

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 24, No. 1 January 6, 2005 Pages 1-32

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State of Kansas

State Records Board

Notice of Meeting

The Kansas State Records Board will meet at 8:30 a.m. Thursday, January 13, at the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist

Doc. No. 031500

State of Kansas

University of Kansas

Notice to Bidders

Proposals for the item listed below will be received by E & I Cooperative Service, Inc. (E&I) at the time and date indicated in the bid documents, and then will be publicly opened. Interested bidders may call (631) 630-8280 or fax (631) 273-3370 for additional information:

January 31, 2005

RFP E&I 682215

Fixed Seating

Barry Swanson
Director of Purchasing and
Business Services
University of Kansas, Lawrence

Doc. No. 031483

(Published in the Kansas Register January 6, 2005.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, February 11, for the following project:

(KDOT Project No. 87TE-01956-01/472-83812/203342)

(OCA Code 706876)

Paving

Bike path along the Little Arkansas River with rest stations from 13th St. North to 21st St. North

Requests for the bid documents and plans should be directed to City Blue Print, (316) 265-6224, or to Marty Murphy, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at (316) 268-4499 or Marty Murphy at (316) 268-4488 for extra sets of plans and specifications.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

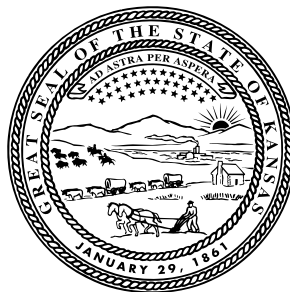
Doc. No. 031495

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State of Kansas

Kansas Insurance Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, March 24, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed changes in an existing rule and regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Deletria Nash, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Deletria Nash at (785) 296-4140.

Copies of the regulation may be obtained from the department's Web site, www.ksinsurance.org, under the "Legal Issues" header. Copies also may be obtained by contacting Deletria Nash. The charge for copies is 50 cents per page.

A summary of the regulation and its economic impact follows:

K.A.R. 40-3-53. Fire and casualty insurance; electronic verification of insurance. This regulation requires motor vehicle liability insurance companies authorized to do business in Kansas to provide verification of insurance electronically or online. The regulation allows exemptions from this requirement if an insurer provided this information electronically or online prior to the amendment of K.S.A. 8-173 by L. 2004, ch. 128, sec. 3. The regulation also allows exemptions to be granted upon request to companies if specified requirements as stated in the regulation are met. In addition, this regulation sets out requirements as to how verification shall be provided and adopts two documents that are published by the Kansas Department of Revenue. These documents give the requirements for companies to provide electronic or online verification.

Initially, additional costs could be incurred by insurance companies in having individuals on staff to provide these verifications, which could have an economic impact on insurers. Therefore, these entities will not experience any economic impact. There will be little or no economic impact upon governmental agencies or consumers.

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 031460

State of Kansas

Board of Cosmetology

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Monday, March 7, in the conference room of the Kansas Board of Cosmetology, 714 S.W. Jackson, Suite 100, Topeka, to consider adoption of proposed changes in existing regulation K.A.R. 69-1-4.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving public comments on the proposed amended regulation. All interested parties may submit written comments seven days prior to the hearing to the executive director of the Kansas Board of Cosmetology, 714 S.W. Jackson, Suite 100, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Cherie Daniels at (785) 296-3155. Handicapped parking spaces are located on the east side of Jackson Street. The entrance to the board office is accessible to individuals with disabilities.

This regulation is proposed for adoption on a permanent basis. A summary of the amended regulation and its economic impact follows:

K.A.R. 69-1-4. Grades necessary to pass licensure examinations; development and administration of licensure examination. This amended regulation implements a client protection portion within each of the practical licensure examinations (cosmetology, nail technology, esthetics and electrology). The purpose of this regulation is to facilitate the board's responsibility to ensure the health and safety of the consuming public.

The regulation also outlines the percentage required on the written examination for school instructor licensure.

There is no economic impact to the Kansas Board of Cosmetology, other state agencies or the general public. Licensure candidates presently register for the exam and pay the appropriate fee to a professional occupational testing and licensing service company. Exam fees will not increase due to this amended regulation.

Copies of the regulation and economic impact statement may be obtained by contacting the Board of Cosmetology at the address and phone number above.

Mary Lou Davis
Executive Director

Doc. No. 031481

State of Kansas

Kansas Judicial Council

Notice of Meetings

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

Date	Committee	Time	Location
Jan. 14	Legal Forms	9:30 a.m.	Room 259
Jan. 21	PIK Civil	9:30 a.m.	Room 259
Jan. 28	Guardianship & Conservatorship	9:30 a.m.	Room 259
Feb. 4	Judicial Evaluations	9:30 a.m.	Room 259
Feb. 11	Legal Forms	9:30 a.m.	Room 259
Feb. 18	Probate Law	9:30 a.m.	Room 259
Feb. 18	PIK Civil	9:30 a.m.	Room 269
Feb. 25	Appellate Procedure	9:30 a.m.	Room 259

Hon. Donald L. Allegrucci
Chair

Doc. No. 031479

State of Kansas

Attorney General

2004 Update to Guidelines for Takings of Private Property

Pursuant to K.S.A. 77-704 of the Private Property Protection Act, the following summary of decisions and pending cases constitutes the 2004 update to the Attorney General's Guidelines.

The original guidelines may be found in Vol. 14, No. 51 of the Kansas Register, published December 15, 1995. Annual updates may be found in the Kansas Register at Vol. 16, No. 1, published January 2, 1997; Vol. 16, No. 52, published December 25, 1997; Vol. 17, No. 53, published December 31, 1998; Vol. 18, No. 52, published December 30, 1999; Vol. 20, No. 1, published January 4, 2001; Vol. 21, No. 1, published January 3, 2002; Vol. 21, No. 52, published December 26, 2002; and Vol. 23, No.1, published January 1, 2004.

The guidelines and annual updates also may be found on the Attorney General's Web site at <http://www.ksag.org/Divisions/Logic/main.htm>.

Lingle v. Chevron, No. 04-163.

The United States Supreme Court has granted certiorari in this case in which the State of Hawaii is appealing the Ninth Circuit Court's ruling that a Hawaii statute regulating the amount of rent that oil companies can charge gasoline station operators constituted a "taking of property" requiring just compensation because, in the Court's view, the statute did not substantially advance Hawaii's interest in controlling gasoline costs paid by consumers.

Hawaii will argue that the Just Compensation Clause does not require that generally-applicable legislation "substantially advance" a legitimate government interest, and that the Court should have given more weight to the fact that the statute did not prevent Chevron from being able to make a profit, dispelling any argument that the statute deprived them of all economically viable uses of the property. The decision below is *Chevron U.S.A., Inc. v. Cayetano*, 57 F.Supp.2d 1003 (D. Hawaii 1998), *vacated*

and remanded, 224 F.3d 1030 (9th Cir. 2000), on remand, 198 F.Supp.2d 1182 (D. Hawaii 2002), *affirmed sub nom, Chevron U.S.A., Inc. v. Lingle*, 363 F.3d 846 (9th Cir. April 1, 2004).

Kelo v. City of New London, Conn., No. 04-108.

The United States Supreme Court also has granted petition for review of the Connecticut Supreme Court's decision that economic development constitutes a valid public use under the Takings Clause.

Petitioners in this case sought to enjoin the City of New London and the New London Development Corporation from exercising eminent domain powers to condemn petitioners' property "in furtherance of an economic development plan that was projected to create in excess of 1,000 jobs, to increase tax and other revenues to the city, and to revitalize an economically distressed city, including its downtown and waterfront areas." *Kelo v. New London*, 268 Conn. 1, 843 A.2d 500 (March 9, 2004). The trial court denied the petitioners' request for injunction on one parcel involved, finding that economic development is a valid public use under the Takings Clause, that these takings would sufficiently benefit the public and bear reasonable assurances of future public use and that the taking of the property was reasonably necessary to the development plan; it granted petitioners' request for injunction on another parcel finding that the condemnation of that parcel was not reasonably necessary to accomplish the development plan. The Supreme Court of Connecticut affirmed the trial court's ruling on the first parcel, and reversed the decision on the second parcel, finding that there was no violation of the Takings Clause for any of the condemned property.

The Connecticut Supreme Court's decision in this case is diametrically opposed to a ruling earlier this year by the Supreme Court of Michigan. In *County of Wayne v. Hathcock*, 471 Mich. 445, 684 N.W.2d 765 (July 30, 2004), the Michigan Supreme Court held that an economic development plan wherein the county intended to transfer the condemned properties to private parties for a 1,300-acre business and technology park was not consistent with the common understanding of "public use" as required by the Michigan Constitution. *County of Wayne v. Hathcock* dealt only with Michigan statutes and constitutional provisions, whereas *Kelo* involves a takings analysis under the United States Constitution, so the decision in *Kelo* will not affect the Michigan decision, but the two decisions reflect the difference of opinion in this area of takings jurisprudence.

Bock v. Westar Energy, Inc., 87 P.3d 375 (Kan.App. April 9, 2004)

This case does not contain a takings analysis, but does discuss inverse condemnation and eminent domain under K.S.A. 26-501 *et seq.*

Phill Kline
Attorney General

Doc. No. 031496

State of Kansas

Department of Commerce

Notice to Private Activity Bond Applicants

Applications for allocation of 2005 Private Activity Bond (PAB) authority are now being accepted for qualified uses, as defined by the Internal Revenue Code of 1986, and amendments thereto.

The state of Kansas is projected to receive \$239,180,000 of federal authority for the issuance of PABs in calendar year 2005. Historically, the primary uses of this federal authority have included "qualified small issue bonds" used for construction and equipping of manufacturing facilities and beginning farmer programs; "exempt facility bonds" used by for-profit entities providing a public benefit, i.e., certain waste treatment facilities, qualified residential rental facilities, etc.; and "qualified mortgage bonds" issued to benefit first-time homebuyers. Allocations awarded by the Secretary of Commerce are subject to the provisions of K.S.A. 74-5060 et seq. and the limitations of the state volume cap.

Fees associated with PAB application and issuance are as follows:

(1) Application fee—A nonrefundable fee must accompany the application before the request can be processed. The application fee is determined as follows:

- \$250 for allocation requests up to \$5,000,000
- \$500 for allocation requests from \$5,000,001 to \$10,000,000
- \$1,000 for allocation requests from \$10,000,001 and above

(2) Issuance Fee—An issuance fee for allocation amounts utilized, other than "qualified mortgage bonds" issued, shall be due and payable to the Kansas Department of Commerce at bond closing. Issuance fees shall be determined as follows:

Allocation Used	Fee
To \$2,000,000	5 basis points (.05%)
\$2,000,001 and above	10 basis points (.10%)

"Qualified mortgage bond" programs will be assessed a fee, upon issuance of each mortgage loan assisted through the program, equal to .5% of the PAB allocation used.

Issuance fees shall be remitted within 30 days of bond closing. Checks for both the application and issuance fees for nonhousing issues should be made payable to the Kansas Department of Commerce Bond Fee Fund. Checks for the issuance fees for housing activities should be made payable to the State Housing Trust Fund.

For more information or to obtain application materials, contact Cary Catchpole or Steve Kelly, Kansas Department of Commerce, 1000 S.W. Jackson, Suite 100, Topeka, 66612-1354, (785) 296-5298 or TTY (785) 296-3487.

Howard Fricke
Secretary of Commerce

Doc. No. 031499

State of Kansas

Secretary of State

Code Mortgage Rate for January

Pursuant to the provisions of K.S.A. 2003 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of January 1, 2005 through January 31, 2005, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 031485

State of Kansas

Secretary of State

Usury Rate for January

Pursuant to the provisions of K.S.A. 2003 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of January 1, 2005 through January 31, 2005, is 7.13 percent.

Ron Thornburgh
Secretary of State

Doc. No. 031484

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. January 19 and then publicly opened:

District One—Northeast

Atchison—7-3 K-9560-01—K-7 over White Clay Creek, bridge repair. (State Funds)

Jackson-Marshall—106 K-9912-01—Various locations in Jackson and Marshall counties, 49.3 miles, grind rumble strips. (State Funds)

Jefferson—24-44 K-9883-01—U.S. 24 from Mile Post 372 to Mile Post 386.5, 14.5 miles, guard fence replacement. (State Funds)

Johnson—35-46 K-9564-01—Clare Road over I-35, bridge repair. (State Funds)

Lyon—50-56 K-6829-01—U.S. 50 bridge over the Atchison Topeka and Santa Fe Railroad, 0.9 mile east of K-99, bridge replacement. (Federal Funds)

Osage—75-70 K-9572-01—U.S. 75 southbound over local road, bridge overlay. (State Funds)

Riley—24-81 K-9562-01—U.S. 24, .5 mile southeast of the U.S. 24/K-13 junction, bridge repair. (State Funds)

Riley—18-81 K-3433-02—K-18/K-113 interchange at Manhattan, interchange reconstruction. (Federal Funds)

Riley—18-81 K-3433-03—K-18 bridge over K-113 in Manhattan, bridge replacement. (Federal Funds)

(continued)

Riley—16-81 K-9191-01—K-16 bridge over the Big Blue River at Tuttle Creek, bridge repair. (State Funds)

Wyandotte—435-105 K-9893-01—I-435 from 98th Street north to the Missouri River bridge, 8.2 miles, pavement marking. (State Funds)

District Two—Northcentral

Clay—9-14 K-9597-01—K-9, Parsons Creek drainage, culvert repair. (State Funds)

District—106 K-9925-01—Various locations in District Two, milling. (State Funds)

Geary—57-31 K-9125-01—Dry Creek drainage bridges on K-57 south of I-70, bridge replacement. (Federal Funds)

Geary—57-31 K-9148-01—K-57 Dry Creek drainage bridge, 7.7 miles south of I-70, bridge repair. (State Funds)

Geary—57-31 K-9154-01—K-57, West Branch Humboldt Creek drainage and three other K-57 culverts, culvert replacement. (State Funds)

Ottawa-Saline—106 K-9911-01—U.S. 81, 1.8 miles south of K-106 north 14.6 miles; I-135, .5 mile north of the Mentor interchange north 9.7 miles, 24.3 miles, joint repair. (State Funds)

Saline—85 K-8307-02—North Ohio Street over the Union Pacific Railroad and the Central Kansas Railroad tracks in Salina, grading. (State Funds)

Washington—9-101 K-9598-01—K-9 culvert north of the south junction of K-15, culvert repair. (State Funds)

District Three—Northwest

District—106 K-9922-01—Various locations in District Three, 88.5 miles, milling. (State Funds)

Trego—283-98 K-6803-01—U.S. 283 from the Ness-Trego county line north 10 miles, grading, bridge and surfacing. (Federal Funds)

Trego—283-98 K-6804-01—U.S. 283, 10 miles north of the Ness-Trego county line north to the south I-70 ramps, 11.9 miles, grading, bridge and surfacing. (Federal Funds)

District Four—Southeast

Anderson—2 C-3853-01—County road 0.6 mile west and 0.1 mile north of Greeley, 0.5 mile, grading and bridge. (Federal Funds)

Bourbon—6 U-1934-01—Horton Street from Jayhawk Road north 0.3 mile in Fort Scott, grading and surfacing. (Federal Funds)

Crawford—7-19 K-7404-01—K-7 from the Cherokee-Crawford county line north to the junction of K-126, 5 miles, pavement reconstruction. (Federal Funds)

Woodson—54-104 K-8414-01—Intersection of U.S. 54 (Mary Street) and U.S. 75 (Fry Street) in Yates Center, 0.1 mile, intersection improvement. (State Funds)

Chautauqua—166-10 K-9825-01—U.S. 166 from the Cowley-Chautauqua county line east to the junction of K-99, 19.9 miles overlay. (State Funds)

Chautauqua—10 K-9833-01—K-99 from the Oklahoma-Kansas state line north to the east junction of U.S. 166; U.S. 166 from the west junction of U.S. 166 east to the east junction of U.S. 166, 12.5 miles, overlay. (State Funds)

District Five — Southcentral

Barton—4-5 K-7385-01—K-4 Cow Creek bridge, 10.6 miles east of the U.S. 281 east junction, bridge replacement. (Federal Funds)

Cowley—77-18 K-9767-01—U.S. 77 from the Oklahoma-Kansas state line north to the south city limits of Arkansas City, 3 miles, overlay. (State Funds)

Cowley—160-18 K-9769-01—U.S. 160 from the east junction of K-15 east to the Cowley-Elk county line, 19.5 miles, slurry seal. (State Funds)

Reno—50-78 K-7395-01—U.S. 50 from the junction of K-14 east 7.8 miles, grading and surfacing. (Federal Funds)

Sedgwick-Sumner—49-106 K-9785-01—K-49 from the Sumner-Sedgwick county line north to the junction of K-42; K-49 west junction of U.S. 160 north to the Sumner-Sedgwick county line, 15.1 miles, overlay. (State Funds)

Reno—96-78 K-9908-01—K-96 from the east city limits of Nickerson east 4 miles, overlay. (State Funds)

District Six—Southwest

District—106 K-9906-01—Various locations in Seward, Gray, Clark and Ford counties, 22.3 miles, milling. (State Funds)

Meade—23-60 K-7387-01—K-23 bridges 10.5 miles south of U.S. 54 and 4.2 miles north of K-98, bridge replacement. (Federal Funds)

Ness—96-68 K-6816-01—K-96, Long Branch bridge 1.3 miles east of the junction of U.S. 283, bridge replacement. (Federal Funds)

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

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

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

Deb Miller
Secretary of Transportation

Doc. No. 031454

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. A response may be submitted by e-mail to neil@ksdot.org, or seven signed copies of the response may be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages. Responses must be received by 5 p.m. January 14 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short-listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

106 K-9926-01
Statewide

The scope of services is to perform a review of the short line loan/grant component of the 1998 Comprehensive Transportation Program (CTP). After five years of funding and numerous rehabilitation and acquisition projects, the review should answer the following questions: (1) Has the short line railroad loan/grant program been a good investment of state dollars? (2) Should the short line railroad loan/grant program be continued after the final year of funding in state fiscal year 2007?

Finding out if the "short line railroad loan/grant program has been a good investment of state dollars" may best be determined by looking at: first, the economic impact of the program at both local and state level; second, operating efficiencies and customer service; and third, the highway damage and maintenance costs avoided due to the existence of short line railroads.

"Should the short line railroad loan/grant program be continued after the final year of funding in State Fiscal Year 2007" can be answered, in part, from the results of the economic impact component of the study. Additional key considerations that should be taken into account in determining the continuation of the program would be: (1) The "rationalization" of the Class I (especially the BNSF) railroad infrastructure in Kansas and the role short line railroads will play in this process; (2) the pos-

sible future consolidation of the short line rail system in Kansas; (3) the projected increase of wheat production in the state; (4) the 286,000 pound jumbo grain hopper car issue; and (5) the future freight trend forecasts.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

Deb Miller
 Secretary of Transportation

Doc. No. 031475

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for safety projects on an as-needed basis according to guidelines provided by KDOT's Bureau of Traffic Engineering. Two or four firms will be selected. A response may be submitted by e-mail to neil@ksdot.org, or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages. Responses must be received by 5 p.m. January 27 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short-listed will be notified by letter.

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It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

Deb Miller
 Secretary of Transportation

Doc. No. 031457

(Published in the Kansas Register January 6, 2005.)

Summary Notice of Bond Sale
City of Topeka, Kansas
\$5,635,000*
General Obligation Bonds
Series 2005-A

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

Bids

Subject to the official notice of bond sale and preliminary official statement to be dated on or about January 10, 2005, sealed, facsimile and electronic bids will be received, in the case of sealed and facsimile bids, by the city clerk of the city of Topeka, Kansas (as issuer), on behalf of the governing body of the city at City Hall, 215 E. 7th St., Topeka, KS 66603, and, in the case of electronic bids, by the city's financial advisors on behalf of the governing body of the city on the Columbia Capital Auction Web site, www.columbiacapitalauction.com, until 11 a.m. Tuesday, January 18, 2005, for the purchase of \$5,635,000* principal amount of General Obligation Bonds, Series 2005-A. No bid of less than 100 percent of the aggregate principal amount of the bonds, plus accrued interest, if any, thereon to the date of delivery will be considered, and no supplemental interest payments will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated the date of delivery, and will become due August 15 in the years as follows:

Year	Principal Amount*
2006	\$205,000
2007	210,000
2008	215,000
2009	220,000
2010	225,000
2011	230,000
2012	240,000
2013	250,000
2014	255,000
2015	265,000
2016	275,000
2017	285,000
2018	300,000
2019	310,000
2020	320,000
2021	335,000
2022	350,000
2023	365,000
2024	380,000
2025	400,000

The city reserves the right to modify the total amount of the bonds and the amount of any maturity in order to properly structure certain funds and accounts and substantially obtain annual debt service parameters determined by the city, based upon the interest rates and reoffering yields submitted by the successful bidder. The principal amount of any maturity will not be adjusted by more than the greater of (i) 5.00 percent of the principal amount of such maturity and (ii) \$100,000. Upon notification of preliminary award, the successful bidder must transmit to the city within 20 minutes, by fax or e-mail, its reoffering yields on the bonds. The successful bidder will be notified by means of telephone or facsimile transmission of any modification to such principal amount not later than 2 p.m. Central Standard Time on the sale date. If the principal amount is modified, the city will seek to modify the maturity schedule, or make other mutually agreeable changes, in a way that will neither increase nor reduce the successful bidder's spread as a percentage of the principal amount of the bonds issued after taking into account such adjustments. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the bonds or principal of any maturity as described herein.

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

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on February 15 and August 15 in each year, beginning August 15, 2005.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas, is designated as the paying agent and bond registrar for the bonds.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$112,700 (representing 2 percent of the principal amount of the bonds).

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered to the facilities of the Depository Trust Company, New York, New York, without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the city for the year 2004 is \$998,496,604. The total general obligation bonded indebtedness of the city, following the issuance of the bonds, is \$156,755,000.

Approval of Bond

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from Jim Langford, Director of Budget and Financial Services, (785) 368-3970, fax (785) 368-3975; or from the city's financial advisor, Columbia Capital Management, LLC, 6950 Squibb Road, Suite 400, Mission, KS 66202, (913) 248-8500, fax (913) 248-8502.

Dated December 30, 2004.

City of Topeka, Kansas
 Iris E. Walker, City Clerk
 City Hall
 215 S.E. 7th St.
 Topeka, KS 66603
 (785) 368-3940

* Subject to change.

Doc. No. 031490

(Published in the Kansas Register January 6, 2005.)

Summary Notice of Bond Sale
City of Lenexa, Kansas
\$1,160,000
General Obligation Bonds, Series 2005A
(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated January 10, 2005, bids will be received on behalf of the city clerk of the city of Lenexa, Kansas, at the offices of Springsted Incorporated, 380 Jackson St., Suite 300, St. Paul, MN 55101-2887, by delivery or via facsimile at (651) 223-3046, or, in the case of electronic proposals, via *PARITY* electronic bid submission system, until 11 a.m. January 18, 2005, for the purchase of \$1,160,000 principal amount of General Obligation Bonds, Series 2005A. Only bids with a purchase price at or between 99 percent to 100 percent of the par value of the bonds, plus accrued interest to the date of delivery, will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated February 1, 2005, and will become due September 1 in the years as follows:

Year	Principal Amount
2006	\$ 85,000
2007	110,000
2008	110,000
2009	110,000
2010	115,000
2011	120,000
2012	120,000
2013	125,000
2014	130,000
2015	135,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2006.

A bidder may elect to have all or a portion of the bonds scheduled to mature in consecutive years issued as term bonds subject to the requirements set forth in the notice of sale.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$23,200 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about February 10, 2005, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2004 is \$935,927,140. The total applicable general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$42,278,911. The total of all general obligation debt of the city as of the date of the bonds, including the bonds being sold and excluding \$1,795,000 in temporary notes being paid with the proceeds of the bonds and other available funds, is \$99,065,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from Doug Robinson, the city's finance director, at (913) 477-7544; from the city's financial advisor, Springsted Incorporated of St. Paul, Minnesota, at (913) 345-8062, Attention: Marty Nohe; or from bond counsel, Kutak Rock LLP, 444 W. 47th St., Suite 200, Valencia Place, Kansas City, MO 64112-1914, (816) 960-0090, Attention: Dorothea Riley.

Dated January 6, 2005.

City of Lenexa, Kansas
 by Mary Sue Fry
 City Clerk
 Lenexa City Hall
 12350 W. 87th St. Parkway
 Lenexa, KS 66215
 (913) 477-7500

Doc. No. 031482

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 1-3-05 through 1-9-05

Term	Rate
1-89 days	2.12%
3 months	2.21%
6 months	2.55%
1 year	2.75%
18 months	2.94%
2 years	3.07%

Derl S. Treff
Director of Investments

Doc. No. 031477

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. Wellington Municipal Power Plant has applied for a Class I operating permit renewal 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.

Wellington Municipal Power Plant, Wellington, owns and operates a production of electricity for industrial, commercial and residential customers located at 317 S. Washington, Wellington.

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, Suite 3050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Ann L. Spitz, (785) 291-3271, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, 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 Ann L. Spitz, 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 February 7.

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 February 7 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's 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 Harriet Jones, 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. 031486

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-05-001/003

Name and Address of Applicant	Waterway	Type of Discharge
Cessna Aircraft Mid-Continent 6330 Southwest Blvd. Wichita, KS 67277	Arkansas River via Valley Center Floodway via Slough Creek	Process, Stormwater and Noncontact Cooling Water
Kansas Permit No. I-AR94-PO09		Federal Permit No. KS0000485

Facility Description: The proposed action is to modify an existing permit for a discharge of mixed wastewaters. This facility is engaged in the manufacture and assembly of propeller driven and jet aircraft. Domestic waste, boiler blowdown, cooling tower blowdown and process wastewater pretreatment plant effluent are discharged to the sanitary sewer. Noncontact cooling water and stormwater runoff are commingled prior to discharge. Contaminated groundwater from recovery wells and building wells is treated in an air stripper and commingled with stormwater prior to discharge. Modification of the existing permit consists of changing the monitoring point for pH compliance and changing the monitoring frequency for flow measurement. All other terms, conditions and provisions of the permit remain in full force and effect. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Cessna Aircraft Company 5800 E. Pawnee Wichita, KS 67277-7704	Arkansas River via Chisholm Creek via Gypsum Creek	Treated Groundwater and Noncontact Cooling Water
Kansas Permit No. I-AR94-PO05		Federal Permit No. KS0000647

Legal: NE, S1, T28S, R1E, Sedgwick County

Facility Name: Cessna Aircraft Division - Pawnee Facility

Facility Description: The proposed action is to modify an existing permit for operation of an existing facility. This facility is engaged in the manufacture and assembly of single engine aircraft. All process wastewater and domestic wastewater is discharged to the sanitary sewer. Noncontact cooling water and flows from two groundwater remediation operations are discharged. Modification of the existing permit consists of changing the monitoring point for pH compliance and changing the monitoring frequency for flow measurement and pH. All other terms, conditions and provisions of the permit remain in full force and effect. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Aggregates 11252 Aurora Ave. Des Moines, IA 50322	Deer Creek via Unnamed Tributary	Process Wastewater & Stormwater Runoff
Kansas Permit No. I-KS31-PO17		Federal Permit No. KS0089923

Legal: SE¼, S22 and W¼, S23, T12S, R17E, Shawnee and Douglas Counties

Facility Name: Big Springs Quarry

Facility Description: The proposed action is to modify an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry and crushing operation with washing. Modification of the existing permit consists of adding Outfalls 005 and 006. The modified permit contains generic water-quality language to protect waters of the state for the added outfalls. All other terms, conditions and provisions of the permit shall remain in full force and effect. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

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

objections considered in the decision making process. Comments or objections should be submitted to the attention of April Romero for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before February 5 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-05-001/003) 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. 031489

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

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

01/18/2005	08001	Comparison and Contrast of HealthConnect and HealthWave Managed Care Programs with the Standard Free-for-Service Medicaid Program
01/18/2005	08022	Trucks with Utility Body and Bucket Lift
01/20/2005	08002	Metropolitan Area Network (MAN) Connectivity — KANWIN Network
01/20/2005	08030	Abandoned Well Plugging
02/08/2005	08023	Banking Services

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

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

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

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

Chris Howe
Director of Purchases

Doc. No. 031491

State of Kansas

**Department of Health
and Environment**

Notice of Hearing

The Kansas Department of Health and Environment received an application from Forest View Landfill, LLC (a subsidiary of Allied Waste Industries, Inc.) to expand the existing municipal solid waste landfill, located at 4800 Kaw Drive, Kansas City, Kansas, in Section 12, Township 11 South, Range 24 East of Wyandotte County. The landfill was initially permitted in 1985 under Permit No. 469. It was re-permitted in 2001 under Permit No. 817 due to a change in ownership. The current permit allows disposal on 63 acres of the 123-acre property. Additional land has been acquired, and the applicant proposes to expand the disposal area to 92.5 acres on the 159.2-acre property. The expansion would increase the disposal area by 23.6 acres on the west and 5.9 acres on the east, directly abutting the existing disposal area. The expansion volume would be approximately 3,504,400 cubic yards, which would provide an additional 5.9 years of capacity at the current disposal rate of 1,500 tons per day.

The Unified Government of Wyandotte County/Kansas City, Kansas has certified that the application described herein is consistent with the Wyandotte County solid waste management plan and is consistent with local land use restrictions/zoning. KDHE has reviewed the application and found it to be in conformance with the state solid waste statutes and regulations.

KDHE is providing public notice of its intent to issue an amended permit to Forest View Landfill, LLC to allow the proposed expansion described herein. However, a final decision to issue the permit has not been made, and KDHE will consider information gathered during the public comment period before making a final decision. A copy of the administrative record, which includes the permit application, engineering drawings, draft permit and other information with respect to this permit action, will be available for public review through February 15 during normal business hours at the following locations:

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

Unified Government of Wyandotte County/
Kansas City, Kansas
Department of Public Works
701 N. 7th St.
Kansas City, KS 66101
Contact: Michael Tobin
(913) 573-5400

Additionally, the application form is available for public viewing via the Internet at www.kdhe.state.ks.us/waste. Anyone wishing to comment on the proposed facility should submit written statements by 5 p.m. February 15 to Paul Graves of KDHE at the address listed above, by fax at (785) 296-1592, or by e-mail at pgraves@kdhe.state.ks.us. Comments that are postmarked by February 15 and received within one week thereafter also will be considered.

An informational meeting and public hearing will be held in conjunction with the public comment period. The informational meeting will begin at 6 p.m. Tuesday, February 8, in the Commission Chamber on the first floor of the Unified Government's Municipal Building, 701 N. 7th St., Kansas City. At the informational meeting, KDHE staff will be present in an informal setting to respond to questions from interested individuals. Immediately following the informational meeting, a public hearing will be conducted at 7 p.m. at the same location to provide a forum for individuals to make formal comments, which will be recorded by KDHE. KDHE will subsequently issue written responses to all formal comments, including written comments received through the end of the public comment period and verbal comments recorded during the public hearing.

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031497

State of Kansas

Behavioral Sciences Regulatory Board**Notice of Hearing on Proposed
Administrative Regulations**

The Behavioral Sciences Regulatory Board will conduct a public hearing from 9 to 10 a.m. Monday, March 14, in the board conference room at 712 S. Kansas Ave., Topeka, to consider adopting proposed amendments to permanent rules and regulations for psychology, social work, professional counseling, master's level psychology, and marriage and family therapy.

This 60-day notice of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, 712 S. Kansas Ave., Topeka, 66603-3817. All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Phyllis Gilmore at (785) 296-3240 or the Kansas Relay Center at 1-800-766-3777. There is designated accessible parking on Kansas Ave., and the front entrance of the board office also is accessible.

Copies of the full text of each regulation and each economic impact statement may be reviewed or obtained at the board office and also are available on the board's Web site at www.ksbsrb.org. The following is a summary of the proposed amendments and economic impact statements. The board does not have a less costly or less intrusive method for achieving the stated purpose of each regulation.

K.A.R. 102-1-13, 102-2-3, 102-3-2, 102-4-2 and 102-5-2 contain the fee requirements for psychology, social work, professional counseling, master's level psychology, and marriage and family therapy licensure. The changes are increases in certain fees.

Economic Impact: The projected ending balance for the BSRB fee fund at the end of FY 06 is \$83,161 and is projected to be \$34,573 at the end of FY 07 with the current fee structure. With the proposed increases in fees, approximately an additional \$94,600 would be generated. With 20 percent going to the state general fund, the board would have a net increase in revenues of \$75,680.

K.A.R. 102-1-18, 102-2-14, 102-3-15, 102-4-15 and 102-5-14 contain the designation of the referral source for use in the diagnosis and treatment of mental disorders. The change is an update to the title of the current version.

Economic Impact: There would be no economic impact to the Behavioral Sciences Regulatory Board other than the purchase of the new version. There would be no economic impact to other governmental agencies, the public, applicants or licensees.

K.A.R. 102-2-8 and 102-2-12 contain the licensure and supervision requirements for clinical social work licensure. The changes allow for greater flexibility in meeting current supervision requirements for clinical licensure.

Economic Impact: There would be no economic impact to the Behavioral Sciences Regulatory Board or to other governmental agencies, the public, applicants or licensees.

Phyllis Gilmore
Executive Director

Doc. No. 031480

State of Kansas

Historic Sites Board of Review**Notice of Meeting**

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, February 26, in classrooms A and B in the Kansas Museum of History on the grounds of the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider allocations of fiscal year 2005 Historic Preservation Fund grants. The board also will evaluate the following properties for the National Register of Historic Places and/or the Register of Historic Kansas Places:

- Historic Public Schools of Kansas context statement
- Eugene Ware School, 900 E. 3rd, Fort Scott, Bourbon County
- Long Island School, Washington St., Long Island, Phillips County
- Lyons High School, 401 S. Douglas Ave., Lyons, Rice County
- Shallow Water School, 180 Barclay Ave., Shallow Water, Scott County
- Topeka High School, 800 S.W. 10th Ave., Topeka, Shawnee County
- Rooks County Record Building, 501 Main, Stockton, Rooks County
- Cook's Hotel, 113 W. Myrtle, Independence, Montgomery County
- Burns Rental Houses Historic District, 615, 617, 621 N. 3rd St., Atchison, Atchison County
- Jansen House, 806 N. 3rd St., Atchison, Atchison County
- Hausner House, 400 N. 3rd St., Atchison, Atchison County
- Schmitt House, 1110 W. Division St., Atchison, Atchison County
- Ebenezer Baptist Church, 826 Riley, Atchison, Atchison County
- Lamphear-Mitchell House, 417 N. 4th St., Atchison, Atchison County
- Pilgrim Congregational Church, 101 N. 3rd St., Arkansas City, Cowley County
- Krueger Building, 811 Fort St., Hays, Ellis County
- Teichgraber House, 116 E. Mill St., Lindsborg, McPherson County
- Memorial Hall, Pennsylvania and Locust, Independence, Montgomery County
- Fitz House, 1014 Houston St., Manhattan, Riley County
- St. Joseph's Church, 105 Oak St., Damar, Rooks County
- Dream Theater, 629 N. Main St., Russell, Russell County
- Lewelling House, 1245 N. Broadway, Wichita, Sedgwick County
- Tinkham Veal Building, 909-911 S.W. Kansas Ave., Topeka, Shawnee County
- Spickard House, 201 N. Green, Stafford, Stafford County

(continued)

- Covenanter Church, 113 N. Green, Stafford, Stafford County
- Houston House, 350 Kansas Ave., Rexford, Thomas County (State Register only)

The Kansas State Historical Society welcomes individuals with disabilities to participate in its activities. If special accommodations are needed, contact Faye Johnson at the Cultural Resources Division, Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext. 240, by February 18 to discuss the nature of the disability and what the Kansas State Historical Society may do to ensure participation in the activity.

Jennie Chinn
Executive Director

Doc. No. 031498

State of Kansas

Board of Healing Arts

Permanent Administrative Regulations

Article 72.—NATUROPATHY

100-72-8. Naturopathic formulary. The following list shall constitute the naturopathic formulary for drugs and substances that are approved for intramuscular (IM) or intravenous (IV) administration, or both, by a naturopathic doctor pursuant to a written protocol entered into with a physician:

- (a) Electrolytes and carrier solutions:
 - (1) Sterile water (IV, IM);
 - (2) electrolyte solution (IV);
 - (3) lactated ringers (IV);
 - (4) saline solution (IV); and
 - (5) half normal saline (IV);
- (b) vitamins:
 - (1) Vitamin C (IV);
 - (2) B complex (IV, IM);
 - (3) folic acid (IV, IM);
 - (4) vitamin D (IV);
 - (5) vitamin E (IV);
 - (6) vitamin K (IV, IM);
 - (7) vitamin A (IV, IM); and
 - (8) vitamin B₁₂ (IV, IM);
- (c) minerals:
 - (1) Calcium (IV, IM);
 - (2) chromium (IV, IM);
 - (3) copper (IV, IM);
 - (4) iron (IV, IM);
 - (5) zinc (IV, IM);
 - (6) iodine (IV, IM);
 - (7) magnesium (IV, IM);
 - (8) selenium (IV, IM);
 - (9) molybdenum (IV, IM);
 - (10) vanadium (IV, IM);
 - (11) phosphorus (IV, IM); and
 - (12) manganese (IV, IM);
- (d) amino acids:
 - (1) Amino acids, singular or in combination (IV);
 - (2) glutathione (IV, IM);
 - (3) tryptophan (IV); and

- (4) 5 hydroxy tryptophan (IV);
 - (e) botanicals:
 - (1) Glycyrrhizin (IV, IM); and
 - (2) thujone-free artemisia (IV, IM); and
 - (f) the following miscellaneous drugs and substances:
 - (1) Lipids (IV);
 - (2) co-enzyme Q 10 (also known as ubiquinone or Co-Q 10) (IV, IM);
 - (3) alpha lipoic acid (IV, IM);
 - (4) hydrochloric acid (IV);
 - (5) epinephrine (IM);
 - (6) chelators, only with prior board approval:
 - (A) EDTA (IV); and
 - (B) DMPS (IV);
 - (7) diphenhydramine hydrochloride (IV, IM); and
 - (8) atropine sulfate (IV).
- (Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7212; effective Jan. 21, 2005.)

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 031488

State of Kansas

Board of Cosmetology

Temporary Administrative Regulations

Article 1.—LICENSING AND QUALIFICATIONS OF COSMETOLOGISTS

69-1-4. Grades necessary to pass licensure examinations; development and administration of licensure examinations. (a) Each applicant taking the state board of cosmetology examinations shall be granted a license authorizing the practice of cosmetology, nail technology, esthetics, or electrology if the applicant attains the following examination scores:

- (1) An average of at least 75 percent on the practical examination sections. However, each applicant shall be required to attain a score of at least 75 percent on the client protection section of the practical examination; and
- (2) at least 75 percent on the written examination.

(b) Each applicant for licensure as an instructor shall be required to attain a score of at least 75 percent on the written examination for instructors, in addition to meeting the applicable requirements specified in K.S.A. 65-1903, and amendments thereto.

(c) The licensure examinations shall be developed and administered by the board or by a board-approved examination provider. (Authorized by and implementing K.S.A. 65-1905; effective Jan. 1, 1966; amended May 1, 1981; amended Feb. 21, 1994; amended March 22, 1996; amended, T-69-12-29-04, Dec. 29, 2004.)

Mary Lou Davis
Executive Director

Doc. No. 031493

State of Kansas
Kansas Insurance Department
 Temporary Administrative
 Regulations

Article 3.—FIRE AND CASUALTY INSURANCE

40-3-53. Fire and casualty insurance; electronic verification of insurance. (a) Each motor vehicle liability insurer writing insurance in the state shall provide the secretary of revenue with verification of each insured's insurance on-line or electronically by January 1, 2005. An exemption from this requirement may be granted upon request for any company that has less than 0.01 percent of the market share based on that company's commercial or personal automobile insurance written premiums or that has stated its intent to leave the automobile insurance market pursuant to K.S.A. 40-2,123 and amendments thereto. The 0.01 percent threshold shall be based on the specific line of coverage for which the company is seeking this exemption. Except as provided in subsection (b), the verification required by this subsection shall be in conformity with the following documents, which are hereby adopted by reference:

(1) The "Kansas insurance reporting guide," published by the Kansas department of revenue and dated November 2004; and

(2) the "Kansas insurance reporting map example," published by the Kansas department of revenue and dated July 2004.

(b) Any motor vehicle liability insurer that provided verification of insurance on-line or electronically before July 1, 2004 may continue to provide this verification in the same manner.

This regulation shall be effective on and after January 1, 2005. (Authorized by K.S.A. 40-103, K.S.A. 8-173, as amended by L. 2004, ch. 128, sec. 3(d); implementing K.S.A. 8-173, as amended by L. 2004, ch. 128, sec. 3(d); effective, T-40-12-29-04, Jan. 1, 2005.)

Sandy Praeger
 Kansas Insurance Commissioner

Doc. No. 031492

State of Kansas
Kansas Lottery
 Temporary Administrative
 Regulations

Article 2.—LOTTERY RETAILERS

111-2-163. Temporary eScratch selling commission. In lieu of the selling commissions received by Kansas lottery retailers on account of selling Kansas lottery eScratch tickets, the executive director may authorize a temporary selling commission not to exceed 10 percent (10%) of the purchase price of each eScratch ticket sold by each retailer. The executive director may authorize said commission for such period of time as he may in his sole discretion determine, and the executive director may cease said commission at any time, at which time the commission rates shall revert to those in effect immediately

prior to said temporary selling commission. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-12-22-04, Nov. 17, 2004).

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2206. "Atlantis" instant ticket lottery game number 432. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Atlantis" commencing on or after December 1, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2206.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1 ^{.00}	ONE\$
\$2 ^{.00}	TWO\$
\$4 ^{.00}	FOUR\$
\$5 ^{.00}	FIVE\$
10 ^{.00}	TEN\$
15 ^{.00}	FIFTEEN
25 ^{.00}	TWEN-FIV
40 ^{.00}	FORTY
50 ^{.00}	FIFTY
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$10000	10-THOU
GOOD LUCK	
MAYBE NEXT TIME	
2 of hearts	twoh
2 of diamonds	twod
2 of clubs	twoc
2 of spades	twos
3 of hearts	thrh
3 of diamonds	thrd
3 of clubs	thrc
3 of spades	thrs
4 of hearts	forh
4 of diamonds	ford
4 of clubs	forc
4 of spades	fors
5 of hearts	fivh
5 of diamonds	fivd
5 of clubs	fivc
5 of spades	fivs
6 of hearts	sixh
6 of diamonds	sixd
6 of clubs	sixc
6 of spades	sixs
7 of hearts	svnh
7 of diamonds	svnd
7 of clubs	svnc
7 of spades	svns
8 of hearts	egth
8 of diamonds	egtd
8 of clubs	egtc
8 of spades	egts
9 of hearts	ninh
9 of diamonds	nind
9 of clubs	ninc

(continued)

9 of spades	nins
10 of hearts	tenh
10 of diamonds	tend
10 of clubs	tenc
10 of spades	tens
Jack of hearts	jckh
Jack of diamonds	jckd
Jack of clubs	jckc
Jack of spades	jcks
Queen of hearts	qunh
Queen of diamonds	qund
Queen of clubs	qunc
Queen of spades	quns
King of hearts	kngh
King of diamonds	knhd
King of clubs	knhc
King of spades	knhs
Ace of hearts	aceh
Ace of diamonds	aced
Ace of clubs	acec
Ace of spades	aces

(c) For this game, a play symbol shall appear in each of 26 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
FHN	=	\$500.00

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

(g) "Atlantis" is a ticket with two different games. Game 1, "JACKS OR BETTER," is a card game. The player will remove the scratch-off material covering the play area to reveal four "HANDS," "HAND 1," "HAND 2," "HAND 3," and "HAND 4." Each "HAND" consists of five cards. If a player reveals a pair of jacks ("J"), queens ("Q"), kings ("K"), or aces ("A") in the horizontal "HAND," the player wins the prize shown for that "HAND." A player can win up to four times in this play area.

Game 2 is an instant win game. If a 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 five times.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free	60,000	\$0
Free Ticket	33,000	66,000
\$2	10,000	40,000
\$4	10,000	40,000
\$4 (\$2 x 2)	7,500	37,500
\$5	7,500	37,500
\$5 (\$2 x 2) + (\$1 x 1)	2,700	27,000
\$10	2,760	27,600
\$10 (\$2 x 5)	1,000	25,000
\$25	1,000	25,000
\$25 (\$5 x 5)	1,100	27,500
\$25 (\$10) + (\$5 x 3)	300	12,000
\$40	300	12,000
\$40 (\$10 x 4)	300	12,000
\$40 (\$5 x 3) + (\$25 x 1)	100	5,000
\$50	100	5,000
\$50 (\$10 x 5)	100	5,000
\$50 (\$10 x 2) + (\$25 x 1) + (\$5 x 1)	40	4,000
\$100	60	6,000
\$100 (\$15 x 3) + (\$50 x 1) + (\$5 x 1)	20	10,000
\$500	6	6,000
\$1,000	6	6,000
\$10,000	6	60,000
Subtotal	137,892	490,100
Prize Packages	14	157,906
TOTAL	137,906	\$648,006

(k) The odds of winning a prize in this game are approximately one in 4.35. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-12-22-04, Nov. 17, 2004).

111-4-2207. "What A Deal" instant ticket lottery game number 437. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "What A Deal" commencing on or after December 1, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2207.

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

Play Symbols	Play Symbol Captions
\$2.00	TWO\$
\$3.00	THR\$
\$5.00	FIVE\$
10.00	TEN\$
15.00	FIFTEEN
20.00	TWENTY
25.00	TWEN-FIV
40.00	FORTY
50.00	FIFTY
75.00	SVTYFIV
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$5000	FIVETHOU
\$75000	75-THOU
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX

07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FOURTN
15	FIFTN
16	SIXTN
17	SVTN
18	EGHTN
19	NINTN
20	TWTY
21	TWTONE
22	TWTWO
23	TWTHR
24	TWTFOR
25	TWTFIV
26	TWTSX
27	TWTSV
28	TWTEGT
29	TWTNIN
30	THRTY
31	THRONE
32	THRTWO
33	THRTHR
34	THRFOR
35	THRIV
36	THRSIX
40	FORTY
41	FORONE
42	FORTWO
43	FORTH
44	FORFOR
45	FORFIV
46	FORSIX
47	FORSEV
48	FOREGT
49	FORNIN
50	FIFTY
51	FTYONE
52	FTYTWO
53	FTYTHR
54	FTYFOR
55	FTYFIV
56	FTYSIX
57	FTYSEV
58	FTYEGT
59	FTYNIN
60	SIXTY
	LEMON
Symbol of a lemon	
Symbol of a gold bar	GOLD
Symbol of a horseshoe	HSESHE
Symbol of a bunch of cherries	CHERRIES
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SEV
8	EGT

9	NIN
10	TEN
J	JAK
Q	QEN
K	KNG
A	ACE

(c) For this game, a play symbol shall appear in each of 52 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 029.

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

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

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

(g) "What A Deal" is a ticket with five different play areas. Game 1 is a "HIGH STAKES ROULETTE." If a player matches "YOUR NUMBER" to any of the "WHEEL NUMBERS," the player wins the prize shown below that number. A player can win up to six times in this play area.

Game 2 is "SLOTS OF MONEY." If a player reveals three identical symbols in the same horizontal row, the player wins the prize shown in the prize legend. A player can win up to three times in this play area.

Game 3 is the "MONEY GAME." If a player matches two identical prize amounts in the same row, the player wins the matching prize. If a player matches three identical prize amounts in the same row, the player wins double that prize. A player can win up to four times in this play area.

Game 4 is "LUCKY CHIPS." If any of the "YOUR CHIP NUMBERS" are higher than the "HOUSE CHIP," the player wins the prize shown below that chip. A player can win up to six times in this play area.

Game 5 is a "BLACKJACK" game. If the sum of cards in "YOUR HAND" is higher than the "DEALER'S HAND," the player wins the prize shown. The cards "J," "Q," and "K" will have a point value of 10. The card "A" will have a point value of 11. A player can win once in this play area.

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

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

(continued)

Prize	Expected Number of Prizes in Game	Expected Value in Game
\$10	28,000	280,000
\$10 (\$2 x 4) + \$2	32,000	320,000
\$10 (\$5D)	30,000	300,000
\$10 (\$5 x 2)	30,000	300,000
\$15	12,000	180,000
\$15 (\$5 x 3)	12,400	186,000
\$15 (\$5D + \$5)	12,400	186,000
\$15 (\$3 x 5)	12,400	186,000
\$15 (\$2 x 5) + \$5	12,400	186,000
\$20	3,600	72,000
\$20 (\$5 x 4)	3,900	78,000
\$20 (\$2 x 10)	3,900	78,000
\$20 (\$10D)	3,800	76,000
\$20 (\$5 x 2) + (\$2 x 5)	3,900	78,000
\$25	2,000	50,000
\$25 (\$5 x 5)	2,400	60,000
\$25 (\$10 x 2) + \$5	2,400	60,000
\$25 (\$5D x 2) + \$5	2,400	60,000
\$25 (\$10D) + \$5	2,200	55,000
\$25 (\$15 + \$10)	2,000	50,000
\$40	900	36,000
\$40 (\$5 x 8)	950	38,000
\$40 (\$10D) + (\$5x 4)	950	38,000
\$40 (\$20D)	950	38,000
\$50	800	40,000
\$50 (\$25D)	800	40,000
\$50 (\$5 x 10)	800	40,000
\$75	300	22,500
\$75 (\$50 + \$25)	300	22,500
\$100	400	40,000
\$100 (\$10 x 10)	400	40,000
\$100 (\$5 x 12) + (\$10 x 3) + \$5D	400	40,000
\$500	100	50,000
\$500 (\$25 x 20)	150	75,000
\$500 (\$50 x 10)	100	50,000
\$1,000	20	20,000
\$1,000 (\$50 x 20)	30	30,000
\$5,000	14	70,000
\$75,000	2	150,000
\$75,000 (\$5,000 x 4) + (\$1,000 x 14) + (\$500 x 2)	4	300,000
TOTAL	<u><u>222,470</u></u>	<u><u>\$4,021,000</u></u>

“D” - denotes doubler feature.

(k) The odds of winning a prize in this game are approximately one in 3.70. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-12-22-04, Nov. 17, 2004).

111-4-2208. “Joker’s Wild Tripler Bingo” instant ticket lottery game number 438. (a) The Kansas lottery shall conduct an instant winner lottery game entitled “Joker’s Wild Tripler Bingo” commencing on or after December 1, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2208.

(b) Each of the four bingo “GAME CARD” play areas shall consist of 25 play spots. The “play symbols” for the four bingo “GAME 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

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	JOKER’S WILD symbol				

In the “BONUS” play area will appear either the play symbol “SINGLE PRIZE” or “TRIPLE PRIZE.”

(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
FTN	=	\$15.00
NTN	=	\$19.00
TWY	=	\$20.00
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) “Joker’s Wild Tripler Bingo” is a three-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 24 numbers, a “FREE” space in the center of each “GAME CARD,” for a total of 25 spots. The “GAME CARDS” are each covered by translucent blue scratch-off.

The third part consists of a “BONUS” multiplier feature. The “BONUS” area consists of one play symbol and is covered by opaque latex.

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 “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 "JOKER'S WILD" symbol is revealed, the player can use it as a "FREE" spot on any of the four "GAME CARDS" to complete a winning pattern.

If a player reveals a winning pattern on any "GAME CARD," the player can increase the value of the prize dependent on the play symbol revealed in the "BONUS" area. If the words "TRIPLE PRIZE" are revealed, any prize won on cards 1 through 4 is tripled. If the words "SINGLE PRIZE" are revealed, the player wins the prize shown.

(h) Each ticket in this game may win up to four times, but only one prize may be claimed on each of cards 1 through 4. 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	126,000	252,000
Line - Card 1 & Card 2	\$4	60,000	240,000
Line - Card 3	\$5	48,000	240,000
Line - Card 1 (tripled)	\$6	30,000	180,000
Line - Card 2 (tripled)	\$6	30,000	180,000
Line - Card 4	\$10	15,000	150,000
Line - Card 3 (tripled)	\$15	6,600	99,000
Line - Card 1 & 2 & 3 & 4	\$19	4,200	79,800
4 Corners - Card 1	\$20	2,400	48,000
Line - Card 4 (tripled)	\$30	1,500	45,000
4 Corners - Card 2	\$50	1,200	60,000
X - Card 1	\$100	180	18,000
4 Corners - Card 3	\$100	180	18,000
4 Corners - Card 4	\$100	180	18,000
4 Corners - Card 2 & 4	\$150	120	18,000
4 Corners - Card 2 (tripled)	\$150	120	18,000
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>451,932</u>	<u>\$2,124,600</u>

(k) The odds of winning a prize in this game are approximately one in 3.98. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-12-22-04, Nov. 17, 2004).

111-4-2209. "Crazy Cat Cash" instant ticket lottery game number 445. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Crazy Cat Cash" commencing on or after December 1, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2209.

(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
\$200\$	TWOHUN
\$400\$	FORHUN
\$4000	FOURTHOU

Symbol of a paw print

(c) For this game, a play symbol shall appear in each of nine 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
FRH	=	\$400.00

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

(g) "Crazy Cat Cash" is a tic-tac-toe game. The player will remove the scratch off material to reveal nine prize and play symbols. If a player matches three like prize amounts in the same row, column, or diagonal straight line, the player wins that prize amount. If a player matches two like prize amounts and a symbol of a paw print in the same row, column, or diagonal straight line, the player wins double that prize amount.

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

(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:

Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	40,000
3 - \$1.00's	\$1	26,000
2 - \$1.00's & (D)	\$2	22,000
3 - \$2.00's	\$2	20,000
2 - \$2.00's & (D)	\$4	6,400
3 - \$4.00's	\$4	6,400
		\$0
		26,000
		44,000
		40,000
		25,600
		25,600

(continued)

3 - \$5.00's	\$5	8,000	40,000
2 - \$5.00's & (D)	\$10	2,230	22,300
3 - \$10.00's	\$10	2,230	22,300
2 - \$10.00's & (D)	\$20	610	12,200
3 - \$20.00's	\$20	600	12,000
2 - \$20.00's & (D)	\$40	182	7,280
3 - \$40.00's	\$40	140	5,600
3 - \$100.00's	\$100	44	4,400
3 - \$400.00's	\$400	10	4,000
2 - \$200.00's & (D)	\$400	10	4,000
3 - \$4,000.00's	\$4,000	6	24,000
TOTAL		<u>134,862</u>	<u>\$319,280</u>

(D) - denotes doubler symbol

(k) The odds of winning a prize in this game are approximately one in 4.45. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-12-22-04, Nov. 17, 2004).

111-4-2210. "Take the Money and Run" instant ticket lottery game number 446. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Take the Money and Run" commencing on or after December 1, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2210.

(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\$
20. ⁰⁰	TWENTY
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$250\$	TWHNFY
\$500\$	FIVE-HUN
\$2000	TWOTHOU
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FOURTN
15	FIFTN

Symbol of a money bag

(c) For this game, a play symbol shall appear in each of 11 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
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) "Take the Money and Run" is a key number match game. A player will remove the scratch-off material to reveal one "LUCKY NUMBER" and five "YOUR NUMBERS," with a prize amount below each of the "YOUR NUMBERS." If any of the "YOUR NUMBERS" match the "LUCKY NUMBER," the player wins the prize directly below that matched number. If a player uncovers a money bag symbol, the player wins all five prizes.

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

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	52,000	\$0
\$1	26,000	26,000
\$1 + \$1	14,000	28,000
\$2	14,000	28,000
\$1 + \$1 + \$1 + \$1 + \$1 (win all symbol)	7,200	36,000
\$1 + \$1 + \$1 + \$1 + \$1	6,600	33,000
\$1 + \$2 + \$2	6,600	33,000
\$5	4,600	23,000
\$1 + \$2 + \$2 + \$5	1,000	10,000
\$5 + \$5	1,000	10,000
\$2 + \$2 + \$2 + \$2 + \$2	1,000	10,000
\$2 + \$2 + \$2 + \$2 + \$2 (win all symbol)	1,000	10,000
\$10	900	9,000
\$5 + \$5 + \$5 + \$5 + \$5 (win all symbol)	400	10,000
\$25	400	10,000
\$25 + \$25	160	8,000
\$50	160	8,000
\$20 + \$20 + \$20 + \$20 + \$20	12	1,200
\$20	12	1,200
\$20 + \$20 + \$20 + \$20 + \$20 (win all symbol)	12	1,200
\$25 + \$25 + \$25 + \$25	12	1,200
\$100	10	1,000
\$500	4	2,000
\$250 + \$250	4	2,000
\$2,000	6	12,000
TOTAL	<u>137,080</u>	<u>\$312,600</u>

(k) The odds of winning a prize in this game are approximately one in 4.38. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-12-22-04, Nov. 17, 2004).

111-4-2211. "Lucky Spot" instant ticket lottery game number 447. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Lucky Spot" commencing on or after December 1, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2211.

(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
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$250\$	TWHNFTY
\$500\$	FIVE-HUN
\$1000	ONETHOU
Symbol of a dog bone	BONE
Symbol of a cat	CAT
Symbol of a leash	LEASH
Symbol of a pet collar	COLLAR
Symbol of a ball	BALL
Symbol of a fire hydrant	HYDRNT
Symbol of a frisbee	FRISBE
Symbol of a dog house	DOGHSE
Symbol of a dog dish	DOGDISH
Symbol of a car	CAR

(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:

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) "Lucky Spot" is a match three play symbols or a match four play symbols to win double the prize amount. A player will remove the scratch-off material to reveal six play symbols. If the player matches three like play symbols, the player wins the prize amount shown in the prize box. If the player matches four like play symbols, the player wins double the prize amount shown in the prize box.

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

(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:

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	56,000	\$0
\$1	24,000	24,000
\$1 (D)	17,000	34,000
\$2	16,400	32,800
\$2 (D)	6,400	25,600
\$4	6,000	24,000
\$5	6,800	34,000
\$5 (D)	2,800	28,000
\$10	2,600	26,000
\$10 (D)	1,000	20,000
\$20	800	16,000
\$20 (D)	160	6,400
\$40	160	6,400
\$50 (D)	80	8,000
\$100	80	8,000
\$500	10	5,000
\$250 (D)	8	4,000
\$1,000	8	8,000
TOTAL	140,306	\$310,200

(D) - denotes doubler symbol

(k) The odds of winning a prize in this game are approximately one in 4.28. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-12-22-04, Nov. 17, 2004).

111-4-2212. "Find the 50s" instant ticket lottery game number 448. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Find the 50s" commencing on or after December 1, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2212.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
50. ⁰⁰	FIFTY
\$500\$	FIVE-HUN

(c) For this game, a play symbol shall appear in each of six play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

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

(continued)

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) "Find the 50s" is a match three of six game. A player will remove the scratch-off material over the game play area to reveal six prize amounts. If three of the six prize amounts are identical, the player wins that prize amount.

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

(i) Approximately 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:

Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	72,000
3 - \$2.00's	\$2	24,000
3 - \$5.00's	\$5	13,600
3 - \$10.00's	\$10	3,700
3 - \$15.00's	\$15	2,198
3 - \$50.00's	\$50	2,200
3 - \$500.00's	\$500	10
TOTAL		117,708
		\$300,970

(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-111-12-22-04, Nov. 17, 2004).

111-4-2213. "Super Red Hot Crossword" instant ticket lottery game number 449. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Super Red Hot Crossword" commencing on or after December 1, 2004. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2213.

(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 20 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	4,000	40,000
\$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
\$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-111-12-22-04, Nov. 17, 2004).

Article 6.—ON-LINE GENERIC GAME RULES

111-6-26. Bar-coded coupons. (a) "Bar-coded coupon" or "coupon" means a coupon printed by the lottery that contains an interleaved bar code similar to that utilized on instant and online lottery games to aid in the automatic electronic processing of the coupon, which coupon may be redeemed by a player for one or more lottery tickets as designated upon the coupon.

(b) The Kansas lottery may in its sole discretion print and issue bar-coded coupons to be utilized in furtherance of the sale and promotion of Kansas lottery products.

(c) Bar-coded coupons shall be validated in the same manner as low-tier instant tickets.

(d) The Kansas lottery is not responsible for lost or stolen bar-coded coupons.

(e) A bar-coded coupon is a bearer instrument and the free ticket(s) for which the coupon is issued shall be delivered to the bearer or holder thereof despite the existence of any name or other markings on said coupon indicating ownership thereof.

(f) No coupon shall be valid beyond the expiration date stated upon the coupon.

(g) No coupon may be redeemed more than once.

(h) In order to be valid, a coupon must meet the following criteria:

- (1) it must have been authorized and issued by the Lottery;
- (2) it must not be counterfeit in whole or in part or a photocopy or other duplicate of one or more other coupons;
- (3) it shall not be mutilated or defaced;
- (4) it must not have been altered or tampered with in any material manner;
- (5) it must not be blank or partially blank or otherwise materially defective or printed or produced in error;
- (6) it must not have been stolen, cancelled, or omitted; and,
- (7) it must be identified and accepted by the Kansas lottery's ticket validation system as a valid coupon.

(i) The validation number on a coupon shall appear in the Kansas lottery's official computer database of valid coupons, it shall not have been paid previously, and it must pass any and all additional confidential validation tests of the Kansas lottery.

(j) Any coupon not passing all of the validation requirements stated in this section shall be void; however, the executive director may in his or her sole discretion replace any such coupon.

(k) A coupon has no pecuniary or other value except as stated herein, and a coupon may not be redeemed for cash. (Authorized by K.S.A. 74-8710; effective, T-111-12-22-04, Nov. 17, 2004).

Ed Van Petten
Executive Director

Doc. No. 031478

State of Kansas
Social and Rehabilitation Services
Temporary Administrative
Regulations

Article 10.—ADULT CARE HOME PROGRAM

30-10-18. Rates of reimbursement. (a) Rates for existing nursing facilities.

(continued)

(1) The determination of per diem rates shall be made, at least annually, using base-year cost information submitted by the provider and retained for cost auditing and analysis.

(A) The base year utilized for cost information shall be reestablished at least once every seven years.

(B) A factor for inflation may be applied to the base-year cost information.

(C) For each provider currently in new enrollment, re-enrollment, or change-of-ownership status, the base year shall be determined in accordance with subsections (c), (d), and (e) of this regulation, respectively.

(2) Per diem rates shall be limited by cost centers, except where there are special level-of-care facilities approved by the United States department of health and human services. The upper payment limits shall be determined by the median in each cost center plus a percentage of the median, using base-year cost information. The percentage factor applied to the median shall be determined by the secretary.

(A) The cost centers shall be as follows:

- (i) Operating;
- (ii) indirect health care; and
- (iii) direct health care.

(B) The property component shall consist of the real and personal property fee as specified in K.A.R. 30-10-25.

(C) The upper payment limit for the direct health care cost center shall be a statewide base limit calculated on each facility's case mix adjusted base-year costs.

(i) A facility-specific, direct health care cost center upper payment limit shall be calculated by adjusting the statewide base limit by that facility's average case mix index.

(ii) Resident assessments used to determine additional reimbursement for ventilator-dependent residents shall be excluded from the calculation of the facility's average case mix index.

(3) Each provider shall receive an adjusted rate for each quarter if there is a change from the previous quarter in the facility's average medicaid case mix index.

(4) Resident assessments that cannot be classified shall be assigned to the lowest case mix index.

(5) To establish a per diem rate for each provider, a factor for incentive may be added to the allowable per diem cost.

(6) Resident days in the rate computation.

(A) Resident days shall be determined from census information corresponding to the base-year cost information submitted by the provider.

(B) Total resident days shall be used to calculate the per diem costs used to determine the upper payment limit and rates in the direct health care cost center. Total resident days shall be used to calculate the per diem costs used to determine the upper payment limit and rates for food and utilities in the indirect health care cost center.

(C) Resident days used to calculate the upper payment limits and rates in the operating cost center and indirect health care cost center, less food and utilities, shall be subject to an 85 percent minimum occupancy requirement based on the following:

(i) Each provider that has been in operation for 12 months or longer and has an occupancy rate of less than

85 percent for the cost report period shall have the resident days calculated at the minimum occupancy of 85 percent.

(ii) The 85 percent minimum occupancy requirement shall be applied to the resident days and costs reported for the 13th month of operation and after. The 85 percent minimum occupancy requirement shall be applied to the interim rate of a new provider, unless the provider is allowed to file a projected cost report.

(iii) The minimum occupancy rate shall be determined by multiplying the total number of licensed beds by 85 percent. In order to participate in the Kansas medical assistance program, each nursing facility provider shall obtain proper certification for all licensed beds.

(iv) Each provider with an occupancy rate of 85 percent or greater shall have actual resident days for the cost report period used in the rate computation.

(7) Each provider shall be given a detailed listing of the computation of the rate determined for the provider's facility.

(8) The effective date of the rate for existing providers shall be in accordance with K.A.R. 30-10-19.

(b) Comparable service, private pay rate limitations.

(1) For each nursing facility and nursing facility for mental health, the per diem rate for care shall not exceed the rate charged for the same type of service to residents not under the Kansas medical assistance program. Private pay rates reported to the agency on other than a per diem basis shall be converted to a per diem equivalent.

(2) The agency shall maintain a registry of private pay per diem rates submitted by providers.

(A) Providers shall notify the agency of changes in the private pay rate and the effective date of that change so that the registry can be updated.

(i) Private pay rate information submitted with the cost reports shall not constitute notification and shall not be acceptable.

(ii) Providers may send private pay rate notices by certified mail so that there is documentation of receipt by the agency.

(B) The private pay rate registry shall be updated based on the notification from the providers.

(C) The effective date of the private pay rate in the registry shall be the later of the effective date of the private pay rate or the first day of the following month in which complete documentation of the private pay rate is received by the agency.

(i) If the private pay rate effective date is other than the first day of the month, the effective date in the registry shall be the first day of the closest month. If the effective date is after the 15th, the effective date in the register shall be the first day of the following month.

(ii) For new facilities or new providers coming into the medicaid program, the private pay rate effective date shall be the issued certification date.

(3) The average private pay rate for comparable services shall be included in the registry. The average private pay rate may consist of the following variables:

(A) Room rate differentials. The weighted average private pay rate for room differentials shall be determined as follows:

(i) Multiply the number of private pay residents in private rooms, semiprivate rooms, wards, and all other room types by the rate charged for each type of room. Sum the resulting products of each type of room. Divide the sum of the products by the total number of private pay residents in all rooms. The result, or quotient, is the weighted average private pay rate for room differentials.

(ii) Each provider shall submit documentation to show the calculation of the weighted average private pay rate when there are room rate differentials.

(iii) Failure to submit the documentation shall limit the private pay rate in the registry to the semiprivate room rate.

(B) Level-of-care rate differentials. The weighted average private pay rate for level-of-care differentials shall be determined as follows:

(i) Multiply the number of private pay residents in each level of care by the rate they are charged to determine the product for each level of care. Sum the products for all of the levels of care. Divide the sum of the products by the total number of private pay residents in all levels of care. The result, or quotient, is the weighted average private pay rate for the level-of-care differentials.

(ii) Each provider shall submit documentation to show the calculation of the weighted average rate when there are level-of-care rate differentials.

(iii) Failure to submit the documentation may delay the effective date of the average private pay rate in the registry until the complete documentation is received.

(C) Extra charges to private pay residents for items and services specified in K.A.R. 30-10-15a may be included in the weighted average private pay rate if the same items and services are allowable in the Kansas medical assistance program rate.

(i) Each provider shall submit documentation to show the calculation of the weighted average extra charges.

(ii) Failure to submit the documentation may delay the effective date of the weighted average private pay rate in the registry until the complete documentation is received.

(4) The weighted average private pay rate shall be based on what the provider receives from the resident. If the private pay charges are consistently higher than what the provider receives from the residents for services, then the average private pay rate for comparable services shall be based on what is actually received from the residents. The weighted average private pay rate shall be reduced by the amount of any discount received by the residents.

(5) The private pay rate for medicare skilled beds shall not be included in the computation of the average private pay rate for nursing facility services.

(6) When providers are notified of the effective date of the Kansas medical assistance program rate, the following procedures shall be followed:

(A) If the private pay rate indicated on the agency register is lower, then the Kansas medical assistance program rate, beginning with its effective date, shall be calculated as follows:

(i) If the average medicaid case mix index is greater than the average private pay case mix index, the Kansas medical assistance program rate shall be the lower of the private pay rate adjusted to reflect the medicaid case mix or the calculated Kansas medical assistance rate.

(ii) If the average medicaid case mix index is less than or equal to the average private pay case mix index, the Kansas medical assistance program rate shall be the average private pay rate.

(B) Providers who are held to a lower private pay rate and subsequently notify the agency in writing of a different private pay rate shall have the Kansas medical assistance program rate adjusted on the later of the first day of the month following the date upon which complete private pay rate documentation is received or the effective date of a new private pay rate.

(c) Rate for new construction or a new facility to the program.

(1) The per diem rate for newly constructed nursing facilities or a new facility to the Kansas medical assistance program shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-17.

(2) The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to the base-year period.

(3) The provider shall remain in new enrollment status until the base year is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider.

(4) Any factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

(5) No rate shall be paid until a nursing facility financial and statistical report is received and processed to determine a rate.

(d) Change of provider.

(1) The payment rate for the first 24 months of operation shall be based on the base-year historical cost data of the previous owner or provider. If base-year data is not available, data for the most recent calendar year available preceding the base-year period shall be adjusted to the base-year period and used to determine the rate. If the 85 percent minimum occupancy requirement was applied to the previous provider's rate, the 85 percent minimum occupancy requirement shall also be applied to the new provider's rate.

(2) Beginning with the first day of the 25th month of operation, the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider. The data shall be adjusted to the base-year period.

(3) The provider shall remain in change-of-provider status until the base year is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider.

(4) Any factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change-of-provider status.

(e) Determination of the rate for nursing facility providers reentering the medicaid program.

(1) The per diem rate for each provider reentering the medicaid program shall be determined from either of the following:

(A) A projected cost report if the provider has not actively participated in the program by the submission of

(continued)

any current resident service billings to the program for 24 months or more; or

(B) the base-year cost report filed with the agency or the most recent cost report filed preceding the base year, if the provider has actively participated in the program during the most recent 24 months.

(2) If the per diem rate for a provider reentering the program is determined in accordance with paragraph (e)(1)(A), the cost data shall be adjusted to the base-year period.

(3) The provider shall remain in reenrollment status until the base year is reestablished. During this time, the cost data used to determine the initial rates shall be used to determine all subsequent rates for the provider.

(4) Any factor for inflation that is applied to cost data for established providers shall be applied to the cost data for providers in reenrollment status.

(5) If the per diem rate for a provider reentering the program is determined in accordance with paragraph (e)(1)(A), a settlement shall be made in accordance with subsection (f).

(f) Per diem rate errors.

(1) If the per diem rate, whether based upon projected or historical cost data, is audited by the agency and found to contain an error, a direct cash settlement shall be required between the agency and the provider for the amount of money overpaid or underpaid. If a provider with an identified overpayment is no longer enrolled in the medicaid program, the settlement shall be recouped from a facility owned or operated by the same provider or provider corporation, unless other arrangements have been made to reimburse the agency. A net settlement may occur if a provider has more than one facility involved in settlements.

(2) The per diem rate for a provider may be increased or decreased as a result of a desk review or audit of the provider's cost reports. Written notice of this per diem rate change and of the audit findings shall be sent to the provider. Retroactive adjustment of the rate paid from a projected cost report shall apply to the same period of time covered by the projected rate.

(3) Each provider shall have 30 days from the date of the audit report cover letter to request an administrative review of an audit adjustment that results in an overpayment or underpayment. The request shall specify the finding or findings that the provider wishes to have reviewed.

(4) An interim settlement, based on a desk review of the historical cost report covering the projected cost report period, may be determined after the provider is notified of the new rate determined from the cost report. The final settlement shall be based on the rate after an audit of the historical cost report.

(5) A new provider that is not allowed to submit a projected cost report for an interim rate shall not be entitled to a retroactive settlement for the first year of operation.

(g) Out-of-state providers.

(1) The rate for out-of-state providers certified to participate in the Kansas medical assistance program shall be the rate approved by the agency.

(2) Out-of-state providers shall obtain prior authorization by the agency.

(h) Reserve days as specified in K.A.R. 30-10-21 shall be paid at 67 percent of the Kansas medical assistance program per diem rate.

(i) Determination of rate for ventilator-dependent resident.

(1) The request for additional reimbursement for a ventilator-dependent resident shall be submitted to the agency in writing for prior approval. Each request shall include a current care plan for the resident, the most current resident assessment, and an itemized expense list for implementing that care plan. The additional reimbursement shall not include the cost of durable medical equipment.

(2) All of the following conditions shall be met in order for a resident to be considered ventilator-dependent.

(A) The resident is not able to breathe without mechanical ventilation.

(B) The resident uses a ventilator for life support 24 hours a day, seven days a week.

(C) The resident has a tracheostomy or endotracheal tube.

(3) The provider shall be reimbursed at the Kansas medical assistance program daily rate determined for the nursing facility plus an additional amount approved by the agency for the ventilator-dependent resident. The provider shall submit a budget with the detail of the expenditures requested to care for the ventilator-dependent resident. The additional reimbursement shall be negotiated based on the prevailing cost of the individual care plan and subject to an upper payment limit that is based on the comparable rate from the medicare prospective payment system.

(4) No additional amount above that figured at the Kansas medical assistance program daily rate shall be allowed until the service has been authorized by the agency.

(5) The criteria shall be reviewed quarterly to determine if the resident is ventilator-dependent. If a resident is no longer ventilator-dependent, the provider shall not receive additional reimbursement beyond the Kansas medical assistance program daily rate determined for the facility.

(6) The additional reimbursement for the ventilator-dependent resident shall be offset to the cost center of benefit on the nursing facility financial and statistical report. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1985; amended May 1, 1986; amended, T-87-29, Nov. 1, 1986; amended May 1, 1987; amended, T-89-5, Jan. 21, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended May 1, 1992; amended Nov. 2, 1992; amended Jan. 3, 1994; amended July 1, 1994; amended Sept. 30, 1994; amended Dec. 29, 1995; amended Jan. 1, 1999; amended June 28, 2002; amended Dec. 31, 2002; amended, T-30-5-30-03, July 1, 2003; amended July 25, 2003; amended, T-30-12-29-04, Dec. 29, 2004.)

Gary J. Daniels
Acting Secretary of Social
and Rehabilitation Services

Doc. No. 031494

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes and 2004 Supplement of the *Kansas Administrative Regulations*.

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1-45-19	Amended (T)	V. 23, p. 424
1-45-19	Amended	V. 23, p. 1044
1-45-20	Amended (T)	V. 23, p. 424
1-45-20	Amended	V. 23, p. 1045
1-45-23	Amended (T)	V. 23, p. 425
1-45-23	Amended	V. 23, p. 1045
1-45-24	Amended (T)	V. 23, p. 425
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102-4-7a	Amended	V. 23, p. 1144
102-5-4a	Amended	V. 23, p. 1145
102-5-7a	Amended	V. 23, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 23, p. 1189
108-1-4	Amended	V. 23, p. 823

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1 through 110-8-6	Revoked	V. 23, p. 1595
110-8-8 through 110-8-11	Revoked	V. 23, p. 1595
110-10-1	New	V. 23, p. 180

AGENCY 111: KANSAS LOTTERY

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

Reg. No.	Action	Register
111-2-151 through 111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-2-160	New	V. 23, p. 1655
111-2-161	New	V. 23, p. 1655
111-2-162	New	V. 23, p. 1655
111-3-13	Amended	V. 23, p. 1433
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095 through 111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310

111-4-2116		
through		
111-4-2125	New	V. 23, p. 311-318
111-4-2126		
through		
111-4-2146	New	V. 23, p. 459-471
111-4-2147		
through		
111-4-2160	New	V. 23, p. 901-909
111-4-2161		
through		
111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074
111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177		
through		
111-4-2180	New	V. 23, p. 1169-1171
111-4-2181		
through		
111-4-2185	New	V. 23, p. 1343-1346
111-4-2186		
through		
111-4-2195	New	V. 23, p. 1434-1438
111-4-2196		
through		
111-4-2205	New	V. 23, p. 1655-1659

111-5-96	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
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910
111-1-1		
through		
111-11-11	New	V. 23, p. 911-914
111-11-1	Amended	V. 23, p. 1077
111-12-1	New	V. 23, p. 914

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-10-3	Amended	V. 23, p. 93
112-10-5	Amended	V. 23, p. 1073

112-10-6	Amended	V. 23, p. 1073
112-10-6a	New	V. 23, p. 1074
112-10-13	New	V. 23, p. 495
112-13-2	Amended	V. 23, p. 94

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-2	Amended	V. 23, p. 1581
115-2-3	Amended	V. 23, p. 1581
115-2-3a	New	V. 23, p. 1582
115-3-2	Amended	V. 23, p. 1043
115-4-14	New	V. 23, p. 1583
115-7-1	Amended	V. 23, p. 1584
115-18-10	Amended	V. 23, p. 1043
115-18-14	Amended	V. 23, p. 1585

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 23, p. 1407
117-3-2	Amended	V. 23, p. 1408
117-4-2	Amended	V. 23, p. 1408
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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