area.

Game 7, "Super Slots," is a slots game. If a player reveals three identical symbols in the same horizontal row, the player wins the prize shown for that row. A player can win up to three times in this play area.

(h) Each ticket in this game may win up to 20 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:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$10	28,000	\$280,000
\$10 (\$2 x 4) + \$2	32,000	320,000
\$10 (\$5D)	30,000	300,000
\$10 (\$5 x 2)	30,000	300,000
\$15	12,000	180,000
\$15 (\$5 x 3)	12,400	186,000
\$15 (\$5D + \$5)	12,400	186,000
\$15 (\$3 x 4) + \$3	12,400	186,000
\$15 (\$2 x 5) + \$5	12,400	186,000
\$20	4,400	88,000
\$20 (\$5 x 4)	5,000	100,000
\$20 (\$2 x 10)	5,000	100,000
\$20 (\$10D)	5,280	105,600
\$20 (\$5 x 2) + (\$2 x 5)	5,400	108,000
\$25	2,000	50,000
\$25 (\$5 x 5)	2,400	60,000
\$25 (\$10 x 2) + \$5	2,400	60,000
\$25 (\$5D x 2) + \$5	2,400	60,000
\$25 (\$2 x 10) + \$5	2,400	60,000
\$25 (\$15 + \$10)	2,400	60,000

\$40	\$40	900	36,000
\$40 (\$5 x 8)	\$40	1,100	44,000
\$40 (\$10D) + (\$5 x 4)	\$40	1,150	46,000
\$40 (\$20D)	\$40	1,200	48,000
\$50	\$50	800	40,000
\$50 (\$25D)	\$50	800	40,000
\$50 (\$5 x 10)	\$50	800	40,000
\$75	\$75	700	52,500
\$100	\$100	400	40,000
\$100 (\$10 x 10)	\$100	400	40,000
\$100 (\$5 x 12) + (\$10 x 3) + \$5D	\$100	480	48,000
\$500	\$500	180	90,000
\$500 (\$25 x 20)	\$500	180	90,000
\$1,000	\$1,000	20	20,000
\$1,000 (\$50 x 20)	\$1,000	30	30,000
\$5,000	\$5,000	14	70,000
\$75,000	\$75,000	2	150,000
\$75,000 (\$5,000 x 14) + (\$1,000 x 4) + (\$500 x 2)	\$75,000	4	300,000
TOTAL		<u>229,840</u>	<u>\$4,200,100</u>

(k) The odds of winning a prize in this game are approximately one in 2.61. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2109. "Roll for Riches" instant ticket lottery game number 342. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Roll for Riches" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2109.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
One dot	ONE
Two dots	TWO
Three dots	THREE
Four dots	FOUR
Five dots	FIVE
Six dots	SIX
FREE	TICKET
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$3. ⁰⁰	THR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$400\$	FORHUN
\$500	FIVETHOU

(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 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of six 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
FIV	=	\$5.00
TEN	=	\$10.00

(continued)

TWF =	\$25.00
FTY =	\$50.00
HUN =	\$100.00
FRN =	\$400.00

\$2500	TWYFHUN
\$5000	FIVETHOU
SINGLE PRIZE	
DOUBLE PRIZE	
DOUBLE DOUBLER	

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Roll for Riches" is a dice game. The player will remove the scratch-off material covering the play area to reveal four "ROLLS," "ROLL 1," "ROLL 2," "ROLL 3," and "ROLL 4." If the dice total in a single "ROLL" adds up to seven (7), the player wins the prize for that "ROLL." If the dice total in a single "ROLL" adds up to eleven (11), the player wins double the prize amount for that "ROLL."

(h) Each ticket in this game may win up to four 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:

	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	99,000	\$0
\$1	\$1	50,100	50,100
\$2	\$2	10,500	21,000
\$2 (\$1D)	\$2	10,500	21,000
\$2 (\$1 x 2)	\$2	10,500	21,000
\$5	\$5	3,000	15,000
\$5 (\$1D x 2) + \$1	\$5	3,600	18,000
\$5 (\$1 x 3) + (\$1D)	\$5	3,600	18,000
\$10	\$10	3,000	30,000
\$10 (\$2D) + \$1 + \$5	\$10	3,000	30,000
\$10 (\$5D)	\$10	3,000	30,000
\$25	\$25	900	22,500
\$25 (\$5D x 2) + \$5	\$25	900	22,500
\$25 (\$10D) + \$5	\$25	900	22,500
\$50	\$50	600	30,000
\$50 (\$10D x 2) + (\$5 x 2)	\$50	600	30,000
\$100	\$100	36	3,600
\$100 (\$50D)	\$100	36	3,600
\$100 (\$25 x 4)	\$100	36	3,600
\$400	\$400	24	9,600
\$400 (\$50D x 4)	\$400	24	9,600
\$5,000	\$5,000	9	45,000
TOTAL		<u>203,865</u>	<u>\$456,600</u>

"D" - Denotes doubler feature.

(k) The odds of winning a prize in this game are approximately one in 4.41. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2110. "Double Doubler" instant ticket lottery game number 343. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Double Doubler" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2110.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
\$1. ⁰⁰	ONES\$
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
20. ⁰⁰	TWENTY
40. ⁰⁰	FORTY

(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" feature. A player will remove the scratch-off material covering the game play area to reveal six prize amounts and a "PRIZE LEVEL." The "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 will win the prize amount matched. If a player matches three like prize amounts and the words "DOUBLE PRIZE" are revealed, the player will win double the prize amount matched. If a player matches three like prize amounts and the words "DOUBLE DOUBLER" are revealed, the player will win four times the prize matched.

(h) Each ticket in this game may win one time.

(i) Approximately 1,800,000 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:

	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - \$1 + single prize	\$1	138,000	\$138,000
3 - \$2 + single prize	\$2	25,200	50,400
3 - \$1 + double prize	\$2	48,000	96,000
3 - \$1 + double doubler	\$4	18,000	72,000
3 - \$5 + single prize	\$5	25,500	127,500
3 - \$5 + double prize	\$10	18,000	180,000
3 - \$5 + double doubler	\$20	11,136	222,720
3 - \$20 + double prize	\$40	1,200	48,000
3 - \$40 + single prize	\$40	480	19,200
3 - \$20 + double doubler	\$80	90	7,200
3 - \$2,500 + single prize	\$2,500	2	5,000
3 - \$5,000 + double prize	\$10,000	3	30,000
3 - \$2,500 + double doubler	\$10,000	3	30,000
TOTAL		<u>285,614</u>	<u>\$1,026,020</u>

(k) The odds of winning a prize in this game are approximately one in 6.30. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2111. "Lucky Lines" instant ticket lottery game number 344. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Lucky Lines" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2111.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
Symbol of a bunch of cherries	CHERRY
Symbol of a plum	PLUM
Symbol of a gold bar	BAR
Symbol of a horseshoe	HRSHOE
Symbol of a banana	BANANA
Symbol of an elephant	ELPHNT
Symbol of a horn of plenty	HORN
Symbol of the moon	MOON
Symbol of a dice	DICE
Symbol of a rainbow	RAINBW
Symbol of a crown	CROWN
Symbol of a pear	PEAR
Symbol of a diamond	DIAMND
Symbol of a bunch of grapes	GRAPES
Symbol of a daisy	DAISY
Symbol of a lemon	LEMON
Symbol of a pot	POT
Symbol of a heart	HEART
Symbol of a spade	SPADE
Symbol of a strawberry	STRWBV
Symbol of a pineapple	PNAPLE
Symbol of a money bag	BAG
Symbol of a bell	BELL
Symbol of a star	STAR
Symbol of the sun	SUN
Symbol of a key	KEY
Symbol of a ladybug	LADYBG
Symbol of a club	CLUB
Symbol of an orange	ORNGE
Symbol of a melon	MELON
Symbol of an apple	APPLE
FREE	TICKET
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$3. ⁰⁰	THR\$
\$4. ⁰⁰	FOUR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWENTY
30. ⁰⁰	THIRTY
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$1000	ONETHOU
\$10000	10-THOU

(c) For this game, a play symbol shall appear in each of 74 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
FTN	=	\$15.00
NTN	=	\$19.00
TWY	=	\$20.00
TRY	=	\$30.00
FTY	=	\$50.00
HUN	=	\$100.00
THY	=	\$250.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Lucky Lines" is a symbol match game. A player will scratch the "YOUR SYMBOLS." The player will then scratch all the symbols in Games 1 through 4 which exactly match any of the "YOUR SYMBOLS." If the player matches all the symbols in any one straight horizontal line in any game, the player wins the corresponding prize for that line.

(h) Each ticket in this game may win up to five 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:

	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	80,000	\$0
\$2	\$2	20,000	40,000
\$2 (\$1 + \$1)	\$2	20,000	40,000
\$4	\$4	9,400	37,600
\$4 (\$2 + \$2)	\$4	9,400	37,600
\$4 (\$1 x 4)	\$4	8,600	34,400
\$5	\$5	4,600	23,000
\$5 (\$2 + \$3)	\$5	4,600	23,000
\$5 (\$1 x 5)	\$5	4,620	23,100
\$10	\$10	2,810	28,100
\$10 (\$5 + \$5)	\$10	2,800	28,000
\$10 (\$2 x 5)	\$10	2,800	28,000
\$15	\$15	2,000	30,000
\$15 (\$10 + \$5)	\$15	1,670	25,050
\$19 (\$10 + \$5 + \$4)	\$19	1,400	26,600
\$20	\$20	800	16,000
\$20 (\$10 x 2)	\$20	800	16,000
\$20 (\$10 + \$5 + \$5)	\$20	800	16,000
\$20 (\$5 x 4)	\$20	800	16,000
\$30	\$30	400	12,000
\$30 (\$10 x 3)	\$30	400	12,000
\$50	Game 4 \$50	300	15,000
\$50 (\$20 + \$10 + \$10 + \$5 + \$5)	\$50	250	12,500
\$100	Game 4 \$100	90	9,000
\$100 (\$50 x 2)	Game 4 \$100	90	9,000
\$250 (\$100 + \$100 + \$50)	Game 4 \$250	40	10,000
\$1,000	Game 4 \$1,000	16	16,000
\$10,000	Game 4 \$10,000	4	40,000
TOTAL		179,490	\$623,950

(continued)

(k) The odds of winning a prize in this game are approximately one in 3.34. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2112. "Tip Top 10s" instant ticket lottery game number 345. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Tip Top 10s" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2112.

(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\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWENTY
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
10	TEN

(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
FTN	=	\$15.00
TWY	=	\$20.00
FTY	=	\$50.00
HUN	=	\$100.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Tip Top 10s" is a ticket which combines two different game plays within the same play area. A player can win by matching three of six prize amounts or by revealing one or more "10" symbols and winning a prize according to the prize legend on the ticket front. A player will remove the scratch-off material covering the game play area to reveal six play symbols. If three of the six prize amounts are identical, the player wins that prize amount. If a player reveals from one to four "10" symbols, the player wins a prize according to the prize legend on the ticket front, as follows: One "10" wins \$10.00; two "10s" wins \$100.00; three "10s" wins \$1,000.00; and four "10s" wins \$10,000.00. Only the highest prize won on each ticket will be awarded. Numerals in the play area below the horizontal line are not available for play.

(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:

Method 1	Method 2	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's		Free Ticket	120,000	\$0
3 - \$1.00's		\$1	27,600	27,600
3 - \$2.00's		\$2	15,000	30,000
3 - \$4.00's		\$4	13,500	54,000
3 - \$5.00's		\$5	11,400	57,000
	One 10	\$10	4,500	45,000
3 - \$15.00's		\$15	1,500	22,500
3 - \$20.00's		\$20	1,275	25,500
3 - \$50.00's		\$50	600	30,000
	Two 10s	\$100	240	24,000
3 - \$100.00's		\$100	240	24,000
	Three 10s	\$1,000	15	15,000
	Four 10s	\$10,000	9	90,000
TOTAL			<u>195,879</u>	<u>\$444,600</u>

(k) The odds of winning a prize in this game are approximately one in 4.59. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2113. "Wild Bill" instant ticket lottery game number 346. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Wild Bill" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2113.

(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
40.00	FORTY
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1500	FTNHUN
\$3000	THRTHOU
"WILD" symbol	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
 FRY = \$40.00
 HUN = \$100.00
 FHN = \$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Wild Bill" is a match three of six prize amounts or a match two prize amounts plus a "WILD" 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 "WILD" symbol. If the player matches three like prize amounts, the player wins that amount. If the player matches two like prize amounts plus a "WILD" 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:

	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	84,000	\$0
3 - \$1.00's	\$1	36,000	36,000
2 - \$1.00's & (D)	\$2	28,500	57,000
3 - \$2.00's	\$2	27,000	54,000
2 - \$2.00's & (D)	\$4	9,300	37,200
3 - \$4.00's	\$4	8,520	34,080
3 - \$5.00's	\$5	12,000	60,000
2 - \$5.00's & (D)	\$10	3,900	39,000
3 - \$10.00's	\$10	3,300	33,000
2 - \$10.00's & (D)	\$20	1,140	22,800
3 - \$20.00's	\$20	1,020	20,400
2 - \$20.00's & (D)	\$40	270	10,800
3 - \$40.00's	\$40	210	8,400
3 - \$100.00's	\$100	60	6,000
3 - \$500.00's	\$500	21	10,500
2 - \$1,500.00's & (D)	\$3,000	6	18,000
3 - \$3,000.00's	\$3,000	6	18,000
TOTAL		<u>215,253</u>	<u>\$465,180</u>

(D) - Denotes "WILD" symbol.

(k) The odds of winning a prize in this game are approximately one in 4.18. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2114. "Frisky 50s" instant ticket lottery game number 347. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Frisky 50s" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2114.

(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) "Frisky 50s" is a match three of six prize amounts game. The player will remove the latex covering the play area to reveal six prize amounts. If the player matches three like prize amounts, the player wins that 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:

	Prize	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	5,550	55,500
3 - \$15.00's	\$15	3,297	49,455
3 - \$50.00's	\$50	3,300	165,000
3 - \$500.00's	\$500	15	7,500
TOTAL		<u>176,562</u>	<u>\$451,455</u>

(k) The odds of winning a prize in this game are approximately one in 5.10. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

111-4-2115. "Chomp Change" instant ticket lottery game number 348. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Chomp Change" commencing on or after January 26, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2115.

(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\$
20. ⁰⁰	TWNTY

(continued)

25. ⁰⁰	TWNFIV
50. ⁰⁰	FIFTY
\$500\$	FIVHUN
\$1000	ONETHOU
01¢	PENNY
05¢	NICKEL
10¢	DIME
25¢	QRTER
50¢	HALF

(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
TWY	=	\$20.00
TWF	=	\$25.00
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) "Chomp Change" is an add-up game. A player will remove the latex covering the game play area to reveal five coin play symbols and one prize symbol. If the five coins add up to \$1.00 or more, the player wins the prize in the prize box.

(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:

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free	Free Ticket	129,000
\$2	\$2	37,110
\$5	\$5	21,600
\$10	\$10	6,000
\$20	\$20	2,700
\$25	\$25	2,520
\$50	\$50	1,155
\$500	\$500	27
\$1,000	\$1,000	9
TOTAL		<u>200,121</u>
		<u>\$439,470</u>

(k) The odds of winning a prize in this game are approximately one in 4.50. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-19-04, Jan. 14, 2004.)

Ed Van Petten
Executive Director

Doc. No. 030401

State of Kansas

Board of Regents

Permanent Administrative
Regulations

Article 23.—PROPRIETARY SCHOOLS

88-23-2. Minimum standards. (a) Except as provided in subsection (b), in order to qualify for a certificate of approval, each school shall be required to meet the criteria listed in K.S.A. 72-4926 and amendments thereto. by submitting evidence of meeting the following minimum standards:

(1) The curriculum meets the following requirements:

(A) Is directly related to the institution's published mission;

(B) evidences a well-organized sequence of appropriate subjects leading to occupational competence;

(C) will reasonably and adequately ensure achievement of the stated objective for which the curriculum is offered; and

(D) if the curriculum prepares students for licensure, is consistent with the educational requirements for licensure.

(2) The published policies for measuring student progress are followed.

(3) The physical space meets the following requirements:

(A) Is free from hazards and is properly maintained;

(B) provides learning environments appropriate for the curriculum in size, seating, lighting, equipment, and resources; and

(C) is either owned by the school or accessed through a long-term lease or other means of access that indicates institutional stability.

(4) All reports from the local fire department and other agencies responsible for the assurance of public health and safety for the current year and the previous year are maintained on-site.

(5) All instructional materials meet the following requirements:

(A) Reflect current occupational knowledge and practice consistent with the most up-to-date materials for the field of study;

(B) are sufficiently comprehensive to meet the learning objectives stated in the school's published catalog;

(C) include suitable teaching devices and supplemental instructional aids appropriate to the subject matter; and

(D) are appropriate to the curriculum and the students.

(6) All equipment meets the following requirements:

(A) Is maintained in good repair; and

(B) is used by students according to written policies for safe usage.

(7) The administrative personnel meet the following requirements:

(A) Are adequate in number to support the educational programs offered; and

(B) are adequately prepared for operating a school through training, experience, and credentialing.

(8) All instructors in the business programs have baccalaureate degrees or the equivalent.

- (9) All instructors in the technical programs meet one of the following qualifications:
- (A) Have baccalaureate degrees; or
 - (B) are trained to teach, and meet one of the following requirements:
 - (i) Have industry-specific professional certification; or
 - (ii) have two years of practical experience in the occupation or subject to be taught.
 - (10) The instructors in all programs meet one of the following competency requirements:
 - (A) If required by state or federal law, are certified or licensed; or
 - (B) if not required by state and federal law to be licensed or certified, meet all criteria for instructor competence established by the school.
 - (11) The instructors in all programs meet the following professional requirements through one of the following activities:
 - (A) Maintaining membership in and participating in educational, business, technical, or professional organizations;
 - (B) continuing their education in their professional fields; or
 - (C) having concurrent, related business experiences.
 - (12) In-service training that is consistent with the institution's mission is provided for the improvement of both instructors and curriculum.
 - (13) The published catalog of the school's operation and services includes the following items:
 - (A) A table of contents;
 - (B) a date of publication;
 - (C) a list of any approvals, accreditations, affiliations, and memberships that the school has obtained;
 - (D) any requirements that students must meet to be admitted;
 - (E) an academic calendar or a reference to a published calendar used by the school;
 - (F) the name and nature of the occupations for which training is given;
 - (G) the curriculum offered, including the number of clock-hours or credit hours for each course in the curriculum;
 - (H) a description of the physical space and the educational equipment available;
 - (I) the tuition and fees charged;
 - (J) a description of the system used to measure student progress;
 - (K) graduation or completion requirements, or both;
 - (L) the institutional mission;
 - (M) identification of the owner of the school;
 - (N) a list of the instructors, including their degrees held and the institutions from which their degrees were received;
 - (O) the institutional rules;
 - (P) the school's policies for tuition refund and student enrollment cancellation, as described in paragraph (a)(22);
 - (Q) the extent to which job placement services are available; and
 - (R) the school's policies for credit hour transfers and advanced standing examinations.

- (14) The student enrollment agreement meets the requirements of K.A.R. 88-23-2a.
- (15) All students are given certificates or diplomas upon completion of training that indicate satisfactory completion of courses.
- (16) Each certificate or diploma, at a minimum, includes the following information:
 - (A) The name of the graduate;
 - (B) the name of the program completed;
 - (C) the name of the school issuing the credential; and
 - (D) the date on which the student completed the program.
- (17) All permanent educational records and financial records of the students are securely maintained and protected from theft, fire, and other possible loss.
- (18) All records describing the personnel related to and the development of the following operations are maintained for at least three years:
 - (A) Administration;
 - (B) curriculum;
 - (C) student guidance;
 - (D) instructional supplies and equipment;
 - (E) library;
 - (F) school plant;
 - (G) staff; and
 - (H) student activities.
- (19) All advertising and promotional materials meet the following requirements:
 - (A) Clearly indicate that occupational training, but not employment, is being offered by the school;
 - (B) include the correct name of the school that is approved by the board;
 - (C) are truthful and not misleading by actual statement or omission;
 - (D) are not located in the employment or "help wanted" classified ads;
 - (E) do not quote salaries for an occupation in the school's advertising or promotional literature without including documented average starting wages of the school's graduates;
 - (F) make no offers of institutional scholarships or partial institutional scholarships unless the scholarships are bona fide reductions in tuition and are issued under specific, published criteria;
 - (G) use the word "accredited" only if the accrediting agency is one recognized by the United States department of education;
 - (H) do not make any overt or implied claim of guaranteed employment during training or upon completion of training, in any manner; and
 - (I) do not use letters of endorsement, recommendation, or commendation in the school's advertising and promotional materials unless the materials meet the following requirements:
 - (i) The school received the prior, written consent of the authors;
 - (ii) the school did not pay remuneration in any manner for the endorsements; and
 - (iii) the school keeps all letters of endorsement, recommendation, or commendation on file, subject to in-

(continued)

spection, for at least three years after the last use of the contents in advertising or promotional materials.

(20) The financial statements provided to the board meet at least one of the following requirements for the most recent fiscal or calendar year or for the two most recent fiscal or calendar years combined:

(A) Demonstrate a minimum ratio of current assets to current liabilities of at least 1:1. This asset ratio is calculated by adding cash and cash equivalents to current accounts receivable and dividing the sum by total current liabilities;

(B) exhibit a positive net worth in which total assets exceed total liabilities; or

(C) demonstrate a profit earned.

(21) If the school receives any loans for tuition from a private lender, the school meets the following requirements:

(A) Receives these funds in multiple disbursements;

(B) upon receipt of funds for items to be provided by the school to the student, with the exception of test vouchers, provides these items to the student;

(C) does not receive any funds for a student before the student attends the first class in which the student is enrolled; and

(D) if providing a test voucher for a student, does not receive any funds for the test voucher more than 30 days before the student is scheduled to take the test.

(22) Each school has a tuition refund policy and a student enrollment cancellation policy, called the "refund policy" in these regulations, that meets the following requirements:

(A) Is published in the school's catalog;

(B) complies with K.S.A. 72-4926 and amendments thereto;

(C) establishes that each student will be reimbursed for any items for which the student was charged but did not receive, including textbooks and software;

(D) has no more stringent requirements than the following:

(i) All advance monies, other than an initial nonrefundable registration fee, paid by a student before attending class shall be refunded if the student requests a refund in writing, within three days after signing an enrollment agreement and making an initial payment, but before attending any classes; and

(ii) for schools collecting a nonrefundable initial registration fee, a student may be required to sign a written statement acknowledging that the initial registration fee is nonrefundable. This statement may be a part of the enrollment agreement, as described in K.A.R. 88-23-2a; and

(E) for schools not participating in federal student aid under title IV of the higher education act of 1965 as amended, meets the following additional requirements:

(i) If a student withdraws during the first week of classes, the school shall refund at least 90 percent of the tuition;

(ii) if a student withdraws during the first 25 percent of the enrollment period, the school shall refund at least 55 percent of the tuition;

(iii) if a student withdraws during the second 25 percent of the enrollment period, the school shall refund at least 30 percent of the tuition;

(iv) if a student withdraws during the last 50 percent of the enrollment period, the school may deny a refund to the student;

(v) any monies due to a student shall be refunded within 60 days from the last day of attendance or within 60 days from the receipt of payment if the date of receipt of payment is after the student's last date of attendance;

(vi) for schools with programs consisting of fewer than 100 clock-hours, refunds may be calculated on an hourly pro rata basis; and

(vii) in determining the official termination date and percentage of each course completed, the school may consider the week in which a student withdraws to be an entire week of attendance completed.

(23) All correspondence from the school regarding the enrollment cancellation of a student, and any refund owed to the student, references the refund policy of the school.

(b) National accreditation shall be accepted by the board as presumptive evidence of the school's competence. (Authorized by K.S.A. 72-4921; implementing K.S.A. 72-4925, 72-4926; effective Jan. 28, 2000; amended March 19, 2004.)

88-23-2a. Enrollment agreement. (a) The student enrollment agreement shall be deemed a contractual relationship between the school and its student. Before any school may accept payment from a student, the school shall provide that student with a written enrollment agreement that explicitly outlines the obligations of the school and the student. When a school provides a student with the school's enrollment agreement, the school shall also provide the student with a copy of the school's catalog and any other supporting documents that detail the services to be provided by the school that are outlined in the enrollment agreement. The enrollment agreement shall be written so that it can be understood by all concerned parties regardless of educational background.

(b) Each enrollment agreement shall contain the following elements:

(1) A title that identifies the enrollment agreement as a contract or legal agreement;

(2) the name and address of the school;

(3) the title of the course or program in which the student is enrolling, as identified in the course catalog;

(4) the number of clock-hours or credit hours and the number of weeks or months required for completion of the program or course in which the student is enrolling;

(5) identification of the type of certificate or diploma to be received by the student upon successful completion of the course or program;

(6) the total amount of tuition required for the course or program in which the student is enrolling. If the tuition is subject to change over the course of a program, the enrollment agreement shall include the amount of tuition for the period that the enrollment agreement covers and a statement of the number and length of the periods required for completion of the program;

(7) the cost of any required books and supplies, which may be estimated if necessary;

(8) any other costs and charges to be paid by the student;

(9) the scheduled start date of the course or program and a description of the class schedule;

(10) the grounds for termination of the enrollment agreement by the school before the student's completion of the course or program. These grounds may include the student's insufficient progress, nonpayment, and failure to comply with the school's published rules;

(11) the method by which a student can cancel or voluntarily terminate the enrollment agreement;

(12) the school's refund policy for cancellations and terminations, as described in K.A.R. 88-23-2. Reference may be given to the page in the school's catalog where the refund policy is listed;

(13) a statement disclaiming any guarantee of employment for the student after the course or program is completed;

(14) the reasons why the school could postpone the scheduled starting date or the class schedule, the maximum period of any possible delay, and any effect that the postponement could have on the school's refund policy;

(15) a description of the nature and extent of any possible change of course content or materials and the amount of any extra expenses that could be charged to the student;

(16) the date on which the agreement becomes effective;

(17) an acknowledgment that the student who signs the enrollment agreement has read and received a copy of the agreement;

(18) the date and signature of the student or the student's legal representative if the student is a minor;

(19) the date and signature of an official at the school that has legal capacity to sign for the school;

(20) if any extra charges are assessed, a description of what the charge is for and, if payment of these charges is collected in advance, a reasonable refund policy;

(21) a description of any items or services required to be purchased from sources other than the school, if any; and

(22) if the school reserves the right to adjust tuition rates before completion of the course or program, a statement of the specific times at which these changes could occur and specification of a reasonable amount of advance notice that would be provided to students. (Authorized by K.S.A. 72-4921; implementing K.S.A. 72-4925, 72-4926; effective March 19, 2004.)

88-23-3. (Authorized by K.S.A. 1998 Supp. 72-4921; implementing K.S.A. 1998 Supp. 72-4925, 72-4926; effective Jan. 28, 2000; revoked March 19, 2004.)

88-23-3a. Certificate of approval. (a) Application for certificate of approval. Each application for a certificate of approval shall be submitted on a form provided by the board. Upon receiving a request for an application form, the applicant shall be sent the following by board staff:

(1) The application form;

(2) a copy of K.S.A. 72-4916 *et seq.* and amendments thereto; and

(3) a copy of this article of regulations.

(b) Additional application requirements.

(1) Each school that has not been in operation in Kansas with board approval for at least one year shall submit the following information with its application:

(A) An outline or syllabus of each course;

(B) a description of the school's facilities, equipment, and instructional materials;

(C) a certification by an officer or owner of the school that the building which is to house the school complies with all local, city, county, municipal, state, and federal regulations;

(D) a résumé of each administrator and instructor that includes the individual's education, previous work experience, professional activities, and, if applicable, licensure;

(E) evidence of the school's professional development and in-service activities;

(F) a copy of the existing or proposed school catalog;

(G) a copy of the student enrollment agreement;

(H) a copy of the certificate to be given to a student upon completion of a program;

(I) a description of how student and administrative records are maintained as required by K.A.R. 88-23-2;

(J) a copy of any advertising used;

(K) a financial statement showing income and expenditures for the most recent, complete fiscal year. These documents shall be prepared and acknowledged by a certified public accountant;

(L) a ledger sheet showing tuition intake, fees, books, supplies, and any other items charged to the student; and

(M) a copy of any certificate of accreditation issued to the school by a regional or national accrediting agency recognized by the United States department of education.

(2) Each school that has been in operation in Kansas with board approval for at least one year shall submit the following information with its application:

(A) An outline or syllabus for each new course to be offered;

(B) a description of any new facilities, equipment, and instructional materials to be used in the next year;

(C) a certification by an officer or owner of the school that the school complies with all local, city, county, municipal, state, and federal regulations;

(D) a résumé of each new instructor and administrator that includes the individual's education, previous work experience, professional activities, and, if applicable, licensure;

(E) evidence of the school's professional development and in-service activities;

(F) a copy of each of the school's most recent catalogs, bulletins, and brochures, with any supplements;

(G) a copy of the student enrollment agreement if any changes have been made since the previous year;

(H) a copy of any new certificate to be given to students upon completion of a program;

(I) a description of any new methods used to maintain student and administrative records as required by K.A.R. 88-23-2;

(J) a copy of any new advertising to be used;

(K) a balance sheet and a profit and loss statement showing the income and expenditures for the most recent, complete fiscal year. These documents shall be prepared and acknowledged by a certified public accountant;

(L) a ledger sheet showing tuition intake, fees, books, supplies, and any other items charged to the student; and

(continued)

(M) a copy of any new certificate of accreditation issued to the school by a regional or national accrediting agency recognized by the United States department of education.

(c) Review of application; inspection and evaluation of the school. If an application submitted in accordance with these regulations is found to be complete and the applicant meets the requirements in K.S.A. 72-4926 and amendments thereto, the instructional facilities of the applicant may be inspected and evaluated by the board or by professional consultants appointed by the board.

(d) Conditional approval of application; filing of surety bond. If a school is found to be eligible for a certificate of approval, it shall be notified of its conditional approval and instructed to furnish a surety bond or other equivalent security acceptable to the board in the amount of \$20,000, as provided by K.S.A. 72-4932 and amendments thereto. A certificate of approval shall not be issued until the surety bond or other security is filed with the board.

(e) Subsequent investigation.

(1) On the board's own motion or upon a complaint filed by any person doing business with the school, an investigation of the school may be conducted by the board.

(2) Based upon the results of the investigation, the school may be ordered by the board to take corrective action, or proceedings may be initiated by the board to revoke the school's certificate of approval under the provisions of K.S.A. 72-4929 and amendments thereto. (Authorized by K.S.A. 72-4921; implementing K.S.A. 72-4925, 72-4926, 72-4929, and 72-4932; effective March 19, 2004.)

Article 18.—PRIVATE SCHOOLS

91-18-24. (Authorized by K.S.A. 72-4920, 72-4921, 72-4923; effective, E-71-38, Sep. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; amended May 1, 1980; revoked March 19, 2004.)

91-18-27. (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended, E-77-23, Sept. 7, 1977; amended May 1, 1978; amended May 1, 1979; revoked March 19, 2004.)

91-18-29. (Authorized by K.S.A. 72-4921, 72-4923, 72-4924, 72-4925, 72-4926; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; revoked March 19, 2004.)

91-18-34. (Authorized by K.S.A. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; revoked March 19, 2004.)

91-18-40. (Authorized by K.S.A. 1971 Supp. 72-4921; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; revoked March 19, 2004.)

Reginald L. Robinson
President and CEO

Doc. No. 030410

State of Kansas

Secretary of State

Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register March 4, 2004.)

SENATE BILL No. 254

AN ACT concerning certain nuisances; restricting the use of pyrotechnics and pyrotechnic devices and materials and providing remedies for violations; concerning the powers and duties of the state fire marshal; amending K.S.A. 22-3902, 22-3904, 31-133 and 41-2611 and K.S.A. 2003 Supp. 22-3901 and 41-2708 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 41-2611 is hereby amended to read as follows: 41-2611. The director may revoke or suspend any license issued pursuant to the club and drinking establishment act for any one or more of the following reasons:

(a) The licensee has fraudulently obtained the license by giving false information in the application therefor or any hearing thereon.

(b) The licensee has violated any of the provisions of this act or any rules or regulations adopted hereunder.

(c) The licensee has become ineligible to obtain a license or permit under this act.

(d) The licensee's manager or employee has been intoxicated while on duty.

(e) The licensee, or its manager or employee, has permitted any disorderly person to remain on premises where alcoholic liquor is sold by such licensee.

(f) There has been a violation of a provision of the laws of this state, or of the United States, pertaining to the sale of intoxicating or alcoholic liquors or cereal malt beverages, or any crime involving a morals charge, on premises where alcoholic liquor is sold by such licensee.

(g) The licensee, or its managing officers or any employee, has purchased and displayed, on premises where alcoholic liquor is sold by such licensee, a federal wagering occupational stamp issued by the United States treasury department.

(h) The licensee, or its managing officers or any employee, has purchased and displayed, on premises where alcoholic liquor is sold by such licensee, a federal coin operated gambling device stamp for the premises issued by the United States treasury department.

(i) The licensee holds a license as a class B club, drinking establishment or caterer and has been found guilty of a violation of article 10 of chapter 44 of the Kansas Statutes Annotated under a decision or order of the Kansas human rights commission which has become final or such licensee has been found guilty of a violation of K.S.A. 21-4003, and amendments thereto.

(j) *There has been a violation of K.S.A. 21-4106 or 21-4107, and amendments thereto, on premises where alcoholic liquor is sold by such licensee.*

Sec. 2. K.S.A. 2003 Supp. 41-2708 is hereby amended to read as follows: 41-2708. (a) The board of county commissioners or the governing body of any city, upon five days' notice to the persons holding a license, shall revoke or suspend the license for any one of the following reasons:

(1) The licensee has fraudulently obtained the license by giving false information in the application therefor;

(2) the licensee has violated any of the provisions of K.S.A. 41-2701 et seq., and amendments thereto, or any rules or regulations made by the board or the city, as the case may be;

(3) the licensee has become ineligible to obtain a license under this act;

(4) drunkenness of the licensee or permitting any intoxicated person to remain in *or upon* the licensee's place of business;

(5) the sale of cereal malt beverages to any person under the legal age for consumption of cereal malt beverage;

(6) the nonpayment of any license fees;

(7) permitting any gambling in or upon the licensee's place of business;

(8) permitting any person to mix drinks with materials purchased in *or upon* the place of business or brought in for that purpose;

(9) the employment of persons under 18 years of age in dispensing or selling cereal malt beverages;

(10) the employment or continuation in employment of a person in connection with the sale, serving or dispensing of cereal malt beverages if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or of any violation of the intoxicating liquor laws of this state, another state or the United States;

(11) the sale or possession of, or permitting any person to use or consume on the licensed premises, any alcoholic liquor as defined by K.S.A. 41-102, and amendments thereto; **or**

(12) the licensee has been convicted of a violation of the beer and cereal malt beverage keg registration act; *or*

(13) *there has been a violation of K.S.A. 21-4106 or 21-4107, and amendments thereto, in or upon the licensee's place of business.*

(b) The provisions of subsections (a)(8) and (11) shall not apply if the place of business or premises ~~are~~ also *are* currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act.

(c) Within 20 days after the order of the board revoking or suspending any license, the licensee may appeal to the district court and the district court shall proceed to hear such appeal as though such court had original jurisdiction of the matter. Any appeal taken from an order revoking or suspending the license shall not suspend the order of revocation or suspension during the pendency of any such appeal. In case of the revocation of the license of any licensee, no new license shall be issued to the former licensee, or to any person acting for or on the former licensee's behalf, for a period of six months thereafter.

New Sec. 3. (a) As used in this section:

(1) "Place of public assembly" means a building or structure with an occupancy capacity of 50 or more.

(2) "Pyrotechnics" mean any controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation or a combination of these effects to provide the maximum effect from the least volume for entertainment purposes.

(3) "Pyrotechnic device" means any device which contains pyrotechnic material and which is capable of producing a visual or audible effect for entertainment purposes.

(4) "Pyrotechnic material" means a chemical mixture used to produce visible or audible effects by combustion for entertainment purposes.

(b) (1) Except as provided by this section, the use of any pyrotechnics, pyrotechnic device or pyrotechnic material is prohibited in any building which is a place of public assembly.

(2) The use of pyrotechnics, pyrotechnic devices or pyrotechnic materials in violation of this section or any rules and regulations adopted pursuant to this section or any ordinance or resolution prohibiting or restricting such use shall constitute a common nuisance.

(c) The provisions of subsection (b) shall not apply to:

(1) Any building in which there has been installed an automatic sprinkler system which is adequate for suppression of a fire in the building or structure and such system is functioning properly;

(2) any building in which the interior and exterior walls and ceilings are constructed with or consist of fire-restrictive materials;

(3) candles that are securely supported on noncombustible bases and if the candle flame is protected;

(4) any other building, structure or use exempted by rules and regulations adopted by the state fire marshal.

(d) The state fire marshal shall adopt any rules and regulations necessary to implement the provisions of this section.

(e) Nothing in this section shall be construed as limiting the powers of cities and counties to regulate or restrict the use of pyrotechnics, pyrotechnic devices or pyrotechnic materials.

Sec. 4. K.S.A. 2003 Supp. 22-3901 is hereby amended to read as follows: 22-3901. The following unlawful activities and the use of real ~~and~~ *or* personal property in maintaining and carrying on such activities are hereby declared to be common nuisances:

(a) Commercial gambling;

(b) dealing in gambling devices;

(c) possession of gambling devices;

(d) promoting obscenity;

(e) promoting prostitution;

(f) habitually promoting prostitution;

(g) violations of any law regulating controlled substances;

(h) habitual violations of any law regulating the sale or exchange of alcoholic liquor or cereal malt beverages, by any person not licensed pursuant to chapter 41 of the Kansas Statutes Annotated;

(i) habitual violations of any law regulating the sale or exchange of cigarettes or tobacco products, by any person not licensed pursuant to article 33 of chapter 79 of the Kansas Statutes Annotated; **or**

(j) any felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, or any substantially similar offense from another jurisdiction; *or*

(k) *use of pyrotechnics, pyrotechnic devices or pyrotechnic materials in violation of section 3, and amendments thereto.*

Any real property used as a place where any such activities are carried on or permitted to be carried on and any effects, equipment, paraphernalia, fixtures, appliances, musical instruments or other personal property designed for and used on such premises in connection with such unlawful activities are subject to the provisions of K.S.A. 22-3902, 22-3903 and 22-3904, and amendments thereto.

Sec. 5. K.S.A. 22-3902 is hereby amended to read as follows: 22-3902. (1) Unless otherwise provided by law, proceedings under K.S.A. 22-3901 through 22-3904, and amendments thereto, shall be governed by the provisions of the Kansas code of civil procedure relating to the abatement of common nuisances.

(2) (A) In addition to the procedure established by this section, if a person is arrested for an unlawful act listed in K.S.A. 22-3901, and amendments thereto, the attorney general, city, county or district attorney may petition the court for a hearing to determine whether an unlawful activity is or has been occurring on such owner's property. The owner of the property on which such person is or was committing an unlawful activity may be given notice of such hearing. *Except as provided by paragraph (B), a hearing shall be held before the court within 30 days of the notification. If the court determines*

(continued)

by a preponderance of the evidence that an unlawful act occurred, such act shall render void any lease under which a tenant holds possession, and shall cause the right of possession to revert to the owner who may evict the tenant. If the owner does not commence eviction proceedings against the tenant within 30 days of the court determination, the attorney general or the city, county or district attorney may proceed to file a petition pursuant to subsection (3). The provisions of this subsection are in addition to any remedy provided pursuant to the residential landlord and tenant act.

(B) *In the case of a violation of subsection (k) of K.S.A. 22-3901, and amendments thereto, a hearing shall be held before the court within five days of the notification.*

(3) Proceedings under K.S.A. 22-3901 through 22-3904, and amendments thereto, shall be instituted only in the name of the state of Kansas upon the petition of the attorney general or the city, county or district attorney to enjoin a nuisance within the city, county or district.

(4) The petition shall describe any real estate alleged to be used or to have been used as a place where such common nuisance is or was maintained or permitted and shall identify the owner or person in charge of such real estate. It shall describe any effects, equipment, paraphernalia, fixtures, appliances, musical instruments or other personal property designed for and used in such unlawful activity. It shall pray for the particular relief sought with respect to such property.

(5) The petition for injunction may include or be accompanied by an application for an order for the seizure of the effects, equipment, paraphernalia, fixtures, appliances, musical instruments or other personal property described in the petition. If the court finds that there is probable cause to believe that the personal property described is or has been used for any of the unlawful purposes set forth in K.S.A. 22-3901 and amendments thereto, the court may order the sheriff or other law enforcement officer to seize such personal property and to hold it in custody pending further order of the court. An order for seizure shall particularly describe the personal property to be seized.

(6) An order for seizure of materials alleged to be obscene shall not be issued until after a hearing at which evidence in support of the application for such order has been heard. At least three days notice of such hearing shall be given to the owner or person in possession of such material. Pending such hearing, the court may make an order prohibiting the owner or person in possession from removing such material from the jurisdiction of the court.

(7) No bond or other security shall be required for any restraining order, order for seizure or injunction issued under K.S.A. 22-3901 through 22-3904, and amendments thereto, in an action brought by the attorney general or city, county or district attorney.

(8) The provisions of K.S.A. 22-3901 through 22-3904, and amendments thereto, shall not limit nor otherwise affect proceedings under K.S.A. 60-908 and amendments thereto, but shall be supplemental and in addition to, and not in lieu of, the remedy provided by that statute.

(9) The attorney general or the city, county or district attorney shall give notice of proceedings under K.S.A. 22-3901 through 22-3904 and amendments thereto by sending a copy of the petition to enjoin a nuisance by certified mail, return receipt requested, to each person having ownership of or a security interest in the property if: (a) The property is of a type for which title, registration or deed is required by law; (b) the owner of the property is known in fact at the time of seizure; or (c) the property is subject to a security interest perfected in accordance with the uniform commercial code. The attorney general or the city, county or district attorney shall be obligated only to make diligent search and inquiry as to the owner of the property and if, after diligent search and inquiry, the attorney general or city, county or district attorney is unable to ascertain the owner, the requirement of actual notice by mail with respect to persons having perfected security interest in the property shall not be applicable.

Sec. 6. K.S.A. 22-3904 is hereby amended to read as follows: 22-3904. (1) Upon final judgment that any real property is being or has been used as a place where any of the unlawful activities set forth in K.S.A. 22-3901 and amendments thereto are carried on or permitted to be carried on, the court may order that any house, room, building, ~~room~~ or other structure located on such real estate be closed and padlocked for a period of not more than two years, subject to modification in the manner provided by K.S.A. 60-910 and amendments thereto, if the court finds that the owner of the property knew or should have known under the circumstances of the maintenance of a common nuisance on the property and did not make a bona fide attempt to abate such nuisance under the circumstances. The court may require, as part of the judgment, that the owner, lessee, tenant or occupant enter into a bond to the state of Kansas, in such amount and with security as the court may require, conditioned that such owner, lessee, tenant or occupant will not within a period of two years use or permit the use of such real estate in violation of law. If any condition of such bond is violated, the whole amount may be recovered as a penalty. In addition, the court may assess a civil penalty not to exceed \$25,000 against any or all defendants, based upon the severity of the nuisance and its duration. Such penalty shall be paid into the county treasury, if recovered by a county or district attorney, and into the city treasury, if recovered by a city attorney.

(2) Upon final judgment that any effects, equipment, paraphernalia, fixtures, appliances, musical instruments or other personal property are designed for and have been used in carrying on any of the unlawful activities set forth in K.S.A. 22-3901 and amendments thereto, the court may order that such effects, equipment, paraphernalia, fixtures, appliances, musical instruments and other personal property be publicly destroyed by the sheriff or other law enforcement officer or that such personal property be sold in the manner provided for sales in execution of judgment.

(3) The proceeds of any sale of personal property pursuant to subsection (2) shall be applied as follows:

(a) First, to the fees and costs of the *abatement or removal of the nuisance and the sale*.

(b) Second, to the costs of closing the structure and keeping it closed.

(c) Third, to payment of the costs of the action.

(d) Fourth, to payment of any civil penalty imposed pursuant to this section or any fine imposed for contempt in the proceedings.

(e) Fifth, to the owner of the personal property.

(4) Subject to the provisions of subsection (3), upon final judgment for the state the court shall adjudge that any defendant who was maintaining the common nuisance pay all costs, including a reasonable fee, fixed by the court, to be paid to the prosecuting attorney. Such costs shall be a lien upon any real property against which an order of abatement is obtained, if the court finds that the owner of such property knew or should have known under the circumstances of the maintenance of the common nuisance on the property and did not make a bona fide attempt to abate such nuisance under the circumstances.

(5) For purposes of this section, evidence of a bona fide attempt to abate such nuisance by the owner of the property shall include, but not be limited to, the filing of a written report, by such owner or at such owner's direction, to the local law enforcement agency that the property is suspected by the owner of the property of being used in maintaining and carrying on any of the unlawful activities set forth in K.S.A. 22-3901 and amendments thereto.

Sec. 7. K.S.A. 31-133 is hereby amended to read as follows: 31-133. (a) The state fire marshal shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from fire, explosion and hazardous materials. Such rules and regulations shall include, but not be limited to the following:

(1) The keeping, storage, use, sale, handling, transportation or other disposition of highly flammable materials, including crude petroleum or any of its products, natural gas for use in motor vehicles,

and of explosives, including gunpowder, dynamite, fireworks and firecrackers; and any such rules and regulations may prescribe the materials and construction of receptacles and buildings to be used for any of such purposes;

(2) the transportation of liquid fuel over public highways in order to provide for the public safety in connection therewith;

(3) the construction, maintenance and regulation of exits and fire escapes from buildings and all other places in which people work, live or congregate from time to time for any purpose, including apartment houses, as defined by K.S.A. 31-132a, and amendments thereto. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(4) the installation and maintenance of equipment intended for fire control, detection and extinguishment in all buildings and other places in which persons work, live or congregate from time to time for any purpose, including apartment houses as defined by K.S.A. 31-132a, and amendments thereto. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(5) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least one fire drill each month at some time during school hours, aside from the regular dismissal at the close of the day's session, and prescribing the manner in which such fire drill is to be conducted;

(6) procedures for the reporting of fires and explosions occurring within the state and for the investigation thereof;

(7) procedures for reporting by health care providers of treatment of second and third degree burn wounds involving 20% or more of the victim's body and requiring hospitalization of the victim, which reporting is hereby authorized notwithstanding any provision of K.S.A. 60-427, and amendments thereto, to the contrary;

(8) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to establish tornado procedures, which procedures shall provide for at least three tornado drills to be conducted each year at some time during school hours, aside from the regular dismissal at the close of the day's session, shall describe the manner in which such tornado drills are to be conducted, and shall be subject to approval by the state fire marshal;

(9) requiring administrators of community colleges, colleges and universities to establish tornado procedures, which procedures shall be subject to approval by the director of the disaster agency of the county;

(10) the development and implementation of a statewide system of hazardous materials assessment and response; ~~and~~

(11) *the use of pyrotechnics, pyrotechnic devices and pyrotechnic materials; and*

~~(12)~~ (12) other safeguards, protective measures or means adapted to render inherently safe from the hazards of fire or the loss of life by fire any building or other place in which people work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than two families.

(b) Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes.

(c) The rules and regulations adopted pursuant to this section shall allow facilities in service prior to the effective date of such rules and regulations, and not in strict conformity therewith, to continue in service, so long as such facilities are not determined by the state fire marshal to constitute a distinct hazard to life or property. Any such determination shall be subject to the appeal provisions contained in K.S.A. 31-140, and amendments thereto.

New Sec. 8. (a) Upon a conviction of a violation of K.S.A. 21-4106 or 21-4607, and amendments thereto, for maintaining or permitting a public nuisance on the premises of a club or drinking establishment licensed under the club and drinking establishment act,

the court shall report such conviction to the director of alcoholic beverage control.

(b) Upon a conviction of a violation of K.S.A. 21-4106 or 21-4607, and amendments thereto, for maintaining or permitting a public nuisance on the premises of a retailer licensed under K.S.A. 41-2701 *et seq.*, and amendments thereto, the court shall report such conviction to the governing body of the city or county which issued the license.

Sec. 9. K.S.A. 22-3902, 22-3904, 31-133 and 41-2611 and K.S.A. 2003 Supp. 22-3901 and 41-2708 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 4, 2004.)

SENATE BILL No. 324

AN ACT concerning the courts; relating to appellate jurisdiction; amending K.S.A. 60-2102 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 60-2102 is hereby amended to read as follows: 60-2102. (a) *As of right.* Except for any order or final decision of a district magistrate judge, the appellate jurisdiction of the court of appeals may be invoked by appeal as a matter of right from:

(1) An order that discharges, vacates or modifies a provisional remedy.

(2) An order that grants, continues, modifies, refuses or dissolves an injunction, or an order that grants or refuses relief in the form of mandamus, quo warranto or habeas corpus.

(3) An order that appoints a receiver or refuses to wind up a receivership or to take steps to accomplish the purposes thereof, such as directing sales or other disposal of property, or an order involving the tax or revenue laws, the title to real estate, the constitution of this state or the constitution, laws or treaties of the United States.

(4) A final decision in any action, except in an action where a direct appeal to the supreme court is required by law. In any appeal or cross appeal from a final decision, any act or ruling from the beginning of the proceedings shall be reviewable.

(b) *The appellate jurisdiction of the supreme court may be invoked by appeal as a matter of right from a preliminary or final decision in which a statute of this state has been held unconstitutional as a violation of Article 6 of the Kansas Constitution. Any appeal filed pursuant to this subsection shall be filed within 30 days of the date the preliminary or final decision is filed or within 30 days of the effective date of this act, whichever is later. The provisions of this subsection shall expire on July 1, 2006.*

(c) *Other appeals.* When a district judge, in making in a civil action an order not otherwise appealable under this section, is of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, the judge shall so state in writing in such order. The court of appeals may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within 10 days after the entry of the order under such terms and conditions as the supreme court fixes by rule. Application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or an appellate court or a judge thereof so orders.

Sec. 2. K.S.A. 60-2102 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 4, 2004.)

**Statutory Notice of Bond Sale
Johnson County, Kansas
Johnson County Rural Fire District No. 3
\$800,000
Fire Fighting Equipment Bonds
Series 2004
(General obligations payable from
unlimited ad valorem taxes)**

Sale Period

Bids, submitted in a sealed envelope marked "Bid" and addressed to the undersigned secretary of the Johnson County Rural Fire District No. 3, Johnson County, Kansas, will be accepted in the office of Norman E. Gaar, Esq., 7101 College Blvd., Suite 250, Overland Park, KS 66210, until 10 a.m. Tuesday, March 16, 2004, for the purchase of \$800,000 principal amount of the district's Fire Fighting Equipment Bonds, Series 2004. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body of the district at a meeting to be held immediately thereafter. No oral, telephone, telex or auction bids will be considered. No bid of less than par value 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; will be dated March 1, 2004; and will become due serially on September 1 in each of the years as follows:

Maturity Schedule

Maturity September 1	Principal Amount
2005	\$65,000
2006	70,000
2007	70,000
2008	75,000
2009	80,000
2010	80,000
2011	85,000
2012	90,000
2013	90,000
2014	95,000

The bonds will bear interest from their date at rates to

be determined when the bonds are sold as herein provided, at a stated interest rate which shall not exceed the daily yield for the 10-year treasury bonds published by the Bond Buyer in New York, New York, on the Monday next preceding March 16, 2004, plus 3 percent, which interest will be payable semiannually on March 1 and September 1 in each year, commencing September 1, 2004, by the Kansas State Treasurer, Topeka, Kansas, as paying agent.

The bonds or Depository Trust Company Direct Participant certificates will be delivered to the successful purchaser properly prepared, executed and registered without cost within approximately 30 days after the date of their sale at such bank or trust company in the greater Kansas City metropolitan area as may be specified by the successful bidder and is acceptable to the district.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check drawn on a bank located in the United States in the amount of \$16,000 must accompany each bid.

Costs

The district will pay the cost of printing the bonds and the expense of all legal services, including the opinion of the Hardwick Law Firm, LLC, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and state gross income taxes.

Assessed Valuation and Indebtedness

The assessed valuation of the taxable tangible property within the district as of December 31, 2003, was \$54,159,125. The total general obligation bonded indebtedness of the district as of March 1, 2004, including the bonds, is \$800,000.

Additional Information

A complete notice of bond sale, preliminary official statement and bid forms approved by the district will be mailed to all interested parties. Additional information regarding the bonds may be obtained from Norman E. Gaar, Esq., special counsel, at (913) 338-2150.

Johnson County Rural Fire
District No. 3
By Larry Kroemer
Secretary

Doc. No. 030427

INDEX TO ADMINISTRATIVE REGULATIONS

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

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-6-21	Amended	V. 22, p. 1968
1-6-23	Amended (T)	V. 22, p. 466

1-6-23	Amended	V. 22, p. 1230
1-45-1 through 1-45-7	Revoked	V. 22, p. 226
1-45-7a	Revoked	V. 22, p. 226
1-45-8 through 1-45-14	Revoked	V. 22, p. 226
1-45-15	Revoked	V. 22, p. 226
1-45-16	Revoked	V. 22, p. 226
1-45-17	Revoked	V. 22, p. 226
1-45-18 through 1-45-24	New	V. 22, p. 226-228
1-47-1	Amended	V. 22, p. 850
1-49-1	Amended	V. 22, p. 851
1-49-12	New	V. 22, p. 851

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-4-900	Amended	V. 22, p. 1191
4-4-956	Amended	V. 22, p. 1192
4-4-982	Amended	V. 22, p. 1192
4-4-983	Amended	V. 22, p. 1192
4-4-985	New	V. 22, p. 1193
4-4-986	New	V. 22, p. 1194
4-8-43	New (T)	V. 22, p. 82
4-8-43	New	V. 22, p. 432
4-13-1	Amended	V. 22, p. 1194
4-13-2	Amended	V. 22, p. 1195
4-13-4a	Amended	V. 22, p. 1195
4-13-6	Amended	V. 22, p. 1196
4-13-7	Amended	V. 22, p. 1196
4-13-26	Amended	V. 22, p. 1196
4-20-5	Amended	V. 22, p. 1747
4-20-11	Amended	V. 22, p. 385
4-20-15	Amended	V. 22, p. 385

4-21-1	Amended	V. 22, p. 385
4-21-3	Amended	V. 22, p. 386
4-21-4	Amended	V. 22, p. 386
4-21-5	Amended	V. 22, p. 387
4-21-6	Amended	V. 22, p. 387
4-21-7	New	V. 22, p. 387
4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 22, p. 1747
5-1-4	Amended	V. 22, p. 1751
5-1-6	Amended	V. 22, p. 1752
5-1-9	Amended	V. 22, p. 1753
5-1-12	Amended	V. 22, p. 1753
5-3-1	Amended	V. 22, p. 1753
5-3-1b	New	V. 22, p. 1754
5-3-3a	New	V. 22, p. 1754
5-3-4c	Amended	V. 22, p. 1754
5-3-4d	Amended	V. 22, p. 1754
5-3-5c	Amended	V. 22, p. 1755
5-3-7	Amended	V. 22, p. 1755
5-3-16a	New	V. 22, p. 1755
5-3-19	Amended	V. 22, p. 1756
5-5-2a	New	V. 22, p. 1756
5-5-16	Amended	V. 22, p. 1757
5-6-13a	New	V. 22, p. 1758
5-6-15	Amended	V. 22, p. 1758
5-7-1	Amended	V. 22, p. 1758
5-9-1	Amended	V. 22, p. 1759
5-9-6	Amended	V. 22, p. 1759
5-14-10	New	V. 22, p. 1759
5-14-11	New	V. 22, p. 1760
5-23-1	Amended	V. 23, p. 181
5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-23-4	Amended	V. 22, p. 1933
5-23-4a	Amended	V. 22, p. 1933
5-23-4b	Amended	V. 22, p. 1934
5-23-5	Revoked	V. 22, p. 1935
5-24-1	Amended	V. 23, p. 65
5-24-2	Amended	V. 23, p. 65
5-24-3	Amended	V. 23, p. 66
5-24-4	Amended	V. 23, p. 68
5-24-6	Amended	V. 23, p. 68
5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69
5-25-1	Amended	V. 22, p. 1819
5-25-2	Amended	V. 22, p. 1819
5-25-2a	New	V. 22, p. 1819
5-25-3	Amended	V. 22, p. 1820
5-25-4	Amended	V. 22, p. 1820
5-25-5	Amended	V. 22, p. 1820
5-25-8	Amended	V. 22, p. 1821
5-25-10	Amended	V. 22, p. 1821
5-25-11	Amended	V. 22, p. 1821
5-25-12	through	
5-25-20	New	V. 22, p. 1821-1824

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-16-1	New (T)	V. 22, p. 1226
7-16-1	New	V. 22, p. 1650
7-16-2	New (T)	V. 22, p. 1226
7-16-2	New	V. 22, p. 1650

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-18-1	Amended	V. 22, p. 794
9-18-2	New (T)	V. 22, p. 1260
9-18-2	New	V. 22, p. 1850
9-18-3	New (T)	V. 22, p. 1260
9-18-3	New	V. 22, p. 1850
9-19-1	through	
9-19-11	Revoked (T)	V. 22, p. 1261
9-19-1	through	
9-19-11	Revoked	V. 22, p. 1816

9-19-12	New (T)	V. 22, p. 1261
9-19-12	New	V. 22, p. 1816
9-22-4	Amended (T)	V. 22, p. 1261
9-22-4	Amended	V. 22, p. 1507
9-22-5	Amended (T)	V. 22, p. 1262
9-22-5	Amended	V. 22, p. 1508
9-25-2	Amended (T)	V. 22, p. 1264
9-25-3	Amended (T)	V. 22, p. 1264
9-25-5	Amended (T)	V. 22, p. 1265
9-25-5	Amended	V. 22, p. 1817
9-25-6	Amended (T)	V. 22, p. 1266
9-25-6	Amended	V. 22, p. 1818
9-25-12	Amended (T)	V. 22, p. 1267
9-25-12	Amended	V. 22, p. 1850
9-26-1	Amended (T)	V. 22, p. 1267
9-26-1	Amended	V. 22, p. 1818

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

Reg. No.	Action	Register
14-13-9	Amended	V. 22, p. 1929
14-15-1	New	V. 22, p. 123
14-15-2	New	V. 22, p. 123

AGENCY 17: STATE BANK COMMISSIONER (see Agency 75, this index)

Reg. No.	Action	Register
17-8-1	New	V. 22, p. 1574
17-11-18	Amended	V. 22, p. 798
17-24-1	Amended	V. 22, p. 1574
17-24-4	New	V. 22, p. 1816

AGENCY 19: GOVERNMENTAL ETHICS COMMISSION

Reg. No.	Action	Register
19-2-2	Amended	V. 23, p. 41
19-20-4	New	V. 23, p. 42
19-60-3	Amended	V. 23, p. 42
19-63-6	Amended	V. 23, p. 43

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-2-3	Amended	V. 22, p. 1258
26-2-9	Amended	V. 22, p. 1259

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended (T)	V. 22, p. 2030
28-1-2	Amended	V. 23, p. 202
28-1-4	Amended (T)	V. 22, p. 2031
28-1-4	Amended	V. 23, p. 203
28-16-28b	Amended	V. 22, p. 1760
28-16-28d	Amended	V. 23, p. 39
28-16-28e	Amended	V. 22, p. 1763
28-17-6	Amended (T)	V. 22, p. 1225
28-17-6	Amended	V. 22, p. 1711
28-19-202	Amended	V. 23, p. 70
28-29-3	Amended	V. 22, p. 798
28-29-20	Amended	V. 22, p. 801
28-29-75	through	
28-29-82	Amended	V. 23, p. 203-205
28-29-101	Revoked	V. 22, p. 802
28-29-109	Amended	V. 22, p. 802
28-29-300	New	V. 22, p. 2131
28-29-302	New	V. 22, p. 2131
28-29-304	New	V. 22, p. 2133
28-29-308	New	V. 22, p. 2134
28-29-321	New	V. 22, p. 2137
28-29-325	New	V. 22, p. 2137
28-36-30	Amended	V. 22, p. 1771
28-38-18	Amended	V. 22, p. 1575
28-38-19	Amended	V. 22, p. 1575
28-39-164	through	
28-39-168	Amended	V. 22, p. 2094-2096
28-39-169	Revoked	V. 22, p. 2096
28-39-169a	New	V. 22, p. 2096
28-39-169b	New	V. 22, p. 2097
28-39-169c	New	V. 22, p. 2098

28-39-170	through	
28-39-174	Revoked	V. 22, p. 2099
28-45-2	Revoked (T)	V. 22, p. 531
28-45-2	Revoked	V. 22, p. 1304
28-45-2a	New (T)	V. 22, p. 531
28-45-2a	New	V. 22, p. 1304
28-45-3	Revoked (T)	V. 22, p. 532
28-45-3	Revoked	V. 22, p. 1305
28-45-3a	New (T)	V. 22, p. 532
28-45-3a	New	V. 22, p. 1305
28-45-4	Revoked (T)	V. 22, p. 533
28-45-4	Revoked	V. 22, p. 1306
28-45-4a	New (T)	V. 22, p. 533
28-45-4a	New	V. 22, p. 1306
28-45-5	Revoked (T)	V. 22, p. 533
28-45-5	Revoked	V. 22, p. 1306
28-45-5a	New (T)	V. 22, p. 533
28-45-5a	New	V. 22, p. 1306
28-45-6	Revoked (T)	V. 22, p. 534
28-45-6	Revoked	V. 22, p. 1306
28-45-6a	New (T)	V. 22, p. 534
28-45-6a	New	V. 22, p. 1306
28-45-7	Revoked (T)	V. 22, p. 535
28-45-7	Revoked	V. 22, p. 1308
28-45-7a	New (T)	V. 22, p. 535
28-45-7a	New	V. 22, p. 1308
28-45-8	Revoked (T)	V. 22, p. 536
28-45-8	Revoked	V. 22, p. 1309
28-45-8a	New (T)	V. 22, p. 536
28-45-8a	New	V. 22, p. 1309
28-45-9	Revoked (T)	V. 22, p. 536
28-45-9	Revoked	V. 22, p. 1309
28-45-9a	New (T)	V. 22, p. 536
28-45-9a	New	V. 22, p. 1309
28-45-10	Revoked (T)	V. 22, p. 536
28-45-10	Revoked	V. 22, p. 1309
28-45-10a	New (T)	V. 22, p. 536
28-45-10a	New	V. 22, p. 1309
28-45-11	Revoked (T)	V. 22, p. 537
28-45-11	Revoked	V. 22, p. 1310
28-45-11a	New (T)	V. 22, p. 537
28-45-11a	New	V. 22, p. 1310
28-45-12	through	
28-45-30	New (T)	V. 22, p. 537-548
28-45-12	through	
28-45-30	New	V. 22, p. 1310-1321
28-45a-1	through	
28-45a-19	New (T)	V. 22, p. 548-557
28-45a-1	through	
28-45a-19	New	V. 22, p. 1321-1331
28-51-100	Amended	V. 22, p. 2099
28-51-108	Amended	V. 22, p. 2100
28-51-113	through	
28-51-116	New	V. 22, p. 2100-2102

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-39	Amended	V. 22, p. 1533
30-4-55	Amended	V. 22, p. 1533
30-4-96	Revoked	V. 22, p. 249
30-4-110	Amended	V. 22, p. 1534
30-5-59	Amended	V. 22, p. 2087
30-5-64	Amended	V. 22, p. 2088
30-5-78	Amended	V. 22, p. 2090
30-5-81u	Amended (T)	V. 22, p. 83
30-5-81u	Amended	V. 22, p. 432
30-5-89	Amended	V. 22, p. 1355
30-5-89a	Amended	V. 22, p. 1355
30-5-102	Amended (T)	V. 22, p. 83
30-5-102	Amended	V. 22, p. 2090
30-5-105	Amended (T)	V. 22, p. 83
30-5-105	Amended	V. 22, p. 2091
30-5-107	Amended	V. 22, p. 1043
30-5-107a	Amended	V. 22, p. 1044
30-5-116	Amended	V. 22, p. 2091
30-5-300	Amended	V. 22, p. 2091

(continued)

30-6-65	Amended	V. 22, p. 1044
30-6-103	Amended (T)	V. 22, p. 84
30-6-103	Amended	V. 22, p. 433
30-6-106	Amended	V. 22, p. 249
30-6-108	Amended	V. 22, p. 1045
30-6-109	Amended	V. 22, p. 1045
30-10-14	Revoked	V. 22, p. 1355
30-10-15a	Amended	V. 22, p. 1355
30-10-17	Amended (T)	V. 22, p. 990
30-10-17	Amended	V. 22, p. 1233
30-10-18	Amended (T)	V. 22, p. 991
30-10-18	Amended	V. 22, p. 1234
30-10-19	Amended (T)	V. 22, p. 994
30-10-19	Amended	V. 22, p. 1236
30-10-21	Amended	V. 22, p. 1357
30-10-23b	Amended	V. 22, p. 1357
30-14-28	Amended (T)	V. 22, p. 84
30-14-28	Amended	V. 22, p. 434
30-44-5	New	V. 22, p. 1047
30-60-1	Amended	V. 22, p. 1090
30-60-2	Amended	V. 22, p. 1090
30-60-5	Amended	V. 22, p. 1090
30-60-6	Amended	V. 22, p. 1091
30-60-7	Amended	V. 22, p. 1092
30-60-8	New	V. 22, p. 1092
30-60-10	Amended	V. 22, p. 1093
30-60-11	Amended	V. 22, p. 1093
30-60-12	Amended	V. 22, p. 1093
30-60-13	New	V. 22, p. 1094
30-60-14	New	V. 22, p. 1094
30-60-15	New	V. 22, p. 1094
30-60-16	New	V. 22, p. 1094
30-60-17	Amended	V. 22, p. 1095
30-60-18	Amended	V. 22, p. 1095
30-16-19	Amended	V. 22, p. 1096
30-60-25	Amended	V. 22, p. 1096
30-60-26	Amended	V. 22, p. 1097
30-60-27	Amended	V. 22, p. 1097
30-60-28	Amended	V. 22, p. 1097
30-60-29	New	V. 22, p. 1097
30-60-30	New	V. 22, p. 1098
30-60-40	Amended	V. 22, p. 1098
30-60-41	Amended	V. 22, p. 1098
30-60-45	Amended	V. 22, p. 1099
30-60-46	Amended	V. 22, p. 1099
30-60-47	Amended	V. 22, p. 1099
30-60-48	New	V. 22, p. 1099
30-60-49	New	V. 22, p. 1100
30-60-50	Amended	V. 22, p. 1100
30-60-51	New	V. 22, p. 1101
30-60-55	Amended	V. 22, p. 1102
30-60-56	New	V. 22, p. 1103
30-60-57	New	V. 22, p. 1103
30-60-60	Revoked	V. 22, p. 1103
30-60-61	Revoked	V. 22, p. 1103
30-60-62	Amended	V. 22, p. 1103
30-60-63	New	V. 22, p. 1104
30-60-64	New	V. 22, p. 1105
30-60-70	Amended	V. 22, p. 1108
30-60-71	Amended	V. 22, p. 1108
30-60-72	Amended	V. 22, p. 1108
30-60-73	Amended	V. 22, p. 1108
30-60-74	Amended	V. 22, p. 1109
30-60-75	Revoked	V. 22, p. 1109
30-60-76	Amended	V. 22, p. 1109
30-61-1	Amended	V. 22, p. 1109
30-61-2	Amended	V. 22, p. 1109
30-61-5	Amended	V. 22, p. 1109
30-61-6	Amended	V. 22, p. 1110
30-61-10	Amended	V. 22, p. 1110
30-61-11	New	V. 22, p. 1110
30-61-15	Amended	V. 22, p. 1110
30-61-16	Revoked	V. 22, p. 1111

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-40-1 through 36-40-9	New	V. 22, p. 1806, 1807

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 22, p. 1709
40-1-50	New (T)	V. 23, p. 244

40-2-26	Amended	V. 23, p. 151
40-3-48	Amended	V. 22, p. 2008
40-4-1	Amended	V. 22, p. 1709
40-4-36	Amended	V. 22, p. 465
40-5-110	Amended	V. 22, p. 1709

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-115a	Amended (T)	V. 22, p. 383
44-6-115a	Amended	V. 22, p. 1231
44-12-1002	Amended (T)	V. 22, p. 384
44-12-1002	Amended	V. 22, p. 1232
44-13-201b	Amended (T)	V. 22, p. 384
44-13-201b	Amended	V. 22, p. 1232

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 22, p. 1804
51-9-17	New	V. 22, p. 2031

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-4-2	Amended (T)	V. 22, p. 1304
61-7-1	Amended (T)	V. 22, p. 1304

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-6	Amended	V. 22, p. 1575

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

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

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-9	Amended	V. 22, p. 118
68-2-10	Amended	V. 22, p. 118
68-2-11	Amended	V. 22, p. 118
68-2-12a	Amended	V. 22, p. 118
68-2-15	Amended	V. 22, p. 430
68-2-20	Amended	V. 22, p. 119
68-7-12	Amended	V. 22, p. 119
68-7-12a	Amended	V. 22, p. 120
68-7-12b	New	V. 22, p. 120
68-8-1	Amended	V. 22, p. 431
68-9-2	Amended	V. 22, p. 121
68-11-1	Amended	V. 22, p. 122
68-11-2	Amended	V. 22, p. 122
68-12-2	Amended	V. 22, p. 122
68-13-1	Amended	V. 22, p. 122

AGENCY 71: KANSAS DENTAL BOARD

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

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-1	Amended	V. 22, p. 1894
74-1-2	Amended	V. 22, p. 1894
74-1-3	Amended	V. 22, p. 1894
74-1-6	Amended	V. 22, p. 1895
74-1-8	New	V. 22, p. 1895
74-2-1	Amended	V. 22, p. 1896
74-2-4	Revoked	V. 22, p. 1896
74-4-7	Amended	V. 22, p. 1896

74-4-8	Amended	V. 22, p. 1896
74-4-9	Amended	V. 22, p. 1897
74-5-202	Amended	V. 22, p. 1898
74-11-6	Amended	V. 22, p. 1898
74-11-7	Amended	V. 22, p. 1898
74-12-1	Amended	V. 22, p. 1898

AGENCY 75: STATE BANK COMMISSIONER—DIVISION OF CONSUMER AND MORTGAGE LENDING

Reg. No.	Action	Register
75-6-33	New	V. 22, p. 1815
75-6-34	New	V. 22, p. 1454

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-201	Revoked	V. 22, p. 1650
82-1-202	Amended	V. 22, p. 1650
82-1-204	Amended	V. 22, p. 1650
82-1-204a	New	V. 22, p. 1652
82-1-205	Amended	V. 22, p. 1652
82-1-206	Amended	V. 22, p. 1652
82-1-207	Amended	V. 22, p. 1652
82-1-208	Amended	V. 22, p. 1652
82-1-212	Amended	V. 22, p. 1652
82-1-214	Amended	V. 22, p. 1653
82-1-215	Amended	V. 22, p. 1653
82-1-216	Amended	V. 22, p. 1653
82-1-218	Amended	V. 22, p. 1653
82-1-219	Amended	V. 22, p. 1654
82-1-220	Amended	V. 22, p. 1655
82-1-221	Amended	V. 22, p. 1655
82-1-221b	Revoked	V. 22, p. 1656
82-1-222	Amended	V. 22, p. 1656
82-1-224	Amended	V. 22, p. 1656
82-1-225	Amended	V. 22, p. 1656
82-1-226	Amended	V. 22, p. 1657
82-1-227	Amended	V. 22, p. 1657
82-1-228	Amended	V. 22, p. 1657
82-1-229	Amended	V. 22, p. 1658
82-1-230	Amended	V. 22, p. 1659
82-1-230a	New	V. 22, p. 1659
82-1-231	Amended	V. 22, p. 1660
82-1-231a	Amended	V. 22, p. 1663
82-1-231b	Amended	V. 22, p. 1664
82-1-232	Amended	V. 22, p. 1665
82-1-235	Amended	V. 22, p. 1666
82-1-237	Amended	V. 22, p. 1666
82-1-238	Amended	V. 22, p. 1666
82-1-239	Amended	V. 22, p. 1666
82-3-700 through 82-3-704	Amended (T)	V. 23, p. 152-155
82-3-705 through 82-3-710	New (T)	V. 23, p. 155-158
82-4-2	Amended	V. 22, p. 86
82-4-3a	New (T)	V. 22, p. 2175
82-4-20	Amended	V. 22, p. 86
82-4-21	Amended	V. 22, p. 87
82-4-23	Amended	V. 22, p. 87
82-4-26	Amended	V. 22, p. 87
82-4-26a	Amended	V. 22, p. 88
82-4-27	Amended	V. 22, p. 88
82-4-27a	Amended	V. 22, p. 88
82-4-27e	Amended	V. 22, p. 89
82-4-28	Amended	V. 22, p. 89
82-4-28a	Amended	V. 22, p. 89
82-4-29	Amended	V. 22, p. 90
82-4-29a	Amended	V. 22, p. 90
82-4-30a	Amended	V. 22, p. 90
82-4-32	Amended	V. 22, p. 90
82-4-35	Amended	V. 22, p. 91
82-4-46	Amended	V. 22, p. 91
82-4-49b through 82-4-49e	Revoked	V. 22, p. 91
82-7-2 through 82-7-5	Revoked	V. 22, p. 91
82-8-1	Amended	V. 22, p. 91
82-8-2	Amended	V. 22, p. 91
82-8-3	Amended	V. 22, p. 92

82-11-1	Amended	V. 22, p. 1078
82-11-3	Amended	V. 22, p. 1079
82-11-4	Amended	V. 22, p. 1079
82-11-8	Amended	V. 22, p. 1084
82-11-10	Amended	V. 22, p. 1084

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-7	New	V. 22, p. 1709

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-201	Amended	V. 22, p. 2125
91-1-203	Amended	V. 22, p. 2126
91-1-206	Amended	V. 22, p. 2129
91-1-213	Amended	V. 22, p. 2130
91-31-16		
through		
91-31-30	Revoked	V. 22, p. 124
91-31-31		
through		
91-31-42	New	V. 22, p. 124-128
91-38-1	Amended	V. 22, p. 356
91-38-2	Amended	V. 22, p. 356
91-38-3	Amended	V. 22, p. 357
91-38-5	Amended	V. 22, p. 357
91-38-6	Amended	V. 22, p. 358
91-38-7	Amended	V. 22, p. 360

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-200		
through		
92-19-203	New	V. 22, p. 431
92-51-24	Amended	V. 23, p. 40
92-51-25	Amended	V. 23, p. 40
92-51-28	New	V. 23, p. 40
92-51-29	New	V. 23, p. 41
92-51-34a	New	V. 23, p. 41
92-52-9	Amended	V. 23, p. 41

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-6-4	Amended	V. 22, p. 666
93-6-7	New	V. 22, p. 666

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-4	Amended (T)	V. 22, p. 1504
94-2-4	Amended	V. 22, p. 2009
94-2-19	Amended (T)	V. 22, p. 1504
94-2-19	Amended	V. 22, p. 2009
94-2-20	Amended (T)	V. 22, p. 1504
94-2-20	Amended	V. 22, p. 2010
94-2-21	New (T)	V. 22, p. 1505
94-2-21	New	V. 22, p. 2010

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-22-4	New	V. 22, p. 690
100-29-9	Amended	V. 22, p. 1892
100-29-10	Amended	V. 22, p. 1893
100-54-2		
through		
100-54-8	Amended	V. 22, p. 1926-1929
100-55-5	Amended	V. 22, p. 690
100-55-9	Amended	V. 22, p. 690
100-72-1		
through		
100-72-7	New (T)	V. 22, p. 79-81

100-72-1		
through		
100-72-6	New	V. 22, p. 691, 692
100-72-7	New	V. 22, p. 1893
100-75-1	New (T)	V. 22, p. 82
100-75-1	New	V. 22, p. 693

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-3a	Amended (T)	V. 22, p. 1267
102-1-3a	Amended	V. 22, p. 1808
102-1-3b	New (T)	V. 22, p. 1268
102-1-3b	New	V. 22, p. 1809
102-1-8	Amended	V. 22, p. 1148
102-1-10a	Amended	V. 22, p. 2179
102-1-15	Amended	V. 22, p. 1149
102-2-2b	New (T)	V. 22, p. 1269
102-2-2b	New	V. 22, p. 1810
102-2-2c	New (T)	V. 22, p. 1270
102-2-2c	New	V. 22, p. 1811
102-2-4a	Amended	V. 22, p. 1150
102-2-7	Amended	V. 22, p. 2182
102-2-9	Amended	V. 22, p. 1151
102-2-11	Amended	V. 22, p. 1151
102-2-12	Amended	V. 22, p. 1084
102-3-3a	Amended	V. 22, p. 1302
102-3-4b	New (T)	V. 22, p. 1271
102-3-4b	New	V. 22, p. 1811
102-3-7a	Amended	V. 22, p. 1085
102-3-9a	Amended	V. 22, p. 1151
102-3-10a	Amended	V. 22, p. 1152
102-3-12a	Amended	V. 22, p. 2184
102-4-4b	New (T)	V. 22, p. 1272
102-4-4b	New	V. 22, p. 1812
102-4-6a	Amended	V. 22, p. 2186
102-4-9a	Amended	V. 22, p. 1153
102-4-10a	Amended	V. 22, p. 1153
102-4-12	Amended	V. 22, p. 2187
102-5-3	Amended	V. 22, p. 1087
102-5-4b	New (T)	V. 22, p. 1273
102-5-4b	New	V. 22, p. 1813
102-5-7a	Amended	V. 22, p. 1088
102-5-9	Amended	V. 22, p. 1155
102-5-10	Amended	V. 22, p. 1155
102-5-12	Amended	V. 22, p. 2189
102-5-16	New	V. 22, p. 1158
102-6-9	Amended	V. 22, p. 1159
102-6-10	Amended	V. 22, p. 1159

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-4	Amended	V. 22, p. 2177

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202
109-5-4	Amended	V. 22, p. 1805
109-7-1	Amended	V. 22, p. 1805

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1		
through		
110-8-6	New	V. 22, p. 2032, 2033
110-8-8		
through		
110-8-11	New	V. 22, p. 2033, 2034
110-10-1	New (T)	V. 22, p. 1815
110-10-1	New	V. 23, p. 180

AGENCY 111: KANSAS LOTTERY

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

Reg. No.	Action	Register
111-2-151		
through		
111-2-156	New	V. 23, p. 95, 96
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2074	Amended	V. 23, p. 98
111-4-2093	New	V. 23, p. 99
111-4-2094	New	V. 23, p. 100
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-3-11	Amended	V. 22, p. 1427
112-4-1	Amended	V. 22, p. 2057
112-4-1a	New	V. 22, p. 278
112-4-1b	New	V. 22, p. 279
112-6-4	Amended	V. 22, p. 85
112-8-4	Amended	V. 22, p. 1428
112-8-5	Amended	V. 22, p. 1428
112-9-44	Amended	V. 22, p. 279
112-10-2	Amended	V. 22, p. 85
112-10-3	Amended	V. 23, p. 93
112-11-20	Amended	V. 22, p. 281
112-12-10	Amended	V. 22, p. 86
112-13-2	Amended	V. 23, p. 94
112-18-9	Amended	V. 22, p. 1710
112-18-11	Amended	V. 22, p. 1710
112-18-18	Amended	V. 22, p. 1710

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 22, p. 1930
115-2-1	Amended	V. 22, p. 1932
115-4-6	Amended	V. 22, p. 1227
115-4-11	Amended	V. 22, p. 436
115-17-6		
through		
115-17-9	Amended	V. 22, p. 437-439
115-18-8	Amended	V. 22, p. 1229
115-18-10	Amended	V. 22, p. 439
115-21-1	Amended	V. 22, p. 1506
115-21-2	Amended	V. 22, p. 1507

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 22, p. 684
117-2-1	Amended	V. 22, p. 684
117-3-1	Amended	V. 22, p. 685
117-4-1	Amended	V. 22, p. 686
117-5-2	Amended	V. 22, p. 2007
117-6-1	Amended	V. 22, p. 687
117-6-2	Amended	V. 22, p. 688
117-6-3	Amended	V. 22, p. 688
117-8-1	Amended	V. 22, p. 689
117-9-1	Amended	V. 23, p. 150

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