



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Board of Tax Appeals

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Monday, August 16, in Suite 451, Hearing Room A, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of proposed changes in an administrative regulation of the Board of Tax Appeals. The proposed changes implement additional filing fees for appeals and applications filed with the Board of Tax Appeals. The changes are proposed for adoption on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to Carl Edwards, Secretary, Kansas Board of Tax Appeals, Suite 451, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1505, or by e-mail to maildesk@bota.state.ks.us.

All interested parties will be given a reasonable opportunity to present their views either orally or in writing, or both, concerning the adoption of the proposed regulation. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentation to 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 Carl Edwards at (785) 296-2388 or through the Kansas Relay Center. Parking for individuals with disabilities is located on Harrison Street on the east side of the Docking State Office Build-

ing. The east entrance to the Docking State Office Building is accessible to individuals with disabilities.

Copies of the proposed regulation may be obtained by contacting the Board of Tax Appeals at (785) 296-2388, by fax at (785) 296-6690, or by e-mail to maildesk@bota.state.ks.us. A brief summary of the proposed regulation and the economic impact follows:

Article 2.—PROCEEDINGS BEFORE THE BOARD

Amendments to **K.A.R. 94-2-21** set forth: (1) the filing fees; (2) the process for paying the fees; (3) an exception for someone who by reason of poverty cannot pay a fee; and (4) a process by which someone may petition the board to reduce or waive a fee for multiple applications or appeals. The proposed amendments expand the filing fees for equalization and payment under protest appeals, implement filing fees on other types of filings that were previously exempt from fees, and impose filing fees on certain appeals filed with the Small Claims Division of the board.

Economic Impact: The proposed amendments to the filing fee regulation are expected to generate an additional \$65,000 in funds per fiscal year to be used by the Board of Tax Appeals to help offset its costs of operation. The proposed amendments will require governmental entities to pay filing fees. However, it is anticipated that the proposed regulation will have a minimal economic impact on individual governmental agencies. Businesses and individuals that appear before the board may be required to pay a filing fee upon filing their application or appeal with the board. However, the cost to each individual taxpayer is minimal.

Don R. Paxson
Chairman

Doc. No. 030786

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



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

State of Kansas

Department of Revenue

Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for May 2004. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

- P-2004-013 Gross receipts from the sale of services performed in Kansas.
- P-2004-014 Gross receipts from the sale of various audio and video services.
- P-2004-015 Gross receipts from the sale of services performed in Kansas.
- P-2004-016 Sales of cookies, crafts and plants by a school.
- P-2004-017 Labor services performed to repair or replace distribution lines owned by a cooperative damaged during an ice storm.

Opinion Letters

- O-2004-004 Sales of an "external defibrillator" sold pursuant to a written order issued by a physician.

Final Written Determinations

No new publications

Revenue Rulings

No new publications

Notices

No new publications

Memorandums

No new publications

Property Valuation Division Directives

No new publications

Q&A's

No new publications

Information Guides

- Ks Retailers' Kansas Sales Tax for Kennel Operators Sales Tax

Joan Wagon
Secretary of Revenue

Doc. No. 030794

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 10-23. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
June 10	526-S	10:00 a.m.	Joint Committee on Information Technology	10th —Executive CITO report on projects and on BEST implementation (a.m.); Legislative CITO report and review of legislative computing (p.m.). 11th —Report on proposed UI project by agency; Judicial CITO report (a.m.).
June 11	526-S	9:00 a.m.		
June 15	519-S	10:00 a.m.	Legislative Post Audit	Performance Audit Reports: — Information Technology Projects: Determining whether the chief information technology officer has followed all applicable approval and notification requirements (100-hour audit). — Plum Thicket Landfill Application: Determining whether the Department of Health and Environment's review complied with applicable laws and regulations (100-hour audit). — Kansas Fire Marshal: Reviewing the funding and administration of the agency. — K-GOAL audit topics.
June 23	123-S	TBA	Legislative Coordinating Council	Legislative matters.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 030803

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet Wednesday and Thursday, June 23-24, at the Kansas Highway Patrol Center, 2025 E. Iron St., Salina. Both meetings will convene at 9 a.m.

The Committee of the Whole will meet June 23 for a full day of briefings on the water resource capital development fund, inter-agency water projects, 2006 State Water Plan Fund budget and water policy initiatives. The full Authority will consider the recommendations of the Committee of the Whole on June 24.

The Committee of the Whole will consider and vote on the following:

- A review of policy studies related to water marketing, alternative dispute resolution, watershed protection and restoration, and enhancement of ground water availability for public water supplies. The Committee of the Whole will recommend to the full Authority the next steps to be taken.
- The state's water resources Capital Development Plan.
- A proposed contract between the state of Kansas and the U.S. Geological Survey that will correlate the effect of land-based best management practices on the level of suspended solids in streams. Best management practices that prevent erosion will reduce sedimentation in multi-purpose small lakes and reservoirs that serve as sources of drinking water.
- The price to be paid by public water suppliers in calendar year 2005 for water obtained through the state's Water Marketing Program
- BAC memberships. Consider nominations for membership on the Cimarron Basin Advisory Committee (BAC). BACs nominate candidates for membership subject to the approval by the Kansas Water Authority.

The Committee of the Whole will hear and offer advice on the following:

- Nine Water Issue Strategic Plans that present proposed solutions to regional or basin-specific problems. The topics include:
 - Public water supply regional strategies
 - Watershed protection and restoration
 - Management of the Ozark Plateau Aquifer and Spring River
 - Water-based recreation and river access
 - Control of storage space in Keith Sebelius Reservoir for recreational purposes
 - A suite of High Plains aquifer issues, including:
 - High Plains aquifer management
 - Management of the Middle Arkansas River, Rattlesnake Creek and Pawnee-Buckner subbasin portions of the aquifer
 - Upper Arkansas River Water quality
 - Control of salt cedar and other phreatophytes (water loving plants)

- Update on the budgets of the Kansas Water Office and the State Water Plan Fund
- Basin Advisory Committees' messages to the Kansas Water Authority
- 2004 Kansas Legislature's actions

The Kansas Water Authority will recognize out-going Kansas Water Authority members Sharon Steele of Colby and George Ham of Manhattan.

Members of the Kansas Water Office staff will report on the status of the state's proposed acquisition of the Circle K Ranch in Edwards County and the proposed Grouse Creek Reservoir in Cowley County.

For further information on the agenda or meeting, turn to the Kansas Water Office Web site, kwo.org, or call the Kansas Water Office at (888) KAN-WATER.

Joseph Harkins
Acting Director
Kansas Water Office

Doc. No. 030799

State of Kansas

Office of the Governor

Executive Order No. 2004-05

WHEREAS, Article 1 §3 of the Constitution of the State of Kansas vests the supreme power of the state in the Governor; and

WHEREAS, energy production is one of the core foundations of our state's economy; and

WHEREAS, the production of energy benefits the long term economic and employment health of the state; and

WHEREAS, the formation of public policy is dependent upon accurate and timely information being made available to Kansas policy makers; and

WHEREAS, improved coordination of the state's energy resources is an essential element in improving the quality of services provided to the people of Kansas; and

WHEREAS, policies to encourage renewable energy and energy efficiency, and to extend the life of existing energy resources are required for Kansas to regain its status as an energy exporter and for Kansas' energy future; and

WHEREAS, surrounding states have taken steps to promote or mandate the use of renewable energy resources; and

WHEREAS, after decades of standing as a net energy exporter, Kansas has now become a net importer of energy; and

WHEREAS, Kansas has been ranked first among all states in harnessable renewable energy resources; and

WHEREAS, it is the goal to help ensure that Kansans have low cost, reliable and sustainable energy, produced in-state, to the fullest extent possible;

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby reformulate the composition and mission of the State Energy Resources Coordination Council, from hereafter to be known as the Kansas Energy Council ("Council"), as summarized below.

1. The Council shall collect and compile information pertaining to the energy resources, including wind and

biomass, in the state, as well as the availability, production and use of energy in the state;

2. Based on such data, the Council shall formulate and coordinate a comprehensive state energy plan that includes strategies to:

a. Ensure a low-cost, reliable and sustainable energy supply;

b. Increase energy efficiency and conservation;

c. Develop a balanced renewable energy policy that promotes our state's renewable and alternative energy resources and preserves those natural ecosystems and places of scenic beauty that cannot be replaced;

d. Extend the life of existing energy resources;

e. Enhance energy related research and development; and

f. Ensure an adequate and stable state energy infrastructure.

3. Such a state plan shall include sections corresponding with:

a. Estimates of energy consumption by Kansas residents for the next 12, 36 and 60 months by energy category; and

b. Estimates of energy production by energy source for the next 12, 36 and 60 months by energy category.

4. The Council shall annually review and modify as necessary the state energy plan.

5. The Council shall advise of trends identified in relation to energy production, consumption and any tax or revenue implications.

6. The Council shall recommend:

a. Appropriate means to increase the productive life of Kansas energy resources;

b. Appropriate means to increase the state's self-reliance on its own energy sources through:

i. Increased efficiency in the use of its resources;

ii. Identification of potential energy resources; and

iii. Identification of policy and tax issues that positively or adversely impact self-reliance;

c. Ways to avoid loss of tax revenues and employment opportunities related to energy resource management;

d. Policies to increase the export of energy from Kansas;

e. Policies to encourage renewable energy development;

f. Policies to encourage energy efficiency; and

g. Such other policies or actions related to energy resource management as may be identified.

7. The Council shall study the state's transmission needs for electrical energy.

8. The Council shall determine ways to encourage energy-related production, research and development, and other energy-related economic development in the state.

9. The Council shall annually report their findings and recommendations to the Kansas Corporation Commission, the Governor and the Legislature no later than January 15th.

10. The Council shall consist of 23 members as follows:

a. The state geologist, or designee;

b. The chairperson of the Kansas Corporation Commission, or designee;

c. The consumer counsel of the Citizens' Utility Ratepayer Board, or designee;

d. 20 appointments by the Governor, including:

i. An energy economist serving on the faculty of a state educational institution;

ii. An individual knowledgeable in energy efficiency and conservation;

iii. An individual knowledgeable in tax and revenue issues related to energy use or production;

iv. An individual knowledgeable in energy production issues as they relate to agriculture;

v. An individual knowledgeable in environmental issues related to energy use and production;

vi. An individual knowledgeable in renewable energy resources;

vii. A representative of oil producers;

viii. A representative of natural gas producers;

ix. A representative of refiners of petroleum products;

x. A representative of marketers of petroleum products;

xi. A representative of investor-owned generators of electricity;

xii. A representative of rural electric cooperatives;

xiii. A representative of municipally owned or operated electric utilities;

xiv. A representative of generators of electricity from renewable energy resources;

xv. A representative of Kansas Association of Counties;

xvi. A representative of the League of Kansas Municipalities;

xvii. The Secretary of Commerce, or designee;

xviii. The Director of the Water Office, or designee;

xix. The Secretary of Wildlife and Parks, or designee; and

xx. The Secretary of Agriculture, or designee.

e. Of the members first appointed by the Governor subsequent to this order, five shall serve terms of four years, five shall serve terms of three years and six shall serve terms of two years, and thereafter, terms shall be for four years;

f. All other members shall serve terms consistent with their terms of office, employment or appointment.

11. The Governor shall annually select a chairperson and vice-chairperson from among the members. The Council may elect other officers among its members and may establish any committees deemed necessary to discharge its responsibilities.

12. Members of the Council shall not receive compensation, subsistence, allowance or associated expenses. Officers or employees of state agencies who are appointed to the Council as part of their duties shall be authorized to participate on the Council and may claim subsistence, allowance, mileage or associated expenses as permitted by law.

This order supersedes Executive Order No. 02-04. This document shall be filed with the Secretary of State as Executive Order No. 04-05, and shall become effective immediately.

Dated June 1, 2004.

Kathleen Sebelius
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 030793

State of Kansas

Information Network of Kansas**Notice of Meeting**

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, June 17, 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.

Jim Hollingsworth
Executive Director

Doc. No. 030802

State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Anadarko Gathering Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Anadarko Gathering Company, Houston, Texas, owns and operates a Hugs "D" satellite booster station located at Section 9, Township 33 South, Range 38 West, Stevens County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, 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 July 12.

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 July 12 in order for the Secretary of Health and Environment to consider the request.

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

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030795

State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Anadarko Gathering Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Anadarko Gathering Company, Houston, Texas, owns and operates Hugs "F" compressor station located at Section 1, Township 33 South, Range 38 West, Stevens County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at

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Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030796

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Anadarko Gathering Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Anadarko Gathering Company, Houston, Texas, owns and operates Moscow Station located at Section 4, Township 31 South, Range 37 West, Stevens County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, 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 July 12.

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 July 12 in order for the Secretary of Health and Environment to consider the request.

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

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030797

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-04-169
Application(s) for New or Expansion of
Existing Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Alan Kramer Route 2, Box 90 Goff, KS 66428	Alan Kramer Route 2, Box 90 Goff, KS 66428

Legal Description	Receiving Water
NE/4 of Section 16, T04S, R13E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S063

This is an application for a permit for a previously-registered existing facility to add a swine nursery-grower building and a second lagoon cell for a total maximum capacity of 460 head (184 animal units) of swine greater than 55 pounds, 1,200 head (120 animal units) of swine 55 pounds or less, 60 head (60 animal units) of cattle greater than 700 pounds and 60 head (30 animal units) of cattle 700 pounds or less, for a total of 1,660 head (304 animal units) of swine and 120 head (90 animal units) of cattle. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-04-170/181
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Bonnie Brown Farms 2217 N. 70th Jamestown, KS 66948	SE/4 of Section 18, T05S, R04W, Cloud County	Lower Republican River Basin

Kansas Permit No. A-LRCD-S008

This is a permit for the downsizing of an existing facility having a maximum of 558 head of swine weighing more than 55 pounds (223.2 animal units) and 700 head of swine weighing less than 55 pounds (70 animal units), for a total of 1,258 head (293.2 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Phillip Sealock Route 2, Box 127 Hoxie, KS 67740	SE/4 of Section 07, T08S, R28W, Sheridan County	Solomon River Basin

Kansas Permit No. A-SOSD-B004

This is a renewal permit for an existing facility for a maximum of 300 head (300 animal units) of beef cattle weighing greater than 700 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
Plunkett Feedlot Richard Plunkett P.O. Box 1025 Syracuse, KS 67878	SE/4 of Section 06, T22S, R42W, Hamilton County	Upper Arkansas River Basin

Kansas Permit No. A-UAHM-C009 Federal Permit No. KS0097292

This is a new permit for an existing and expanding facility. The facility is expanding from 4,000 head (4,000 animal units) to 6,000 head (6,000 animal units) of beef cattle. The expansion is a pen density increase, no new pens will be constructed. Runoff controls will be constructed.

Name and Address of Applicant	Legal Description	Receiving Water
Sealock Inc. Phillip Sealock Route 2, Box 127 Hoxie, KS 67740	NE/4 of Section 18, T08S, R28W, Sheridan County	Solomon River Basin

Kansas Permit No. A-SOSD-C005 Federal Permit No. KS0095940

This is a new permit for a facility expanding its head capacity from 950 head (950 animal units) of beef cattle weighing greater than 700 pounds each to a maximum of 1,999 head (1,999 animal units) of beef cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
River Bend Feed Yard, Inc. Pat Staats Box 448 Ulysses, KS 67880	E/2 & SW/4 of Section 16, T31S, R38W, Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-C001 Federal Permit No. KS0037648

This is a renewal permit for an existing facility with a modification to the waste management system for 15,500 head (15,500 animal units) of beef cattle greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Triple T Livestock LLC Doug Thiessen 14405 N.W. 100th St. Whitewater, KS 67154	N/2 of Section 16, T24S, R03E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-C012 Federal Permit No. KS0093742

This is a renewal and modified permit for an existing facility for 1,079 head of beef cattle weighing less than 700 pounds, 1,327 head of swine weighing more than 55 pounds and 600 head of swine weighing 55 pounds or less. The modification is a head and animal unit change due to an open lot previously used for 173 head of swine weighing more than 55 pounds, now being used for 120 head of beef cattle weighing less than 700 pounds. No additional pens, buildings or waste facilities are being proposed.

Name and Address of Applicant	Legal Description	Receiving Water
Four N, Inc. Sid Nattier 8831 S. Woodlawn Newton, KS 67114	NE/4 of Section 25, T24S, R01E, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-C002 Federal Permit No. KS0085669

This is a renewal permit for an existing facility for 1,600 head (1,600 animal units) of beef cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Visser Farms, Inc. Vinton Visser 11363 Kansas Spur Riley, KS 66531	SW of Section 33, T08S, R06E, NW/4 of Section 04, T09S, R06E, Riley County	Kansas River Basin

Kansas Permit No. A-KSRL-H001 Federal Permit No. KS0094749

This is a renewal permit for an existing facility with a previously-approved expansion. Only one of the four previously-approved swine buildings has been built. The maximum permitted capacity remains the same as the previous permit. It is 4,544 head (1,817.6 animal units) of swine weighing more than 55 pounds and 1,490 head (149 animal units) of swine weighing 55 pounds or less, for a total of 1,966.6 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Sumner Feedlot Howard Sumner P.O. Box 70 Norcatur, KS 67653	S/2 of NE/4 of Section 8, E/2 of NW/4 of Section 16, T01S, R25W, Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-C001 Federal Permit No. KS0081043

This is a renewal permit for an existing facility for 2,950 head (2,950 animal units) of beef cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Leibbrandt Farms Ben Leibbrandt Route 1, Box 306 St. Francis, KS 67756	SW/4 of Section 30, T02S, R40W, Cheyenne County	Upper Republican River Basin

Kansas Permit No. A-URCN-S011

This is a renewal permit for an existing facility. The renewal permit includes a description of existing open lot pens that were not previously described. The increase in head capacity is a result of a change in calculation in which swine weighing less than 55 pounds were not previously counted. The increase in head capacity is from 400 head (80 animal units) to a maximum of 120 head (12 animal units) of swine weighing less than 55 pounds each and 400 head (160 animal units) of swine weighing greater than 55 pounds, for a total of 520 head (172 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Dallas Klaassen dba Pine Tree Feeders, LLC 2136 S. Spencer Road Newton, KS 67114	SW/4 of Section 27, T23S, R01E, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-C003 Federal Permit No. KS0085863

This is a renewal and modified permit for an existing facility for 1,500 head (1,500 animal units) of beef cattle. The modification is the deletion of the lagoon from the previously-issued permit and the addition of the replacement lagoon that was approved and constructed. No change in head or animal unit count is being proposed.

Name and Address of Applicant	Legal Description	Receiving Water
Becker Dairy John J. Becker 793 W 40th Ave. North Argonia, KS 67004	NW/4 of Section 36, T31S, R03W, Sumner County	Lower Arkansas River Basin

Kansas Permit No. A-ARSU-M003

This is a renewal permit for an existing facility for 100 head (140 animal units) of dairy cattle and 100 head (100 animal units) of beef cattle.

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 at-

tention 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 July 10 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-169/181) 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. 030804

State of Kansas

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

(Note: Dates and times of arguments are subject to change.)

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

Before Marquardt, P.J.; Malone, J.; and Eric S. Rosen, D.J., assigned.

Tuesday, June 15, 2004

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
91,094 State of Kansas, Appellee v. Brett Damon Wheeler, Appellant	Attorney General Robbin L. Wasson, Asst. D.A. Miriam Rittmaster	Wyandotte
91,632 State of Kansas, Appellee v. Kerri L. Criswell, Appellant	Attorney General Joshua Allen, Asst. D.A. Jay Norton	Wyandotte
91,397 Virgil Bruce McComb, Appellee v. State of Kansas, Wyandotte County Sheriff, Kansas Department of Corrections, Appellants	Carl E. Cornwell Timothy G. Madden	Wyandotte
90,575 In the Matter of the Marriage of Karen Sue Mellott, Appellant and Paul Ashley Mellott, Appellee	Nancy A. Roe William F. Dunn	Wyandotte
91,225 In the Matter of the Estate of Francis J. Wolf, Jr., a/k/a Francis J. Wolf, Deceased	David L. Higgins John M. McFarland Jeffrey B. Rosen Kevin J. Breer	Wyandotte
1:30 p.m.		
90,356 State of Kansas, Appellee v. Shawn C. Atkinson, Appellant	Attorney General Sheryl L. Lidtke, Asst. D.A. Mary Curtis, Asst. A.D.	Wyandotte
90,233 State of Kansas, Appellee v. Delmario Reese, Appellant	Attorney General Michael A. Russell, Asst. D.A. Matthew J. Edge, Asst. A.D.	Wyandotte
91,486 Dawn Brumbaugh, Appellee v. Atria Hearthstone and Old Republic Insurance Company, Appellants	Frederick J. Patton II Richard W. Morefield Jr.	Work Comp.
89,992 State of Kansas, Appellee v. Daniel Rodriguez, Appellant	Attorney General Steven J. Obermeier, Asst. D.A. Tricia A. Barr	Johnson
91,227 In the Matter of D.K.U., DOB: 09/25/1985, a Male Under the Age of 18 Years	Marlin Johanning Frank E. Kohl, C.A.	Leavenworth

91,354
 Lisa Endsley, Appellant
 v.
 American Drug Stores, Inc., d/b/a Osco
 Drug, et al., Appellees

Luis Mata
 Suzanna L. Trower
 Jason H. Klein

Wyandotte

Wednesday, June 16, 2004

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
91,609 In the Matter of the Marriage of Israel A. Adugna, Appellee and Derib Adugna, Appellant	Marilyn K. Slezak Justin Palmer	Johnson
90,332 Michael E. Davin, Appellant v. Athletic Club of Overland Park, and T. Sean Lance, and State Farm Fire and Casualty Company, Appellee.	Dennis J.C. Owens David S. Rauzi Casey O. Housley	Johnson
90,340 State of Kansas, Appellee v. Dana Mansaw, Appellant	Attorney General Christopher L. Schneider, Asst. D.A. Rick Kittel, Asst. A.D.	Wyandotte
90,690 State of Kansas, Appellee v. Edward H. Powers, Observer Publications, Inc., Appellants	J. David Farris, Special Prosecutor Mark Birmingham Edward H. Powers	Wyandotte

Summary Calendar—No Oral Argument

Case No. / Case Name	Attorneys	Jurisdiction
91,646 State of Kansas, Appellee v. Jose L. Gonzalez, Appellant	Attorney General Vernon E. Buck, Asst. C.A. Paige A. Nichols	Lyon
90,493 Richard L. Clark, Jr., Appellant v. State of Kansas, Appellee	Patrick H. Dunn, Asst. A.D. Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
91,173 Bonnie L. Pike, Appellant v. State of Kansas Employment Security Board of Review, Appellee	John R. Kurth James R. McEntire Larry R. Mears	Atchison
91,626 Daniel R. Royse, Appellant v. Sam Cline, Warden, Ellsworth Correctional Facility; and Kansas Parole Board, Appellees	Paula D. Hofaker Robert E. Wasinger	Ellsworth
91,673 Michael A. Bankes, Inmate No. 45889, Appellant v. L. E. Bruce, Warden, Appellee	Michael A. Bankes, #45889, Pro Se Jon D. Graves	Reno
90,323 State of Kansas, Appellee v. Kimberly A. Henderson, Appellant	Attorney General R. Clark Allemang II Matthew J. Edge, Asst. A.D.	Lyon
88,738 State of Kansas, Appellee v. Jake Gray, Appellant	Attorney General John H. Taylor, Asst. C.A. Shawn Minihan, Asst. A.D.	Geary

(continued)

<p>90,659 State of Kansas, Appellee v. Keith K. Chambers, Appellant</p>	<p>Attorney General Debra S. Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A. Shawn Minihan, Asst. A.D.</p>	<p>Sedgwick</p>
<p>90,637 State of Kansas, Appellee v. Ramone Decarlo Graham, Appellant</p>	<p>Attorney General Frank E. Kohl, C.A. Michelle Davis, Asst. A.D.</p>	<p>Leavenworth</p>
<p>90,925 State of Kansas, Appellee v. Raymond G. Noble, Appellant</p>	<p>Attorney General Debra S. Peterson, Asst. D.A. Lesley A. Isherwood, Asst. D.A. Korey A. Kaul, Asst. A.D.</p>	<p>Sedgwick</p>

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

Before Johnson, P.J.; Larson, S.J.; and Glenn D. Schiffner, D.J., assigned.

**Tuesday, June 15, 2004
9:30 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
<p>91,064 In the Matter of the Care and Treatment of David H. Sipe</p>	<p>Randy L. Baird Nola F. Wright, Asst. A.G.</p>	<p>Bourbon</p>
<p>90,590 In the Matter of the Marriage of Kristy L. Alexander, Appellant and Robert L. Crabtree, Appellee</p>	<p>Patrick E. Henderson Paul D. Post</p>	<p>Shawnee</p>
<p>91,006 State of Kansas, Appellee v. Ronald Holcom, Appellant</p>	<p>Attorney General Bobby J. Hiebert, Jr., Asst. C.A. Mike Sheahon</p>	<p>Saline</p>
<p>91,682 State of Kansas, Appellant v. Ronald Day, Appellee</p>	<p>Attorney General Tony Cruz, Asst. C.A. Allen B. Angst</p>	<p>Geary</p>
<p>91,709 C.B., Appellant v. Kansas Department of Social and Rehabilitation Services, Appellee</p>	<p>Stephen T. Ariagno Daniel Radford</p>	<p>Sedgwick</p>
1:30 p.m.		
<p>91,334 Brenda K. Wells, Appellee v. Waffle House, Inc., and Continental Western Ins. Co., Appellants</p>	<p>Michael R. Wallace Keith C. Sevedge Nathan Burghart</p>	<p>Work Comp.</p>
<p>91,389 Angela M. Jones, Appellant v. State of Kansas and Empire Insurance Company, d/b/a Empire Indemnity Company, Appellees</p>	<p>Carl A. Gallagher C. William Ossmann Danny J. Baumgartner</p>	<p>Shawnee</p>

<p>91,308 Helen Kay Ayers, Appellee v. Hallmark Cards, Inc., Appellant</p>	<p>Frank D. Taff Douglas M. Greenwald Gregory D. Worth</p>	<p>Work Comp.</p>
<p>91,017 Rosehill Place, LLC., Appellee v. Jason O. Ellis, Appellant</p>	<p>Richard N. Roe Timothy J. Sear</p>	<p>Johnson</p>
<p>90,489 In the Matter of the Marriage of Steven R. Gleue, Appellant and Arlene T. Gleue, Appellee</p>	<p>James F. McMahon Kevin L. Phillips Darrell E. Miller</p>	<p>Republic</p>

Wednesday, June 16, 2004
9:30 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<p>91,169 State of Kansas, Appellee v. Eldo W. Flaming, Appellant</p>	<p>Attorney General Robert D. Hecht, D.A. Cory D. Riddle, Asst. A.D.</p>	<p>Shawnee</p>
<p>90,819 State of Kansas, Appellee v. Julie A. Hards, Appellant</p>	<p>Attorney General Robert D. Hecht, D.A. Steven R. Zinn, Deputy A.D.</p>	<p>Shawnee</p>
<p>90,740 State of Kansas, Appellee v. Ralph Benjamin Figueroa, Appellant</p>	<p>Attorney General Jack E. Turner, C.A. Sarah Ellen Johnson, Asst. A.D.</p>	<p>Wabaunsee</p>
<p>91,642 L. Thomas Elliston, Appellant v. Vietnam Helicopter Pilots Association, a Kansas Corporation; David Rittman, Joe Bilitzke, Charles Holley, Mike Hurley, Dan Ferguson, Mike Sheuerman, Thomas Payne, Dana Young and Angelo Spelious, Appellees</p>	<p>L. Thomas Elliston, Pro Se Douglas P. Jones</p>	<p>Chase</p>
<p>90,344 James M. Shields, Appellant v. Kansas Department of Revenue, Appellee</p>	<p>Douglas E. Wells Brian Cox</p>	<p>Lyon</p>

Summary Calendar—No Oral Argument

Case No. / Case Name	Attorneys	Jurisdiction
<p>90,203 Charles Sellens and Paula Sellens, Appellants v. Bryan E. Groth, Charles T. Schimmel, James C. Dodge and The Law Firm of Sharp, McQueen, McKinley, Dreiling and Tate, P.A., Appellees</p>	<p>Charles J. Sellens, Pro Se Paula J. Sellens, Pro Se David J. Rebein Michelle D. Reinert Leroy C. Rose</p>	<p>Kearny</p>
<p>90,574 State of Kansas, Appellee v. Todd Matthew Caudill, Appellant</p>	<p>Attorney General Sherri Schuck, Asst. C.A. Sarah Ellen Johnson, Asst. A.D.</p>	<p>Pottawatomie</p>
<p>91,650 In the Matter of the Marriage of Tim Skomo, Appellee and Denise Skomo, Appellant</p>	<p>Roger L. Unruh Peter C. Rombold</p>	<p>Geary</p>
<p>90,072 State of Kansas, Appellee v. Stephen L. Meeker, Appellant</p>	<p>Attorney General Scott E. McPherson, Asst. D.A. Michelle Davis, Asst. A.D.</p>	<p>Douglas</p>

(continued)

90,837 State of Kansas, Appellee v. Josh W. Branine, Appellant	Attorney General Louis A. Podrebarac, C.A. Cory D. Riddle, Asst. A.D.	Meade
91,282 Charlene Robuck, Appellee v. Sandra Whitcomb, Appellant	Kevin P. Shepherd Steven R. Wiechman	Shawnee
90,895 State of Kansas, Appellee v. Earl T. Sigee, Jr., Appellant	Attorney General Bethany C. Daniels, Asst. D.A. Matthew J. Edge, Asst. A.D.	Douglas
91,230/91,231 In the Interest of J.L.S., DOB: 04/20/1999, Minor Child Under the Age of Eighteen	Judd L. Hummell Richard W. Benson	Shawnee
91,146 In the Matter of the Marriage of Dennis M. Jurkovich, Appellee and Teresa L. Jurkovich, Appellant	Teresa L. Jurkovich, Pro Se	Johnson
91,213 State of Kansas, Appellee v. Kevin L. Hanmont, Appellant	Attorney General Gerald R. Kuckelman, C.A. Matthew J. Edge, Asst. A.D.	Atchison
91,460 State of Kansas, Appellant v. Brian Bowles, Appellee	Attorney General Jon P. Whitton, Asst. C.A. Wm. Rex Lorson	Saline
91,200 James Fields, Appellant v. Jolly Ox Club of Kansas, Inc., Appellee	Kevin L. Diehl Michael B. Lowe	Shawnee
91,388 In the Matter of the Marriage of Bret David Landrith, Appellant v. Donna Elizabeth Landrith, Appellee	Bret D. Landrith, Pro Se Jennifer Brunetti	Shawnee
91,207 Frank Levi Kirtdoll, Appellant v. City of Topeka, Appellee	Frank L. Kirtdoll, Pro Se Mary Beth Mudrick, Asst. City Attorney	Shawnee
90,905 State of Kansas, Appellee v. William Ray Kurtz, Appellant	Attorney General Brian S. Carroll, C.A. Sandra Carr, Asst. A.D.	Marshall

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

Before Greene, P.J.; McAnany, J.; and Brazil, S.J.

**Tuesday, June 15, 2004
9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
91,211 Gary Dean Brock, Appellee v. Mary Rebecca Brandewyne, Appellant	James W. Wilson Charles F. Harris Craig Shultz	Sedgwick

<p>90,390 David U. Jones, Appellant v. State of Kansas, Appellee</p>	<p>Michael P. Whalen David U. Jones, #68379, Pro Se Attorney General Debra S. Peterson, Asst. D.A.</p>	<p>Sedgwick</p>
<p>90,536 State of Kansas, Appellee v. John P. Doub III, Appellant</p>	<p>Attorney General Debra S. Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A. Korey A. Kaul, Asst. A.D.</p>	<p>Sedgwick</p>
<p>90,894 State of Kansas, Appellee v. Arkadtis R. Hubbard, Appellant</p>	<p>Attorney General Debra S. Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A. Rick Kittel, Asst. A.D.</p>	<p>Sedgwick</p>
<p>89,502 State of Kansas, Appellee v. Ryan Pinkston, Appellant</p>	<p>Attorney General Keith E. Schroeder, D.A. Kathryn B. Wall, Asst. A.D.</p>	<p>Reno</p>
1:30 p.m.		
<p>90,794 State of Kansas, Appellee v. Delton C. Sullivan, Appellant</p>	<p>Attorney General Rick J. Scheufler, C.A. Kathryn B. Wall, Asst. A.D.</p>	<p>Barton</p>
<p>89,545 State of Kansas, Appellee v. Donald J. Henderson, Appellant</p>	<p>Attorney General Keith E. Schroeder, D.A. Charles A. O'Hara</p>	<p>Reno</p>
<p>91,637 The Cincinnati Life Insurance Company, an Ohio Corporation, v. Judith A. Palmer, Appellee, and Natalie K. (Palmer) Shanklin, Appellant</p>	<p>Randall E. Fisher Joseph N. Robb</p>	<p>Harvey</p>
<p>90,844 City of Dodge City, Appellee v. Evan McKinley, Appellant</p>	<p>Terry J. Malone Leslie A. Hess Laura H. Lewis, Legal Intern</p>	<p>Ford</p>
<p>91,668 City of Dodge City, Appellant v. Leroy Wipf, Appellee</p>	<p>Terry J. Malone Leslie A. Hess</p>	<p>Ford</p>
<p>90,715 State of Kansas, Appellee v. Tamara L. Zimbelman, Appellant</p>	<p>Andrew D. Bauch, Asst. A.G. Roger L. Falk</p>	<p>Cheyenne</p>

Wednesday, June 16, 2004

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<p>91,045 State of Kansas, Appellee v. Anthanasios Kartalis, Appellant</p>	<p>Attorney General Debra S. Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A. Richard Ney</p>	<p>Sedgwick</p>
<p>90,829 State of Kansas, Appellee v. Matthew Timothy Schroeder, Appellant</p>	<p>Attorney General Ty Kaufman, C.A. Michael S. Holland</p>	<p>McPherson</p>

(continued)

90,828
State of Kansas, Appellee
v.
Matthew Timothy Schroeder, Appellant

Attorney General
Ty Kaufman, C.A.
Michael S. Holland

McPherson

90,988
Tri-County Concerned Citizens, Inc., et al.,
Appellees
v.
Board of County Commissioners of Harper
County, Appellee
and
Waste Connections of Kansas, Inc., Appellant

John E. Foulston
John Terry Moore
Robert H. Epstein

Harper

Summary Calendar—No Oral Argument

Case No. / Case Name	Attorneys	Jurisdiction
90,552 William R. Turner, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Debra S. Peterson, Asst. D.A. Kristi L. Barton, Asst. D.A.	Sedgwick
91,129 In the Matter of the Marriage of Lucy Paul, Appellee and Ronald Paul, Appellant	Randy M. Barker Jon Blongewicz	Bourbon
90,789 Allen D. Taylor, Appellant v. State of Kansas, Appellee	Michael P. Whalen Attorney General Debra S. Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A.	Sedgwick
90,735 State of Kansas, Appellee v. Elmer L. Corwin, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Steven R. Zinn, Deputy A.D.	Sedgwick
91,644 Barry Lynn Turner, #33529, Appellant v. Kansas Parole Board, et al., Appellees	Barry Lynn Turner, #33529, Pro Se Attorney General Rebecca A. Weeks, Asst. A.G.	Leavenworth
91,307 In the Interest of: F.A.F., DOB: 06/16/99 R.F., DOB: 10/23/00 Children Under Eighteen (18) Years of Age	Roger Batt James W. Wilson Larry S. Vernon	Sedgwick
91,647 Kevin R. Newton, Appellant v. State of Kansas, Appellee	Kerwin L. Spencer Attorney General William R. Mott, C.A.	Sumner
90,924 Jeffrey L. Davis, Appellant v. State of Kansas, Appellee	Shawn Minihan, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
90,751 State of Kansas, Appellee v. Mark A. Burris, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. Isherwood, Asst. D.A. Sarah Ellen Johnson, Asst. A.D.	Sedgwick
91,370 State of Kansas, Appellee v. Derrick L. Douglas, Appellant	Attorney General Stacy Lynn Cunning, Asst. C.A. Allen B. Angst	Saline

91,103 In the Matter of the Adoption of F.D.A. III and N.M.A.	Mark A. Cowell Jason W. Hart	Ford
91,395 Alayna R. Cobb, Appellant v. Daniel W. Corbett, an Individual, and Westaff Inc., Appellees	Devoe G. Treadwell Frank R. Cobb Jerald W. Rogers	Sedgwick
90,790 State of Kansas, Appellee v. Anthony C. Blackshire, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A. Kathryn B. Wall, Asst. A.D.	Sedgwick
90,765 Jerome L. Ryan, Appellant v. State of Kansas, Appellee	Theresa Barr, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A.	Sedgwick
90,956 Edgar Ambriz-Hernandez, Appellant v. State of Kansas, Appellee	Patrick H. Dunn, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Lesley A. Isherwood, Asst. D.A.	Sedgwick

**Kansas Court of Appeals
Butler County Courthouse
Courtroom A, 2nd Floor
201 W. Pine
El Dorado, Kansas
Before Rulon, C.J.; Elliott & Hill, JJ.
Tuesday, June 15, 2004
9:00 a.m.**

Case No. / Case Name	Attorneys	Jurisdiction
91,029 In the Matter of the Marriage of Adrian Wayne Gilchrist II, Appellee v. Kathleen Cecilia Francies Gilchrist and the Estate of Kathleen Cecilia Ernest, Appellant	Jeffrey R. Emerson Jeff Dewey	Sedgwick
90,481 State of Kansas, Appellee v. Van M. Nguyen, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
90,737 Marion A. Shields, Appellant v. State of Kansas, Appellee	Theresa Barr, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A.	Sedgwick
88,888 State of Kansas, Appellee v. Robert M. Carver, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Sandra Carr, Asst. A.D. Robert M. Carver, #73822, Pro Se	Sedgwick
90,473 State of Kansas, Appellee v. Anthony W. Williams, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. Isherwood, Asst. D.A. Libby K. Snider, Asst. A.D.	Sedgwick

(continued)

1:30 p.m.

<p>89,088/89,605 State of Kansas, Appellee v. William K. Bemis, Appellant</p>	<p>Attorney General Thomas R. Stanton, Deputy D.A. Libby K. Snider, Asst. A.D.</p>	<p>Reno</p>
<p>90,817 State of Kansas, Appellee v. Frederick Paul Wilson, Appellant</p>	<p>Attorney General Julie A. Funk, Special Co. Prosecutor Cory D. Riddle, Asst. A.D.</p>	<p>Pratt</p>
<p>91,113 Jimmie R. Bryant, Appellant v. State of Kansas, Appellee</p>	<p>Randall L. Hodgkinson, Deputy A.D. Attorney General Ernest H. Richardson, Acting C.A.</p>	<p>Pratt</p>
<p>91,118 State of Kansas, Appellee v. Garland Glenn Williams, Appellant</p>	<p>Attorney General Ty Kaufman, C.A. Randall L. Hodgkinson, Deputy A.D.</p>	<p>McPherson</p>
<p>91,448 State of Kansas, Appellee v. Wade L. Gambrell, Appellant</p>	<p>Attorney General Vernon E. Buck, Asst. C.A. Randall L. Hodgkinson, Deputy A.D.</p>	<p>Lyon</p>
<p>87,511 State of Kansas, Appellee v. Gregory E. Bell, Appellant</p>	<p>Attorney General Debra S. Peterson, Asst. D.A. Lesley A. Isherwood, Asst. D.A. Jessica R. Kunen</p>	<p>Sedgwick</p>

Wednesday, June 16, 2004

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<p>87,283 State of Kansas, Appellee v. Tracy Ray Schmidt, Appellant</p>	<p>Attorney General James R. Spring, C.A. Debra J. Wilson, Capital A.D. Tracy Schmidt, #51149, Pro Se</p>	<p>Cowley</p>
<p>91,309 David A. Norlin, Appellant v. Board of Trustees of the Cloud County Community College, Cloud County, Kansas, Appellees</p>	<p>David M. Schauner Robert D. Overman</p>	<p>Cloud</p>
<p>87,740 State of Kansas, Appellee v. Craig Alan Fischer, a/k/a Craig Allen Davenport, d/b/a Craig Alan Healy, Appellant</p>	<p>Attorney General Wade Dixon, Special Asst. C.A. Melanie S. Morgan</p>	<p>Hamilton</p>
<p>91,310 U.S.D. No. 215, Appellee v. Peggy McGlynn, Tom Bachman, Karen Burden, Jan Schiffelbein and Dan Woellhof, Appellants</p>	<p>Allen G. Glendenning David M. Schauner Marjorie A. Blaufuss John M. Rasmussen, Amicus Curiae</p>	<p>Kearny</p>

Summary Calendar—No Oral Argument

Case No. / Case Name	Attorneys	Jurisdiction
<p>90,636 State of Kansas, Appellee v. Timothy Scott Gird, Appellant</p>	<p>Attorney General Douglass P. Witteman, C.A. Randall L. Hodgkinson, Deputy A.D.</p>	<p>Coffey</p>
<p>90,128 State of Kansas, Appellee v. Jerry L. Rowland, Appellant</p>	<p>Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Mary Curtis, Asst. A.D.</p>	<p>Sedgwick</p>

90,168 State of Kansas, Appellee v. Charles P. Soule, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Matt J. Maloney, Asst. D.A. Heather Cessna, Asst. A.D.	Sedgwick
91,430 State of Kansas, Appellee v. Thomas W. Baum, Appellant	Attorney General County Attorney Appellate Defender	Barber
90,480 Steven M. Hatfield, Appellant v. State of Kansas, Appellee	Appellate Defender Steven M. Hatfield, #71385, Pro Se Attorney General County Attorney	Saline
90,835 Jerry L. Stark, Appellant v. State of Kansas, Appellee	Cory D. Riddle, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A.	Sedgwick
91,611 Jung Sik Kim, #53928, Appellant v. Louis Bruce, Appellee	Jung Sik Kim, # 53928, Pro Se Jon D. Graves	Reno
90,741 State of Kansas, Appellee v. Gerald Wilson, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Steven R. Zinn, Deputy A.D.	Sedgwick
91,539 State of Kansas, Appellant v. Brian Boyles, Appellee	Attorney General Mark Frame, C.A. Lawrence P. Daniels	Edwards
91,421 State of Kansas, Appellee v. Jason L. Gorgas, Appellant	Attorney General County Attorney Appellate Defender	Reno
91,234 David R. Shaddy, Appellant v. Kansas Department of Revenue, Appellee	Bruce A. Swenson James G. Keller	Montgomery
90,788 State of Kansas, Appellee v. Kelly E. Mosier, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A. Michael P. Whalen	Sedgwick
91,229 Maria Cardenas Beltran, Appellant v. IBP, Inc., Appellee	Robert A. Levy Wendel W. Wurst	Work Comp.
90,041 State of Kansas, Appellee v. Adam T. Porter, Appellant	Attorney General Debra S. Peterson, Asst. D.A. Charles L. Rutter, Asst. D.A. Sarah Ellen Johnson, Asst. A.D.	Sedgwick
90,722 Patrick J. Thomas, Appellant v. State of Kansas, Appellee	Appellate Defender Attorney General County Attorney	Cowley

Carol G. Green
Clerk of the Appellate Courts

State of Kansas

Secretary of State

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, August 12, in the Secretary of State's Office, Room 120, Memorial Hall, 120 S.W. 10th Ave., Topeka, to consider adoption of proposed changes in existing rules and regulations of the Kansas Secretary of State. The proposed changes in the rules and regulations are requested for permanent adoption.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Melissa A. Wangemann, Legal Counsel, Office of the Secretary of State, Room 130, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612-1594. All interested parties will be given a reasonable opportunity at the hearing to present their views orally regarding the adoption of the proposed rules and regulations. 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 rules and regulations and related 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 Melissa Wangemann at (785) 296-4801 (Voice) or 1-800-262-8683 (TTD/TTY). Handicapped parking is located on the south side of Memorial Hall, and the entrance to the building for individuals with disabilities is located directly adjacent to the handicapped parking.

Copies of the rules and regulations and their economic impact statements may be obtained at the address above or by calling Barb Nemec at (785) 296-2114. A summary of the proposed changes in the rules and regulation and their economic impact follows:

K.A.R. 7-27-1. Form and manner of maintenance of party affiliation lists. This regulation is amended to reflect the current state of technology used by county election officers to prepare and maintain party affiliation lists by removing references to outdated methods no longer used by county election officers such as typed or mechanically prepared party affiliation lists. There is no significant economic impact to county election officers, state agencies, employees or the general public because no county election officer, state agency or the general public is required to take any additional action as a result of the proposed change.

K.A.R. 7-29-2. Official ballot colors. This regulation is amended to provide county election officers more flexibility in selecting an official ballot color. Colored ballots may be used in any election to distinguish between parties and districts. Uniformity of official ballot colors is maintained for single-ballot elections and multi-ballot elections within a given county. Any economic impact on county election officers is expected to be favorable be-

cause they will have more administrative flexibility and few detailed regulatory requirements to comply with, and no economic impact is anticipated for state agencies, employees or the general public because no state agency, employee or the general public is required to incur any additional action.

K.A.R. 7-32-2. Kansas administrative regulations. This regulation stipulates the per volume and complete set prices of the Kansas Administrative Regulations. The amendment increases the complete set price by \$20. The price increase is needed due to the addition of a sixth volume to the set. There is no economic impact anticipated for state agencies or employees. The amendment's purpose is to ensure that the Secretary of State can recover the additional binding and printing costs incurred with the addition of a sixth volume to the Kansas Administrative Regulations complete set. There will be a slight economic impact on consumers purchasing the Kansas Administrative Regulations, because they will have to pay an additional \$20 for the complete set.

K.A.R. 7-18-1. Kansas athlete agent act; registration; renewal; expiration. This regulation specifies the duration for an athlete agent's certificate of registration and the renewal process. The companion statutes to this administrative regulation were repealed in 2003 when the Uniform Athlete Agents Act, K.S.A. 44-1516, became law. The new act codifies this regulation, thus eliminating the need for this regulation. Accordingly, this regulation is proposed for revocation. There is no significant economic impact to athletes, athlete agents, state agencies or the general public because no athlete, athlete agent, state agency or the general public is required to take any additional action.

K.A.R. 7-18-2. Kansas athlete agent act; forms. This regulation requires that applications, statements and other information for athlete agent registration and renewal be made on forms prescribed by the Secretary of State. The companion statutes to this administrative regulation were repealed in 2003 when the Uniform Athlete Agents Act, K.S.A. 44-1516, became law. The new act codifies this regulation, thus eliminating the need for this regulation. Accordingly, this regulation is proposed for revocation. There is no significant economic impact to athletes, athlete agents, state agencies or the general public because no athlete, athlete agent, state agency or the general public is required to take any additional action.

K.A.R. 7-18-3. Kansas athlete agent act; contracts. This regulation requires the Secretary of State to approve the form of any agent or financial services contract between a registered athlete agent and an athlete. The companion statutes to this administrative regulation were repealed in 2003 when the Uniform Athlete Agents Act, K.S.A. 44-1516, became law. The new act codifies this regulation, thus eliminating the need for this regulation. Accordingly, this regulation is proposed for revocation. There is no significant economic impact to athletes, athlete agents, state agencies or the general public because no athlete, athlete agent, state agency or the general public is required to take any additional action.

Ron Thornburgh
Secretary of State

Doc. No. 030798

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:

District Judge, 10th Judicial District, Division 14

Kevin P. Moriarty, 100 N. Kansas Ave., Olathe, 66061. Succeeds Patrick D. McAnany.

Doniphan County Sheriff

Terry W. Horner, 1312 190th Road, Troy, 66087. Succeeds Larry Hunsaker.

Morris County Sheriff

Scott Coover, 109 S. First, Wilsey, 66873. Succeeds R.J. Meierhoff.

Kansas Lottery Commission

Carole Gates, Chair, 10255 S. North Lake Circle, Olathe, 66061. Term expires March 15, 2008. Reappointed.

Michael Gayoso, Jr., 127 S. Summit, Girard, 66743. Term expires March 15, 2007. Succeeds James W. Cates.

State Board of Pharmacy

Max M. Heidrick, 320 W. Main, Beloit, 67420. Term expires April 30, 2007. Succeeds Michael R. Hurst.

Merlin McFarland, 1945 Jayhawk Drive, Kingman, 67068. Term expires April 30, 2007. Reappointed.

State Examining Committee for Physical Therapy

Susan Willey, 8713 W. 19th St., Wichita, 67212. Term expires June 30, 2006. Succeeds Patsy L. Whitney.

State Board of Tax Appeals

Donald R. Paxson, 2255 S.W. Westridge Drive, Topeka, 66614. Term expires January 15, 2008. Succeeds Dwight D. Keen.

Tom H. Slack, 14113 Granada, Shawnee Mission, 66224. Term expires January 15, 2008. Reappointed.

Kansas Water Authority

Betty J. Criss, 1855 Ridge Road, El Dorado, 67042. Term expires January 15, 2008. Succeeds Sharon F. Steele.

Workforce Network of Kansas Board

Pamela Johnson-Betts, Secretary of Aging, Department on Aging, 503 S. Kansas Ave., Room 217, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Robert G. Knight.

Ron Thornburgh Secretary of State

State of Kansas

Board of Examiners in Optometry

Permanent Administrative Regulations

Article 4.—GENERAL PROVISIONS

65-4-3. Fees. The following fees shall be collected by the board:

- (a) Fee for initial license examination \$150.00
(b) Fee for first retaking of license examination \$ 75.00
(c) Fee for the second and each subsequent retaking of license examination \$ 45.00
(d) Fee for license issued by examination..... \$ 30.00
(e) Fee for reciprocal license \$150.00
(f) (1) Fee for biennial renewal of license..... \$450.00
(2) Additional fee to obtain license renewal upon the first failure to renew license before expiration date..... \$250.00
(3) Additional fee to obtain license renewal upon the second and each subsequent failure to renew license before expiration date..... \$500.00
(g) Fee to convert license status from inactive to active, for each year or part of a year of inactive status, up to a maximum of \$450.00 \$100.00

(Authorized by K.S.A. 74-1504; implementing K.S.A. 2003 Supp. 65-1505 and K.S.A. 2003 Supp. 65-1509; effective May 18, 1992; amended June 7, 1993; amended Sept. 4, 1998; amended Feb. 22, 2002; amended June 25, 2004.)

Article 5.—LICENSES

65-5-11. Biennial renewal. (a)(1) Commencing with license renewals occurring in 2004, the first license renewal for a licensee whose birth month is in the period of July through December shall be for a period ending on the first May 31 following the renewal date. The licensee shall pay a license renewal fee equal to one-half the amount of the biennial license renewal fee specified in K.A.R. 65-4-3 (f)(1) and any applicable additional fees.

(2) Each subsequent license renewal for the licensee specified in paragraph (a)(1) shall be for a period ending on the second May 31 following the renewal date. The licensee shall pay the biennial license renewal fee specified in K.A.R. 65-4-3 (f)(1) and any applicable additional fees.

(b) Commencing with license renewals occurring in 2004, the first and each subsequent license renewal for a licensee whose birth month is in the period of January through June shall be for a period ending on the second May 31 following the renewal date. The licensee shall pay the biennial license renewal fee specified in K.A.R. 65-4-3 (f)(1) and any applicable additional fees. (Authorized by and implementing K.S.A. 74-1504 and K.S.A. 2003 Supp. 65-1509; effective June 25, 2004.)

Article 8.—MINIMUM STANDARDS FOR OPHTHALMIC SERVICES

65-8-5. (Authorized by K.S.A. 74-1504; implementing K.S.A. 65-1504b; effective June 22, 2001; revoked June 25, 2004.)

Penny Keelan Bowie Executive Officer

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:

06/21/2004	07442	Lead Sampling Kits and Testing Services
06/21/2004	07459	Two Way Radio Equipment
06/23/2004	07510	Solar Powered Message Board
06/23/2004	07520	Above Ground Fuel Storage Tanks
06/24/2004	07500	Scanners
06/24/2004	07502	Kansas Project Management Methodology Certification Training
06/25/2004	07494	Janitorial Services
06/29/2004	07379	Hand and Electric Powered Tools

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>

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

06/22/2004	A-9824	Parking Lot 19 Reconstruction
06/29/2004	A-9746	Freight Elevator Modernization

Keith Meyers
Director of Purchases

Doc. No. 030806

State of Kansas

Social and Rehabilitation Services

Permanent Administrative
Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-50. Assistance eligibility, general. (a) General requirements. The requirements set forth in K.A.R. 30-4-51 through 30-4-64 shall apply to the TAF, foster care, and GA programs except as noted.

(b) Time-limited assistance. A family group shall not be eligible for TAF if either of the following conditions is met:

(1) The family group contains at least one adult member who has received TAF, including similar assistance received in any other state, for 60 calendar months beginning on and after October 1, 1996.

(2) The family group has received TAF for any 60 calendar months beginning on and after October 1, 1996, during which time one or more adult family members residing in the family group were ineligible due to the provisions of K.A.R. 30-4-54(b), K.A.R. 30-4-140(d), or subsections (c) and (d) of this regulation.

(c) Denial of assistance for fugitive felons and probation and parole violators. Assistance shall not be provided to a fugitive from justice by reason of a felony conviction or charge, or to a person who is violating a condition of probation or parole imposed under federal or state law.

(d) Denial of assistance for felony drug-related convictions. Assistance shall not be provided to any person convicted of a felony offense occurring after August 22, 1996 and involving the possession, use, or distribution of a controlled substance, unless the person meets one of the following criteria:

(1) Has been assessed by a licensed substance abuse treatment provider as not requiring substance abuse treatment; or

(2) has been assessed and recommended for substance abuse treatment by a licensed substance abuse treatment provider and meets one of the following criteria:

(A) Is participating in a licensed substance abuse treatment program; or

(B) has successfully completed a licensed substance abuse treatment program.

(e) Requirements for special projects. Certain eligibility requirements may be waived by the secretary, and additional eligibility requirements for all, or designated areas, of the state may be adopted by the secretary for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects. This regulation shall be effective on and after July 1, 2004. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, K.S.A. 39-709, and K.S.A. 39-719b; effective May 1, 1981; amended May 1, 1983; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-10-1-96, Oct. 1, 1996; amended Jan. 17, 1997; amended March 1, 1997; amended July 1, 1998; amended Oct. 1, 2000; amended July 1, 2004.)

Article 6.—MEDICAL ASSISTANCE PROGRAM—
CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-91. Youth formerly in foster care; determined eligibles. (a) Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the following conditions:

(1) In the month of the individual's eighteenth birthday, was in the custody of the secretary of social and rehabilitation services or the juvenile justice authority and was in an out-of-home placement, other than a public institution unless allowed in accordance with K.A.R. 30-6-60; and

(2) is at least 18 years old but under age 21 and was born on or after July 1, 1985.

(b) This regulation shall be effective on and after July 1, 2004. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c and K.S.A. 39-709; effective July 1, 2004.)

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 030800

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 6-7-04 through 6-13-04

Term	Rate
1-89 days	1.00%
3 months	1.18%
6 months	1.51%
1 year	1.96%
18 months	2.42%
2 years	2.66%

Derl S. Treff
Director of Investments

Doc. No. 030785

State of Kansas

Department of Agriculture

Permanent Administrative Regulations

Article 11.—EGGS

4-11-2. Definitions. (a) "Advertisement" shall mean any placard, handbill, signs, newspaper advertisement, radio or television advertisement, or any other method of calling the consumer's attention to eggs.

(b) "Carton" shall mean a container of one dozen eggs or less.

(c) "Case," for inspection fee purposes, shall mean a container of more than 15 dozen and not more than 30 dozen eggs.

(d) "Consumer" shall have the meaning specified in K.S.A. 2-2501, and amendments thereto.

(e) "Dealer" shall mean the person packing eggs in containers or the person for whom eggs are packed in containers, for resale to food purveyors or consumers.

(f) "Eggs" shall have the meaning specified in K.S.A. 2-2501, and amendments thereto.

(g) "Eggs of current production" shall mean eggs that are subject to the Kansas egg law and have been held in refrigerated storage for not more than 30 days.

(h) "Food purveyor" shall mean any person, except as exempted by K.S.A. 2-2508 and amendments thereto, selling eggs to retailers or to consumers including the following:

- (1) State institutions;
- (2) military and other federal installations;
- (3) grocery stores;
- (4) restaurants, cafes, cafeterias, hotels, and institutions; and
- (5) places other than those specified in paragraphs (h)(1) through (4) where eggs are served in the shell or broken out for immediate consumption or where any foods containing eggs are sold.

(i) "Fresh," when used to describe eggs, shall mean eggs of current production that do not possess any undesirable odors or flavors.

(j) "Half case," for inspection fee purposes, shall mean a container of more than one dozen and not more than 15 dozen eggs.

(k) "Lot" shall mean all of the eggs that are located at any place of business where eggs are held and that are labeled with the same grade, size, and pack date from the same dealer.

(l) "Person" shall have the meaning specified in K.S.A. 2-2501, and amendments thereto.

(m) "Point of first purchase or assembly" shall mean any place of business of any person or any agent of the person purchasing or assembling eggs from the producer.

(n) "Secretary" shall mean the secretary of agriculture or the secretary's authorized representative. (Authorized by K.S.A. 2-2504 and 74-531; implementing K.S.A. 2-2502, 2-2504, and 2-2505; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1982; amended June 25, 2004.)

4-11-3. Egg containers; requirements for marking and labeling.

(a) Size and quality. Each person selling eggs to food purveyors or consumers shall indicate on each container the size and quality of the eggs.

(b) Size of type. All marks or labels indicating the quality and size shall be printed in boldface letters not less than 3/8 inch in height.

(c) Name and address. The name and address either of the dealer, packer, or person for whom the eggs are packed or of the retailer shall be indicated on each container.

(d) False or deceptive marking or labeling. A mark or label shall be deemed false or deceptive if any of the following conditions is met:

- (1) The eggs in the container are not of the quality or size indicated on the container.
- (2) The mark or label bears a statement that is false or misleading.
- (3) The mark or label bears a qualifying word with reference to size or quality that is misleading.
- (4) The mark or label bears the word "fresh," unless the eggs are of "A" or "AA" quality.

(e) Permit number or inspection fee stamp.

(1) Each person who has been issued a permit to report and pay the inspection fee on a quarterly basis shall indicate the permit number on each container.

(2) Each person who has not been issued a permit shall use the inspection fee stamp on each container to indicate the quality and size of the eggs and to indicate that the inspection fee has been paid on the contents. The name of the dealer may appear elsewhere on the container.

(f) Location of marks or labels.

- (1) For cartons, the marks or labels shall be located on the outside top surface of the container.
- (2) For cases and half cases, the marks or labels shall be located on either the outside surface of the top or on either end of the container.

(g) Pack date. Each person selling eggs to food purveyors or consumers shall ensure that each container bears a "pack date," which shall mean a date indicating when the eggs were packed. The pack date shall be legible and shall appear in a conspicuous place on the container. The date may be expressed in terms of the month and day or

(continued)

as a Julian date. (Authorized by K.S.A. 2-2504 and 74-531; implementing K.S.A. 2-2502 and 2-2503; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1972; amended May 1, 1982; amended June 25, 2004.)

4-11-6. (Authorized by K.S.A. 2-2504; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked June 25, 2004.)

4-11-7. (Authorized by K.S.A. 2-2504; effective Jan. 1, 1966; amended Jan. 1, 1972; revoked June 25, 2004.)

4-11-8. Sampling requirements. The minimum number of samples specified in the following table shall be drawn for inspection according to the size of each lot. At least 100 eggs shall be examined for each sample case or half case, pursuant to K.S.A. 2-2505 and amendments thereto. For each lot consisting of fewer than 100 eggs, all eggs in that lot shall be examined.

Size of lot (cases or half cases)	Minimum number of samples to be drawn (cases or half cases)
1	1
2 through 10	2
11 through 25	3
26 through 50	4
51 through 100	5
101 through 200	8
201 through 300	11
301 through 400	13
401 through 500	14
501 through 600	16

For each additional 50 cases or half cases or fraction thereof, in excess of 600 cases, one additional case or half case shall be included in the sample.

(Authorized by K.S.A. 2-2504 and 2-2505; implementing K.S.A. 2-2505; effective Jan. 1, 1966; amended June 25, 2004.)

4-11-9. Inspection fee. (a) Inspection fee stamps. Inspection fee stamps may be purchased from the secretary. Each minimum order shall consist of 1,000 carton stamps, 100 case or half-case stamps, or a combination of these.

(b) Cancellation of inspection fee stamp. The inspection fee stamp used on cartons, half cases, and cases shall be dated, which shall serve to cancel the stamp. (Authorized by K.S.A. 2-2504; implementing K.S.A. 2-2504 and 2-2507; effective Jan. 1, 1966; amended June 25, 2004.)

4-11-14. Adoption by reference. In the "United States standards, grades, and weight classes for shell eggs," AMS 56, published by the USDA's agricultural marketing service and effective July 20, 2000, sections 56.200 through 56.217, except for section 56.215, are hereby adopted by reference. These sections shall apply to all eggs regulated pursuant to the Kansas egg law. Copies shall be available from the agricultural commodities assurance program of the Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-2504 and 74-531; implementing K.S.A. 2-2502, 2-2504, and 74-531; effective May 1, 1982; amended June 25, 2004.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 030801

State of Kansas

Board of Tax Appeals

Temporary Administrative
Regulations

Article 2.—PROCEEDINGS BEFORE THE BOARD

94-2-21. Filing fees. (a) The following fees shall be in effect for applications and appeals filed with the regular division of the board:

(1) Economic development exemption applications filed pursuant to Kansas constitution article 11, § 13 \$250.00

(2) Industrial revenue bond exemption applications filed pursuant to K.S.A. 79-201a *Second*, and amendments thereto \$250.00

(3) Tax exemption applications not included in paragraphs (a)(1), (2), and (6) of this regulation \$50.00

(4) Tax grievance applications filed pursuant to K.S.A. 79-332a, 79-1422, 79-1427a, or 79-1702, and amendments thereto \$15.00

(5) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving real estate, excluding appeals of the valuation or classification of single-family residential properties and farmsteads and excluding appeals by not-for-profit organizations specified in paragraph (a)(6) of this regulation, for the following valuations:

- \$250,000 or less \$50.00 per parcel
- more than \$250,000 but not
more than \$1,000,000..... \$75.00 per parcel
- more than \$1,000,000 but not
more than \$5,000,000..... \$125.00 per parcel
- more than \$5,000,000 but not
more than \$10,000,000 \$175.00 per parcel
- more than \$10,000,000 \$200.00 per parcel

(6) Applications and appeals filed by not-for-profit organizations if the valuation of the property at issue is less than \$100,000 \$10.00

(7) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving the assessment of personal property \$50.00

(8) Appeals of mortgage registration fees filed pursuant to K.S.A. 79-3107c, and amendments thereto \$15.00

(9) Appeals from final decisions of the director, or the director's designee, of the Kansas department of revenue, division of property valuation, for the following amounts in controversy:

- \$500 or less \$25.00
- more than \$500 but not more than \$1,000 \$50.00
- more than \$1,000 but not more than \$5,000 \$100.00
- more than \$5,000 but not more than \$10,000 \$175.00
- more than \$10,000 \$250.00

(10) Appeals from final decisions of the secretary, or the secretary's designee, of the Kansas department of revenue, division of taxation, excluding homestead property tax refund appeals under K.S.A. 79-4501 *et seq.*, and amendments thereto, for the following amounts in controversy:

\$500 or less	\$25.00
more than \$500 but not more than \$1,000	\$50.00
more than \$1,000 but not more than \$5,000	\$100.00
more than \$5,000 but not more than \$10,000	\$175.00
more than \$10,000	\$250.00

(11) No-fund warrants, temporary notes or bond applications, requests to exceed the adopted budget, and mill levy disagreements filed pursuant to K.S.A. 79-2938, 79-2939, 79-2951, 79-5023, 12-110a, 12-1662 *et seq.*, or 19-2752a, and amendments thereto, or any other related statute

(12) Applications by school districts to levy an ad valorem tax as provided in K.S.A. 72-6441, and amendments thereto

(13) Requests for reappraisal and complaints filed pursuant to K.S.A. 79-1413a, 79-1479, or 79-1481, and amendments thereto

(b) The following fees shall be in effect for applications and appeals filed with the small claims division of the board:

(1) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving real estate, excluding appeals of the valuation or classification of single-family residential properties and farmsteads and excluding appeals by not-for-profit organizations specified in paragraph (b)(2) of this regulation

(2) Applications and appeals filed by not-for-profit organizations if the valuation of the property at issue is less than \$100,000

(3) Equalization appeals filed pursuant to K.S.A. 79-1609, and amendments thereto, and payment-under-protest appeals filed pursuant to K.S.A. 79-2005, and amendments thereto, involving the assessment of personal property

(4) Appeals from final decisions of the secretary, or the secretary's designee, of the Kansas department of revenue, division of taxation, excluding homestead property tax refund appeals under K.S.A. 79-4501 *et seq.*, and amendments thereto, and appeals from final decisions of the director, or the director's designee, of the Kansas department of revenue, division of property valuation

(c) For purposes of this regulation, "valuation" shall mean the valuation shown on the county notice of valuation or the valuation at the time of the filing of the appeal with the regular division of the board if the valuation has been reduced by the county appraiser at the informal hearing, by the hearing officer panel, or by the small claims division. The filing fee on multiple, contiguous parcels that comprise one economic unit and are owned by the same person or entity shall require one filing fee for the highest-valued parcel, as specified in paragraphs (a)(5) and (b)(1) of this regulation, and \$15.00 for each additional parcel.

(d) Except as specified in this subsection, each application and appeal listed in subsections (a) and (b) shall be accompanied by the applicable filing fee in the form of a check or money order made payable to the board of tax appeals or shall be paid by credit card. If the fee does not accompany the filed application or appeal, the fee shall be received by the board within seven business days

of the receipt of the application or appeal. If the fee is not received within this time period, the application or appeal shall be considered not appropriately filed with the board, and the application or appeal shall be dismissed.

(e)(1) If an applicant or taxpayer by reason of poverty is unable to pay a filing fee and files an affidavit that states this reason and is accompanied by supporting documentation, the filing fee may be waived by the board.

(2) If an applicant or taxpayer asserts that multiple applications or appeals should be filed as one application or appeal, upon written request and demonstration that the matters should be filed as one application or appeal, all fees or a portion of the fees may be waived by the board. If the fees have already been paid, all fees paid or a portion of the fees paid may be refunded by the board. (Authorized by and implementing K.S.A. 2003 Supp. 74-2438a; effective, T-94-8-28-03, Aug. 28, 2003; effective Dec. 5, 2003; amended, T-94-5-27-04, May 27, 2004.)

Carl Edwards
Acting Executive Director

Doc. No. 030788

State of Kansas
Social and Rehabilitation Services
Temporary Administrative
Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-90. Eligibility factors specific to the GA program. (a) To be eligible for GA, each applicant or recipient shall meet the applicable general eligibility requirements of K.A.R. 30-4-50 and the following specific eligibility requirements:

(1) Each applicant or recipient, and the members of the assistance family group for whom the applicant or recipient is legally responsible, shall be ineligible for GA under either of the following circumstances:

(A) The applicant or recipient is eligible for a federal program.

(B) The applicant or recipient has been denied or rendered ineligible for a federal program due to a voluntary action on the part of the applicant or recipient.

(2) Each applicant or recipient and each person for whom the applicant or recipient is legally responsible, if living together, shall be within at least one of the following categories to be eligible for GA:

(A) A person whose presence is required at home because another member of the home has a verified condition that meets the criteria in paragraph (a)(2)(B) and that does not permit self-care, if the care is not available from another person in the home; or

(B) a person who has been medically or psychologically determined to be physically or mentally incapacitated based on one of the following conditions:

(i) Fractures or soft tissue injuries requiring at least 12 months of surgical management to restore function or preventing full weight-bearing for at least 12 months;

(ii) amputation of a lower extremity if the amputation involves hip disarticulation, if the amputation is at or

(continued)

above the tarsal region due to circulatory problems, or if the amputation results in an inability to use a lower prosthesis for at least 12 months;

(iii) permanent loss of use of any two limbs;

(iv) active inflammatory arthritis, corroborated by laboratory results, persisting at least three months despite prescribed treatment;

(v) arthritis, demonstrated on x-ray, with inability to stand or walk unassisted, surgical reconstruction or arthrodesis preventing full weight-bearing for at least 12 months, or gross deformity and functional limitation of joints in both arms;

(vi) osteomyelitis or septic arthritis of a major bone or joint that persists at least five months despite prescribed treatment and that is based on systemic signs and abnormal laboratory findings;

(vii) ankylosis or fixation of the spine at 30 or more degrees flexion, as confirmed by x-ray;

(viii) osteoporosis with either multiple vertebral fractures that are not due to trauma, or at least 50 percent compression of vertebral body that is not due to trauma;

(ix) marked difficulty standing or walking that is expected to persist for at least 12 months;

(x) blindness with either best corrected central visual acuity of 20/100 in the better eye, or constriction of visual fields to 25 degrees or less in each eye;

(xi) best corrected visual efficiency of 26 percent or less in the better eye;

(xii) total bilateral ophthalmoplegia that is confirmed by ocular motility studies;

(xiii) deafness with aided speech discrimination of 40 percent or less in the better ear;

(xiv) permanent inability to produce intelligible, sustainable speech by any means;

(xv) labyrinthine-vestibular dysfunction with frequent vertiginous episodes and hearing loss;

(xvi) chronic skin disorders involving the hands, feet, axillae, perinium, or extensive body areas that are resistant to treatment and result in severe functional limitations;

(xvii) chronic pulmonary insufficiency that is confirmed on x-ray, is due to any cause, and is accompanied by one of these conditions: restriction of vital capacity or of both one-second forced expiratory volume and maximum voluntary ventilation to 35 percent or less of expected values, as shown by pulmonary function studies; reduction of the diffusing capacity of the lungs for carbon monoxide to 35 percent or less of expected values; a severe, chronic impairment of gas exchange, as confirmed by arterial blood gas studies; cyanosis, dyspnea at rest, chronic wheezing and rhonchi, and use of accessory muscles of breathing; or a documented need for 24-hour supplemental oxygen;

(xviii) asthma or other episodic pulmonary impairments with severe prolonged attacks that require emergency or inpatient treatment and that occur at intervals averaging at least every two months and with prolonged expiration, wheezing, and rhonchi between attacks, despite prescribed treatment;

(xix) congestive heart failure with persistence for three months despite treatment, cor pulmonale, or persistent, severe left ventricular hypertrophy;

(xx) ischemic heart disease with ongoing angina resulting in severe functional limitations;

(xxi) cardiac arrhythmias with repeated, uncontrolled syncopal episodes;

(xxii) peripheral vascular disease with persistent ulceration despite treatment, or with amputation or other manifestations causing severe functional limitations;

(xxiii) hypertensive end-organ damage resulting in severe functional limitations;

(xxiv) uncompensated cardiomyopathy with left ventricular ejection fraction of 30 percent or less;

(xxv) documented need for a heart transplant;

(xxvi) other congenital or acquired heart disease with severe functional limitations due to cardiac dysfunction;

(xxvii) proven stricture, stenosis, or obstruction of the esophagus with weight loss sustained at a level indicative of malnutrition;

(xxviii) proven peptic ulcer disease with recurrent ulceration that is persistent despite prescribed treatment after definitive surgery, inoperable fistula formation, demonstrated recurrent obstruction, or weight loss sustained at a level indicative of malnutrition;

(xxix) chronic liver disease with any of these related conditions: esophageal varices resulting in massive bleeding or requiring a shunt, significantly elevated serum bilirubin persisting for at least three months, recurrent or persistent ascites associated with persistent hypoalbuminemia, proven hepatic cell necrosis or inflammation, or documented need for a liver transplant;

(xxx) chronic inflammatory disease of the digestive system with persistent or recurrent systemic manifestations resulting in severe functional impairment, with obstruction due to an intractable abscess, fistula formation or stenosis, or with significant and persistent weight loss sustained at a level indicative of malnutrition;

(xxxi) disorders of the pituitary, thyroid, parathyroid, or adrenal cortex that are resistant to treatment and that result in severe functional impairment;

(xxxii) diabetes mellitus with either severe neuropathy resulting in marked difficulty standing, walking, or using the hands, or with frequent episodes of ketoacidosis despite treatment;

(xxxiii) impaired renal function persisting for at least five months due to chronic, progressive disease with elevation of serum creatinine to four mg. per 100 ml. or greater, with creatinine clearance of 29 liters per 24 hours or less, or with severe complications that require chronic dialysis or renal transplant;

(xxxiv) nephrotic syndrome accompanied for three or more months by anasarca and serum albumin of 3.0 gm. per 100 ml. and proteinuria of at least 3.5 grams per 24 hours, or by anasarca and proteinuria of at least 10 grams per 24 hours;

(xxxv) acute leukemia, granulocytic leukemia, myelotoxic leukemia, or the acute phase of chronic leukemia;

(xxxvi) documented need for a bone marrow transplant;

(xxxvii) chronic anemia with hematocrit persisting below 30 percent that requires blood transfusions each two months on average or is due to a chronic gastrointestinal disorder;

(xxxviii) myeloma or myelofibrosis with radiologically demonstrated bony involvement and intractable bone pain;

(xxxix) myeloma with severe, persistent hypercalcemia or significant levels of plasma cells in peripheral blood;

(xl) coagulation defects, including chronic thrombocytopenia with persistence of severely decreased platelet count, and hemorrhagic disorders with recent spontaneous hemorrhage or intracranial bleeding;

(xli) chronic polycythemia not controllable by treatment with severe, persistent functional impairment due to hemorrhage or thrombosis;

(xlii) sickle cell disease with sickle cell crises occurring each three months on average, with chronic anemia and a hematocrit persisting below 26 percent, or requiring frequent extended hospitalization;

(xliii) recurrent systemic bacterial infections within the past four months due to myelofibrosis, chronic leukemia, or chronic granulocytopenia with absolute neutrophil counts persisting below 1,000 cells per cubic millimeter;

(xliv) HIV infection with presence of opportunistic disease or severe functional impairment;

(xlv) systemic lupus erythematosus or progressive systemic sclerosis with recurrent visceral manifestations resulting in severe functional impairment;

(xlvi) polymyositis, polyarteritis, or other collagen vascular disease with severe involvement of affected body systems resulting in severe functional impairment;

(xlvii) organic brain syndrome persisting for three or more months with severe functional limitations that prevent the performance of employment;

(xlviii) mental retardation;

(xlix) functional psychotic disorders causing severe functional limitations that preclude competitive employment and require ongoing psychiatric or psychological treatment;

(l) other severe and persistent mental illness that is not controllable by medications or other treatment, that causes severe functional limitations precluding competitive employment, and that requires ongoing psychiatric or psychological treatment;

(li) any seizure disorder that is not controllable by medications either with major motor seizures occurring on an average of one each two months despite at least three months of treatment or with minor motor seizures occurring on an average of one each week despite at least three months of prescribed treatment;

(lii) cerebral palsy with mental retardation, severe emotional lability, abnormal behavior, severely limited ability to communicate, or severe limitations in motor functioning;

(liii) any other chronic neurological disease that is not controllable by treatment, or persistent manifestations of central nervous system insult, when the disease or insult results in any of these conditions: a severely limited ability to stand, walk, or use the hands; a persistent, severe difficulty swallowing or breathing; a severe expressive or receptive aphasia resulting in severely decreased ability to communicate; or frequent acute exacerbations of the disease resulting in severe functional limitations;

(liv) histologically malignant brain tumors, as proven by a pathology report, or other brain tumors causing severe functional limitations despite treatment;

(lv) lymphoma that is not controlled despite treatment or metastatic disease of a lymph node from an undeterminable primary site;

(lvi) hormone-dependent or isotope-sensitive malignancies or sarcoma of soft parts that are not currently controlled despite treatment;

(lvii) solid malignancies that are not hormone-dependent or isotope-sensitive, with evidence of active disease, and that have any of these qualities: are inoperable, unresectable, or incompletely excised; are recurrent after radical surgery; are metastatic beyond the regional lymph nodes; are not controlled despite treatment; or are generally considered uncontrollable by established medical or surgical procedures;

(lviii) permanent residuals of neoplastic disease resulting in severe functional impairment; or

(lix) one or more other medically determinable impairments that prevent the performance of gainful employment, that are expected to last 12 months or longer or to result in death in fewer than 12 months, and that are not controllable by medication, surgery, or other treatment within 12 months of onset, excluding alcoholism, drug addiction, or other impairments that can be controlled through treatment.

(3) The needs of the applicant or recipient and each person for whom the applicant or recipient is legally responsible shall be included in the same assistance plan, if living together, except for persons who are not otherwise eligible. In determining eligibility, the needs of each of the following persons in the family group who are not otherwise eligible shall be excluded while the resources of those persons shall be included, unless the resources are specifically exempt:

(A) Any SSI recipient;

(B) any person denied assistance based on the provisions of K.A.R. 30-4-50 (c) or (d);

(C) any person who is ineligible due to a sanction; and

(D) any alien who is ineligible because of the citizenship and alienage requirements or sponsorship provisions.

(b)(1) A presumptive eligibility determination shall be made for each person who is being released from a Medicaid-approved psychiatric hospital or from the Larned correctional mental health facility in accordance with an approved discharge plan. Minimally, the presumptive determination shall be based on available information concerning the person's income and resources. The general eligibility requirements of K.A.R. 30-4-50 may be waived until a formal eligibility determination is completed.

(2) The assistance provided shall equal 100 percent of the applicable GA budgetary standards, and the requirements of K.A.R. 30-4-140 (a)(1) shall be waived. The assistance shall not extend beyond the month of discharge and the two following months, except that the assistance may be extended by the secretary beyond the three-month limitation for good cause.

(continued)

(c) Each applicant or recipient who refuses to authorize the department to file for and claim reimbursement from the social security administration for the amount of GA provided to the individual, pending a determination of eligibility for the supplemental security income program, shall be ineligible for GA.

(d) Assistance under this regulation shall be limited to a lifetime maximum of 24 calendar months, unless one of the following conditions is met:

(1) The individual's initial application for social security disability benefits is still pending the initial determination or is currently on appeal. If the individual is otherwise eligible and is either awaiting the initial determination or exercising appeal rights at any level through the appeals council, assistance shall continue until social security disability benefits are awarded or until the individual is denied benefits by the appeals council.

(2) The individual has reapplied for social security disability benefits before reaching the 24-month lifetime limit, and either the application is still pending the initial determination or the individual has a reconsideration appeal pending. If the individual is otherwise eligible and is either awaiting the initial determination or exercising appeal rights at the reconsideration level, assistance shall continue until social security benefits are awarded or until the individual is denied benefits at the reconsideration level.

(3) The individual has three or more functional limitations resulting from disability as determined by the department's vocational rehabilitation unit, and the individual continues to cooperate with vocational rehabilitation.

(4) The individual is at least 60 years of age.

(5) The individual has received assistance through the general assistance reintegration program.

(6) The individual needs an extension of the time limit to overcome the effects of domestic violence or sexual assault. This extension shall continue until these effects are overcome.

(e) This regulation shall be effective on and after July 1, 2004. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c and 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Dec. 31, 1992; amended, T-30-2-15-93, Feb. 15, 1993; amended June 1, 1993; amended July 1, 1994; amended Jan. 1, 1997; amended March 1, 1997; amended Oct. 1, 1997; amended July 1, 2002; amended, T-30-5-27-04, July 1, 2004.)

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 030789

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$2,110,395.00 in the underground petroleum storage tank release trust fund and \$784,473.30 in the aboveground petroleum storage tank release trust fund at May 31, 2004.

Howard R. Fricke
Secretary of Administration

Doc. No. 030792

State of Kansas

Department of Agriculture

Temporary Administrative Regulations

Article 8.—NOXIOUS WEEDS

4-8-14a. Definitions. (a) "2,4-D" means (2,4-dichlorophenoxy)acetic acid.

(b) "Bromacil" means 5-bromo-6-methyl-3-(1-methylpropyl)-2,4(1H,3H) pyrimidinedione.

(c) "Chlorsulfuron" means 2-chloro-N-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino] carbonyl] benzenesulfonamide.

(d) "Clopyralid" means 3,6-dichloro-2-pyridinecarboxylic acid.

(e) "Dicamba" means 3,6-dichloro-2-methoxybenzoic acid.

(f) "Fenoxaprop" means (\pm)-2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy] propanoic acid.

(g) "Fluazifop-P-Butyl" means (R)- 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid.

(h) "Fluroxypyr" means [(4-amino-3,5-dichloro-6-fluoro-pyridyl)oxy]acetic acid.

(i) "Fosamine" means ethyl hydrogen (aminocarbonyl) phosphonate.

(j) "Glyphosate" means N-(phosphonomethyl) glycine.

(k) "Imazapic" means (\pm)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-methyl-3-pyridinecarboxylic acid.

(l) "Imazapyr" means (\pm)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid.

(m) "MSMA" means monosodium methanearsonate.

(n) "Metsulfuron" means methyl 2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) amino]carbonyl] amino]sulfonyl] benzoate.

(o) "Nicosulfuron" means 2-[[[(4,6-dimethoxy-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]-N,N-dimethyl-3-pyridinecarboxamide.

(p) "Picloram" means 4-amino-3, 5, 6-trichloro-2-pyridinecarboxylic acid.

(q) "Primisulfuron" means methyl 2-[[[[[4,6-bis(di-fluoromethoxy)-2-pyrimidinyl] amino]carbonyl]amino] sulfonyl]benzoate.

(r) "Quinclorac" means 3,7-dichloro-8-quinolinecarboxylic acid.

(s) "Quizalofop-P" means (R)-2-[4-[(6-chloro-2-quinoxalinyloxy)phenoxy]propanoic acid.

(t) "Sethoxydim" means 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one.

(u) "Sulfometuron" means methyl 2-[[[(4,6-dimethyl-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]benzoate.

(v) "Sulfosulfuron" means 1-(4,6-dimethoxypyrimidin-2-yl)-3-[(2-ethanesulfonylimidazo[1,2-a]pyridine-3-yl)sulfonyl]urea.

(w) "Tebuthiuron" means N-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea.

(x) "Triasulfuron" means 2-(2-chloroethoxy)-N-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]benzenesulfonamide.

(y) "Tricopyr" means [(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid.

(z) "Trifluralin" means 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)benzenamine. (Authorized by and implementing K.S.A. 2003 Supp. 2-1315; effective Oct. 21, 1991; amended Jan. 25, 1993; amended Sept. 27, 1993; amended Oct. 27, 2000; amended, T-4-5-27-04, May 27, 2004.)

4-8-40. Adoption of sericea lespedeza control program. (a) The control practices contained in the "official sericea lespedeza control program," published by the Kansas department of agriculture on January 1, 2004, are hereby adopted by reference and shall apply to the control and eradication of sericea lespedeza in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2003 Supp. 2-1315; effective May 1, 1988; amended Jan. 1, 1989; amended Oct. 29, 1990; amended Oct. 21, 1991; amended Jan. 25, 1993; amended, T-4-5-27-04, May 27, 2004.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 030790

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-159. QuikTrip Nos. 1041 and 1061 retailer instant ticket incentive. (a) During the period beginning May 1, 2004, and ending June 30, 2004, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all participating QuikTrip lottery retailers located in Kansas in lottery retailer chain numbers 1041 and 1061 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 May 1, 2004, through June 30, 2004, over the base sales period of May 1, 2003, through June 30, 2003, will win a grand prize of \$300 credit on the retailer's lottery account.

(c) The store in the lottery retailer chain, other than the chain to which the grand prize winner belongs, having the greatest percentage increase in \$10 instant ticket sales for the period from May 1, 2004, through June 30, 2004, over the base sales period of May 1, 2003, through June 30, 2003, will win a \$100 credit on the retailer's lottery account.

(d) All retail locations not winning either the \$100 or \$300 credit but having any percentage increase in \$10 instant ticket sales over the base period 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.

(e) For purposes of this promotion, each store's base period sales shall be the actual amount of qualifying sales as set forth hereinabove, or \$300, whichever is greater. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-5-21-04, April 22, 2004.)

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2147. "Lights, Camera, Money" instant ticket lottery game number 349. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Lights, Camera, Money" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2147.

(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\$
25. ⁰⁰	TWEN-FIV
40. ⁰⁰	FORTY
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$1000	ONETHOU
\$10000	10-THOU
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN

(continued)

14	FOURTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EIGHTN
19	NINTN
20	TWNTY
21	TWTYONE
22	TWYTWO
23	TWTYTHR
24	TWTYFR
25	TWTYFIV

GOOD LUCK

MAYBE NEXT TIME

(c) For this game, a play symbol shall appear in each of 20 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
TWF	=	\$25.00
FRY	=	\$40.00
FTY	=	\$50.00
HUN	=	\$100.00

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

(g) "Lights, Camera, Money" is a ticket with three different games. Game 1 is a key number match game. A player will remove the scratch-off material to reveal two "AWARD NUMBERS" and eight "YOUR NUMBERS" with a prize amount below each of the "YOUR NUMBERS." If a player matches any of the "YOUR NUMBERS" to either of the "AWARD NUMBERS," the player wins the prize shown below that matched number. A player can win up to eight times in this play area.

Game 2 is an instant win game. A player will remove the scratch-off material to reveal one play symbol. If the player reveals any prize amount, the player wins that amount instantly. A player can win once in this game play area.

Game 3 is an instant win game. A player will remove the scratch-off material to reveal one play symbol. If the player reveals any prize amount, the player wins that amount instantly. A player can win once in this game play area.

(h) Each ticket in this game may win up to 10 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:

		Expected Number of Prizes	Expected Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	60,000		\$0
\$2	\$2	36,000		72,000
\$4	\$4	13,600		54,400
\$4 (\$2 × 2)	\$4	14,000		56,000
\$5	\$5	7,200		36,000
\$5 (\$1 × 5)	\$5	7,400		37,000
\$10	\$10	3,600		36,000
\$10 (\$2 × 5)	\$10	3,600		36,000
\$25	\$25	1,400		35,000
\$25 (\$5 × 5)	\$25	1,400		35,000
\$25 (\$2 × 5) + (\$5 × 3)	\$25	1,500		37,500
\$40	\$40	320		12,800
\$40 (\$4 × 10)	\$40	400		16,000
\$40 (\$5 × 8)	\$40	400		16,000
\$40 (\$5 × 7) + (\$2 × 2) + \$1	\$40	400		16,000
\$50	\$50	120		6,000
\$50 (\$5 × 10)	\$50	160		8,000
\$100	\$100	80		8,000
\$100 (\$10 × 10)	\$100	100		10,000
\$1,000	Game 1	\$1,000	12	12,000
\$10,000	Game 1	\$10,000	6	60,000
Sub-total			151,698	\$599,700
Grand Prize (trip)	\$26,629	1		26,629
Secondary Prizes 4 @ \$2,691	\$2,691	4		10,764
TOTAL			151,703	\$637,093

(k) The odds of winning a prize in this game are approximately one in 3.96. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-04, April 22, 2004.)

111-4-2148. "Tripler Bingo" instant ticket lottery game number 361. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Tripler Bingo" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2148.

(b) The "play symbols" for the four bingo "CARD" play areas for this game are as follows:

01	02	03	04	05	06	07	08	09	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	FREE	TPL			

In the "CALLER'S CARD" play area, a letter/number combination game symbol appears in each of the 24 play spots. In the "BONUS NUMBERS" play area, a letter/combination game symbol appears in each of the six play spots. "Play symbols" for the "CALLER'S CARD," and the "BONUS NUMBERS" play areas for this instant game are the following:

B01	B02	B03	B04	B05	B06	B07	B08	B09	B10
B11	B12	B13	B14	B15	I16	I17	I18	I19	I20
I21	I22	I23	I24	I25	I26	I27	I28	I29	I30
N31	N32	N33	N34	N35	N36	N37	N38	N39	N40
N41	N42	N43	N44	N45	G46	G47	G48	G49	G50
G51	G52	G53	G54	G55	G56	G57	G58	G59	G60
O61	O62	O63	O64	O65	O66	O67	O68	O69	O70
O71	O72	O73	O74	O75					

(c) There are no "play symbol captions" for this game.

(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:

TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
SIX	=	\$6.00
TEN	=	\$10.00
ELV	=	\$11.00
FTN	=	\$15.00
NTN	=	\$19.00
TWY	=	\$20.00
TWF	=	\$25.00
TRY	=	\$30.00
FTY	=	\$50.00
HUN	=	\$100.00
HFY	=	\$150.00
THN	=	\$200.00
THY	=	\$250.00
FHN	=	\$500.00

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

(g) "Tripler Bingo" is a two-part vertically oriented game. The first part consists of the "CALLER'S CARD" and the "BONUS NUMBERS." The "CALLER'S CARD" contains 24 draw numbers covered by opaque latex. The "BONUS NUMBERS" consist of six draw numbers covered by opaque latex.

The second part consists of four "GAME CARDS" each containing 23 numbers, a "FREE" space in the center of each "GAME CARD," and a "TPL" tripler symbol, for a total of 25 spots. The "GAME CARDS" are each covered by translucent blue scratch-off.

For this version of Bingo, a "TPL" symbol will appear at random in each of the four "GAME CARDS." It will act as a free space and if it is included in any winning pattern, the corresponding prize won is tripled.

A player removes the scratch-off material from the areas on the ticket indicated by the words "CALLER'S CARD" and "BONUS NUMBERS" to reveal a total of 30 "Tripler Bingo" letter/number combinations. A player wins by matching the "CALLER'S CARD" and "BONUS NUMBERS" to the numbers on the four "GAME CARDS." If the player finds a diagonal, vertical, or horizontal straight line, or four corners of the grid, or an "X" pattern, the player wins a prize according to the prize legend beside the respective "GAME CARD." If a "TPL" symbol appears in a winning pattern, the prize is tripled.

(h) Each ticket in this game may win up to four times. Only the highest prize won on each card will be awarded.

(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
Line - Card 1	\$2	126,000	\$252,000
Line - Card 2	\$2	120,000	240,000
Line - Card 1 & Card 2	\$4	59,400	237,600

Line - Card 3	\$5	42,900	214,500
Line - Card 1 (tripled)	\$6	26,400	158,400
Line - Card 2 (tripled)	\$6	26,400	158,400
Line - Card 4	\$10	12,000	120,000
Line - Card 2 (tripled) + Line Card 3	\$11	11,400	125,400
Line - Card 3 (tripled)	\$15	4,200	63,000
Line - Card 1 & 2 & 3 & 4	\$19	3,900	74,100
4 Corners - Card 1	\$20	2,400	48,000
Line - Card 3 (tripled) + Line Card 4	\$25	2,400	60,000
Line - Card 4 (tripled)	\$30	1,500	45,000
4 Corners - Card 2	\$50	1,140	57,000
X - Card 1	\$100	180	18,000
4 Corners - Card 3	\$100	120	12,000
4 Corners - Card 4	\$100	120	12,000
4 Corners - Card 2 & 4	\$150	132	19,800
4 Corners - Card 3 & 4	\$200	84	16,800
4 Corners - Card 2 & 3 & 4	\$250	84	21,000
X - Card 2	\$500	42	21,000
X - Card 3	\$1,000	30	30,000
X - Card 4	\$10,000	12	120,000
TOTAL		<u>440,844</u>	<u>\$2,124,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.08. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-04, April 22, 2004.)

111-4-2149. "Triple Tripler" instant ticket lottery game number 373. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Triple Tripler" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2149.

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

Play Symbols	Play Symbol Captions
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$3. ⁰⁰	THR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
18. ⁰⁰	EGTEEN
30. ⁰⁰	THIRTY
90. ⁰⁰	NINETY
\$1000	ONETHOU
\$2000	TWOTHOU
\$6000	SIXTHOU
SINGLE PRIZE	
TRIPLE PRIZE	
TRIPLE TRIPLER	

(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
THR	=	\$3.00
FIV	=	\$5.00
SIX	=	\$6.00
NIN	=	\$9.00

(continued)

FTN = \$15.00
 EGN = \$18.00
 TRY = \$30.00
 NTY = \$90.00

10.⁰⁰ TEN\$
 15.⁰⁰ FIFTEEN
 50.⁰⁰ FIFTY
 \$500\$ FIVE-HUN

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

(g) "Triple Tripler" is a match three of six game with a triple prize and a "Triple Tripler" feature. A player will remove the scratch-off material covering the game play area to reveal six prize amounts and a "YOUR PRIZE LEVEL." The "YOUR PRIZE LEVEL" will be either the words "SINGLE PRIZE," the words "TRIPLE PRIZE," or the words "TRIPLE TRIPLER." 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 "TRIPLE PRIZE" are revealed, the player will win triple the prize amount matched. If a player matches three like prize amounts and the words "TRIPLE TRIPLER" are revealed, the player will win nine times the prize matched.

(h) Each ticket in this game may win 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:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - \$1 + single prize	\$1 75,000	\$75,000
3 - \$1 + triple prize	\$3 21,000	63,000
3 - \$3 + single prize	\$3 21,000	63,000
3 - \$5 + single prize	\$5 10,800	54,000
3 - \$2 + triple prize	\$6 7,800	46,800
3 - \$1 + triple tripler	\$9 5,316	47,844
3 - \$5 + triple prize	\$15 2,550	38,250
3 - \$2 + triple tripler	\$18 1,035	18,630
3 - \$18 + single prize	\$18 1,035	18,630
3 - \$30 + single prize	\$30 375	11,250
3 - \$10 + triple prize	\$30 378	11,340
3 - \$10 + triple tripler	\$90 129	11,610
3 - \$90 + single prize	\$90 129	11,610
3 - \$1,000 + triple prize	\$3,000 4	12,000
3 - \$6,000 + single prize	\$6,000 2	12,000
3 - \$2,000 + triple prize	\$6,000 3	18,000
TOTAL	<u>146,556</u>	<u>\$512,964</u>

(k) The odds of winning a prize in this game are approximately one in 6.14. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-04, April 22, 2004.)

111-4-2150. "Favorite 50s" instant ticket lottery game number 375. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Favorite 50s" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2150.

(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\$

(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) "Favorite 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-111-5-21-04, April 22, 2004.)

111-4-2151. "Super Red Hot Crossword" instant ticket lottery game number 376. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Super Red Hot Crossword" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2151.

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

Play Symbols	Play Symbol Captions
\$5.00	FIVE\$

10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWENTY
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
75. ⁰⁰	SVTYFIV
\$100\$	ONE-HUN
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	

Symbol of some pencils	PENCILS
Symbol of a book	BOOK
Symbol of a pair of glasses	GLASSES
Symbol of a newspaper	PAPER
Symbol of a chair	CHAIR
Symbol of a magnifying glass	MAGGLAS

(c) For this game, a play symbol shall appear in each of 28 play spots within the "YOUR LETTERS" play area, and a variable number of times within the two crossword puzzle grids.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 059.

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

FRE	=	Free ticket
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FTY	=	\$50.00
STF	=	\$75.00
HUN	=	\$100.00
THN	=	\$200.00

(f) The price of instant tickets sold by a retailer for this game shall be \$5.00 each.

(g) "Super Red Hot Crossword" will feature three separate play areas. The top puzzle grid will be imaged in black. The bottom puzzle grid will be imaged in red. A player will scratch the "YOUR LETTERS" play area to reveal 20 letters. Each of the "YOUR LETTERS" may be used an unlimited number of times in both crossword puzzles. A player will match the corresponding letters in both crossword puzzles by removing the scratch-off material covering the matching letter. If a player scratches four or more completed words across both puzzles, the player wins the corresponding prize in the prize legend. The entire word must be uncovered to win the corresponding prize. Only the highest corresponding prize can be won. Words revealed in the puzzle grid at the top of the ticket are the "black" words, and words revealed in the puzzle grid at the bottom of the ticket are the "red" words.

(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 the "YOUR LETTERS" area 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 "Super Red Hot 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 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.

(k) The expected number and value of instant prizes in this game shall be as follows:

Game 1	Game 2	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket		Free Ticket	100,000	\$0
\$5		\$5	12,000	60,000
\$10		\$10	11,400	114,000
	\$10	\$10	2,000	20,000
\$5	\$5	\$10	2,000	20,000
\$20		\$20	5,800	116,000
	\$20	\$20	1,200	24,000
\$10	\$10	\$20	2,600	52,000
\$25		\$25	3,200	80,000
	\$25	\$25	1,200	30,000
\$10	\$15	\$25	2,000	50,000
\$50		\$50	2,800	140,000
	\$50	\$50	1,000	50,000
\$25	\$25	\$50	1,800	90,000
	\$75	\$75	200	15,000
\$50	\$25	\$75	400	30,000
\$100		\$100	1,600	160,000
	\$100	\$100	400	40,000
\$50	\$50	\$100	900	90,000
\$200		\$200	100	20,000

(continued)

\$1,000	\$1,000	65	65,000
\$5,000	\$5,000	20	100,000
\$50,000	\$50,000	4	200,000
TOTAL		<u>154,689</u>	<u>\$1,586,000</u>

(l) The odds of winning a prize in this game are approximately one in 3.88. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-04, April 22, 2004.)

111-4-2152. "Lucky Penny" instant ticket lottery game number 372. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Lucky Penny" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2152.

(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
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) "Lucky Penny" 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	\$0
\$2	\$2	37,110	74,220
\$5	\$5	21,600	108,000
\$10	\$10	6,000	60,000
\$20	\$20	2,700	54,000
\$25	\$25	2,520	63,000
\$50	\$50	1,155	57,750
\$500	\$500	27	13,500
\$1,000	\$1,000	9	9,000
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-111-5-21-04, April 22, 2004.)

111-4-2153. "Jacks in the Box" instant ticket lottery game number 374. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Jacks in the Box" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2153.

(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\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
25. ⁰⁰	TWEN-FIV
40. ⁰⁰	FORTY
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$3000	THRTHOU
"J" card symbol	JACK
"A" card symbol	ACE
"K" card symbol	KING
"Q" card symbol	QUEEN
"10" card symbol	TEN
"9" card symbol	NINE
"8" card symbol	EGT
"7" card symbol	SEVEN
"6" card symbol	SIX
"5" card symbol	FIVE
"4" card symbol	FOUR
"3" card symbol	THREE
"2" card symbol	TWO
Jack in the box	JACKBOX

(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 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
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
FRY	=	\$40.00
FTY	=	\$50.00
HUN	=	\$100.00
FHN	=	\$500.00

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

(g) "Jacks in the Box" is a symbol instant win game. If a player reveals a "Jack" card symbol, the player wins the prize below that symbol. If a player reveals a "Jack in the Box" symbol, the player wins all five prizes automatically.

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

Prize	Expected Number of Prizes in Game	Expected Value in Game	
Free Ticket	Free Ticket	72,000	\$0
\$1	\$1	51,000	51,000
\$2	\$2	16,500	33,000
\$2 (\$1 × 2)	\$2	19,800	39,600
\$5	\$5	7,200	36,000
\$5 (\$1 × 5) win all symbol	\$5	8,400	42,000
\$5 (\$2 × 2) + \$1	\$5	9,000	45,000
\$10	\$10	1,500	15,000
\$10 (\$5 × 2)	\$10	1,500	15,000
\$10 (\$2 × 5)	\$10	2,100	21,000
\$25	\$25	450	11,250
\$25 (\$5 × 5)	\$25	600	15,000
\$25 (\$10 × 2) + \$5	\$25	540	13,500
\$40	\$40	450	18,000
\$40 (\$5 × 2) + (\$10 × 3) win all symbol	\$40	600	24,000
\$40 (\$10 × 4)	\$40	450	18,000
\$50	\$50	234	11,700
\$50 (\$25 × 2)	\$50	240	12,000
\$50 (\$10 × 5) win all symbol	\$50	300	15,000
\$100	\$100	15	1,500
\$100 (\$25 × 4)	\$100	15	1,500
\$500	\$500	6	3,000
\$500 (\$100 × 5) win all symbol	\$500	6	3,000
\$3,000	\$3,000	9	27,000
TOTAL		<u>192,915</u>	<u>\$472,050</u>

(k) The odds of winning a prize in this game are approximately one in 4.67. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-04, April 22, 2004.)

111-4-2154. "150 Years of Kansas Territory" game number 379. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "150 Years of Kansas Territory" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2154.

(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
\$250\$	TWOFIFTY
\$500\$	FIVE-HUN
\$1854	EGNHUN
Symbol of a sunflower	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) The "150 Years of Kansas Territory" ticket features match three of six prize amounts or match two prize amounts plus a sunflower 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 sunflower symbol. If the player matches three like prize amounts, the player wins that amount. If the player matches two like prize amounts plus a sunflower symbol, the player wins double the prize amount.

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

(i) Approximately 1,200,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - Free Tickets	Free Ticket	112,000	\$0
3 - \$1.00's	\$1	60,600	60,600
2 - \$1.00's & (D)	\$2	46,800	93,600
3 - \$2.00's	\$2	40,000	80,000

(continued)

2 - \$2.00's & (D)	\$4	14,000	56,000
3 - \$4.00's	\$4	12,800	51,200
3 - \$5.00's	\$5	18,000	90,000
2 - \$5.00's & (D)	\$10	5,200	52,000
3 - \$10.00's	\$10	4,400	44,000
2 - \$10.00's & (D)	\$20	1,400	28,000
3 - \$20.00's	\$20	1,280	25,600
2 - \$20.00's & (D)	\$40	360	14,400
3 - \$40.00's	\$40	280	11,200
3 - \$100.00's	\$100	80	8,000
3 - \$500.00's	\$500	16	8,000
2 - \$250.00's & (D)	\$500	16	8,000
3 - \$1,854.00's	\$1,854	12	22,248
TOTAL		<u>317,244</u>	<u>\$652,848</u>

(D) - denotes doubler symbol

(k) The odds of winning a prize in this game are approximately one in 3.78. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective T-111-5-21-04, April 22, 2004.)

WILD RIDE DRAWING

111-4-2155. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Wild Ride Drawing," and will accept entries on and after the day Kansas lottery "Wild Ride" instant tickets are first offered for sale to the general public and ending on Sunday, September 19, 2004, as specified in K.A.R. 111-4-2158. The drawing will be held soon after 6:00 p.m. on Sunday, September 19, 2004, at the Kansas state fair lottery building, Hutchinson, Kansas. Rules applicable to the "Wild Ride Drawing" are contained in K.A.R. 111-4-2155 through 111-4-2160 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-4-2156. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Wild Ride Drawing" means the act of drawing prizes conducted by the Kansas Lottery at the 2004 Kansas state fair in Hutchinson, Kansas, at the time described in K.A.R. 111-4-2158, in which participants are selected to win various prizes as described in K.A.R. 111-4-2157.

(c) "Non-winning ticket" means any valid Kansas "Wild Ride" instant game lottery ticket not eligible to win a prize under the rules of the "Wild Ride" instant game, and for purposes of this drawing only, tickets entitled to a free admission prize at the 2004 Kansas state fair shall also be considered "non-winning tickets."

(d) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "Wild Ride Drawing" 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-111-5-21-04, April 22, 2004.)

111-4-2157. Prize. (a) The winner of the grand prize at the "Wild Ride Drawing," which will be conducted on September 19, 2004, shall receive a 2004 40th Anniversary Ford Mustang GT automobile, together with mandatory federal and state income withholding taxes, property taxes, registration fee, title fee, and cash, having a total cumulative value of approximately \$47,500.00.

(b) There will be five additional winners selected at the drawing and they shall each receive a \$2,000 cash prize.

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

(d) The winner of the grand prize shall return to the lottery a completed claim form as provided by the lottery no later than 5:00 p.m. on the tenth day following the day the claim form is mailed to the person whose name 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. 111-4-2160 shall be declared the winner.

(e) The five additional winners of the \$2,000 cash prizes shall return to the lottery a completed claim form as provided by the lottery no later than 5:00 p.m. on the forty-fifth day following the day the claim form is mailed to the person whose name 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. 111-4-2160 shall be declared the winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-4-2158. Method of entry. (a) Entry into the "Wild Ride Drawing" to be conducted on September 19, 2004, shall be accomplished as follows:

(1) Obtain a valid "Wild Ride" Kansas instant lottery ticket;

(2) Determine if the ticket is a winning ticket in accordance with "Wild Ride" game rules. If the ticket is a winning ticket, it is not eligible for the "Wild Ride Drawing" and shall be redeemed in accordance with the instant game rules, except that any ticket winning a free admission to the 2004 Kansas state fair may instead be used to enter the drawing, and if so utilized, shall be considered a "non-winning ticket" for purposes of entry into the drawing.

(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 "Wild Ride 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 shall be available and entries may be made at the Kansas lottery building at the Kansas state fair between September 10, 2004, and 6:00 p.m. September 19, 2004.

(6) Players may also deposit entries for the "Wild Ride Drawing" at any Kansas lottery event at which the lottery has specifically designated a receptacle for deposit of said entries.

(7) Entries other than those entered at the Kansas state fair or Kansas Speedway shall be mailed with proper

postage to "Wild Ride Drawing," c/o Kansas lottery, P. O. Box 3561, Topeka, Kansas 66601-3561. Mailed entries must be received by morning mail pickup on Tuesday, September 14, 2004. More than one entry may be mailed in one envelope.

(8) The holder of the ticket is not required to personally attend the "Wild Ride Drawing" or be present at the time of the drawing to be determined a winner;

(9) The drawing will be conducted soon after 6:00 p.m. on Sunday, September 19, 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 "Wild Ride" tickets which are mailed to the "Wild Ride Drawing," c/o Kansas lottery, P.O. Box 3561, Topeka, Kansas 66601-3561 with proper postage and received by the morning mail pickup in Topeka, Kansas, on Tuesday, September 14, 2004, and non-winning "Wild Ride" tickets entered into any other receptacle designated by the lottery or at the Kansas state fair lottery building as provided in the rules herein shall be eligible for the drawing. All tickets so mailed or deposited shall be secured by the lottery until the drawing is conducted.

(d) Eligible entrants in the "Wild Ride 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-111-5-21-04, April 22, 2004.)

111-4-2159. Certification of drawing. (a) The "Wild Ride 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.

(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-111-5-21-04, April 22, 2004.)

111-4-2160. Selection of winners. The following process shall be used for the selection of winners in the "Wild Ride Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing "Wild Ride Drawing" tickets at the United States Post Office in Topeka, Kansas, with the final pickup at the Topeka post office in the morning mail pickup on Tuesday, September 14, 2004. Following the morning mail pickup on Tuesday, September 14, 2004, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries shall then be placed in a secure receptacle, transported to the state fair, and placed in the drawing receptacle or drum with all entries deposited at the state fair and into any other receptacle designated by the lottery.

(b) The drawing shall be held at the Kansas state fair lottery building 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 Sunday, September 19, 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.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, while looking away, remove a single entry from the receptacle or drum. The person whose name appears on the entry shall be the winner of the grand prize identified in K.A.R. 111-4-2157, subject to validation by the lottery as set forth in these rules.

(e) After a single entry has been drawn on September 19, 2004, and the entry has been verified as valid, nine more valid entries will be drawn, one at a time. The first five valid entries of these nine entries drawn will be awarded in the order drawn five secondary prizes of \$2,000 each. The last four entries drawn will serve as alternate entries for the grand prize and secondary prizes. The alternate entries will be marked in order drawn, 1A, 2A, 3A, and 4A. Each winner shall have until 5:00 p.m. on the forty-fifth day following mailing of a claim form to the winner to present the fully-executed claim form to lottery headquarters. If the grand prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the grand prize will be awarded to the first alternate entry drawn for the five \$2,000 prizes. The alternates will be used, if necessary, in the order drawn. If a winner or an alternate winner for the grand prize or a secondary prize cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters as required herein, the alternate winner process shall be repeated until all prizes are properly claimed or until such time as no alternate winners remain, whichever occurs first.

(f) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "Wild Ride 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 as set forth in subsection (e) herein.

(g) If any entry drawn is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until the required number of apparently eligible selections is obtained.

(h) Only non-winning "Wild Ride" instant tickets are eligible for the drawing.

(i) All "Wild Ride" tickets remaining in the drum or receptacle on September 19, 2004, after the winners and

(continued)

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-111-5-21-04, April 22, 2004.)

Article 9.—PULL-TAB GAMES

111-9-122. "Poker Party" pull tab ticket lottery game number 377. (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Poker Party" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-122.

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

(c) Approximately 1,200,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 100 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 099. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of an ace card ("A")
- Symbol of a king card ("K")
- Symbol of a queen card ("Q")
- Symbol of a jack card ("J")
- Symbol of a 10 card ("10")
- Symbol of a stack of poker chips

(e) For this game, three play symbols shall appear under each of four tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 12 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

ONE	=	\$1.00
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
HUN	=	\$100.00

(h) The number and value of prizes in this game and winning combinations shall be as follows:

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - stacks of poker chips	\$1	240,000	\$240,000
3 - 10 cards	\$5	57,400	287,000
3 - jack cards	\$10	13,600	136,000
3 - queen cards	\$25	3,000	75,000
3 - king cards	\$100	580	58,000
3 - ace cards	\$1,000	20	20,000

TOTAL	<u>314,600</u>	<u>\$816,000</u>
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(i) Each ticket in this game may have only one winning combination.

(j) The overall odds of winning a prize in this game are approximately one in 3.81. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-04, April 22, 2004.)

111-9-123. "Sizzlin 7s" pull tab ticket lottery game number 378. (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Sizzlin 7s" commencing on or after May 10, 2004. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-123.

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

(c) Approximately 1,200,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 100 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 099. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of a flaming 7
- Symbol of a four-leaf clover
- Symbol of a lucky horseshoe
- Symbol of a strawberry
- Symbol of a lemon
- Symbol of a cherry

(e) For this game, three play symbols shall appear under each of four tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 12 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

ONE	=	\$1.00
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
HUN	=	\$100.00

(h) The number and value of prizes in this game and winning combinations shall be as follows:

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - cherries	\$1	253,200	\$253,200
3 - lemons	\$5	56,000	280,000
3 - strawberries	\$10	12,800	128,000
3 - lucky horseshoes	\$25	3,200	80,000
3 - four-leaf clovers	\$70	800	56,000

3 - flaming 7s	\$777	24	18,648
TOTAL		<u>326,024</u>	<u>\$815,848</u>

(i) Each ticket in this game may have only one winning combination.

(j) The overall odds of winning a prize in this game are approximately one in 3.68. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-04, April 22, 2004.)

Article 11.—eSCRATCH GENERIC GAME RULES

111-11-1. Definitions. (a) The following definitions apply to the Kansas lottery eScratch game, along with all definitions contained in the Kansas lottery act (K.S.A. 74-8701 et seq.) and amendments thereto, and in lottery regulations adopted pursuant to the Kansas lottery act, which are hereby incorporated by reference.

(b) "eScratch game" or "game" means an online lottery game in which a player purchases one or more tickets in one-dollar increments and selects from the denomination of play(s) available for that game. Denominations of play may be \$.10, \$.50, or \$1.00, or in such other amounts as set by rules for each eScratch game. In return for paying the appropriate amount, the player receives a randomly computer-generated ticket containing the corresponding number of reveals selected from a set pool of reveals established by the rules for each eScratch game. Each ticket holder whose valid ticket includes a winning combination shall be instantly entitled to a prize if the ticket and, if applicable, a valid claim form are submitted within the specified time period. In addition, until such time as a ticket is validated or win-checked, all prize(s) won on a ticket, if any, shall be capable of being revealed by entering certain information onto an Internet web site and playing a variety of computer-generated games. The prize(s) to which an eScratch ticket is entitled shall be determined at the time of purchase, and shall not be dependent upon revealing the prize(s) by playing the internet game(s), whether in whole or in part.

(c) "eScratch ticket retailer" or "retailer" means a person or business authorized by the Lottery to sell eScratch game tickets.

(d) "eScratch lottery terminal" or "terminal" means the computer hardware by which an eScratch ticket retailer or player enters the combination selected by the player and by which eScratch tickets are generated and claims are validated.

(e) "eScratch ticket" or "ticket" means a computer-generated ticket issued by an eScratch ticket terminal to a player containing the selections and plays purchased by the player. That ticket shall be the only acceptable evidence of the selections and play purchased.

(f) Prize tiers:

(1) "low-tier prize" means an eScratch ticket game prize of not less than \$600;

(2) "high-tier prize" means an eScratch ticket game prize of less than \$600.

(g) "Validation" means the process of determining whether an eScratch ticket presented for payment is a winning ticket.

(h) "Ticket holder" or "holder" means the person who has possession of an unsigned eScratch ticket or the per-

son whose written name, signature or mark appears on the back of the ticket.

(i) "Executive director" means the executive director of the Kansas lottery or the person designated by the executive director.

(j) "Reveal" or "play" means each individual computer-generated animation or other graphic displayed by the eScratch internet site to the player indicating the win(s) or loss(es) to which each eScratch ticket is entitled.

(k) "Pool" means each set of reveals that contains a predetermined number of winning and losing reveals, and the value of each such reveal, as determined by the rules for each eScratch game. Each eScratch game may contain multiple numbers of pools.

(l) "Problem ticket" means any eScratch ticket erroneously produced either by terminal malfunction or by miscommunication between a player and a retailer.

(m) "Receptacle" or "drum" means a container in which non-winning tickets or entry forms are placed and from which drawings are made. Receptacles or drums may be sealable and drums shall be capable of being mixed or rotated for the purpose of ensuring random distribution.

(n) "Day," "business day," or "operations day," when referring to an eScratch game, means the 20-hour period starting at 5:00 a.m. and ending at 1:00 a.m., the following day, unless specified otherwise in individual game rules.

(o) "Win-check" means the act of electronically determining whether an eScratch ticket is entitled to win a prize by scanning the eScratch ticket on a retailer lottery terminal or on a player-activated device provided for said purpose, but without validating the ticket. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-11-2. Distribution of tickets. eScratch tickets will be sold by retailers selected by the executive director. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-11-3. Sale of tickets. (a) No person other than a retailer under a contract for the sale of game tickets with the lottery may sell eScratch lottery tickets except that nothing in this section shall be construed to prevent a person who may lawfully purchase tickets from making a gift of lottery tickets to another.

(b) An eScratch ticket retailer must have a current retailer certificate and must be actively engaged in the sale of at least one of the most current instant games to the public unless otherwise approved as a social environment establishment by the executive director.

(c) Tickets may not be sold at a location other than the address listed on the retailer's certificate with the lottery.

(d) Nothing in this section shall be construed to prohibit the lottery from designating certain of its agents and employees to sell lottery tickets directly to the public. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-11-4. eScratch games criteria. (a) The purchase price of an eScratch ticket shall be \$1.00 except to the extent of discounts specifically authorized by regulation of the commission.

(continued)

(b) No person may sell a ticket at a price other than that established in accordance with these rules.

(c) For each \$1.00 purchase, the eScratch ticket shall issue to the player a ticket containing plays in the denomination and dollar amount selected by the player. Multiple dollar purchases made at the same time shall be issued on a single ticket, up to the maximum dollar amount allowed per the rules for each eScratch game. Only one denomination of play shall be issued on each ticket.

(d) Each ticket shall be issued by the eScratch ticket terminal out of only one ticket pool, with each pool having such odds and percentages of payout as determined by the rules for each eScratch game.

(e) A ticket bearer entitled to a prize shall submit the winning ticket as specified by K.A.R. 111-11-5. The winning ticket must be validated by the lottery or an eScratch ticket retailer through use of the eScratch ticket terminal or any other means as specified by the executive director. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-11-5. Payment of prizes. (a) Prior to the payment of any prize, the claimant shall present the winning eScratch ticket to any retailer, or any Kansas lottery office for validation.

(b) The procedure for payment of a prize on any single game ticket which totals less than \$600.00 is as follows:

(1) The holder of the ticket may present it to any retailer. Upon validation of the ticket, the retailer shall immediately pay the holder of the ticket. If the retailer cannot validate the ticket, the claimant must obtain and complete a claim form and submit it with the ticket to any Kansas lottery office by mail or in person.

(2) Prizes payable by retailers shall be paid during all normal business hours of the retailer, provided the eScratch system is operational and tickets can be validated.

(3) A retailer may pay prizes in cash or by business check, certified check, or money order, or any combination thereof.

(4) A winning ticket offering a free ticket or tickets may be claimed at any retailer location or at any Kansas lottery office. A player claiming a free ticket prize at the lottery may be issued either a free ticket or a \$1.00 prize payment at the discretion of the executive director.

(c) To claim a prize of \$600 or more, the claimant shall obtain and complete a claim form and submit it with the winning ticket to any Kansas lottery office by mail or in person. Although claims may be submitted to any Kansas lottery office, such prizes can only be paid from the lottery's headquarters in Topeka. Upon determination that the ticket is a winning ticket and receipt of a completed claim form, the lottery shall process for payment the amount due, less any withholding required by state and federal laws. If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified.

(d) If the claim is presented to a lottery regional office or to lottery headquarters, the claimant must complete a claim form regardless of the prize amount and submit it with the winning ticket, either by mail or in person. Upon determination that the ticket is a winning ticket and receipt of a completed claim form, the lottery shall present

or mail a check to the claimant in payment of the amount due, less any withholding required by state and federal laws.

(e) All prizes must be claimed within 365 days of the date the ticket was printed, including the day the ticket was printed. To claim a prize at lottery headquarters, the holder of the winning ticket must present or mail the winning ticket and claim form to the Kansas lottery, and the lottery must actually receive it within the above time period. Any prizes not claimed within the specified period shall be added to the prize pools of subsequent Kansas lottery games.

(f) If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified. Non-winning tickets will not be returned to the claimant.

(g) A validated ticket shall be the only proof of a game play or plays, and the submission of a winning ticket to and receipt of the ticket by the lottery or its authorized retailer shall be the sole method of claiming a prize.

(h) Claims in excess of \$600 or more shall not be paid by lottery retailers. The lottery has no obligation to reimburse retailers paying claims of \$600 or more. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-11-6. Validation requirements. (a) To be a valid winning eScratch ticket, all of the following conditions must be met:

(1) The ticket data must have been recorded in the central computer system at the time of purchase and the information appearing on the ticket must correspond with the computer record to the extent necessary to determine whether the ticket is a winning ticket.

(2) The ticket shall be intact to the extent that all information appearing on the ticket corresponds with the lottery's computer records.

(3) The ticket shall not be mutilated to the extent that the lottery is unable to determine whether the ticket is a winning ticket.

(4) The ticket shall not be altered or tampered with in any manner.

(5) The ticket shall not be counterfeit or a duplicate of another winning ticket.

(6) The ticket must have been issued by an authorized retailer in an authorized manner.

(7) The ticket must not have been stolen.

(8) The ticket must not have been previously paid.

(9) The ticket must contain numbers which make it eligible to win a prize pursuant to rules for this game.

(10) The ticket shall pass all other confidential security checks of the lottery.

(11) The ticket must be validated through the lottery's computer system.

(12) The ticket shall be the only valid evidence for claiming a prize. A copy of the ticket has no monetary or prize value and shall not constitute evidence of a ticket purchase or of plays selected.

(b) Any ticket failing any of the validation requirements listed above is invalid and ineligible for a prize. The executive director will make the final decision on whether a prize is paid.

(c) In the event of a dispute between the executive director and a claimant as to whether a ticket is a valid winning ticket, and if the executive director determines that the ticket is not a valid winning ticket and a prize is not paid, the executive director may replace the disputed ticket with a ticket of equivalent sales price or refund the cost of the ticket. These shall be the sole and exclusive remedies of the claimant.

(d) In the event a defective eScratch ticket is purchased or is damaged as it is issued from an authorized terminal to the extent that it does not contain all validation and the lottery's security requirements, the only responsibility or liability of the lottery or the eScratch ticket retailer shall be the replacement of the defective ticket with another ticket for the same game.

(e) Subject to certain conditions, prize payment may be made for an eScratch ticket or share of \$600 or more in value that is not received or not recorded by the lottery by applicable deadlines. The following conditions may constitute exceptions to the validation requirements previously identified in subsections (a), (b), (c), and (d):

(1) Consideration will only be given to claimants with tickets or shares that have been destroyed or lost during a validation attempt at an authorized retail location.

(2) A record of the event must be contained within the database of the lottery's central computer system accurately identifying the retailer, the validation attempt, the date, ticket serial number, the time of the event, the terminal number, and the prize amount.

(3) The claimant must present the claim to lottery headquarters office in Topeka, be authorized to purchase an eScratch ticket or share, be eligible to claim a prize, and be the rightful recipient of the prize claimed as determined by the lottery.

(4) The claimant must complete to the extent possible and sign both a Kansas lottery winner claim form and an affidavit providing the following information: the prize amount claimed, the retailer name, address, and city where the ticket was purchased, the game played, the date of purchase, the time of purchase, the dollar value wagered, the unit of plays selected, the retailer name, address, and city where the validation attempt occurred, the date and time the validation attempt occurred, the manner or means by which the ticket or share was destroyed or lost, a description of the clerk or retailer who performed the validation attempt and destroyed or lost the ticket, and any other information that will establish the validity of the claim.

(5) The lottery will enter information from the winner claim form and the affidavit into a database contained within the lottery's central computer system.

(6) Lottery security will conduct an investigation to determine if the claim is or is not supported by the investigation and will submit a report with a recommendation to that effect to the executive director of the lottery.

(7) If the executive director determines that the claim is otherwise supported by the investigation, and if no other claimant has presented the ticket in question, the prize will be validated through the lottery's central computer system on the last day of the expiration period. If the validation period expires on a weekend or on a holi-

day when the lottery is closed, the validation will be conducted on the next business day.

(8) Following expiration of the validation period, a valid claim will be paid. Such payment will be restricted to the original prize amount only. No interest will be paid.

(9) The final decision on whether a prize will be paid shall be made by the executive director. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-11-7. Ticket responsibility. (a) If there is no signature on the back of an eScratch ticket, the ticket shall be owned by the physical possessor of the ticket. When a signature or name appears on the back of a ticket, the person whose signature or name appears on the ticket shall be the owner of the ticket and shall be entitled, subject to all validation requirements, to any prize attributable to the ticket.

(b) If the signature or name of more than one person appears on the ticket, all persons whose signatures or names appear must identify one person to whom payment should be made. If all persons whose signatures or names appear on the ticket cannot identify one person to whom payment should be made, the lottery shall retain the prize until a determination of entitlement is made by the parties. In no event shall more than one person be entitled to a particular prize.

(c) The Kansas lottery shall not be responsible for lost or stolen tickets, and shall not be responsible for lost or stolen entry forms of any type which may be used for entry into a lottery drawing. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-04, April 22, 2004.)

111-11-8. Retailer compensation and charges. The compensation paid to eScratch ticket lottery retailers shall be a discount of five percent applied to tickets sold from an eScratch ticket terminal. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-11-9. Retailer settlement. (a) eScratch ticket retailers specified by the executive director shall establish an account for deposit of monies derived from lottery games with a financial institution which has the capability of electronic funds transfer (EFT).

(b) The amount deposited shall be sufficient to cover monies due the lottery. The lottery will withdraw by EFT the amount due to the lottery on the day specified by the executive director. In the event the day specified for withdrawal falls on a state holiday, withdrawal will be accomplished on the next following business day. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

111-11-10. Entry of plays. Plays may only be entered using the lottery eScratch ticket terminal or by such other means approved by the lottery. Retailers shall not permit any device to be connected to a lottery terminal to enter plays, except as approved by the lottery. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

(continued)

111-11-11. Buy a minimum dollar amount of lottery online or electronic tickets, get one \$1 eScratch quick pick free. The lottery may conduct one or more special free quick pick promotions whereby for every single Kansas lottery online or electronic ticket purchase of a minimum predetermined dollar amount ("qualifying purchase"), a player shall receive at no additional charge a \$1.00 eScratch quick pick ticket in such denomination as determined by the lottery. The period of each promotion shall begin on a day determined by the executive director, and shall end on the last day of each period as determined by the executive director at the close of business as defined in subsection (p) of K.A.R. 111-6-1. During each such promotion, lottery terminals shall automatically dispense the free quick pick ticket. If the qualifying purchase is for an online or electronic ticket that is capable of being cancelled, cancellation of such qualifying purchase tickets shall be suspended during the period of any such promotion. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.).

Article 12.—eSCRATCH GAMES

111-12-1. eScratch ticket lottery game number 1.

(a) The lottery shall conduct an eScratch lottery game entitled "eScratch game number 1" commencing on or after May 3, 2004. The rules for this game are contained in K.A.R. 111-11-1 et seq. and 111-12-1.

(b) The pool size of plays or reveals for eScratch game number 1 shall be as follows:

(1) 50,000 for \$1.00 denomination tickets; (2) 100,000 for \$.50 denomination tickets; and, (3) 500,000 for \$.10 denomination tickets.

(c) The expected number and value of prizes for all \$1.00 denomination tickets in a single purchase of \$1.00 through and including \$4.00 shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$1.00	6,500	\$6,500
\$2.00	3,000	6,000
\$3.00	1,500	4,500
\$5.00	750	3,750
\$10.00	250	2,500
\$20.00	88	1,760
\$50.00	36	1,800
\$100.00	12	1,200
\$500.00	1	500
	<u>12,137</u>	<u>\$28,510</u>

(d) The expected number and value of prizes for all \$.50 denomination tickets in a single purchase of \$1.00 through and including \$4.00 shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$.50	13,000	\$6,500
\$1.00	6,000	6,000
\$1.50	3,000	4,500
\$2.50	1,500	3,750
\$5.00	500	2,500
\$10.00	176	1,760
\$25.00	72	1,800
\$50.00	24	1,200

\$250.00	2	500
	<u>24,274</u>	<u>\$28,510</u>

(e) The expected number and value of prizes for all \$.10 denomination tickets in a single purchase of \$1.00 through and including \$4.00 shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$.10	6,500	\$6,500
\$.20	3,000	6,000
\$.30	1,500	4,500
\$.50	750	3,750
\$1.00	250	2,500
\$2.00	88	1,760
\$5.00	36	1,800
\$10.00	12	1,200
\$50.00	1	500
	<u>121,370</u>	<u>\$28,510</u>

(f) The expected number and value of prizes for all \$1.00 denomination tickets in a single purchase of \$5.00 through and including \$9.00 shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$1.00	7,000	\$7,000
\$2.00	3,750	7,500
\$3.00	1,500	4,500
\$5.00	750	3,750
\$10.00	250	2,500
\$20.00	108	2,160
\$50.00	36	1,800
\$100.00	12	1,200
\$750.00	1	750
	<u>13,407</u>	<u>\$31,160</u>

(g) The expected number and value of prizes for all \$.50 denomination tickets in a single purchase of \$5.00 through and including \$9.00 shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$.50	14,000	\$7,000
\$1.00	7,500	7,500
\$1.50	3,000	4,500
\$2.50	1,500	3,750
\$5.00	500	2,500
\$10.00	216	2,160
\$25.00	72	1,800
\$50.00	24	1,200
\$375.00	2	750
	<u>26,814</u>	<u>\$31,160</u>

(h) The expected number and value of prizes for all \$.10 denomination tickets in a single purchase of \$5.00 through and including \$9.00 shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$.10	70,000	\$7,000
\$.20	37,500	7,500
\$.30	15,000	4,500
\$.50	7,500	3,750
\$1.00	2,500	2,500
\$2.00	1,080	2,160

\$5.00	360	1,800
\$10.00	120	1,200
\$75.00	10	750
	<u>134,070</u>	<u>\$31,160</u>

(i) The expected number and value of prizes for all \$1.00 denomination tickets in a single purchase of \$10.00 and above shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$1.00	7,000	\$7,000
\$2.00	4,250	8,500
\$3.00	1,500	4,500
\$5.00	750	3,750
\$10.00	250	2,500
\$20.00	104	2,080
\$50.00	39	1,950
\$150.00	12	1,800
\$1,500.00	1	1,500
	<u>13,906</u>	<u>\$33,580</u>

(j) The expected number and value of prizes for all \$.50 denomination tickets in a single purchase of \$10.00 and above shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$.50	14,000	\$7,000
\$1.00	8,500	8,500
\$1.50	3,000	4,500
\$2.50	1,500	3,750
\$5.00	500	2,500
\$10.00	208	2,080
\$25.00	78	1,950
\$75.00	24	1,800
\$750.00	2	1,500
	<u>27,812</u>	<u>\$33,580</u>

(k) The expected number and value of prizes for all \$.10 denomination tickets in a single purchase of \$10.00 and above shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$.10	70,000	\$7,000
\$.20	42,500	8,500
\$.30	15,000	4,500
\$.50	7,500	3,750
\$1.00	2,500	2,500
\$2.00	1,040	2,080
\$5.00	390	1,950
\$15.00	120	1,800
\$150.00	10	1,500
	<u>139,060</u>	<u>\$33,580</u>

(l) The overall approximate odds of winning any prize, including a break-even prize based upon play denomination, are as follows:

(1) Single ticket purchase of \$1.00 through and including \$4.00: one in 4.12;

(2) Single ticket purchase of \$5.00 through and including \$9.00: one in 3.73; and,

(3) Single ticket purchase of \$10.00 and above: one in 3.60. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004.)

Ed Van Petten
Executive Director

Doc. No. 030755

State of Kansas

Governmental Ethics Commission

Opinion No. 2004-01 (Amended)

Written May 20, 2004, to Lois Ryan, Department of Administration, Employee Recognition Team, Topeka.

This opinion is in response to your letter of December 10, 2003, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.* 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 Department of Administration's Employee Recognition Team (ERT). You have explained that the ERT is interested in starting an employee discount program for all State employees. To facilitate this program, ERT members intend to contact businesses and inquire as to whether they would be interested in offering discounts to state employees. If the business is interested in participating in the program, the business name and discount would be available for all state employees to view on a state-sponsored internet site or an alternative forum.

Questions

1. May a state employee subject to K.S.A. 46-237a accept gifts or discounts available to all state employees?

2. May members of the Employee Recognition Team solicit discounts from businesses for the employee discount program?

3. May state employees solicit or receive discounts from businesses that are inspected, licensed, or regulated by a state agency when the gift would be provided to all state employees?

4. To whom does the restriction, if any, in question three apply: to all state employees; to all employees of the agency that inspects, regulates, or licenses; or only the employees of the division of the agency that inspects, regulates, or licenses the participating business.

Opinion

In your first question, you ask whether a state employee subject to K.S.A. 46-237a may accept gifts or discounts available to all state employees. K.S.A. 46-237a(b) applies to this question. It states in pertinent part:

No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of *such person's official position*, except:

(1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; or

(2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; or

(continued)

(3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or

(4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended. (Emphasis added.)

State employees subject to the provisions of this section are entirely prohibited from accepting gifts or discounts given because of their *official position* unless one of the four enumerated exceptions applies. In opinion 1999-50 the Commission held that:

The term "official position" refers to an individual's particular position with the State and does not apply generally to a person because they are a State employee. For guidance, the Commission notes that a gift or discount which is provided to all State employees is not being provided to a person because of his or her "official position." On the other hand, a gift or discount which is provided to all purchasing agents, for example, or all employees of a particular agency, will be deemed to be provided because of such persons' "official position."

Therefore, a state employee subject to the provisions of K.S.A. 46-237a may accept a gift or discount that is available to all state employees.

Next you question whether members of the Employee Recognition Team may solicit discounts from businesses for the employee discount program. K.S.A. 46-236 applies to this question. It states in pertinent part:

K.S.A. 46-228 defines "special interest" in the following manner:

"Special interest" means an interest of any person . . . in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

Pursuant to this statute, a member of the Employee Recognition Team may not solicit any gift or special discount from any person known to have a special interest in that member or in his or her agency, when the member knows or should know that a major purpose of the donor in granting the gift could be to influence the performance of the employee's official duties. It should be noted that the Commission has consistently held that gifts given by entities with a special interest are presumed to be given with the intent to influence the state employee. See Commission Opinion 1999-35. With regard to your third question, you ask whether state employees may solicit or receive discounts from businesses that are inspected, licensed, or regulated by a state agency when the gift would be provided to all state employees. With regard to the solicitation portion of this question, state employees may not solicit from businesses that are inspected, licensed, or regulated by their state agency, because those businesses have a special interest in the agency that inspects, licenses, or regulates them.

With regard to the acceptance portion of this question, K.S.A. 46-237a(b) applies. As noted above, state employees subject to the provisions of this section are entirely prohibited from accepting gifts or discounts given because of their "official position" unless one of the four

enumerated exceptions apply. As noted above, because the gift or discount will be provided to all state employees, it will not be given to a state employee because of his or her "official position." Therefore, state employees could accept gifts or discounts made available to all state employees.

It should be noted, however, that K.S.A. 46-237(c) prohibits the entity which is licensed, regulated, or inspected by a state agency from providing a gift or special discount with an aggregate value in excess of \$40 in a calendar year to the agency or any employee of the agency that licenses, regulates, or inspects that entity. That statute states:

No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency. K.S.A. 46-237(c).

The prohibition in this statute is on the licensed, regulated, or inspected entity, not on the state employee. When reviewing K.S.A. 46-237(c) and K.S.A. 46-237a(b) together, it becomes apparent that several logistical problems arise. For instance, if a restaurant makes a discount available to all state employees, and an employee of the Department of Health and Environment eats at this restaurant throughout the year and receives more than \$40 in discounts, the restaurant will be in violation of this statute, yet will have no ability to monitor its giving. Similarly, the State Fire Marshal has the authority to inspect all businesses in the state of Kansas. If any business provides a gift or discount to all state employees, and members of the State Fire Marshal's office obtain this discount, the business could violate the K.S.A. 46-237(c). Because the Legislature included acceptance language in other portions of K.S.A. 46-237, it is clear that the Legislature did not intend that all businesses in the state of Kansas be prohibited from providing gifts or discounts made available to all state employees. Therefore, the Commission now finds that when a gift or discount is made available to all state employees, it is not given "to" a state employee. Therefore, a business which provides a gift or discount to all state employees is not in violation of K.S.A. 46-237(c) if employees of an agency that licenses, regulates, or inspects that business obtains that gift or discount.

The answer to question three makes it unnecessary to address your final question.

In conclusion: 1) state employees subject to the provisions of K.S.A. 46-237a may accept a gift or discount that is available to all state employees; 2) pursuant to K.S.A. 46-236, a member of the Employee Recognition Team may not solicit any gift or special discount from any person known to have a special interest in that member or in his or her agency; 3) pursuant to K.S.A. 46-236, state employees may not solicit from businesses that are licensed, inspected, or regulated by their state agency; 4) pursuant to K.S.A. 46-237a(b), state employees are entirely prohibited from accepting gifts or discounts given because of their official position unless one of the four

enumerated exceptions applies; and finally, 5) a business which provides a gift or discount to all state employees is not in violation of K.S.A. 46-237(c) if employees of an agency that licenses, regulates, or inspects that business obtains that gift or discount.

Daniel Sevart
Chairman

Doc. No. 030754

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 the following bill 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 June 10, 2004.)

SENATE Substitute for HOUSE BILL No. 2937

AN ACT concerning higher education; postsecondary educational institutions and tuition and fees relating thereto; attendance of certain students; savings programs; amending K.S.A. 2003 Supp. 72-4470a and repealing the existing section; reviving and amending K.S.A. 72-1111, as repealed by section 49 of 2004 House Bill No. 2795, 72-4432, as repealed by section 49 of 2004 House Bill No. 2795, and 74-32,161, as repealed by section 49 of 2004 House Bill No. 2795, and K.S.A. 2003 Supp. 13-13a25, as repealed by section 49 of 2004 House Bill No. 2795, 13-13a26, as repealed by section 49 of 2004 House Bill No. 2795, 13-13a27, as repealed by section 49 of 2004 House Bill No. 2795, 13-13a29, as repealed by section 49 of 2004 House Bill No. 2795, 13-13a31, as repealed by section 49 of 2004 House Bill No. 2795, 13-13a32, as repealed by section 49 of 2004 House Bill No. 2795, 13-13a33, as repealed by section 49 of 2004 House Bill No. 2795, 13-13a34, as repealed by section 49 of 2004 House Bill No. 2795, 19-101a, as repealed by section 49 of 2004 House Bill No. 2795, 71-301a, as repealed by section 49 of 2004 House Bill No. 2795, 71-304, as repealed by section 49 of 2004 House Bill No. 2795, 71-305, as repealed by section 49 of 2004 House Bill No. 2795, 71-306, as repealed by section 49 of 2004 House Bill No. 2795, 71-308, as repealed by section 49 of 2004 House Bill No. 2795, 71-401, as repealed by section 49 of 2004 House Bill No. 2795, 71-402, as repealed by section 49 of 2004 House Bill No. 2795, 71-403, as repealed by section 49 of 2004 House Bill No. 2795, 71-610, as repealed by section 49 of 2004 House Bill No. 2795, 71-1705, as repealed by section 49 of 2004 House Bill No. 2795, 74-32,151, as repealed by section 49 of 2004 House Bill No. 2795, 75-646, as repealed by section 49 of 2004 House Bill No. 2795, and 79-32,117, as repealed by section 49 of 2004 House Bill No. 2795, and by repealing the revived sections; also repealing K.S.A. 72-4916, 72-4919, 72-4920, 72-4921, 72-4922, 72-4924 through 72-4937, inclusive, 72-4939, 72-4940 and 74-3249 through 74-3253, inclusive, and K.S.A. 2003 Supp. 72-4938.

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

Section 1. K.S.A. 72-1111, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 72-1111. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma or a general educational development (GED) credential, shall require such child to *be regularly enrolled in and attend continuously each school year* (1) a public school for the duration of the school term provided for in K.S.A. 72-1106, and amendments thereto, or (2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant

to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section.

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if (1) the child is regularly enrolled in *and attending* a program recognized by the local board of education as an approved alternative educational program, or (2) the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out, and a listing of educational alternatives that are available for the child, *or* (3) *the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto. The provisions of this clause (3) shall be applicable to children from and after July 1, 1997 and shall relate back to such date.*

(c) Any child who is under the age of seven years, but who is enrolled in school, is subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

(d) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act is subject to the compulsory attendance requirements of such act and is exempt from the compulsory attendance requirements of this section.

(e) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

(f) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction, which is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions: (1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include parent (or person acting as parent) supervised projects in agriculture and homemaking, work-study programs in cooperation with local business and industry, and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students

(continued)

shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities, and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law, and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made, and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto;

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards therefor which shall be specified by the state board of education;

(8) if the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(g) As used in this section, ~~the terms "parent":~~

(1) "Parent" and "person acting as parent" have the meanings respectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

(2) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.

New Sec. 2. Sections 3 through 23 shall be known and may be cited as the Kansas private and out-of-state postsecondary educational institution act.

New Sec. 3. As used in the Kansas private and out-of-state postsecondary educational institution act:

(a) "Academic degree" means any associate, bachelor's, first professional, master's, intermediate (specialist) or doctor's degree.

(b) "Accreditation" means an accreditation by an agency recognized by the United States department of education.

(c) "Branch campus" means any subsidiary place of business maintained within the state of Kansas by an institution at a site which is separate from the site of the institution's principal place of business and at which the institution offers a course or courses of instruction or study identical to the course or courses of instruction or study offered by the institution at its principal place of business.

(d) "Commission" means the advisory commission on private and out-of-state postsecondary educational institutions established pursuant to this act.

(e) "Distance education" means any course delivered primarily by use of correspondence study, audio, video or computer technologies.

(f) "Out-of-state postsecondary educational institution" means a postsecondary educational institution chartered, incorporated or otherwise organized under the laws of any jurisdiction other than the state of Kansas.

(g) "Institution" means an out-of-state or private postsecondary educational institution.

(h) "Institution employee" means any person, other than an owner, who directly or indirectly receives compensation from an institution for services rendered.

(i) "Owner of an institution" means:

(1) In the case of an institution owned by an individual, that individual;

(2) in the case of an institution owned by a partnership, all full, silent and limited partners;

(3) in the case of an institution owned by a corporation, the corporation, its directors, officers and each shareholder owning shares of issued and outstanding stock aggregating at least 10% of the total of the issued and outstanding shares; and

(4) in the case of an institution owned by a limited liability company, the company, its managers and all its members.

(j) "Person" means an individual, firm, partnership, association or corporation.

(k) "Physical presence" means the employment in Kansas of a Kansas resident for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising or any other activity on behalf of the institution, or the delivery of, or the intent to deliver, instruction in Kansas with the assistance from any entity within the state in delivering the instruction including, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution.

(l) "Private postsecondary educational institution" means an entity which:

(1) Is a business enterprise, whether operated on a profit or not-for-profit basis, which has a physical presence within the state of Kansas or which solicits business within the state of Kansas;

(2) offers a course or courses of instruction or study through classroom contact or by distance education, or both, for the purpose of training or preparing persons for a field of endeavor in a business, trade, technical or industrial occupation or which offers a course or courses leading to an academic degree; and

(3) is not specifically exempted by the provisions of this act.

(m) "Representative" means any person employed by an institution to act as an agent, solicitor or broker to procure students or enrollees for the institution by solicitation within this state at any place other than the office or a place of business of the institution.

(n) "State board" means the Kansas board of regents or the board's designee.

(o) "Support" or "supported" means the primary source and means by which an institution derives revenue to perpetuate operation of the institution.

(p) "University" means a postsecondary educational institution authorized to offer bachelor degrees together with graduate or first professional degrees.

(q) "State educational institution" means any state educational institution as defined by K.S.A. 76-711, and amendments thereto.

(r) "This act" means the Kansas private and out-of-state postsecondary educational institution act.

New Sec. 4. The Kansas private and out-of-state postsecondary educational institution act shall not apply to:

(a) An institution supported primarily by Kansas taxation from either a local or state source;

(b) an institution or training program which offers instruction only for avocational or recreational purposes as determined by the state board;

(c) a course or courses of instruction or study, excluding degree-granting programs, sponsored by an employer for the training and preparation of its own employees, and for which no tuition or other fee is charged to the student;

(d) a course or courses of instruction or study sponsored by a recognized trade, business or professional organization having a closed membership for the instruction of the members of the organization, and for which no tuition or other fee is charged to the student;

(e) an institution which is otherwise regulated and approved under any other law of this state;

(f) a course or courses of special study or instruction having a closed enrollment and financed or subsidized on a contract basis by

local or state government, private industry, or any person, firm, association or agency, other than the student involved;

(g) an institution financed or subsidized by federal or special funds which has applied to the state board for exemption from the provisions of this act and which has been declared exempt by the state board because it has found that the operation of such institution is outside the purview of this act;

(h) the Kansas City college and bible school, inc.; and

(i) any postsecondary educational institution which was granted approval to confer academic or honorary degrees by the state board of education under the provisions of K.S.A. 17-6105 prior to its repeal.

New Sec. 5. (a) The state board may adopt rules and regulations for the administration of this act. Prior to the adoption of any such rules and regulations, the state board shall afford the advisory commission an opportunity to make recommendations thereon.

(b) Specific standards shall be set for determining those institutions which qualify for approval to confer or award academic degrees. Such standards shall be consistent with standards applicable to state educational institutions under the control and supervision of the state board.

(c) The state board shall maintain a list of institutions that have been issued a certificate of approval.

(d) Any state agency having information which will enable the state board to exercise its powers and perform its duties in administering the provisions of this act shall furnish such information when requested by the state board.

New Sec. 6. (a) The advisory commission on private and out-of-state postsecondary educational institutions is hereby created. The commission shall consist of nine members appointed by the state board. Except as provided by this section, members shall be appointed for terms of four years. Vacancies shall be filled by the state board for the unexpired term. Five members of the commission shall be owners or managers of private postsecondary educational institutions, at least two of the five members shall represent institutions, which at the time of appointment of such members, have enrollments of under 125 students, and at least one shall represent a degree granting institution. Four members shall be selected from among persons representing: Secondary schools, postsecondary schools, business and industry, members of the employment community, economic development interests of the state and health occupations.

(b) The commission shall elect one member as chairperson of the commission and such other officers as may be necessary.

(c) The commission shall meet at least once annually in Topeka during the month of October, and shall conduct special meetings on the call of the chairperson or the state board or at the request of at least four members of the commission.

(d) Members attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(e) A majority of the commission is a quorum to conduct business, but no less than four members must concur to pass upon any matter before the commission.

(f) The commission may recommend to the state board such policies, minimum standards and rules and regulations that the commission deems necessary for administering the provisions of this act.

New Sec. 7. (a) No institution may operate within this state without obtaining a certificate of approval from the state board as provided in this act. No institution shall confer or award any degree, whether academic or honorary, unless such institution has been approved for such purpose by the state board of regents.

(b) Any contract entered into by or on behalf of any owner, employee or representative of an institution which is subject to the provisions of this act, but which has not obtained a certificate of approval, shall be unenforceable in any action.

New Sec. 8. (a) Each institution shall apply to the state board for a certificate of approval. An institution shall not be required to obtain a separate certificate of approval for maintenance of any branch institution.

(b) An application for a certificate of approval shall be made on a form prepared and furnished by the state board and shall contain such information as may be required by the state board.

(c) The state board may issue a certificate of approval upon determination that an institution meets the standards established by the state board. The state board may issue a certificate of approval to any institution accredited by a regional or national accrediting agency recognized by the United States department of education without further evidence.

New Sec. 9. The state board shall issue a certificate of approval to an institution when the state board is satisfied that the institution meets minimum standards established by the state board by adoption of rules and regulations to insure that:

(a) Courses, curriculum and instruction are of such quality, content and length as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum or instruction are offered;

(b) institutions have adequate space, equipment, instructional material and personnel to provide education and training of good quality;

(c) educational and experience qualifications of directors, administrators and instructors are such as may reasonably insure that students will receive instruction consistent with the objectives of their program of study;

(d) institutions maintain written records of the previous education and training of students and applicant students, and that training periods are shortened when warranted by such previous education and training or by skill or achievement tests;

(e) a copy of the course outline, schedule of tuition, fees and other charges, settlement policy, rules pertaining to absence, grading policy and rules of operation and conduct are furnished to students upon entry into class;

(f) upon completion of training or instruction, students are given certificates, diplomas or degrees as appropriate by the institution indicating satisfactory completion of the program;

(g) adequate records are kept to show attendance, satisfactory academic progress and enforcement of satisfactory standards relating to attendance, progress and conduct;

(h) institutions comply with all local, state and federal regulations;

(i) institutions are financially responsible and capable of fulfilling commitments for instruction;

(j) institutions do not utilize erroneous or misleading advertising, either by actual statement, omission or intimation; and

(k) institutions have and maintain a policy, which shall be subject to state board approval, for the refund of unused portions of tuition, fees and other charges if a student enrolled by the institution fails to begin a course or withdraws or is discontinued therefrom at any time prior to completion. Such policies shall take into account those costs of the institution that are not diminished by the failure of the student to enter or complete a course of instruction.

New Sec. 10. (a) After review of an application for a certificate of approval and if the state board determines that the institution meets the requirements of this act, the state board shall issue a certificate of approval to the institution. Certificates of approval shall be in a form specified by the state board. Certificates of approval shall state:

(1) The date of issuance and term of approval;

(2) the correct name and address of the institution;

(3) the signature of the chief executive officer of the Kansas board of regents or a person designated by the state board to administer the provisions of this act; and

(continued)

(4) any other information required by the state board.
 (b) Certificates of approval shall be valid for a term of one year.
 (c) Each certificate of approval shall be issued to the owner of an institution and shall not be transferable. If a change in ownership of an institution occurs, the new owner shall apply within 30 days prior to the change in ownership for a new certificate of approval. The state board may waive the thirty-day requirement upon determination that an emergency exists and that the waiver and change in ownership would be in the best interests of students currently enrolled in the institution. Whenever a change in ownership occurs as a result of death, court order or operation of law, the new owner shall apply immediately for a new certificate of approval.

(d) At least 60 days prior to expiration of a certificate of approval, the state board shall forward to the institution a renewal application form.

(e) Any institution which is not yet in operation when its application for a certificate of approval is filed shall not accept payments for tuition, fees or other enrollment charges until receipt of the certificate of approval.

(f) Any institution which does not plan to renew a certificate of approval shall notify the state board of its intent not to renew at least 60 days prior to the expiration date of the certificate of approval.

New Sec. 11. (a) After review of an application for a certificate of approval and if the state board determines that the applicant does not meet the requirements of this act, the state board shall refuse to issue the certificate and set forth the reasons for the determination.

(b) If an applicant, upon written notification of refusal by the state board to issue a certificate of approval, desires to contest such refusal, the applicant shall notify the state board in writing, within 15 days after the date of service of such notice of refusal, of the desire to be heard. Such applicant shall be afforded a hearing in accordance with the provisions of the Kansas administrative procedure act. Upon conclusion of any such hearing, the state board shall issue a certificate of approval or a final refusal to do so.

(c) If an applicant, upon service of notice of refusal by the state board to issue a certificate of approval, fails to request a hearing within 15 days after the date of service of such notice of refusal, the state board's refusal shall be final.

New Sec. 12. (a) The state board may revoke a certificate of approval or impose reasonable conditions upon the continued approval represented by a certificate. Prior to revocation or imposition of conditions upon a certificate of approval, the state board shall give written notice to the holder of the certificate of the impending action setting forth the grounds for the action contemplated to be taken and affording a hearing on a date within 30 days after the date of such notice. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) A certificate of approval may be revoked or conditioned if the state board has reasonable cause to believe that the institution is in violation of any provision of this act or of any rules and regulations adopted under this act.

New Sec. 13. Any action of the state board pursuant to sections 10, 11 or 12, and amendments thereto, is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. If it appears to the state board on the basis of its own inquiries or investigations or as a result of a complaint that any provision of this act has been or may be violated, the state board may request the attorney general to institute an action enjoining such violation or for an order directing compliance with the provisions of this act.

New Sec. 14. (a) Each representative of an institution shall register with the state board. Application for registration may be made at any time on a form prepared and furnished by the state board and shall contain such information as may be required by the state board.

(b) Registration of a representative shall be effective upon receipt of notice from the state board and shall remain in effect until

expiration of the certificate of approval of the institution employing such representative. Renewal of representative registration shall be in accordance with the renewal application form forwarded to the institution by the state board.

(c) Denial or revocation of registration of a representative by the state board shall be in accordance with the provisions of this act applicable to denial or revocation of a certificate of approval.

(d) A representative employed by more than one institution shall not be required to register for each institution when such institutions have a common ownership.

New Sec. 15. (a) Before a certificate of approval is issued under this act, a bond in the penal sum of \$20,000 shall be provided by the institution for the period for which the certificate of approval is to be issued. The obligation of the bond shall be that the institution and its officers, agents, representatives and other employees shall be bound, upon closure of the institution, to deliver or make available to the state board the records of all students who are in attendance at the institution at the time of closure or who have attended the institution at any time prior to closure. The bond shall be a corporate surety bond issued by a company authorized to do business in this state. The bond shall be filed with the state board. If the institution ceases operation, the state board may recover against the bond all necessary costs for the acquisition, permanent filing and maintenance of student records of the institution.

(b) In lieu of the corporate surety bond required under subsection (a), an institution may provide any similar certificate or evidence of indebtedness or insurance as may be acceptable to the state board if such certificate or evidence of indebtedness or insurance is conditioned that the requirements of subsection (a) shall be met.

New Sec. 16. (a) Subject to the provisions of subsection (b), no tuition in an amount greater than \$350 shall be collected from a student by any institution more than 30 days before the student receives classroom instruction, and not more than \$150 of such amount may be retained by an institution from any student who fails to enter the institution.

(b) In the case of distance education, no tuition in an amount greater than \$200 shall be collected from a student prior to the first submission of a lesson by the student, and not more than \$75 of such amount may be retained by an institution from any student who fails to enter the institution.

New Sec. 17. (a) No person shall:

- (1) Operate an institution without a certificate of approval;
- (2) solicit prospective students without being registered as required by this act;
- (3) accept contracts or enrollment applications from a representative who is not registered as required by this act;
- (4) use fraud or misrepresentation in advertising or in procuring enrollment of a student;
- (5) use the term "accredited" in the name or advertisement of the institution unless such institution is accredited as defined in this act; and
- (6) use the term "university" in the name or advertisement of the institution unless such institution is a university as defined by this act.

(b) Violation of any provision of subsection (a) or of any other provision of this act is a class C nonperson misdemeanor.

New Sec. 18. Upon application of the attorney general or a county or district attorney, a district court shall have jurisdiction to enjoin any violation of this act and to enjoin persons from engaging in business in this state. In any action brought to enforce the provisions of this act, if the court finds that a person willfully used any deceptive or misleading act or practice, the attorney general or a county or district attorney, upon petition to the court, may recover on behalf of the state, in addition to the criminal penalties provided in this act, a civil penalty not exceeding \$1,000 for each violation. For purposes of this section, a willful violation occurs when the person committing the violation knew or should have known that the

conduct of the person consisted of acts or practices which were deceptive or misleading.

New Sec. 19. Any note or contract taken by any institution or its officers, directors, agents or representatives, without having complied with the provisions of this act, shall be null and void and any person who has entered into a contract with such institution or its officers, directors, agents or representatives shall be entitled to a full refund of the money or consideration paid plus interest accruing from the date of payment at a rate per annum equal to the rate specified in K.S.A. 16-207, and amendments thereto, together with other damages sustained by such person.

New Sec. 20. Whenever any institution negotiates any promissory instrument or note received from a student or on behalf of a student as payment of tuition or other fees charged by each institution, any person or assignee or holder to whom the instrument or note is assigned shall take such instrument or note subject to all defenses which would be available to the student from whom or on behalf of whom the instrument or note was received.

New Sec. 21. (a) The state board shall fix, charge and collect fees for certificates of approval, registration of representatives and providing transcripts to students who attended an institution that has ceased operation by adopting rules and regulations for such purposes, subject to the following limitations:

(1) For institutions domiciled or having their principal place of business within the state of Kansas:

Initial issuance of certificate of approval nondegree granting — not more than	\$1,700
Initial issuance of certificate of approval degree granting — not more than	\$2,000
Renewal of certificate of approval nondegree granting — not more than	\$1,200
Renewal of certificate of approval degree granting — not more than	\$1,600
Initial registration of representative — not more than.....	\$150
Annual renewal of registration of representative — not more than	\$100

(2) For institutions domiciled or having their principal place of business outside the state of Kansas:

Initial issuance of certificate of approval nondegree granting — not more than	\$3,400
Initial issuance of certificate of approval degree granting — not more than.....	\$3,800
Renewal of certificate of approval nondegree granting — not more than	\$2,400
Renewal of certificate of approval degree granting — not more than	\$2,800
Initial registration of representative — not more than.....	\$300
Annual renewal of registration of representative — not more than	\$200
Student transcript from institution that has ceased operation — not more than.....	\$10

(b) The state board shall determine on or before June 1 of each year the amount of revenue which will be required to properly carry out and enforce the provisions of the Kansas private and out-of-state postsecondary educational institution act for the next ensuing fiscal year and shall fix the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section. Prior to adoption of any such fees, the state board shall afford the advisory commission an opportunity to make recommendations on the proposed fees.

(c) Fees may be charged to conduct onsite reviews for degree granting or to review curriculum in content areas where the state board does not have expertise.

New Sec. 22. (a) The state board shall remit all moneys received pursuant to the provisions of this act to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount remitted in the state treasury and shall credit the same to the private and out-of-state postsecondary educational institution fee fund to be used for the purpose of administering this act. All

expenditures from such fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board or the board's designee.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the private and out-of-state postsecondary educational institution fee fund interest earnings based on: (1) The average daily balance of moneys in such fee fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

New Sec. 23. If any clause, paragraph, subsection or section of the Kansas private and out-of-state postsecondary educational institution act is found to be unconstitutional or invalid, it shall be conclusively presumed that the legislature would have enacted the remainder of the act without such unconstitutional or invalid clause, paragraph, subsection or section.

Sec. 24. K.S.A. 2003 Supp. 74-32,151, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-32,159, and amendments thereto, shall be known and may be cited as the workforce development loan program act.

(b) As used in the workforce development loan act, "postsecondary educational institution" shall have the meaning ascribed thereto by K.S.A. 74-3201b, and amendments thereto.

(c) Within the limits of appropriations and private contributions therefor, and in accordance with the provisions of this act, the state board of regents may award such loans to Kansas residents who are enrolled in or admitted to an area vocational technical school, technical college, community college, vocational school coordinated under the state board of regents or associate degree programs at postsecondary educational institutions and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-32,152 and amendments thereto.

(d) The board of regents may accept any private contributions to the program. The chief executive officer of the board of regents shall turn such contributions over to the state treasurer who shall deposit such moneys into the workforce development loan fund.

(e) After consultation with the secretaries of the departments of human resources, social and rehabilitation services and commerce, the board may establish a list of education programs in which an applicant must enroll to be eligible for a loan under this program.

(f) The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need with the highest priority given to those applicants with the greatest financial need who were in foster care on or before their 18th birthday or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate while in foster care. All loans shall be awarded to resident students attending area vocational technical schools, technical colleges, community colleges, area vocational schools or associate degree programs at postsecondary educational institutions. Special preference shall also be established for residents drawing unemployment compensation or such residents who were laid off from employment within the prior six months. The board may also establish preferences for workers deemed to be eligible for North American free trade agreement transition assistance under United States department of labor standards or the Kansas department of human resources standards.

(g) Loans awarded under this program shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such period of time. Such loans shall be awarded for the payment of tuition, fees, books, room and board and any other necessary school related expenses.

Sec. 25. K.S.A. 74-32,161, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 74-32,161. (a) As used in this section:

(continued)

(1) "Kansas educational institution" means ~~and includes area vocational schools, area vocational-technical schools, community colleges, state educational institutions and technical colleges~~ a postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto.

(2) "State board" means the state board of regents.

(b) Subject to appropriations therefor and except as otherwise provided by this section, every Kansas educational institution shall provide for enrollment without charge of tuition, undergraduate fees, including registration, matriculation and laboratory fees for any eligible applicant. No Kansas educational institution shall be required by this section to provide for the enrollment of more than ~~three~~ five new applicants in any academic year. An applicant who was in the custody of social and rehabilitation services on the date such applicant reached 18 years of age, *who has graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care, was released from the custody of the Kansas department of social and rehabilitation services prior to age 18 after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and in the custody of the Kansas department of social and rehabilitation services, or an applicant who was adopted from a foster care placement on or after such applicant's 16th birthday,* and who is accepted to a Kansas educational institution within two years following the date such applicant graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate shall be eligible for enrollment at a Kansas educational institution without charge of tuition or such fees *through the semester the eligible applicant reaches 21 years of age* not to exceed eight semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution which at the time of enrollment did not charge tuition or fees as prescribed by subsection (b), and amendments thereto, of the eligible applicant may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which the educational institution is entitled. Such payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible applicants are enrolled for the total amount of tuition and fees not charged eligible applicants for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which such eligible applicant or applicants are enrolled. If an eligible applicant discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible applicant would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state on behalf of such applicant for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the tuition waiver gifts, grants and reimbursements fund *unless such amount was from federal funds transferred under the authority of subsection (g) which funds shall be returned to the director of accounts and reports for reposit to the originating federal funding source.*

(d) The chief executive officer of the state board shall submit a report to the house and senate committees on education during the ~~2004~~ 2005 and ~~2006~~ 2007 regular session of the legislature on the results, outcomes and effectiveness of the tuition waiver program authorized by this section.

(e) The state board is authorized to receive any grants, gifts, contributions or bequests made for the purpose of supporting the tuition waiver program authorized by this section and to expend the same.

(f) There is hereby established in the state treasury the tuition waiver gifts, grants and reimbursements fund. Expenditures from the fund may be made for the purpose of payment of claims of Kansas educational institutions pursuant to this section and for such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the chief executive officer of the state board, or such officer's designee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief executive officer of the state board, or such officer's designee.

(g) During each year, the chief executive officer of the state board shall make one or more certifications of the amount or amounts required to pay claims received from Kansas educational institutions for tuition and fees under this section to the director of accounts and reports and the secretary of social and rehabilitation services. *Each certification made by the chief executive officer shall include a provision stating that 20% of the total amount or amounts required to pay claims received from Kansas educational institutions for tuition and fees under this section are either cash, in-kind contributions, state general funds or other nonfederal sources not used to match other funds, and that the remaining 80% shall be paid from the federal award from the foster care assistance federal fund.* Upon receipt of each such certification, the director of accounts shall transfer the amount certified from moneys received under the federal Chafee foster care independence grant and credited to the foster care assistance federal fund of the department of social and rehabilitation services to the tuition waiver gifts, grants and reimbursements fund of the state board. *Annual expenditures for the tuition waiver program made by the Kansas department of social and rehabilitation services shall not exceed a maximum of more than 30% of the amount of the federal award in effect on July 1 of each state fiscal year.*

(h) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the tuition waiver gifts and grants fund interest earnings based on:

(1) The average daily balance of moneys in the tuition waiver gifts and grants fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(i) Applicants eligible for the benefits under this section shall be exempt from the provisions of K.S.A. 76-717, and amendments thereto.

(j) The state board shall adopt rules and regulations requiring eligible applicants to be enrolled as a full-time undergraduate student in good academic standing and to maintain part-time employment to remain eligible and other rules and regulations, as appropriate, for administration of the applicable provisions of this section ~~and shall determine the eligibility of applicants for the benefits provided under this section.~~ *When there is a candidate that appears to meet the eligibility guidelines for federal Chafee funding administered by the Kansas department of social and rehabilitation services, the state board shall notify the Kansas department of social and rehabilitation services. The Kansas department of social and rehabilitation services shall notify the state board of approval of the candidate's eligibility.*

(k) The provisions of this section shall expire on June 30, 2006, except that any eligible applicant who received a tuition waiver before June 30, 2006, and is deemed by the state board to be eligible pursuant to this section shall be allowed to remain eligible until such applicant completes such applicant's course of study or becomes ineligible pursuant to the provisions of this section.

Sec. 26. K.S.A. 2003 Supp. 75-646, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 75-646. (a) Family postsecondary education savings accounts established pursuant to the provisions of K.S.A. 2003 Supp. 75-640 to 75-648, and amendments thereto shall be governed by the provisions of this section.

(b) A family postsecondary education savings account may be opened by any person or persons who desire to save money for the

payment of the qualified higher education expenses of the designated beneficiary. Such persons shall be considered the account owner.

(1) An application for such account shall be in the form prescribed by the state treasurer and contain the following:

- (A) The name, address and social security number or employer identification number of the account owner or owners;
- (B) the designation of a designated beneficiary;
- (C) the name, address and social security number of the designated beneficiary;
- (D) the certification relating to no excess contributions; and
- (E) such other information as the state treasurer may require.

(2) The state treasurer may establish a nominal nonrefundable application fee for such application.

(c) ~~From and after January 1, 2002~~; Any person may make contributions to the account after the account is opened.

(d) Contributions to accounts may be made only in cash.

(e) An account owner may withdraw all or part of the balance from an account on sixty-days' notice or such shorter period as may be authorized under rules and regulations governing the program.

(f) (1) An account owner may change the designated beneficiary of an account to an individual who is a member of the family of the prior designated beneficiary in accordance with procedures established pursuant to the provisions of K.S.A. 2003 Supp. 75-640 to 75-648, and amendments thereto.

(2) An account owner may transfer all or a portion of an account to another family postsecondary education savings account, the designated beneficiary of which is a member of the family as defined in section 529 of the federal internal revenue code of 1986, as amended.

(3) Changes in designated beneficiaries and transfers under this subsection shall not be permitted to the extent that they would constitute excess contributions or unauthorized investment choices.

(g) The program shall provide separate accounting for each designated beneficiary.

(h) Subject to the provisions of section 529 of the internal revenue code of 1986, in effect on January 1, 2002, or later versions as established in rules and regulations adopted by the treasurer, an account owner of any account shall be permitted to direct the investment of any contributions to an account or the earnings thereon.

(i) Neither an account owner nor a designated beneficiary may use an interest in an account as security for a loan. Any pledge of an interest in an account shall be of no force and effect.

(j) Except as provided in K.S.A. 2003 Supp. 75-640 through 75-648, and amendments thereto, or section 529 of the federal internal revenue code of 1986, as amended, any withdrawal made within one year after an account has been opened under a qualified tuition program as defined in section 529 of the federal internal revenue code of 1986, as amended, is a nonqualified withdrawal.

(k) (1) The state treasurer shall adopt rules and regulations to prevent contributions on behalf of a designated beneficiary in excess of an amount equal to the average amount of the qualified higher education expenses that would be incurred for five years of study at institutions of postsecondary education located in the midwest states. Such amount shall be determined annually by the state treasurer.

(2) Such rules and regulations shall include requirements that any excess contributions with respect to a designated beneficiary be promptly withdrawn in a nonqualified withdrawal or transferred to another account.

(l) (1) If there is any distribution from an account to any individual or for the benefit of any individual during a calendar year, such distribution shall be reported to the federal internal revenue service and the account owner or owners, the designated beneficiary, or the distributee to the extent required by federal law or regulation.

(2) Statements shall be provided to each account owner at least once each year within 60 days after the end of the twelve-month period to which they relate. The statement shall identify the contributions made during a preceding twelve-month period, the total contributions made to the account through the end of the period, the value of the account at the end of such period, distributions made

during such period and any other information that the state treasurer shall require to be reported to the account owner.

(3) Statements and information relating to accounts shall be prepared and filed to the extent required by federal and state tax law.

(m) (1) A state or local government, or agency or instrumentality thereof, or organization described in section 501(c)(3) of the federal internal revenue code of 1986, as amended, may open and become the account owner of an account to fund scholarships for persons whose identity will be determined upon disbursement.

(2) In the case of any account opened pursuant to provision (1) of this subsection, the requirement set forth in subsection (b) that a designated beneficiary be designated when an account is opened shall not apply and each individual who receives an interest in such account as a scholarship shall be treated as a designated beneficiary with respect to such interest.

(n) An annual fee may be imposed upon the account owner or owners for the maintenance of the account.

(o) An account owner or designated beneficiary of a Kansas postsecondary education savings account must be a citizen or resident of the United States of America.

(p) The program shall disclose the following information in writing to each account owner and prospective account owner of a family postsecondary education savings account:

- (1) The terms and conditions for purchasing a family postsecondary education savings account;
- (2) any restrictions on the substitution of beneficiaries;
- (3) the person or entity entitled to terminate the savings agreement;
- (4) the period of time during which a beneficiary may receive benefits under the savings agreement;
- (5) the terms and conditions under which money may be wholly or partially withdrawn from the program, including, but not limited to, any reasonable charges and fees that may be imposed for withdrawal;

(6) the probable tax consequences associated with contributions to and distributions from accounts; and

(7) all other rights and obligations pursuant to savings agreements, and any other terms, conditions and provisions deemed necessary and appropriate by the state treasurer.

(q) Nothing in K.S.A. 2003 Supp. 75-640 to 75-648, and amendments thereto, or in any savings agreement entered into pursuant to K.S.A. 2003 Supp. 75-640 to 75-648, and amendments thereto, shall be construed as a guarantee by the state of Kansas or any institution of postsecondary education that a beneficiary will be admitted to the institution of postsecondary education or, upon admission to any institution of postsecondary education, will be permitted to continue to attend or will receive a degree from such institution of postsecondary education.

(r) ~~The amendments to this section by this act shall apply to any action or transaction taken or occurring from and after January 1, 2002~~ Moneys in a family postsecondary education savings account shall be exempt from attachment, execution or garnishment as provided by K.S.A. 60-2308, and amendments thereto.

Sec. 27. K.S.A. 2003 Supp. 79-32,117, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation

(continued)

of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2003 Supp. 79-32,204 and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2003 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) *et seq.*

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 1993, the amount of income earned on contributions deposited to an individual development account under K.S.A. 79-32,117h, and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.

(xv) For all taxable years beginning after December 31, 1999, amounts not exceeding \$2,000; or \$4,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. *For*

all taxable years beginning after December 31, 2004, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2003 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 28. K.S.A. 2003 Supp. 13-13a25, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 13-13a25. (a) As used in K.S.A. 13-13a25 through 13-13a34, and amendments thereto:

(1) "Board of levy" means the board of county commissioners of every county in which there is not located a municipal university and the township trustee, township clerk and township treasurer, acting as a board, of every township within every county in which there is located a municipal university, except that board of levy shall not include a township within a county in which there is located a municipal university which has levied a countywide retailer's sales tax.

(2) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

(3) "Municipal university district" means the taxing district of a municipal university.

(4) "Taxing subdivision" means every county in which there is not located a municipal university and every township within every county in which there is located a municipal university, except that taxing subdivision shall not include a township within a county in which there is located a municipal university which has levied a countywide retailer's sales tax.

(5) "State board" means the state board of regents.

(b) The provisions of this section shall expire on June 30, 2005 2006.

Sec. 29. K.S.A. 2003 Supp. 13-13a26, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 13-13a26. (a) The board of regents of a municipal university, in accordance with rules and regulations of the state board, shall determine and collect an amount of out-district tuition to be charged for each student attending the municipal university whose residence is outside of the municipal university district.

(b) The board of levy of any taxing subdivision charged with payment of out-district tuition shall levy a tax on all of the taxable property of the taxing subdivision sufficient to pay all out-district tuition charges authorized by this act.

(c) The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition the board of levy shall allow and pay the same promptly from the special fund. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the general fund of the taxing subdivision or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition.

(d) The total out-district tuition charged by a municipal university shall be: (1) For the ~~2000 fiscal year, an amount equal to the number of duly enrolled out-district students times \$24 for each~~

~~credit hour of each such duly enrolled out-district student, (2) for the 2001 fiscal year, an amount equal to the number of duly enrolled out-district students times \$18 for each credit hour of each such student, (3) for the 2002 fiscal year, the 2003 fiscal year and the 2004 fiscal year and the 2005 fiscal year, an amount equal to the number of duly enrolled out-district students times \$12 for each credit hour of each such student; and (4) (2) for the 2005 2006 fiscal year, an amount equal to the number of duly enrolled out-district students time \$6 for each credit hour of each such student.~~

(e) Out-district tuition shall ~~only~~ be charged *only* for credit hours of students if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore preengineering courses.

(f) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the taxing subdivision.

(g) The levy of taxes and the payment of out-district tuition by counties required under the provisions of this section shall not be subject to the exercise of home rule by counties under ~~the provisions of article 1 of chapter 19 of Kansas Statutes Annotated. Counties shall have no power to exempt from, or effect changes in, the provisions of this section.~~ K.S.A. 19-101a, and amendments thereto.

(h) Taxes levied by townships under the authority of this section shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the aggregate tax levy limit prescribed by K.S.A. 79-1962, and amendments ~~thereof thereto~~.

(i) In May of each fiscal year, the board of regents shall notify each board of levy of the approximate amount of out-district tuition which will be charged to the taxing subdivision in the succeeding fiscal year.

(j) The provisions of this section shall expire on June 30, 2005 2006.

Sec. 30. K.S.A. 2003 Supp. 13-13a27, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 13-13a27. (a) Out-district tuition shall be based only upon enrollments of students who are residents of the state of Kansas. For the purpose of determination of out-district tuition: (1) Persons enrolling in a municipal university who, if adults, have not been, or if minors, whose parents have not been, residents of the state of Kansas for six months prior to enrollment for any term or session are non-residents of the state of Kansas; and (2) persons enrolling in a municipal university who, if adults, have not been, or if minors, whose parents have not been, residents of the municipal university district for six months prior to enrollment for any term or session are non-residents of the municipal university district.

(b) For the purpose of determining residence of persons, the residence of minors shall be determined as provided in K.S.A. 72-1046, and amendments thereto, and of adults as provided in subpart *twenty-third* of K.S.A. 77-201, and amendments thereto.

(c) The state board of regents may adopt rules and regulations prescribing criteria or guidelines for determination of residence of students and shall make conclusive determination of any residence matter for the purpose of determination of liability of taxing subdivisions for out-district tuition.

(d) The provisions of this section shall expire on June 30, 2005 2006.

Sec. 31. K.S.A. 2003 Supp. 13-13a29, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 13-13a29. (a) The determination of credit hours of duly enrolled out-district students shall be made at the end of the fifth week of the regular spring and fall semesters and at the end of the equivalent period for summer sessions. The determination of credit hours of duly enrolled out-district students for payments for short-term courses shall be made at such times as are prescribed by the state board of regents.

(continued)

(b) On or before November 1 and on or before April 1 of each year, the president and treasurer of a municipal university shall certify under oath to the state board the total number of duly enrolled credit hours of out-district students of the municipal university during the current school term. The state board may require a municipal university to furnish any additional information deemed necessary by it to carry out the provisions of this act and shall prescribe such forms, to be approved by the attorney general, as may be necessary for making such reports.

(c) The state board and the post auditor may audit the records of a municipal university to verify the accuracy of the reports submitted by the municipal university. The state board may promulgate rules and regulations for the administration of this act.

(d) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 32. K.S.A. 2003 Supp. 13-13a31, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 13-13a31. (a) Subject to the provisions of subsection (b), no out-district tuition shall be charged or paid for any student attending a municipal university whose residence outside the municipal university district is in a taxing subdivision in which there is located a community college.

(b) The provisions of subsection (a) shall not apply to any such out-district student when the course of study or program which the student selects, or a course of study or program which is substantially equivalent thereto, is not offered in the community college which is located in the taxing subdivision in which such student resides.

(c) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 33. K.S.A. 2003 Supp. 13-13a32, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 13-13a32. (a) Subject to the provisions of subsection (b), no out-district tuition shall be charged to or paid by any county in which there is located a municipal university for any student attending a community college whose residence outside the community college district is in a county in which there is located a municipal university.

(b) The provisions of subsection (a) shall not apply to any such out-district student when the course of study or program which the student selects, or a course of study or program which is substantially equivalent thereto, is not offered in the municipal university which is located in the county in which such student resides.

(c) The provisions of this section shall expire on June ~~20~~ 30, ~~2005~~ 2006.

Sec. 34. K.S.A. 2003 Supp. 13-13a33, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 13-13a33. (a) The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for the purpose of determining which courses of study and programs offered in the community colleges are substantially equivalent to the courses of study and programs offered in municipal universities. A current, complete list of such courses of study and programs shall be maintained on file in the office of the state board of regents, and shall be open for public inspection at any reasonable time.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 35. K.S.A. 2003 Supp. 13-13a34, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 13-13a34. (a) No out-district tuition charged by a municipal university shall be based upon any course or program which is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with the municipal university and for which payments of state or federal moneys are made to the area vocational school, area vocational-technical school, or technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 36. K.S.A. 2003 Supp. 19-101a, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) (A) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto.

(B) This provision shall expire on June 30, ~~2005~~ 2006.

(17) (A) Counties may not exempt from or effect changes in K.S.A. 71-301a, and amendments thereto.

(B) This provision shall expire on June 30, ~~2005~~ 2006.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c

and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(25) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.

(28) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(29) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(30) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199 or K.S.A. 2003 Supp. 17-5909, and amendments thereto.

(31) Counties may not exempt from or effect changes in K.S.A. 2003 Supp. 80-121, and amendments thereto.

(32) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

Sec. 37. K.S.A. 2003 Supp. 71-301a, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-301a. (a) The board of trustees, in accordance with rules and regulations of the state board, shall determine an amount of out-district tuition to be charged for each out-district student attending the community college. The board of county commissioners of any county charged with payment of out-district tuition shall levy a tax on all of the taxable property of the county sufficient to pay all out-district tuition charges authorized by this act. The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition, the board of county commissioners shall allow and pay the same from the special fund within 45 days from the receipt of such statement. If there is insufficient or

no money in the special fund, out-district tuition shall be paid from the county general fund or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition. If the board of county commissioners fails to pay such amount at the time required under this subsection, the board of trustees shall notify the state board of such failure to pay and shall certify to the state board the amount to be paid. Upon receipt by the state board of such notification, the amount to be paid as certified to the state board shall become an amount due and owing to the state board. The state board shall notify the board of county commissioners that this amount is now due and owing to the state board. If the board of county commissioners fails to pay such amount to the state board within 14 days of the receipt of such notification, the state board shall initiate proceedings under K.S.A. 75-6201 *et seq.* for the collection of such money. Money paid to or collected by the state board under this subsection shall be deposited in the out-district tuition suspense account which is hereby created in the state treasury. The state board shall pay moneys from this account, in accordance with rules and regulations of the state board, to the community colleges entitled to receive such money.

(b) The total out-district tuition charged by a community college shall be: (1) For the ~~2000~~ fiscal year, an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such student; (2) for the 2001 fiscal year, an amount equal to the number of duly enrolled out-district students times \$18 for each credit hour of each such student; (3) for the 2002 fiscal year, the 2003 fiscal year and the 2004 fiscal year and the 2005 fiscal year, an amount equal to the number of duly enrolled out-district students times \$12 for each credit hour of each such student; and ~~(4)~~ (2) for the ~~2005~~ 2006 fiscal year, an amount equal to the number of duly enrolled out-district students times \$6 for each credit hour of each such student.

(c) In May of each fiscal year, the board of trustees shall notify the board of county commissioners of the approximate amount of out-district tuition which will be charged to the county in the succeeding fiscal year.

(d) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the county.

(e) The provisions of this section shall take effect and be in force on July 1, 1999, and shall expire on June 30, ~~2005~~ 2006.

Sec. 38. K.S.A. 2003 Supp. 71-304, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-304. (a) Notwithstanding any provision contained in chapter 71 of Kansas Statutes Annotated to the contrary, and subject to the provisions of K.S.A. 71-305, and amendments thereto, no out-district tuition shall be charged or paid for any student attending a community college whose residence outside the community college district is in another community college district.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 39. K.S.A. 2003 Supp. 71-305, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-305. (a) The provisions of K.S.A. 71-304, and amendments thereto, do not apply to any out-district student when the course of study or program which the student selects, or a course of study or program which is substantially equivalent thereto, is not offered in the community college of the district in which such student resides.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 40. K.S.A. 2003 Supp. 71-306, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-306. (a) The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for the purpose of determining which courses of study and programs offered in the

(continued)

community colleges are substantially equivalent. A current, complete list of such courses of study and programs shall be maintained on file in the office of the state board of regents, and shall be open for public inspection at any reasonable time.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 41. K.S.A. 2003 Supp. 71-308, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-308. (a) No out-district tuition charges shall be based upon credit hours in any subject or course the principal part of which is taught at a location outside the county of the main campus of a community college, unless the location of such subject or course is specifically authorized by the state board of regents.

(b) (1) No out-district tuition charges shall be based upon credit hours in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection. No authorization required by this subsection shall be considered to be or construed in any manner as an agreement provided for by subsection (c).

(2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

(3) The provisions of this subsection are subject to the provisions of subsection (c).

(c) No out-district tuition charges shall be based upon credit hours in any subject or course all or the principal part of which is taught at Fort Hays state university or at Wichita state university under an agreement for the teaching of such subject or course entered into by a community college and either such university. An agreement entered into under the provisions of this subsection for the teaching of a subject or course by a community college at Fort Hays state university or at Wichita state university shall constitute the authorization required by subsection (b) for the teaching of such subject or course, and no separate authorization under subsection (b) shall be required.

(d) No out-district tuition charges shall be based upon any course or program if such course or program is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with a community college and for which payments of state or federal moneys are made to the area vocational school, the area vocational-technical school, or the technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated.

(e) No out-district tuition charges shall be based upon any motorcycle driver safety course conducted by a community college.

(f) The provisions of this section shall take effect and be in force on July 1, 1999, and shall expire on June 30, ~~2005~~ 2006.

Sec. 42. K.S.A. 2003 Supp. 71-401, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-401. (a) Persons enrolling in a community college who, if adults, have not been, or if minors, whose parents have not been residents of the county in which is located the principal campus of the community college for at least six months prior to enrollment for any term or session are nonresidents of the community college district for the purpose of determining liability of counties for payment of out-district tuition.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 43. K.S.A. 2003 Supp. 71-402, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read

as follows: 71-402. (a) For the purpose of determining the county of residence of persons, residence of minors shall be determined as provided in K.S.A. 72-1046, and amendments thereto, and of adults as provided in subpart *Twenty-third* of K.S.A. 77-201, and amendments thereto.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 44. K.S.A. 2003 Supp. 71-403, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-403. (a) The state board of regents may adopt rules and regulations prescribing criteria or guidelines for determination of residence of students for the purpose of determining liability of counties for out-district tuition of students in community colleges. The state board may make conclusive determination of any residence matter for the purpose of determination of out-district tuition.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 45. K.S.A. 2003 Supp. 71-610, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-610. (a) Notwithstanding any provision contained in chapter 71 of Kansas Statutes Annotated to the contrary, whenever there are two community college districts located within one county, no out-district tuition shall be charged for any student residing in such county and attending either such community college.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 46. K.S.A. 2003 Supp. 71-1705, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 71-1705. (a) Notwithstanding any provision contained in chapter 71 of Kansas Statutes Annotated to the contrary, whenever any area vocational school or area vocational-technical school consolidates with a community college in accordance with the provisions of this act, no out-district tuition shall be charged for any student enrolled in any vocational education course or program offered by the community college if such course or program was taught in the area vocational school or area vocational-technical school immediately prior to the consolidation of such area vocational school or area vocational-technical school with such community college and as a result of such consolidation such course or program is now being offered by the community college.

(b) The provisions of this section shall expire on June 30, ~~2005~~ 2006.

Sec. 47. K.S.A. 72-4432, as repealed by section 49 of 2004 House Bill No. 2795, is hereby revived and amended to read as follows: 72-4432. The distribution of postsecondary aid shall be made from appropriations therefor each school year, commencing ~~November 1, 1974~~ August 1, 2004, as follows:

(a) The amount of postsecondary aid for each school as computed by the state board shall be distributed in payments as follows: On ~~November 1~~ August 1 an amount equal to 50% of the estimated entitlement for the school year, on ~~March 1~~ an amount equal to 30% of such entitlement and on ~~May 1~~ and on January 1 the balance of such entitlement with adjustments for overpayment or underpayment of the prior payments in accordance with the most recent, available information. The state board shall certify to the director of accounts and reports the amount due as postsecondary aid to each school five days before each payment date. If the amount appropriated shall be insufficient to pay in full the amount each school is entitled to receive as postsecondary aid as computed by the state board, then the entire amount remaining shall be prorated among all schools in proportion to the amount each school is entitled to receive. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school entitled to payment of postsecondary aid, upon vouchers approved by the state board. Upon receipt of such warrant, each such treasurer shall deposit the same in the operating fund of the school.

In the event any school is paid more than it is entitled to receive under any distribution made under this act, the state board shall notify the school of the amount of such overpayment, and such school shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. If any such school fails so to remit, the state board shall deduct the excess amounts so paid from future payments becoming due to such school. In the event any school is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the school year in which the underpayment was made or within 60 days after the end of such school year.

New Sec. 48. (a) On and after July 1, 2006:

(1) No postsecondary educational institution shall print or encode a person's social security number on or into the person's identification card.

(2) Any distinguishing identifier assigned to the person's identification card shall be a combination of numbers or letters or both, which is unique to such person.

(3) A person's distinguishing identifier shall not, in any way, be based on or depend on the person's social security number.

(b) As used in this section:

(1) "Person" means an employee of or a student enrolled at a postsecondary educational institution.

(2) "Postsecondary educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges and private institutions of postsecondary education.

Sec. 49. K.S.A. 2003 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) On or before July 1, 2005, all technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

(1) The composition of the independent governing board;

(2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;

(3) the method of election or appointment and the terms of service of the members of the independent governing board;

(4) the date upon which the independent governing board shall assume management and control of the technical college;

(5) the manner, terms upon which and extent to which the facilities, will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and

(6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2003 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.

(b) (1) Upon approval of the plan by the state board of regents and the governing body of the technical college which submitted the plan, and on the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.

(2) After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant to subsection (a), the state board of regents shall

have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.

(c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:

(1) Determine the vocational, technology and general education courses of instruction that will comprise the associate of applied science degree programs of the college;

(2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;

(3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a vocational education program of the college; ~~and~~

(4) appoint teaching staff and ~~to~~ fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet certification requirements greater than those required in the state educational institutions;

(5) *have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;*

(6) *select a chairperson and such other officers as it deems desirable, from its membership;*

(7) *sue and be sued;*

(8) *appoint and fix the compensation and term of office of a president or chief administrative officer of the college;*

(9) *fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;*

(10) *enter into contracts;*

(11) *accept any gifts, grants or donations;*

(12) *acquire and dispose of real or personal property;*

(13) *enter into lease agreements as lessor of any property owned or controlled by the college;*

(14) *adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;*

(15) *contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether located within or outside the state of Kansas for the conduct by any such agency of academic or vocational education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;*

(16) *appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;*

(17) *take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;*

(18) *issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college; and*

(19) *enter into agreements with counties relating to funding for capital improvement projects at technical colleges.*

Sec. 50. K.S.A. 72-1111, as revived by section 1, 72-4432, as revived by section 47, and 74-32,161, as revived by section 25, and

(continued)

K.S.A. 2003 Supp. 13-13a25, as revived by section 28, 13-13a26, as revived by section 29, 13-13a27, as revived by section 30, 13-13a29, as revived by section 31, 13-13a31, as revived by section 32, 13-13a32, as revived by section 33, 13-13a33, as revived by section 34, 13-13a34, as revived by section 35, 19-101a, as revived by section 36, 71-301a, as revived by section 37, 71-304, as revived by section 38, 71-305, as revived by section 39, 71-306, as revived by section 40, 71-308, as revived by section 41, 71-401, as revived by section 42, 71-402, as revived by section 43, 71-403, as revived by section 44, 71-610, as revived by section 45, 71-1705, as revived by section 46, 72-4470a, 74-32,151, as revived by section 24, 75-646, as revived by section 26, and 79-32,117, as revived by section 27, are hereby repealed.

Sec. 51. K.S.A. 72-1111, as amended by section 1 of 2004 House Bill No. 2795, sections 2 through 23 of 2004 House Bill No. 2795, section 48 of 2004 House Bill No. 2795, 72-4432, as amended by section 47 of 2004 House Bill No. 2795, 72-4916, 72-4919, 72-4920, 72-4921, 72-4922, 72-4924 through 72-4937, inclusive, 72-4939, 72-4940, 74-3249 through 74-3253 and 74-32,161, as amended by section 25 of 2004 House Bill No. 2795, and K.S.A. 2003 Supp. 13-13a25, as amended by section 28 of 2004 House Bill No. 2795, 13-13a26, as amended by section 29 of 2004 House Bill No. 2795, 13-13a27, as amended by section 30 of 2004 House Bill No. 2795,

13-13a29, as amended by section 31 of 2004 House Bill No. 2795, 13-13a31, as amended by section 32 of 2004 House Bill No. 2795, 13-13a32, as amended by section 33 of 2004 House Bill No. 2795, 13-13a33, as amended by section 34 of 2004 House Bill No. 2795, 13-13a34, as amended by section 35 of 2004 House Bill No. 2795, 19-101a, as amended by section 36 of 2004 House Bill No. 2795, 71-301a, as amended by section 37 of 2004 House Bill No. 2795, 71-304, as amended by section 38 of 2004 House Bill No. 2795, 71-305, as amended by section 39 of 2004 House Bill No. 2795, 71-306, as amended by section 40 of 2004 House Bill No. 2795, 71-308, as amended by section 41 of 2004 House Bill No. 2795, 71-401, as amended by section 42 of 2004 House Bill No. 2795, 71-402, as amended by section 43 of 2004 House Bill No. 2795, 71-403, as amended by section 44 of 2004 House Bill No. 2795, 71-610, as amended by section 45 of 2004 House Bill No. 2795, 71-1705, as amended by section 46 of 2004 House Bill No. 2795, 72-4938, 74-32,151, as amended by section 24 of 2004 House Bill No. 2795, 75-646, as amended by section 26 of 2004 House Bill No. 2795, and 79-32,117, as amended by section 27 of 2004 House Bill No. 2795, are hereby repealed.

Sec. 52. This act shall take effect and be in force subsequent to the effective date of 2004 House Bill No. 2795 and shall take effect and be in force from and after its publication in the Kansas register.

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
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1-6-23	Amended	V. 22, p. 1230
1-9-4	Amended	V. 23, p. 718
1-45-1 through 1-45-7		
1-45-7	Revoked	V. 22, p. 226
1-45-7a	Revoked	V. 22, p. 226
1-45-8 through 1-45-14		
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		
1-45-24	New	V. 22, p. 226-228
1-45-18	Amended (T)	V. 23, p. 424
1-45-19	Amended (T)	V. 23, p. 424
1-45-20	Amended (T)	V. 23, p. 424
1-45-23	Amended (T)	V. 23, p. 425
1-45-24	Amended (T)	V. 23, p. 425
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

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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
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5-24-11	New	V. 23, p. 69
5-25-1	Amended	V. 22, p. 1819
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5-25-8	Amended	V. 22, p. 1821
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5-25-11	Amended	V. 22, p. 1821
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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

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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		
9-19-11	Revoked (T)	V. 22, p. 1261
9-19-1 through 9-19-11		
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
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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
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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
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AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

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14-15-1	New	V. 22, p. 123
14-15-2	New	V. 22, p. 123

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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

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19-2-2	Amended	V. 23, p. 41
19-20-4	New	V. 23, p. 42
19-60-3	Amended	V. 23, p. 42
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AGENCY 26: DEPARTMENT ON AGING

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26-2-9	Amended	V. 22, p. 1259

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28-1-4	Amended (T)	V. 22, p. 2031
28-1-4	Amended	V. 23, p. 203
28-1-20	Amended	V. 23, p. 360
28-4-576	Amended (T)	V. 23, p. 389
28-4-577	Amended (T)	V. 23, p. 390
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28-4-583	Amended (T)	V. 23, p. 392
28-4-585	Amended (T)	V. 23, p. 392
28-4-587	Amended (T)	V. 23, p. 394
28-4-590	Amended (T)	V. 23, p. 396
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28-4-705	New (T)	V. 23, p. 398-400
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28-15-36	Amended	V. 23, p. 309
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	
28-45-12	New (T)	V. 22, p. 537-548
28-45-12	through	
28-45-30	New	V. 22, p. 1310-1321
28-45-1	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. 23, p. 694
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
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

(continued)

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 23, p. 426
40-1-50	New (T)	V. 23, p. 244
40-1-51	New	V. 23, p. 361
40-2-26	Amended	V. 23, p. 151
40-2-27	New	V. 23, p. 825
40-3-20	Revoked	V. 23, p. 693
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
44-5-115	Amended (T)	V. 23, p. 384
44-6-115a	Amended (T)	V. 22, p. 383
44-6-115a	Amended	V. 22, p. 1231
44-7-104	Amended (T)	V. 23, p. 385
44-7-113	Amended (T)	V. 23, p. 386
44-12-313	Amended (T)	V. 23, p. 386
44-12-601	Amended (T)	V. 23, p. 387
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
68-7-20	New	V. 23, p. 382
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 70: BOARD OF VETERINARY EXAMINERS

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

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-1	Revoked	V. 23, p. 151
71-1-2	Revoked	V. 23, p. 151
71-1-3	Revoked	V. 23, p. 151
71-1-8	Revoked	V. 23, p. 151
71-1-10	Revoked	V. 23, p. 151
71-1-11	Revoked	V. 23, p. 151

71-1-15	Amended	V. 23, p. 151
71-2-1	Revoked	V. 23, p. 151
71-2-4	Revoked	V. 23, p. 151
71-2-5	Amended	V. 23, p. 717
71-2-6	Revoked	V. 23, p. 718
71-2-7	Amended	V. 23, p. 718
71-2-9	Revoked	V. 23, p. 151
71-2-12	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
71-6-1	Amended	V. 23, p. 383
71-6-5	Amended	V. 23, p. 718
71-7-1	New	V. 23, p. 152

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-1	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. 1667
82-3-101	Amended	V. 23, p. 426
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431

82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433
82-3-700		
82-3-704	Amended (T)	V. 23, p. 152-155
82-3-700	through	
82-3-704	Amended	V. 23, p. 538-541
82-3-705	through	
82-3-710	New (T)	V. 23, p. 155-158
82-3-705	through	
82-3-710	New	V. 23, p. 541-544
82-4-2	Amended	V. 22, p. 86
82-4-3a	New (T)	V. 23, p. 578
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		
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
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-23-7	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
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-31-16	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
100-11-1	Amended (T)	V. 23, p. 580
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
100-54-4	Amended (T)	V. 23, p. 383
100-55-4	Amended (T)	V. 23, p. 383
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. 23, p. 823

**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
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309

111-4-2094	New	V. 23, p. 100
111-4-2095 through 111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116 through 111-4-2125	New	V. 23, p. 311-318
111-4-2126 through 111-4-2146	New	V. 23, p. 459-471
111-5-96	Amended	V. 23, p. 101
111-5-111 through 111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-7-188 through 111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473

**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
112-10-13	New	V. 23, p. 495
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. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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