



# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 16-21. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Time	Room	Committee	Agenda
June 16	526-S	10:00 a.m.	Joint Committee on Information Technology	a.m. - Review JCIT history and operations. p.m. - Review legislative and judicial computing.
June 17	526-S	9:00 a.m.	Joint Committee on Information Technology	a.m. - Review information technology projects and security measures. p.m. - Review agency information projects.
June 20	123-S	2:30 p.m.	Legislative Coordinating Council	Legislative matters.
June 21	519-S	10:00 a.m.	Legislative Post Audit	To be announced.

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

Doc. No. 032054

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## State of Kansas

**Commission on Veterans' Affairs****Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 9 a.m. Friday, June 17, at the Kansas Soldiers' Home, Eisenhower Building, Fort Dodge. The public is invited to attend. For more information, call (785) 296-3976.

Wayne Bollig  
Chief Operations Officer

Doc. No. 032066

## State of Kansas

**Department on Aging****Notice of Meeting and Forum**

The Kansas Department on Aging will conduct an open meeting from 9 to 10 a.m. Wednesday, July 13, in the Salon Room A at the Holiday Inn Holidome, 605 S.W. Fairlawn, Topeka, for members of the public and aging advocates to provide comment on fiscal year 2007 KDOA budget priorities. Participants also may provide input via teleconference at several locations across the state.

The Kansas Department on Aging also will conduct a Solutions Forum from 10 to 11:30 a.m. July 13 at the same location for the general public and aging advocates to provide comments on aging-related topics, including Planning Along the Lifespan, The Workplace of the Future, Our Community, Health and Long Term Living, Social Engagement, and the Marketplace. Comments should be creative, thoughtful, innovative and offer specific solutions to some of the challenges persons face as an aging society. Participants also may provide input via teleconference at several locations across the state. The site locations will soon be available on the KDOA Web site at [www.agingkansas.org](http://www.agingkansas.org) or by calling 1-800-432-3535.

Participants wishing to provide testimony at the Solutions Forum are required to pre-register and will be allowed 3-5 minutes per person. Written comments are required and should be provided electronically, if at all possible. Participants will be registered on a first-come, first-served basis until the allotted time is full. To register for this event, contact Wilda Davison at [wildadavison@aging.state.ks.us](mailto:wildadavison@aging.state.ks.us) or by calling 1-800-432-3535 or (785) 296-4986. Electronic comments also will be accepted until July 15.

This "independent aging agenda event" is designed to provide input to the Committee of the 2005 White House Conference on Aging. This event is not sponsored nor endorsed by the White House, nor does it in any way represent policies, positions or opinions of the 2005 White House conference on Aging or the federal government.

The Kansas Department on Aging is committed to making these meetings accessible to all participants. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Wilda Davison via email at [wildadavison@aging.state.ks.us](mailto:wildadavison@aging.state.ks.us) or by calling 1-800-432-3535 or TDD at (785) 291-3167. The main and south entrances to the facility are accessible to individuals with disabilities.

Pamela Johnson-Betts  
Secretary of Aging

Doc. No. 032065

## State of Kansas

**Kansas Military Board****Notice of Meeting**

The Kansas Military Board of the Adjutant General's Department will meet at 10 a.m. Thursday, June 16, at the State Defense Building, Conference Room 102, 2800 S.W. Topeka Blvd., Topeka. Any individual with a disability may request accommodation in order to participate in the meeting. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Tracey Talley at (785) 274-1001.

Maj. Gen. Tod Bunting  
The Adjutant General

Doc. No. 032046

## State of Kansas

**Department of Revenue****Notice of Available Publications**

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for May 2005. Copies may be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy & Research at (785) 296-3081.

**Private Letter Rulings**

- P-2005-006 Sale and lease of therapeutic medical beds and mattresses.  
P-2005-007 Sale and lease of wound closure devices.  
P-2005-008 Retail sales and rental of medical equipment.

**Opinion Letters**

No new publications

**Final Written Determinations**

No new publications

**Revenue Rulings**

No new publications

**Notices**

- Notice 05-03 2005 Motor Fuel Legislative Update  
Notice 05-04 Kansas Income Tax Treatment of Certain Payments from the Kansas Public Employees Retirement System (KPERs)

**Memorandums**

No new publications

**Property Valuation Division Directives**

No new publications

**Q&A's**

No new publications

**Information Guides**

No new publications

Joan Wagnon  
Secretary of Revenue

Doc. No. 032056

State of Kansas

Department on Aging

Notice of Senior Care Act Program Sliding Fee Scale

Pursuant to K.S.A. 2004 Supp. 75-5933, the Secretary of Aging shall develop a sliding fee scale that shall be published annually in the Kansas Register. The following fee scales will be used for state fiscal year 2006, beginning July 1, 2005:

SCA SLIDING FEE SCALE

Effective 7/1/2005

		LIQUID ASSETS										LIQUID ASSETS																
		1 Person Family					2 Person Family					1 Person Family					2 Person Family											
INCOME	0 to 798	0 to 798	0 to 798	0 to 798	0 to 798	0 to 798	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069	0 to 1,069
	799 to 898	799 to 898	799 to 898	799 to 898	799 to 898	799 to 898	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169	1,070 to 1,169
	899 to 998	899 to 998	899 to 998	899 to 998	899 to 998	999 to 1,098	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	1,170 to 1,269	
	999 to 1,098	999 to 1,098	999 to 1,098	999 to 1,098	999 to 1,098	1,099 to 1,198	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	1,270 to 1,369	
	1,099 to 1,198	1,099 to 1,198	1,099 to 1,198	1,099 to 1,198	1,099 to 1,198	1,199 to 1,298	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	1,370 to 1,469	
	1,299 to 1,398	1,299 to 1,398	1,299 to 1,398	1,299 to 1,398	1,299 to 1,398	1,399 to 1,498	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	1,470 to 1,569	
	1,499 to 1,598	1,499 to 1,598	1,499 to 1,598	1,499 to 1,598	1,499 to 1,598	1,599 to 1,698	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	1,570 to 1,669	
	1,599 to 1,698	1,599 to 1,698	1,599 to 1,698	1,599 to 1,698	1,599 to 1,698	1,699 to 1,798	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	1,670 to 1,769	
	1,699 to 1,798	1,699 to 1,798	1,699 to 1,798	1,699 to 1,798	1,699 to 1,798	1,799 to 1,898	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	1,770 to 1,869	
	1,799 to 1,898	1,799 to 1,898	1,799 to 1,898	1,799 to 1,898	1,799 to 1,898	1,899 and Above	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	1,870 to 1,969	
	1,899 and Above	1,899 and Above	1,899 and Above	1,899 and Above	1,899 and Above		1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	1,970 to 2,069	
							2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	2,070 to 2,169	
							2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	2,170 and Above	
							Including fee scale: Slidfee 06.xls																					

Questions about the fee scales or other facets of the Senior Care Act program may be directed to Cindy Lane, In-Home Program Manager, at (785) 296-6448.

Pamela Johnson-Betts Secretary of Aging

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 864-3416 or fax (785) 864-3454 for additional information:

**Thursday, June 23, 2005**  
**RFQ 40552**

Steel Shelving and Mechanical Guidance System

Deana Merryman  
Manager, Purchasing Services

Doc. No. 032058

State of Kansas

Department of Health  
and Environment

Request for Bids on the Kansas Childhood  
Lead Poisoning Prevention Program

Sealed bids for the items listed will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

**June 24, 2005**  
**264-05-15**

Project Lead Safe KCK —

Lead Hazard Reduction at the following properties:

- Property #1 1219 Metropolitan  
Kansas City, KS 66103
- Property #2 2400 N. 12th St.  
Kansas City, KS 66104
- Property #3 2129 N. 49th Terrace  
Kansas City, KS 66104
- Property #4 1601 N. 40th St.  
Kansas City, KS 66102
- Property #5 7930 Elizabeth Ave.  
Kansas City, KS 66112
- Property #6 1824 Homer  
Kansas City, KS 66102
- Property #7 1500 New Jersey  
Kansas City, KS 66102

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the Invitation for Bid. For times and actual locations, call (913) 262-0796 or go to the following Web site: [http://www.unleadedks.com/contractor\\_info.html](http://www.unleadedks.com/contractor_info.html).

The above-referenced bid documents may be downloaded at the Web site listed above.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032051

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-05-067/069

Name and Address of Applicant	Waterway	Type of Discharge
Abengoa Bioenergy Corporation 1400 Elbridge Payne, Suite 212 Chesterfield, MO 63017	Cowskin Creek via Unnamed Tributary	Process Wastewater
Kansas Permit No. I-AR24-PO02		Federal Permit No. KS0081329
Legal: SW¼, S15, T26S, R2W, Sedgwick County		
Facility Location: 523 E. Union Ave., Colwich, KS 67030		

Facility Description: The proposed action is to modify and reissue an existing permit for operation of an existing wastewater treatment facility. This facility is engaged in processing grain into ethanol and high protein feed. About 35,000 gallons/day of process wastewater including evaporator condensate, floor drains, boiler blowdown, domestic wastewater, Epco CO<sub>2</sub> processing plant wastewater and contaminated runoff are directed to Pond #1. Ammonia and phosphate may be added as needed to Pond #1 contents as necessary nutrients prior to treatment in a complete-mix aerated lagoon, a clarifier and two polishing ponds. Effluent is discharged (Outfall 001A) through the second polishing pond (Pond #3) using a floating pump system. Upon construction, discharge through a gravity flow pipe system can be utilized. About 100,000 gpd of reverse osmosis concentrate and cooling tower blowdown is discharged through Pond #4 (Outfall 001B). Outfall 001X is the combined discharge of 001A and 001B to an unnamed tributary of Cowskin Creek via a pipeline. Stormwater runoff is discharged at Outfall 002. Treated effluent also can be irrigated from the final polishing pond upon approval of a land application plan. Waste-activated sludge is incorporated into the ethanol and high protein feed processes or as an alternative can be land applied. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, oil and grease, total residual chlorine, total recoverable copper and pH. Monitoring of chlorides, sulfate, phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen and effluent flow also will be required. The permittee shall be required to perform a chronic whole effluent toxicity (WET) test annually. Contained in the permit is a schedule of compliance requiring the permittee to make upgrades to the facility necessary to meet permit requirements. The permit

(continued)

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
Bob Bergkamp Construction 3709 S. West St. Wichita, KS 67217	Walnut River via Sutton Creek	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-WA09-PO14      Federal Permit No. KS0096512

Legal: N½, S20, T26S, R5E, Butler County

Facility Name: Eldorado Quarry

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry operation with no washing. Outfalls 001 and 002 consist of stormwater runoff. The discharge from Outfall 002 is treated with a settling pond. The proposed permit includes generic water-quality language to protect waters of the state. 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
Bob Bergkamp Construction 3709 S. West St. Wichita, KS 67217	Elk River via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-VE22-PO02      Federal Permit No. KS0098272

Legal: SE¼, S27, T28S, R8E, Elk County

Facility Name: Elk County Quarry

Facility Description: The proposed action is to issue a new permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry operation with no washing. Outfall 001 consists of stormwater runoff and pit water, treated by a settling pond. The proposed permit includes limits on pH and monitoring of total recoverable lead. The permit also includes generic water-quality language to protect waters of the state. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

**Public Notice No. KS-PT-05-011**

Name and Address of Applicant	Receiving Facility	Type of Discharge
Mordidge Manufacturing, Inc. Box 810 Moundridge, KS 67107	Moundridge MWWT	Processed Wastewater

Kansas Permit No. P-LA12-OO01

Facility Description: The proposed action is to issue a new pretreatment permit for this facility. This facility manufactures commercial lawn mowers. Steel parts are welded, phosphated and painted to produce the final product. Outfall 001 consists of discharge from the final holding tank, following the new seven stage phosphating operations system. Outfall 002 consists of wastes from the tumbling operation. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH. The monitoring of flow also will be required. The permit limits are pursuant to state and federal pretreatment requirements.

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, Di-

vision of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before July 9 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-05-067/069, KS-PT-05-011) 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. 032052

**State of Kansas**  
**Legislative Administrative Services**

**Request for Proposals**

The Kansas Legislature is soliciting responses to a request for proposals to provide leasing and maintenance of computer laser printers. The proposal due date is July 8. The complete RFP, including additional details, can be accessed at <https://la003.state.ks.us/RFP2005/>.

Questions about this solicitation should be addressed in writing to Dave Larson, Director of Legislative Computer Services, Room 529-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, fax (785) 296-7104, e-mail: [DaveL@las.state.ks.us](mailto:DaveL@las.state.ks.us).

Jeffrey M. Russell  
 Director of Legislative  
 Administrative Services

Doc. No. 032050

**State of Kansas**  
**Department of Health  
 and Environment**

**Request for Comments**

The Kansas Department of Health and Environment has drafted a permit for the Hi-Tech Antifreeze Recycling/Pittsburgh Geni LLC Reclamation Facility. The reclamation facility will be located in the Southwest 1/4 of Section 5, Township 13 S, Range 21 E, 400 W. 6th St., Eudora. The facility is relocating from 1707 Oak due to the need for expansion. KDHE is providing public notice of its intent to issue a reclamation facility permit for Hi Tech Antifreeze Recycling/Pittsburgh Geni LLC. The submittals provided place this reclamation facility in compliance with state regulations for solid waste processing facilities. KDHE has drafted a permit to reflect these submittals.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until July 11 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment  
 Solid Waste Permits Section  
 Bureau of Waste Management  
 1000 S.W. Jackson, Suite 320  
 Topeka, 66612-1366  
 Contact: Ken Powell  
 (785) 296-1121

Douglas County Courthouse  
 County Clerk's Office  
 1100 Massachusetts  
 Lawrence, 66044  
 Contact: Jamie Shew  
 (785) 832-5147

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than July 10 to Ken Powell (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the permit. Notice of the decision will

be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

Roderick L. Bremby  
 Secretary of Health  
 and Environment

Doc. No. 032061

**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:

06/20/2005	08177	Channel Catfish and Trout Feed (Rebid)
06/21/2005	08521	Gift Shop Operation and Maintenance
06/22/2005	08533	Animal Feed
06/24/2005	08546	Repair and Overlay Asphalt
06/24/2005	08547	Paint, Bird Proof and Weatherstrip Rolling Doors
06/28/2005	08534	Clothing, Basic
06/29/2005	08426	Paper Products—Facility Supply
06/30/2005	08531	Copiers, Plain Paper
06/30/2005	08535	On-Call Tower Maintenance Services
07/11/2005	08519	Examination Services—Agent Licensing

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

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

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

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

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

06/28/2005	A-9998(B)	Replace Wiring in Cottages
06/28/2005	A-010026	Reroof
06/28/2005	A-010027	Site Drainage at Sunflower Lodge
06/28/2005	A-010033	Raze Houses and Construct Parking Lot
06/28/2005	A-010070	Exterior and Site Restoration

The above-referenced bid documents may be downloaded at the following Web site (please monitor this Web site on a regular basis for any changes):

<http://da.state.ks.us/fp>

Chris Howe  
 Director of Purchases

Doc. No. 032063

**State of Kansas  
Pooled Money Investment Board**

**Notice of Investment Rates**

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

**Effective 6-6-05 through 6-12-05**

Term	Rate
1-89 days	3.01%
3 months	2.97%
6 months	3.20%
1 year	3.40%
18 months	3.52%
2 years	3.54%

Derl S. Treff  
Director of Investments

Doc. No. 032045

(Published in the Kansas Register June 9, 2005.)

**Summary Notice of Bond Sale  
Unified School District No. 503  
Labette County, Kansas (Parsons)  
\$9,500,000**

**General Obligation School Bonds, Series 2005-A  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated May 16, 2005, written and electronic bids will be received on behalf of the clerk of Unified School District No. 503, Labette County, Kansas (Parsons) (the issuer), in the case of written bids, on behalf of the governing body at the office of the Board of Education, 2900 Southern Blvd., P.O. Box 1056, Parsons, KS 67357-1056, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 1 p.m. June 20, 2005, for the purchase of \$9,500,000 principal amount of General Obligation School Bonds, Series 2005-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

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

Year	Principal Amount
2006	\$200,000
2007	365,000
2008	385,000
2009	405,000
2010	420,000
2011	440,000
2012	460,000
2013	480,000
2014	500,000
2015	875,000

2016	915,000
2017	950,000
2018	990,000
2019	1,035,000
2020	1,080,000

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

**Book-Entry-Only System**

The bonds shall be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$190,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 12, 2005, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2004 is \$56,179,419. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$14,775,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

**Written and Facsimile Bid and Good Faith Deposit**

**Delivery Address:**

Jane Head, Clerk  
Office of the Board of Education  
2900 Southern Blvd.  
P.O. Box 1056  
Parsons, KS 67357-1056  
(620) 421-5950  
Fax (620) 421-5954  
E-mail: jhead@vikingnet.net

**Financial Advisor**

George K. Baum & Company  
Plaza Colonnade  
4801 Main St., Suite 500



Kansas City, MO 64112  
 Attn: David Arteberry, Senior Vice President  
 (800) 821-7195  
 Fax (816) 283-5326  
 E-mail: arteberry@gkbaum.com

Dated May 16, 2005.

Unified School District No. 503  
 Labette County, Kansas (Parsons)

Doc. No. 032047

(Published in the Kansas Register June 9, 2005.)

**Summary Notice of Bond Sale**  
**City of Mankato, Kansas**  
**\$550,000**  
**General Obligation Sales Tax Bonds, Series 2005**  
**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated June 7, 2005, written bids will be received on behalf of the clerk of the city of Mankato, Kansas (the issuer), on behalf of the governing body at 202 E. Jefferson, Mankato, KS 66956, until noon June 21, 2005, for the purchase of \$550,000 principal amount of General Obligation Sales Tax Bonds, Series 2005. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

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

Year	Principal Amount
2006	\$15,000
2007	20,000
2008	20,000
2009	20,000
2010	20,000
2011	25,000
2012	25,000
2013	25,000
2014	25,000
2015	25,000
2016	25,000
2017	30,000
2018	30,000
2019	30,000
2020	30,000
2021	35,000
2022	35,000
2023	35,000
2024	40,000
2025	40,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semian-

nually on March 1 and September 1 in each year, beginning March 1, 2006.

**Book-Entry-Only System**

The bonds shall be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$11,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 6, 2005, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2004 is \$3,043,835. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$550,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

**Written and Facsimile Bid and Good Faith Deposit**

**Delivery Address:**

Marvin Loomis, Clerk  
 202 E. Jefferson  
 Mankato, KS 66956  
 (785) 378-3141  
 Fax (785) 378-3478  
 E-mail: mankato@nckcn.com

**Financial Advisor:**

Kirkpatrick Pettis, a Division of  
 D. A. Davidson & Co.  
 Financial Advisor  
 One Ward Parkway, Suite 215  
 Kansas City, MO 64112  
 Attn: Dean McFarland  
 (620) 724-8420  
 Fax (620) 724-6130  
 E-mail: dmcfarland4@hotmail.com

Dated June 7, 2005.

City of Mankato, Kansas

Doc. No. 032060

State of Kansas

**Persian Gulf War Health Advisory Board**

**Notice of Meeting**

The Kansas Commission on Veteran's Affairs will host a Persian Gulf War Health Advisory Board conference call at 10 a.m. Saturday, June 25, at the KCVA office, Suite 701, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For more information, call (785) 296-3976.

Wayne Bollog  
Chief Operations Officer

Doc. No. 032048

(Published in the Kansas Register June 9, 2005.)

**Summary Notice of Bond Sale**

**City of Anthony, Kansas**

**\$300,000**

**Electric Utility System Revenue Bonds**

**Series 2005**

**Bids**

Subject to the notice of bond sale dated June 1, 2005, written and electronic bids will be received on behalf of the clerk of the city of Anthony, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through i-Deal's BiD-COMP/PARITY electronic bid submission system, until 10 a.m. June 27, 2005, for the purchase of \$300,000 principal amount of Electric Utility System Revenue Bonds, Series 2005. No bid of less than 98 percent of the principal amount of the Series 2005 Bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The Series 2005 Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Series 2005 Bonds will be dated July 15, 2005, and will become due on December 1 in the years as follows:

Year	Principal Amount
2006	\$10,000
2007	15,000
2008	15,000
2009	15,000
2010	20,000
2011	20,000
2012	20,000
2013	20,000
2014	20,000
2015	20,000
2016	25,000
2017	25,000
2018	25,000
2019	25,000
2020	25,000

The Series 2005 Bonds will bear interest from the date thereof at rates to be determined when the Series 2005 Bonds are sold as hereinafter provided, which interest

will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2006.

**Optional Book-Entry-Only System**

The successful bidder may elect to have the Series 2005 Bonds registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$6,000 (2 percent of the principal amount of the Series 2005 Bonds).

**Delivery**

The issuer will pay for printing the Series 2005 Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 15, 2005, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

**Approval of Series 2005 Bonds**

The Series 2005 Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the Series 2005 Bonds will be furnished and paid for by the issuer, printed on the Series 2005 Bonds and delivered to the successful bidder when the Series 2005 Bonds are delivered.

**Additional Information**

Additional information regarding the Series 2005 Bonds may be obtained from the undersigned at the address set forth below, (620) 842-5434, fax (620) 842-5753, or e-mail at dheidrick@anthonykansas.org; or from the financial advisor, Ranson Financial Consultants, L.L.C., 209 E. William, Suite 401, Wichita, KS 67202, Attention: John Haas, (316) 264-3400, fax (316) 265-5403, or e-mail at jhaas@ransonfinancial.com.

**Written Bid and Good Faith Deposit**

**Delivery Address:**  
Donald Heidrick, Clerk  
City Hall, 124 S. Bluff  
Anthony, KS 67003

**Facsimile Bid Delivery Address:**

Donald Heidrick, Clerk  
Fax (620) 842-5753

**Financial Advisor:**

Ranson Financial Consultants, L.L.C.  
Attn: John Haas  
(316) 264-3400  
Fax (316) 265-5403

Dated June 1, 2005.

City of Anthony, Kansas

Doc. No. 032059

**State of Kansas  
Kansas Sentencing Commission**

**Notice of Meetings**

Meetings of the Kansas Sentencing Commission are scheduled for the following dates: July 6, August 31, October 5, November 9 and December 21. All meetings will be held from 1:30 to 3:30 p.m. in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. For more information, call (785) 296-0923.

Patricia Biggs  
Executive Director

Doc. No. 032044

**State of Kansas  
Department of Wildlife and Parks**

**Notice of Review of Draft Strategic Plan**

The Kansas Department of Wildlife and Parks is developing a strategic plan that will define goals and objectives to conserve and enhance Kansas' wildlife, interrelated with constituents' desires and needs. Current issues and strategies also will be developed. This five-year plan will guide the department in annual operational planning and budgeting. The writing of this plan is funded in part by Project FW-10-C-11, Federal Aid in Wildlife Restoration (CFDA 15.611) and Federal Aid in Sport Fish Restoration (CFDA 15.605).

The draft plan will be available on the department's Web site at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us), under the "Hot Topics" link. At the Web site, the public will be able to view or download the plan and will be instructed as to how to submit comments, which will be accepted until July 9. If additional information is needed, contact the Planning Section, KDWP, 512 S.E. 25th Ave., Pratt, 67124, (620) 672-5911.

J. Michael Hayden  
Secretary of Wildlife and Parks

Doc. No. 032055

**State of Kansas  
Governmental Ethics Commission**

**Opinion No. 2005-08**

Written May 23, 2005, to Chris Tilden, Office of Local and Rural Health, Kansas Department of Health and Environment, Topeka.

This opinion is in response to your letter of May 9, 2005, requesting an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws, K.S.A. 46-215 *et seq.* We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**Factual Statement:**

You request this opinion in your capacity as interim director for the Office of Local and Rural Health of the

Kansas Department of Health and Environment (KDHE). You have explained that you would like to enter into a contract with Earthtalk Studios, Bozeman, MT (Earthtalk) to perform services for the Rural Emergency Medical Service and Technical Assistance Center (REMSTTAC), operated by Earthtalk. You would provide these services on your own time outside of your normal business hours at KDHE, and you would not utilize KDHE equipment or resources to fulfill your contractual obligations with Earthtalk. Your services for Earthtalk would consist of developing strategies to disseminate information on rural emergency medical services, helping REMSTTAC collaborate with other rural health technical assistance centers, coordinating REMSTTAC activities with its advisory committee, and enhancing the visibility of REMSTTAC by making presentations and participating in meetings. You explain that these services for Earthtalk are unrelated to any of your official job duties with KDHE.

You further explain that Earthtalk has a contractual arrangement with Critical Illness and Trauma Foundation (CIT). CIT is also a subcontractor of Kansas Board of Emergency Medical Services (KSBEMS). The KDHE Office of Local and Rural Health, where you are employed, has a contract with KSBEMS. You were involved in the making of the contract between KDHE and KSBEMS and you also approved two subcontracts between KSBEMS and CIT.

**Question:**

Are there any state conflict of interest laws that would prohibit you from entering into a contract with Earthtalk to provide services for them while still employed by KDHE?

**Opinion:**

Several sections of the state conflict of interest laws must be reviewed to answer your question. K.S.A. 2004 Supp. 46-233 prohibits participation by a state employee in the making of certain contracts, K.S.A. 46-286 involves participation in licensure or regulation of a business in which a state employee holds a position, and K.S.A. 46-241 involves the use of confidential information by a state employee. Each will be addressed in turn.

K.S.A. 2004 Supp. 46-233, concerning a state employee's participation in the making of contracts, states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed . . . .

(2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business as an employee, independent contractor or subcontractor until two years after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner. . . .

(e) . . . (2) "Substantially involved in the preparation or participate in the making of a contract" means having ap-

*(continued)*

proved or disapproved a contract or having provided significant factual or specific information or advice or recommendations in relation to the negotiated terms of the contract.

First, we must consider your past participation in the making of contracts on behalf of KDHE in determining whether you can provide services for Earthtalk. You may not accept employment with Earthtalk while employed by KDHE if you have participated as a state employee in making a contract with Earthtalk until two years after performance of that contract is complete. Although you have explained a complex set of facts concerning various contractual relationships, according to the facts that you have presented, KDHE has not contracted with Earthtalk. You indicate that you were involved in the making of a contract between KDHE and KSBEMS and that you approved a subcontract between KSBEMS and CIT. CIT has a contract with Earthtalk, but that contract is totally unrelated to KDHE. Because you have not participated as a state employee in the making of any contract with Earthtalk, you may enter into a contract with Earthtalk to provide services for them without violating this statute. You must abstain from any future participation on behalf of KDHE in making a negotiated contract with Earthtalk while you are performing services for Earthtalk.

K.S.A. 46-286 is another statute that may apply to your question. It states in pertinent part:

(a) No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

You do not indicate whether KDHE licenses, inspects or regulates Earthtalk. In order to comply with this statute, in your capacity as a KDHE employee, you must recuse yourself from participating in any licensure, inspection or enforcement of any regulations relating to Earthtalk. This statute also prohibits you from participating in your capacity as a KDHE employee in any contract between the State and Earthtalk while you are employed by Earthtalk.

Finally, K.S.A. 46-241, provides that:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This statute prohibits you from using any confidential knowledge obtained in your employment with KDHE for your financial gain or for the financial gain of any other person, which would include Earthtalk.

In conclusion, the conflict of interest laws do not prohibit you from entering into a contract with Earthtalk to provide services for them while you are still employed by KDHE as long as you do not, in your capacity as a KDHE employee, participate in the regulation of Earthtalk, participate in the making of a negotiated contract between the State and Earthtalk, or misuse confidential information.

Daniel Severt  
Chairman

Doc. No. 032029

## State of Kansas

### Department of Administration

#### Public Notice

Under requirements of K.S.A. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$2,963,318.68 in the underground petroleum storage tank release trust fund and \$233,379.89 in the aboveground petroleum storage tank release trust fund at May 31, 2005.

Duane A. Goossen  
Secretary of Administration

Doc. No. 032057

## State of Kansas

### Kansas Public Employees Retirement System

#### Request for Proposals

The Kansas Public Employees Retirement System is soliciting competitive proposals from qualifying firms with the intent to establish a term contract for actuarial consulting services. Candidates should respond to this RFP for the purpose of providing actuarial consulting services for retirement and ancillary benefit programs administered by KPERS for approximately 250,000 active and retired public employees.

Details are available in the RFP documents on KPERS' Web site at [www.kpers.org](http://www.kpers.org). Proposals must be received in the KPERS office by 3 p.m. July 22. All related questions should be in writing and directed to Mary Beth Green, Planning and Research Officer, KPERS, 611 S. Kansas Ave., Suite 100, Topeka, 66603-3803, or at [mgreen@kpers.org](mailto:mgreen@kpers.org).

Glenn Deck  
Executive Director

Doc. No. 032062

## State of Kansas

### State Employees Health Care Commission

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, August 10, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed regulation of the Kansas State Employees Health Care Commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Linda DeCoursey, Health Benefits Administrator, Department of Administration, Room 920-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251, or at [Linda.DeCoursey@da.state.ks.us](mailto:Linda.DeCoursey@da.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be

necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6006, TTY 1-800-296-4798, or [faith.loretto@da.state.ks.us](mailto:faith.loretto@da.state.ks.us). The north entrance to the Landon State Office Building is accessible, and handicapped parking is located across the street from the north entrance to the building.

A summary of the proposed regulation and its economic impact follows:

**K.A.R. 108-1-1** provides the eligibility requirements for participants in the state of Kansas health care benefits program established by the Kansas State Employees Health Care Commission, including the following categories of participants: (1) active participants; (2) direct bill participants; (3) COBRA participants; and (4) eligible dependent participants. Effective with the beginning of the 2006 plan year (January 1, 2006), proposed amendments would alter the definition of "eligible dependent child" in paragraph (h)(3) of the regulation to reflect federal law changes enacted through the Working Families Tax Relief Act of 2004, P.L. 108-311 (WFTRA). Among other things, WFTRA provides a new definition of "dependent" in 26 U.S.C. §152 for purposes of both federal income tax and cafeteria benefit plans. Health insurance benefits paid for with pretax premiums as part of a cafeteria plan under 26 U.S.C. §105 can only be provided to qualified dependents who meet this new test.

A review of the new definition of dependent in 26 U.S.C. §152 indicated that there are a few, narrow instances in which the existing definition of eligible dependent child in K.A.R. 108-1-1 is broader than the new federal definition of dependent. The proposed amendment to the definition of dependent in K.A.R. 108-1-1 adopts by reference the federal definition of dependent in 26 USC §152, as amended by §201 of WFTRA, to make sure that all dependents covered by the state health benefits plan are "qualified dependents" for federal income tax purposes. Therefore, the amendment ensures that all premiums continue to be qualified to be paid on a pretax basis under the state's cafeteria benefits plan.

The proposed amendment to K.A.R. 108-1-1 adds the new federal definition as a new layer of requirements in addition to the regulation's existing eligibility criteria for dependents. Under the new federal definition, those children who could be claimed as someone else's "qualified child" under 26 U.S.C. §152 because they live with their grandmother, grandfather, aunt, uncle, brother, or sister for six or more months of the year will no longer be eligible for coverage by their parent (or for coverage by their grandparent if the grandparent meets the current requirements in K.A.R. 108-1-1 (h)(2)(E)), even if the parent or grandparent who is the primary participant provides more than one-half of that child's support. In addition, this amendment also will affect the eligibility criteria for dependents under K.A.R. 108-1-2, student health care benefits plan; K.A.R. 108-1-3, school district employee

health care benefits plan; and K.A.R. 108-1-4, local unit of government employee health care benefits plan.

It is not possible to determine how many (if any) individuals would no longer qualify as an eligible dependent child under K.A.R. 108-1-1 when the criteria for dependents in 26 USC §152 are applied, but it is not expected to affect a large number of currently covered dependents. COBRA coverage would be available for a period of time for any individuals who are no longer eligible for coverage as eligible dependent children.

The proposed amendment to K.A.R. 108-1-1 will not have any economic impact on the HCC, Department of Administration, other state agencies or other nonstate employers participating in the state health care benefits plan. Instead, the amendment will allow the Department of Administration and these other nonstate employers to avoid administrative costs associated with payroll withholding on a posttax basis for any portion of the premium attributable to any nonqualified dependents, which would be necessary if the existing definition of eligible dependent child is retained. There is no economic impact on the general public.

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

Duane A. Goossen  
Secretary of Administration

Doc. No. 032049

## State of Kansas

### Kansas Lottery

#### Temporary Administrative Regulations

#### Article 11.—eSCRATCH GENERIC GAME RULES

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

(b) "eScratch game" or "game" means an online lottery game in which a player purchases one or more tickets in increments established for each game in the denomination of play(s) available for that game. Denominations of play may be in such amounts as set by rules for each eScratch game. In return for paying the appropriate amount, the player receives a randomly computer-generated ticket containing the corresponding number of reveals selected from a set pool of reveals established by the rules for each eScratch game. Each ticket holder whose valid ticket includes a winning combination shall be instantly entitled to a prize if the ticket and, if applicable, a valid claim form are submitted within the specified time period. In addition, until such time as a ticket is validated or win-checked, all prize(s) won on a ticket, if any, shall be capable of being revealed by entering cer-

(continued)

tain information onto an Internet web site and playing a variety of computer-generated games. The prize(s) to which an eScratch ticket is entitled shall be determined at the time of purchase, and shall not be dependent upon revealing the prize(s) by playing the internet game(s), whether in whole or in part.

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

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

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

(f) Prize tiers:

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

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

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

(h) "Ticket holder" or "holder" means the person who has possession of an unsigned eScratch ticket or the person whose written name, signature or mark appears on the back of the ticket.

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

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

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

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

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

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

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

21-04, April 22, 2004; amended, T-111-7-2-04, June 17, 2004; amended, T-111-5-23-05, May 12, 2005.)

**111-11-4. eScratch games criteria.** (a) The purchase price of an eScratch ticket shall be in the amounts established by the rules of each eScratch game except to the extent of discounts specifically authorized by regulation of the commission.

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

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

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

(e) A ticket bearer entitled to a prize shall submit the winning ticket as specified by K.A.R. 111-11-5. The winning ticket must be validated by the lottery or an eScratch ticket retailer through use of the eScratch ticket terminal or any other means as specified by the executive director. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004; amended, T-111-5-23-05, May 12, 2005.)

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

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

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

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

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

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

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

federal laws. If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified.

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

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

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

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

(h) Claims in excess of \$600 or more shall not be paid by lottery retailers. The lottery has no obligation to reimburse retailers paying claims of \$600 or more. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004; amended, T-111-5-23-05, May 12, 2005.)

**111-11-11. Buy a minimum dollar amount of lottery online or electronic tickets, get one \$1 eScratch quick pick free.** The lottery may conduct one or more special free quick pick promotions whereby for every single Kansas lottery online or electronic ticket purchase of a minimum predetermined dollar amount ("qualifying purchase"), a player shall receive at no additional charge an eScratch quick pick ticket in such dollar amount and denomination as determined by the lottery. The period of each promotion shall begin on a day determined by the executive director, and shall end on the last day of each period as determined by the executive director at the close of business as defined in subsection (p) of K.A.R. 111-6-1. During each such promotion, lottery terminals shall automatically dispense the free quick pick ticket. If the qualifying purchase is for an online or electronic ticket that is capable of being cancelled, cancellation of such qualifying purchase tickets shall be suspended during the period of any such promotion. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-04, April 22, 2004; amended, T-111-5-23-05, May 12, 2005.)

**Article 12.—eSCRATCH GAMES**

**111-12-2. eScratch ticket lottery game number 2.**

(a) The lottery shall conduct an eScratch lottery game entitled "eScratch game number 2" commencing on or after

May 15, 2005. The rules for this game are contained in K.A.R. 111-11-1 *et seq.* and 111-12-2.

(b) The pool size of plays or reveals for eScratch game number 2 shall be as follows:

(1) 300,000 for \$1.00 denomination tickets; (2) 300,000 for \$2.00 denomination tickets; and, (3) 200,000 for \$5.00 denomination tickets.

(c) The expected number and value of prizes for all \$1.00 denomination tickets shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$1.00	45,000	\$45,000
\$2.00	8,000	16,000
\$5.00	7,000	35,000
\$10.00	4,500	45,000
\$25.00	750	18,750
\$50.00	375	18,750
\$100.00	13	1,300
\$500.00	3	1,500
	<u>65,641</u>	<u>\$181,300</u>

(d) The expected number and value of prizes for all \$2.00 denomination tickets shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$2.00	49,000	\$98,000
\$5.00	7,000	35,000
\$10.00	6,000	60,000
\$20.00	3,000	60,000
\$50.00	1,000	50,000
\$100.00	250	25,000
\$250.00	135	33,750
\$500.00	13	6,500
\$2,000.00	3	6,000
	<u>66,401</u>	<u>\$374,250</u>

(e) The expected number and value of prizes for all \$5.00 denomination tickets shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$1.00	18,000	\$18,000
\$2.00	19,000	38,000
\$5.00	19,000	95,000
\$20.00	2,000	40,000
\$50.00	2,000	100,000
\$100.00	1,633	163,300
\$250.00	667	166,750
\$500.00	33	16,500
\$5,000.00	3	15,000
	<u>62,336</u>	<u>\$652,550</u>

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

- (1) Single ticket purchase of \$1.00: one in 4.57;
- (2) Single ticket purchase of \$2.00: one in 4.52; and,
- (3) Single ticket purchase of \$5.00: one in 3.21. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-23-05, May 12, 2005.)

**111-12-3. eScratch ticket lottery game number 3.**

(a) The lottery shall conduct an eScratch lottery game en-

*(continued)*

titled "eScratch game number 3" commencing on or after May 15, 2005. The rules for this game are contained in K.A.R. 111-11-1 *et seq.* and 111-12-3.

(b) The pool size of plays or reveals for eScratch game number 3 shall be as follows:

(1) 200,000 for \$10.00 denomination tickets; (2) 200,000 for \$20.00 denomination tickets; and, (3) 200,000 for \$50.00 denomination tickets.

(c) The expected number and value of prizes for all \$10.00 denomination tickets shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$1.00	24,000	\$24,000
\$5.00	24,000	120,000
\$10.00	24,000	240,000
\$25.00	13,000	325,000
\$50.00	3,333	166,650
\$100.00	2,667	266,700
\$500.00	267	133,500
\$2,000.00	10	20,000
\$15,000.00	5	75,000
	<u>91,282</u>	<u>\$1,370,850</u>

(d) The expected number and value of prizes for all \$20.00 denomination tickets shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$1.00	16,000	\$16,000
\$5.00	20,000	100,000
\$10.00	18,000	180,000
\$20.00	20,000	400,000
\$50.00	8,333	416,650

\$100.00	10,000	1,000,000
\$500.00	1,333	666,500
\$5,000.00	7	35,000
\$30,000.00	3	210,000
	<u>93,676</u>	<u>\$3,024,150</u>

(e) The expected number and value of prizes for all \$50.00 denomination tickets shall be as follows:

Prize	Expected Number of Prizes per Pool	Expected Value in Pool
\$1.00	18,000	\$18,000
\$5.00	18,000	90,000
\$20.00	20,000	400,000
\$50.00	26,000	1,300,000
\$100.00	26,000	2,600,000
\$200.00	9,567	1,913,400
\$500.00	2,000	1,000,000
\$5,000.00	10	50,000
\$50,000.00	3	150,000
	<u>119,580</u>	<u>\$7,521,400</u>

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

- (1) Single ticket purchase of \$10.00: one in 2.19;
- (2) Single ticket purchase of \$20.00: one in 2.14; and,
- (3) Single ticket purchase of \$50.00: one in 1.67. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-23-05, May 12, 2005.)

Ed Van Petten  
Executive Director

Doc. No. 032026

**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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**AGENCY 127: KANSAS HOUSING  
RESOURCES CORPORATION**

Reg. No.	Action	Register
127-1-1	New	V. 24, p. 848





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